

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart G—Significant New Alternatives Policy Program

2. The first table in Appendix B to Subpart G of Part 82 is amended by

adding one new entry to the end of the table to read as follows:

Appendix B to Subpart G of Part 82—Substitutes Subject to Use Restrictions and Unacceptable Substitutes

REFRIGERANTS-ACCEPTABLE SUBJECT TO USE CONDITIONS

Application	Substitute	Decision	Conditions	Comments
* CFC–12 Automobile Motor Vehicle Air Conditioning (New equipment in passenger cars and trucks only).	* HFO–1234yf as a substitute for CFC–12.	* Acceptable subject to use conditions.	* Engineering strategies and/or devices must be incorporated into the system such that leaks into the free space ¹ of the passenger compartment do not result in HFO–1234yf concentrations of 6.2% v/v or above in any part of the free space ¹ inside the passenger compartment for more than 15 seconds. Engineering strategies and/or devices must be incorporated into the system such that leaks into the engine compartment or vehicle electric power source storage areas do not result in HFO–1234yf concentrations of 6.2% v/v or above for any period of time. HFO–1234yf MVAC systems must incorporate protective devices, isolation and/or ventilation techniques in areas where processes, procedures or upset conditions such as leaks have the potential to generate HFO–1234yf concentrations at or above 6.2% v/v in proximity to exhaust manifold surfaces and hybrid/electric vehicle electric power sources. Manufacturers must adhere to all the safety requirements listed in the Society of Automotive Engineers (SAE) Standard J639 (adopted 2009), including unique fittings and flammable refrigerant warning label and high-pressure compressor cutoff switch and pressure relief devices. Manufacturers must conduct and keep on file Failure Mode and Effect Analysis (FMEA) on the MVAC as stated in SAE J1739 (adopted 2009).	* Additional training for service technicians recommended. Observe Pre-manufacture Notice (PMN) regulatory decision.

¹ Free space is defined as the space inside the passenger compartment excluding the space enclosed by the ducting in the HVAC module.

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[FR Doc. E9–25106 Filed 10–16–09; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

RIN 0648–AV15

Protective Regulations for Killer Whales in the Northwest Region Under the Endangered Species Act and Marine Mammal Protection Act

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notification of extension of public comment period.

SUMMARY: We, the National Marine Fisheries Service (NMFS), are issuing this notice to advise the public that NMFS is extending the public comment period for proposed regulations under the Endangered Species Act and Marine Mammal Protection Act to prohibit vessels from approaching killer whales within 200 yards and from parking in the path of whales for vessels in inland waters of Washington State. The proposed regulations would also prohibit vessels from entering a conservation area during a defined season. The proposed rule was published July 29, 2009, opening a 90-day public comment period and noticing two public meetings. In response to requests from the public, on September 17, 2009, we published a

notice in the **Federal Register** announcing an additional public meeting. We are issuing this notice to announce an 80-day extension of the public comment period in response to requests to provide more time for the public to review the proposed regulation and provide comments.

We recognize that by extending the public comment period, we will not have sufficient time to issue a final rule prior to the 2010 summer boating season. We continue to believe that it is important to address the adverse effects of vessel traffic on killer whales in the near future. In light of the requests we have received for an extension of the comment period, however, we believe additional public outreach will enhance both NMFS' understanding of public concerns and the public's understanding of the basis for our

proposal, and it will allow time for cooperative efforts to refine the proposal. We will work toward adoption of a final rule prior to the 2011 summer boating season. We will consider all comments and information received during the comment period in preparing a final rule.

DATES: Written or electronic comments on the proposed rule and draft Environmental Assessment (EA) from all interested parties are encouraged and must be received no later than January 15, 2010. All comments and material received, including names and addresses, will become part of the administrative record and may be released to the public.

ADDRESSES: Comments on the proposed rule, draft EA and any of the supporting documents can be submitted by any of the following methods:

- *E-mail:* orca.plan@noaa.gov.
- *Federal e-rulemaking Portal:* <http://www.regulations.gov>.
- *Mail:* Assistant Regional Administrator, Protected Resources Division, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115.

The draft EA and other supporting documents are available on Regulations.gov and the NMFS Northwest Region Web site at <http://www.nwr.noaa.gov/>.

You may submit information and comments concerning this Proposed Rule, the draft EA, or any of the supporting documents by any one of several methods identified above. We will consider all comments and information received during the comment period in preparing a final rule. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment- including your personal identifying information- may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Lynne Barre, Northwest Regional Office, 206-526-4745; or Trevor Spradlin, Office of Protected Resources, 301-713-2322.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 2009, NMFS proposed regulations under the Endangered Species Act and Marine Mammal Protection Act to prohibit vessels from approaching killer whales within 200

yards and from parking in the path of whales for vessels in inland waters of Washington State (74 FR 37674). The proposed regulations would also prohibit vessels from entering a conservation area during a defined season. Certain vessels would be exempt from the prohibitions. The purpose of the action is to protect killer whales from interference and noise associated with vessels. In the final rule announcing the endangered listing of Southern Resident killer whales NMFS identified disturbance and sound associated with vessels as a potential contributing factor in the recent decline of this population. The Recovery Plan for Southern Resident killer whales calls for evaluating current guidelines and assessing the need for regulations and/or protected areas (73 FR 4176; January 24, 2008). We developed the proposed rule after considering comments submitted in response to an Advance Notice of Proposed Rulemaking (72 FR 13464; March 22, 2007) and preparing a draft environmental assessment.

Dated: October 13, 2009.

Helen Golde,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E9-25063 Filed 10-16-09; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 0907231161-91189-01]

RIN 0648-AY08

International Fisheries; Pacific Tuna Fisheries; Fishing Restrictions in the Longline and Purse Seine Fisheries in the Eastern Pacific Ocean in 2009, 2010, and 2011

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations under the Tuna Conventions Act of 1950 (Act) to implement a decision of the Inter-American Tropical Tuna Commission (IATTC). That decision requires, among other things, that members of the IATTC, including the United States, ensure that catches in the eastern Pacific Ocean (EPO) of bigeye tuna (*Thunnus obesus*) by longline vessels greater than 24 meters in length

do not exceed specified levels in each of the years 2009, 2010, and 2011, and that purse seine vessels class sizes 4-6 do not fish in the EPO during an established closure period. This action is necessary for the United States to satisfy its obligations under the 1949 Convention for the Establishment of an Inter-American Tropical Tuna (Convention), to which it is a Contracting Party.

DATES: Comments must be submitted in writing by November 9, 2009. A public hearing will be held at 9 a.m. to 12 p.m. PDT, October 21, 2009, Long Beach, CA.

ADDRESSES: You may submit comments on this proposed rule, identified by 0648-AY08, the Initial Regulatory Flexibility Analysis (IRFA), or the draft environmental assessment (EA) prepared for the proposed rule by any of the following methods:

- *Electronic submissions:* Submit all electronic public comments via the Federal e-Rulemaking portal, at <http://www.regulations.gov>.
- *Mail:* Rod McInnis, Regional Administrator, NMFS Southwest

Regional Office (SWR), 501 W. Ocean Blvd, Suite 4200, Long Beach, Ca 90802. Include the identifier "0648-AY08" in the comments.

- *Public hearing:* The hearing will be held at 501 W. Ocean Boulevard, Suite 4200, Long Beach, Ca 90802. The public may also participate in the public hearing via conference line: 888-989-6480; participant passcode: 29574.

Instructions: All comments received are part of the public record and generally will be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept anonymous comments (if submitting comments via the Federal e-Rulemaking portal, enter "N/A" in the relevant required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

Copies of the EA prepared under the authority of the National Environmental Policy Act and the IRFA are available at <http://swr.nmfs.noaa.gov/> or may be obtained from Rod McInnis, Regional Administrator, NMFS SWR (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT: Heidi Hermismeyer, NMFS SWR, 562-980-4036.

SUPPLEMENTARY INFORMATION: