

HUD approvals of Fungibility Plans may be contingent upon the PHA later providing final development documents that include, but are not limited to ten-year operating pro formas including underlying assumptions, financing documents, feasibility analyses, life cycle analyses, schematic drawings and building designs, final development and construction cost estimates.

The 2006 Section 901 implementation notice also sets forth accounting requirements for Section 901 flexibility, which require separate accounting by source year (2006, 2007, 2008, and 2009), and the creation of a separate column on the Financial Data Schedule (FDS). The notice also specifies time periods for completion of activities approved under Section 901. Further information on HUD processing of CY 2009 Section 901 flexibility may be found in the PIH notices section of the Office of Public and Indian Housing Web site at: <http://www.hud.gov/offices/pih>.

2009 Notices of Intent and Fungibility Plans should be dated and submitted to the following addresses and contacts, as listed in the July 28, 2006, notice: PHAs should submit one copy to the Public Housing Director of the HUD office in New Orleans, Louisiana or Jackson, Mississippi, as applicable, and the original to HUD Headquarters, Office of Public and Indian Housing, Office of Policy, Program, and Legislative Initiatives, 451 Seventh Street, SW., Room 4116, Washington, DC 20410-5000, Attention: Bessy Kong/Sherry McCown. To expedite HUD processing, electronic copies of the original, signed Notices of Intent and Fungibility Plans should be directed to the following e-mail address:

[sherry.fobearmccown@hud.gov](mailto:sherry.fobearmccown@hud.gov).

Dated: November 2, 2009.

**Sandra B. Henriquez,**

*Assistant Secretary for Public and Indian Housing, Rodger Boyd, Deputy Assistant Secretary for Office of Native American Programs.*

[FR Doc. E9-26864 Filed 11-6-09; 8:45 am]

**BILLING CODE 4210-67-P**

---

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Acceptance of Concurrent Jurisdiction

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** The National Park Service (NPS) has accepted conveyance from the State of Arizona on behalf of the United

States concurrent criminal jurisdiction over federally-owned and controlled lands and waters administered by the National Park Service within Chiricahua National Monument, Coronado National Memorial and Fort Bowie National Historic Site in Cochise County, Arizona.

**FOR FURTHER INFORMATION CONTACT:** Superintendent, Southeast Arizona Group, 4101 East Montezuma Canyon Road, Hereford, AZ 85615, or (520) 366-5515.

**SUPPLEMENTARY INFORMATION:** Under Arizona Revised Statutes Title 37 Section 620, the governor of the State, upon receipt of a written request from the United States, may cede concurrent criminal jurisdiction over federal lands to the United States. On April 23, 2009, the Honorable Janice K. Brewer, Governor of the State of Arizona, ceded concurrent jurisdiction to the United States for all lands and waters owned or to be acquired by the National Park Service within the authorized boundaries of Chiricahua National Monument, Coronado National Memorial, and Fort Bowie National Historic Site. On September 22, 2009, Dan Wenk, Acting Director of the National Park Service, under the authority granted in Title 40 United States Code, Section 3112, accepted the cession of jurisdiction from the State of Arizona.

Dated: October 14, 2009.

**Rick Obernesser,**

*Acting Associate Director, Visitor and Resource Protection, National Park Service.*

[FR Doc. E9-26944 Filed 11-6-09; 8:45 am]

**BILLING CODE 4312-CP-P**

---

## DEPARTMENT OF THE INTERIOR

### U.S. Geological Survey

#### Agency Information Collection Activities: Comment Request for the Comprehensive Test Ban Treaty

**AGENCY:** U.S. Geological Survey (USGS), Interior.

**ACTION:** Notice of an extension of an information collection (1028-0059).

**SUMMARY:** We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on July 31,

2010. We may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** To ensure that we are able to consider your comments on this IC we must receive them on or before January 8, 2010.

**ADDRESSES:** Please submit a copy of your comments to Phadrea Ponds, Information Collection Clearance Officer, U.S. Geological Survey, 2150-C Centre Avenue, Fort Collins, CO 80526-8118 (mail); 970-226-9444 (phone); 970-226-9230 (fax); or [pponds@usgs.gov](mailto:pponds@usgs.gov) (e-mail). Please reference Information Collection 1028-0059 in the subject line.

**FOR FURTHER INFORMATION CONTACT:** Lori E. Apodaca at 703-648-7724 or by mail at U.S. Geological Survey, 989 National Center, 12201 Sunrise Valley Drive, Reston, VA 20192.

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

The collection of this information is required by the Comprehensive Test Ban Treaty (CTBT), and will provide the CTBT Technical Secretariat with geographic locations of sites where chemical explosions greater than 300 tons TNT-equivalent have occurred. Respondents to the information collection request are U.S. nonfuel minerals producers.

#### II. Data

*OMB Control Number:* 1028-0059.  
*Title:* Comprehensive Test Ban Treaty.  
*Type of Request:* Extension of a currently approved collection.

*Affected Public:* U.S. nonfuel minerals producers.

*Respondent Obligation:* Voluntary.  
*Frequency of Collection:* Annually.  
*Estimated Number of Annual Responses:* 2,100.

*Annual Burden Hours:* 525 hours. We expect to receive 2,100 annual responses. We estimate an average of 15 minutes per response. This includes the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information.

*Estimated Reporting and Recordkeeping "Non-Hour Cost" Burden:* We have not identified any "non-hour cost" burdens associated with this collection of information.

*Public Disclosure Statement:* The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control

number. Until OMB approves a collection of information, you are not obligated to respond.

### III. Request for Comments

*We are soliciting comments as to:*  
(a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. 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 OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

*USGS Information Collection Clearance Officer:* Phadrea Ponds 970-226-9445.

Dated: November 3, 2009.

**John H. DeYoung, Jr.,**  
*Chief Scientist, Minerals Information Team.*  
[FR Doc. E9-26895 Filed 11-6-09; 8:45 am]

**BILLING CODE 4311-AM-P**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### Determination of Valid Existing Rights Within the Daniel Boone National Forest, Kentucky

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Notice of decision.

**SUMMARY:** This notice announces our decision on a request for a determination of valid existing rights (VER) under section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). We have determined that Jag Energy LLC possesses VER for a coal haul road within the boundaries of the

Daniel Boone National Forest in Leslie County, Kentucky. This decision will allow Jag Energy LLC to obtain a Kentucky surface coal mining and reclamation permit for the road in question and to use the road to access and haul coal from a surface mine located on adjacent private lands.

**DATES:** *Effective Date:* November 9, 2009,

**FOR FURTHER INFORMATION CONTACT:** Joseph L. Blackburn, Director, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (859) 260-8402. Fax: (859) 260-8410. E-mail: [jblackburn@osmre.gov](mailto:jblackburn@osmre.gov).

#### SUPPLEMENTARY INFORMATION:

- I. What Is the Nature of the VER Determination Request?
- II. What Legal Requirements Apply to This Request?
- III. What Information is Available Relevant to the Basis for the Request?
- IV. How We Processed the Request.
- V. How We Made Our Decision.
- VI. What Public Comments Were Received?
- VII. How Can I Appeal the Determination?
- VIII. Where Are the Records of This Determination Available?

#### I. What Is the Nature of the VER Determination Request?

On October 21, 2008, Mr. John Begley II submitted a request for a determination of VER on behalf of Mr. William T. Gilbert of Jag Energy LLC. Jag Energy LLC applied for a permit (Application #866-0264) to conduct surface coal mining operations on privately owned land in Bear Branch, Leslie County, Kentucky. The property to be mined is adjacent to the Daniel Boone National Forest.

William T. Gilbert is seeking a determination that Jag Energy LLC has VER under paragraph (c)(1) of the definition of VER in 30 CFR 761.5 to use an existing road across Federal lands within the Daniel Boone National Forest as an access and haul road for the proposed mine. No other surface coal mining operations would be conducted on Federal lands within the Daniel Boone National Forest as part of this mine.

On December 16, 2008, we published a notice in the **Federal Register** (73 FR 76382) in which we provided an opportunity for the public to comment on the request for a determination of VER to use an existing Forest Service road as a coal mine access and haul road across Federal lands within the boundaries of the Daniel Boone National Forest in Leslie County, Kentucky. The comment period closed on January 15, 2009. We received no comments.

#### II. What Legal Requirements Apply to This Request?

Section 522(e)(2) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1272(e)(2), prohibits surface coal mining operations on Federal lands within the boundaries of any national forest, with two exceptions. The first exception pertains to surface operations and impacts incidental to an underground coal mine. The second relates to surface operations on lands within national forests west of the 100th meridian. Neither of those exceptions applies to the request now under consideration.

The introductory paragraph of section 522(e) also provides two general exceptions to the prohibitions on surface coal mining operations in that section. Those exceptions apply to operations in existence on the date of enactment of the Act (August 3, 1977) and to land for which a person has VER. SMCRA does not define VER. We subsequently adopted regulations defining VER and clarifying that, for lands that come under the protection of 30 CFR 761.11 and section 522(e) after the date of enactment of SMCRA, the applicable date is the date that the lands came under protection, not August 3, 1977.

On December 17, 1999 (64 FR 70766-70838), we adopted a revised definition of VER, established a process for submission and review of requests for VER determinations, and otherwise modified the regulations implementing section 522(e). At 30 CFR 761.16(a), we published a table clarifying which agency (OSM or the State regulatory authority) is responsible for making VER determinations and which definition (State or Federal) will apply. That table specifies that OSM is responsible for VER determinations for Federal lands within national forests and that the Federal VER definition in 30 CFR 761.5 applies to those determinations.

Paragraph (c) of the Federal definition of VER contains the standards applicable to VER for roads that lie within the definition of surface coal mining operations. Jag Energy LLC is seeking a VER determination under paragraph (c)(1), which provides that a person who claims VER to use or construct a road across the surface of lands protected by 30 CFR 761.11 or section 522(e) of SMCRA must demonstrate that the "road existed when the land upon which it is located came under the protection of § 761.11 or 30 U.S.C. 1272(e), and the person has a legal right to use the road for surface coal mining operations."