

to participate in and provide oral testimony or documentary evidence at the hearing must file a written notice of intention to appear by October 1, 2009. To testify or question witnesses at the hearing, interested persons must submit (transmit, postmark, or deliver) a notice by October 1, 2009, providing the following information:

- Name, address, and telephone number of each individual who will give oral testimony;
- Name of the establishment or organization each individual represents, if any;
- Occupational title and position of each individual testifying;
- Approximate amount of time required for each individual's testimony;
- A brief statement of the position each individual will take with respect to the issues identified in this notice; and
- A brief summary of documentary evidence each individual intends to present.

OSHA emphasizes that the hearings are open to the public; however, only individuals who file a notice of intention to appear may question witnesses and participate fully at the hearing. If time permits, and at the discretion of the ALJ, an individual who did not file a notice of intention to appear may be allowed to testify at the hearing, but for no more than 10 minutes.

*Hearing testimony and documentary evidence.* Individuals who request more than 10 minutes to present their oral testimony at the hearing or who will submit documentary evidence at the hearing must submit (transmit, postmark, or deliver) the full text of their testimony and all documentary evidence no later than October 15, 2009.

The Agency will review each submission and determine if the information it contains warrants the amount of time the individual requested for the presentation. If OSHA believes the requested time is excessive, the Agency will allocate an appropriate amount of time for the presentation and will notify the individual of that action, and the reasons for that action, before the hearing. The Agency may limit to 10 minutes the presentation of any participant who fails to comply substantially with these procedural requirements, and may request that the participant return for questioning later. Before the hearing, OSHA will notify all participants of the time the Agency is allowing for their presentations and will provide them with prehearing guidelines and a hearing schedule.

*Certification of the hearing record and Agency final determination.* Following

the close of the hearing and any posthearing comment periods, the ALJ will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health. The record will consist of all of the written comments, oral testimony, and documentary evidence received during the proceeding. The ALJ, however, will not make or recommend any decisions as to the content of the final standard. Following certification of the record, OSHA will review the record and issue the final rule based on the record as a whole.

#### List of Subjects in 29 CFR Parts 1910 and 1926

Electric power, Fire prevention, Hazardous substances, Occupational safety and health, Safety.

#### Authority and Signature

This document was prepared under the direction of Jordan Barab, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary's Order 5-2007 (72 FR 31160), and 29 CFR part 1911.

Signed at Washington, DC, this 8th day of September 2009.

**Jordan Barab,**

*Acting Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. E9-22002 Filed 9-11-09; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 151

#### 46 CFR Part 162

[USCG-2001-10486]

RIN 1625-AA32

#### Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Coast Guard announces a series of public meetings to receive comments on a notice of proposed rulemaking (NPRM) entitled "Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters" that

published in the **Federal Register** on Friday, August 28, 2009.

**DATES:** Public meetings will be held in the Seattle, WA (September 28, 2009), New Orleans, LA (September 30, 2009), Chicago, IL (October 2, 2009), Washington, DC (October 8, 2009), Oakland, CA (October 27, 2009), and New York, NY (October 29, 2009) areas to provide opportunities for oral comments. Written comments and related material may also be submitted to Coast Guard personnel specified at those meetings for inclusion in the official docket for this rulemaking. The comment period for the NPRM closes on November 27, 2009. All comments and related material submitted after the meeting must either be submitted to our online docket via <http://www.regulations.gov> on or before November 27, 2009 or reach the Docket Management Facility by that date.

**ADDRESSES:** The public meetings will be held in the Seattle, WA (September 28, 2009), New Orleans, LA (September 30, 2009), Chicago, IL (October 2, 2009), Washington, DC (October 8, 2009), Oakland, CA (October 27, 2009), and New York, NY (October 29, 2009) areas. The specific locations and details will be announced in the **Federal Register** when they are finalized.

You may submit written comments identified by docket number USCG-2001-10486 before or after the meetings using any one of the following methods:

(1) *Federal eRulemaking Portal:*

<http://www.regulations.gov>.

(2) *Fax:* 202-493-2251.

(3) *Mail:* Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

To avoid duplication, please use only one of these four methods. Our online docket for this rulemaking is available on the Internet at <http://www.regulations.gov> under docket number USCG-2001-10486.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rulemaking, call or e-mail Mr. John Morris, Project Manager, Environmental Standards Division, U.S. Coast Guard Headquarters, telephone 202-372-1433, e-mail: [John.C.Morris@uscg.mil](mailto:John.C.Morris@uscg.mil). If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

## SUPPLEMENTARY INFORMATION:

## Background and Purpose

The Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** on Friday, August 28, 2009 (74 FR 44632), entitled "Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters." In it, we stated our intention to hold public meetings, and to publish a notice with additional details regarding those public meetings as soon as the information was available. 74 FR 44632. This notice informs the public of the date for each public meeting, as well as the city in which those meetings will be held. Additional notice(s) will be published in the **Federal Register** as specific locations and details for these meetings are finalized. We plan to record these meetings and provide written transcripts of the oral comments made at the meetings and will place those transcripts in the docket for this rulemaking.

## Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the public meetings, contact Mr. John Morris at the telephone number or e-mail address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Dated: September 4, 2009.

J.G. Lantz,

*Director of Commercial Regulations and Standards, U.S. Coast Guard.*

[FR Doc. E9-21975 Filed 9-11-09; 8:45 am]

BILLING CODE 4910-15-P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

[EPA-R06-OAR-2008-0815; FRL-8954-6]

## Approval and Promulgation of Implementation Plans; New Mexico; Excess Emissions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve revisions to the New Mexico State Implementation Plan (SIP) submitted by the Governor of New Mexico on behalf of the New Mexico Environment Department (NMED) in a letter dated October 7, 2008 (the October 7, 2008 SIP submittal). The October 7, 2008 SIP submittal concerns revisions to

New Mexico Administrative Code Title 20, Chapter 2, Part 7 Excess Emissions (20.2.7 NMAC—Excess Emissions) occurring during startup, shutdown, and malfunction related activities. We are proposing to approve the October 7, 2008 SIP submittal because the rule is consistent with the Clean Air Act (the Act). This action is in accordance with section 110 of the Act.

**DATES:** Written comments must be received on or before *October 14, 2009*.

**ADDRESSES:** Comments may be mailed to Mr. Guy Donaldson, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the Addresses section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alan Shar, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-6691, fax (214) 665-7263, e-mail address [shar.alan@epa.gov](mailto:shar.alan@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

For additional information, see the direct final rule, which is located in the rules section of this **Federal Register**.

Dated: August 28, 2009.

Lawrence E. Starfield,

*Acting Regional Administrator, Region 6.*

[FR Doc. E9-21830 Filed 9-11-09; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

[FWS-R6-ES-2008-0131; MO-9221050083-B2]

## Endangered and Threatened Wildlife and Plants; Partial 90-Day Finding on a Petition To List 206 Species in the Midwest and Western United States as Threatened or Endangered With Critical Habitat; Correction

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding; correction.

**SUMMARY:** On Tuesday, August 18, 2009, we, the U.S. Fish and Wildlife Service, announced a 90-day finding on 38 species from a petition to list 206 species in the mountain-prairie region of the United States as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). In that notice, we used an incorrect docket number, and asked commenters to refer to this docket number in their comments. The correct docket number is [FWS-R6-ES-2008-0131]. However, comments we received under the incorrect docket number will be routed to the correct docket. If you already submitted a comment, even with the incorrect docket number, you need not resubmit it.

**DATES:** To allow us adequate time to conduct a status review, we request that we receive information on or before October 19, 2009.

**ADDRESSES:** You may submit information by one of the following methods:

- *Federal rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket no. FWS-R6-ES-2008-0131.

- *U.S. Mail or hand delivery:* Public Comments Processing, Attn: FWS-R6-ES-2008-0131, Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 222, Arlington, VA 22203. We will post all information received on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see "Information Solicited" in our original notice—74 FR 41649—for more information).

**FOR FURTHER INFORMATION CONTACT:** Ann Carlson, Listing Coordinator, Mountain-Prairie Regional Ecological Services Office (see **ADDRESSES**); telephone 303-236-4264. If you use a