

(RIN) 1904-AB83. Comments may be submitted using any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.

- *E-mail:*

*ASHRAE 90.1 rulemaking@ee.doe.gov*. Include the docket number EERE-2008-BT-STD-0013 and/or RIN number 1904-AB83 in the subject line of the message.

- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE-2], 1000 Independence Avenue, SW., Washington, DC 20585-0121. Please submit one signed paper original.

- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza, SW., Suite 600, Washington, DC 20024. Telephone: (202) 586-2945. Please submit one signed paper original.

*Docket:* For access to the docket to read background documents or comments received, visit the U.S. Department of Energy, Resource Room of the Building Technologies Program, 950 L'Enfant Plaza, SW., Suite 600, Washington, DC 20024, (202) 586-2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at the above telephone number for additional information about visiting the Resource Room.

The results of DOE's monetization analysis of potential emission reductions materials are available online at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/commercial/ashrae\\_products\\_nopr.html](http://www1.eere.energy.gov/buildings/appliance_standards/commercial/ashrae_products_nopr.html).

**FOR FURTHER INFORMATION CONTACT:** Mr. Mohammed Khan, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE-2], 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-7892. E-mail: [Mohammed.Khan@ee.doe.gov](mailto:Mohammed.Khan@ee.doe.gov).

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, Mailstop GC-72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0121. Telephone: (202) 586-9507. E-mail: [Eric.Stas@hq.doe.gov](mailto:Eric.Stas@hq.doe.gov).

For information on how to submit public comments, contact Ms. Brenda Edwards, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, Mailstop EE-2], 1000 Independence Avenue, SW.,

Washington, DC 20585-0121. Telephone: (202) 586-2945. E-mail: [Brenda.Edwards@ee.doe.gov](mailto:Brenda.Edwards@ee.doe.gov).

**SUPPLEMENTARY INFORMATION:** The Energy Policy and Conservation Act of 1975 (EPCA) (42 U.S.C. 6291 *et seq.*), as amended, directs DOE to establish energy conservation standards for certain commercial and industrial equipment, including commercial heating, air-conditioning, and water-heating equipment. Of particular relevance here, the statute also requires that each time the corresponding industry standard—the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. (ASHRAE)/Illuminating Engineering Society of North America (IESNA) Standard 90.1, *Energy Standard for Buildings Except Low-Rise Residential Buildings*—is amended, DOE must assess whether there is a need to update the uniform national energy conservation standards for the same equipment covered under EPCA. ASHRAE officially released an amended version of this industry standard (ASHRAE Standard 90.1-2007) on January 10, 2008, thereby triggering DOE's related obligations under EPCA.

DOE published a NOPR proposing amended energy conservation standards for commercial packaged boilers and water-cooled and evaporatively-cooled commercial package air conditioners and heat pumps with a cooling capacity at or above 240,000 Btu/h and less than 760,000 Btu/h at the efficiency levels specified by ASHRAE Standard 90.1-2007. 74 FR 12000 (March 20, 2009). DOE outlined its review of ASHRAE Standard 90.1-2007 and a determination of scope for the rulemaking in the March 2009 NOPR. In addition, the NOPR discussed the analytical framework used to evaluate ASHRAE equipment, the analytical models and tools that DOE is using to evaluate amended energy conservation standards for this equipment, and the results of the various rulemaking analyses performed by DOE. Finally, in the NOPR, DOE outlined its preliminary conclusions and the proposed standards for these two equipment types.

As noted above, this NODA announces the availability for public comment of an environmental assessment of the proposed energy conservation standards in the March 20, 2009, NOPR. The EA assesses the impacts of the proposed rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the regulations of the Council on Environmental Quality (40 CFR parts 1500-1508), and DOE's regulations for

compliance with the National Environmental Policy Act (10 CFR part 1021). This EA includes a concise examination of the impacts of emission reductions likely to result from the proposed standards for commercial packaged boilers and water-cooled and evaporatively-cooled commercial package air conditioners and heat pumps with a cooling capacity at or above 240,000 Btu/h and less than 760,000 Btu/h. The EA has been incorporated as Chapter 8 in the NOPR TSD. In addition, Chapter 9 of the NOPR TSD provides the results of DOE's monetization analysis of these potential emission reductions. These materials are available online at: [http://www1.eere.energy.gov/buildings/appliance\\_standards/commercial/ashrae\\_products\\_nopr.html](http://www1.eere.energy.gov/buildings/appliance_standards/commercial/ashrae_products_nopr.html). DOE specifically requests that interested members of the public, Tribes, and States comment on the EA.

Issued in Washington, DC, on May 29, 2009.

**Steven G. Chalk,**

*Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.*

[FR Doc. E9-12958 Filed 6-2-09; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 20

[REG-119532-08]

RIN 1545-BH94

#### Section 2036—Graduated Retained Interests; Correction

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking (REG-119532-08) that was published in the **Federal Register** on Thursday, April 30, 2009, at 74 FR 19913. The corrections relate to proposed regulations that provide guidance on the portion of trust property includible in the grantor's gross estate if the grantor has retained the use of the property, the right to an annuity, unitrust, graduated retained interest, or other payment from such property for life, for any period not ascertainable without reference to the grantor's death, or for a period that does not in fact end before the grantor's death.

**FOR FURTHER INFORMATION CONTACT:**

Theresa M. Melchiorre, (202) 622-3090 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:****Background**

The notice of proposed rulemaking that is the subject of this document is under section 2036 of the Internal Revenue Code.

**Need for Correction**

As published, the notice of proposed rulemaking (REG-119532-08) that published on April 30, 2009 (74 FR 19913) does not accurately reflect the information intended to be communicated and thus needs clarification.

**Correction to Publication**

Accordingly, the notice of proposed rulemaking which was the subject of FR Doc. E9-10003 is corrected as follows:

On page 19917, § 20.2036-1 (c)(2)(iii) *Example 7* (iii), the chart at the top of the page is corrected to read as follows:

**§ 20.2036-1 Transfers with retained life estate.**

\* \* \* \* \*

(c) \* \* \*

(2) \* \* \*

(iii) \* \* \*

*Example 7.* \* \* \*

(iii) \* \* \*

		Year 3	Year 4	Year 5	Amount required to generate annuity
Additional annuity	\$34,560	Deferral period		\$453,026	\$453,026
Additional annuity	\$28,800	Deferral period	\$403,193		\$403,193
Annuity in year of death	\$144,000	\$2,117,647			\$2,117,647
Total amount (sum) included in gross estate					\$2,973,866

\* \* \* \* \*

Cynthia E. Grigsby,

Senior Federal Register Liaison Officer,  
Publications and Regulations Branch, Legal  
Processing Division, Associate Chief Counsel  
(Procedure and Administration).

[FR Doc. E9-12855 Filed 6-2-09; 8:45 am]

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**DEPARTMENT OF JUSTICE****28 CFR Part 16**

[CPCLO Order No. 002-2009]

**Privacy Act of 1974; Implementation**

**AGENCY:** Criminal Division, Department of Justice.

**ACTION:** Proposed rule.

**SUMMARY:** The Criminal Division (CRM), Department of Justice, proposes to amend its Privacy Act regulations for a newly modified Privacy Act system of records entitled "Organized Crime Drug Enforcement Task Force Fusion Center and International Organized Crime Intelligence and Operations Center System," JUSTICE/CRM-028, as described in today's notice section of the Federal Register. The "Organized Crime Drug Enforcement Task Force

Fusion Center and International Organized Crime Intelligence and Operations Center System," JUSTICE/CRM-028, will be exempt from the subsections of the Privacy Act listed below for the reasons set forth in the following text. Information in this system of records relates to matters of law enforcement, and the exemptions are necessary to avoid interference with law enforcement responsibilities and to protect the privacy of third parties.

**DATES:** Submit any comments by July 6, 2009.

**ADDRESSES:** Address all comments to Robin Moss, Privacy Analyst, Office of Privacy and Civil Liberties, Department of Justice, 1331 Pennsylvania Avenue, Room 940, Washington, DC 20530. To ensure proper handling, please reference the CPCLO Order No. on your correspondence. You may view an electronic version of this proposed rule at [www.regulations.gov](http://www.regulations.gov). You may also comment via the Internet to the DOJ Office of Privacy and Civil Liberties at the following e-mail address: [DOJPrivacyACTProposedRegulations@usdoj.gov](mailto:DOJPrivacyACTProposedRegulations@usdoj.gov); or by using the [www.regulations.gov](http://www.regulations.gov) comment form for this regulation. When submitting comments electronically, you must

include the CPCLO Order No. in the subject box.

**FOR FURTHER INFORMATION CONTACT:** Robin Moss, 202-514-0208.

**SUPPLEMENTARY INFORMATION:** This proposed rule seeks to amend 28 CFR 16.91 paragraphs (u) and (v) as set forth below. These modified paragraphs exempt the "Organized Crime Drug Enforcement Task Force Fusion Center and International Organized Crime Intelligence and Operations Center System," JUSTICE/CRM-028, from certain provisions of the Privacy Act of 1974, as amended.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, this order will not have a significant economic impact on a substantial number of small entities.

**List of Subjects in 28 CFR Part 16**

Administrative practices and procedures, Courts, Freedom of Information, Sunshine Act and Privacy.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 2940-2008, it is proposed to amend 28 CFR part 16 as follows: