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Issued in Burlington, Massachusetts, on January 14, 2009.

**Peter A. White,**

*Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. E9-3042 Filed 2-13-09; 8:45 am]

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### 24 CFR Part 30

[Docket No. FR-5081-C-03]

RIN 2501-AD23

#### Civil Money Penalties: Certain Prohibited Conduct; Technical Correction

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Final rule, technical correction.

**SUMMARY:** On January 15, 2009, HUD published a final rule to revise HUD's regulations that govern the imposition of civil money penalties. The final rule contained, however, a typographical error in the amendatory language for a revision to 24 CFR 30.90(b). HUD published a second final rule on January 26, 2009, that further amended the section. Because of the error contained in the January 15, 2009 final rule, the amendatory language contained in the January 26, 2009, final rule was also in error. This document corrects these errors.

**DATES:** *Effective Dates:* The correction to the amendment of 24 CFR 30.90 published on January 15, 2009 (74 FR 2750), is effective February 17, 2009. The correction to the amendment of § 30.90 published on January 26, 2009 (74 FR 4634), is effective February 25, 2009.

**FOR FURTHER INFORMATION CONTACT:** Dane Narode, Associate General Counsel for Program Enforcement, Department of Housing and Urban Development, 1250 Maryland Avenue, SW., Suite 200, Washington, DC 20024-0500; telephone number 202-708-2350 (this is not a toll-free number), or e-mail address [Dane.M.Narode@hud.gov](mailto:Dane.M.Narode@hud.gov). Individuals with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at 800-877-8339.

**SUPPLEMENTARY INFORMATION:** On January 15, 2009 (74 FR 2750), HUD published a final rule that revised HUD's regulations that govern the imposition of civil money penalties, located at part 30 of Title 24 of the Code of Federal Regulations. The final rule followed a proposed rule published on October 17, 2008 (73 FR 61754), that provided a 60 day public comment period. HUD received no comments in response to the proposed rule and, at the final rule stage, adopted the proposed rule without change.

Among other changes, the January 15, 2009, final rule revised procedures at § 30.90 that detail how a respondent against whom HUD has filed a complaint seeking civil money penalties should submit his or her answer. In the January 15, 2009, final rule, HUD attempted to establish a new § 30.90(b) that instructed the respondent to serve upon HUD and file with the Office of Hearing and Appeals a written answer within 30 days of receipt of the complaint, unless such time is extended for good cause. The amendatory language for § 30.90 of the January 15, 2009, final rule, however, requested that the **Federal Register** redesignate existing paragraph (b) as (c) and "revise" new paragraph (b). Rather than requesting that new paragraph (b) be revised, the amendatory language should have instructed that new paragraph (b) be added.

On January 26, 2009, HUD published a second final rule to amend several sections of HUD's regulations to reflect changes in the office address and staff titles of HUD's Office of Hearings and Appeals. Among the changes included in the January 26, 2009, final rule was one intended to amend § 30.90 of HUD's civil money penalties rule to reflect that the title of "Chief Docket Clerk" has been changed to "Docket Clerk." The amendatory language for § 30.90 in the January 26, 2009, final rule, however, contained a typographical error and requested that § 30.90(b) be revised. The amendatory language should have requested that § 30.90(c) be revised to conform to HUD's January 15, 2009, final rule. Today's **Federal Register** document corrects these errors.

■ Accordingly, FR Doc. E9-851, Civil Money Penalties: Certain Prohibited Conduct (FR-5081-F-02), published in the **Federal Register** on January 15, 2009 (74 FR 2750) is corrected as follows:

#### § 30.90 [Corrected]

■ On page 2752, in the second column, revise amendatory instruction number 11 to read as follows:

"11. In § 30.90, revise paragraph (a), redesignate paragraph (b) as (c), and add new paragraph (b) to read as follows:"

■ In addition, FR Doc. E9-1249, HUD Office of Hearings and Appeals; Conforming Changes to Reflect Office Address and Staff Title Changes, and Notification of Retention of Chief Administrative Law Judge (FR-5265-F-01), published in the **Federal Register** on January 26, 2009 (74 FR 4634) is corrected as follows:

#### § 30.90 [Corrected]

■ On page 4635, in the third column, remove the paragraph designation "(b)" from the amendment to § 30.90, and add in its place "(c)"; and revise the amendatory instruction number 7 to read as follows:

"7. Revise the first sentence of § 30.90(c) to read as follows:"

Dated: February 10, 2009.

**Aaron Santa Anna,**

*Assistant General Counsel for Regulations.*

[FR Doc. E9-3245 Filed 2-13-09; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2008-1225]

#### Drawbridge Operation Regulations; Gulf Intracoastal Waterway, St. Petersburg Beach and South Pasadena, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of temporary deviation from regulations; request for comments.

**SUMMARY:** The Commander, Seventh Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Pinellas Bayway Structure "C" and Corey Causeway (SR 693) Bridges across the Gulf Intracoastal Waterway, miles 114 and 117.7, at St. Petersburg Beach, and South Pasadena, FL. This deviation will test a change to the drawbridge operation schedules to determine whether a permanent change to the schedule is needed. This deviation will allow both drawbridges to operate on a twice an hour schedule during the day. This deviation may be terminated/cancelled at any time via a Broadcast Notice to Mariners.

**DATES:** This deviation is effective from 7 a.m. on January 26 through 7 p.m. on April 25, 2009.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number USCG–2008–1225 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) *Online:* <http://www.regulations.gov>.

(2) *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.

(3) *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.

(4) *Fax:* 202–493–2251.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this test deviation, call Michael Lieberum, Bridge Branch at 305–415–6744. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

#### **SUPPLEMENTARY INFORMATION:**

#### **Public Participation and Request for Comments**

We encourage you to participate in this action by submitting comments and related materials. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation to use the Docket Management Facility.

#### **Submitting Comments**

If you submit a comment, please include the docket number for this action (USCG–2008–1225), indicate the specific section of this document to which each comment applies, and give the reason for each comment. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission. You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a

stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed action in view of them.

#### **Viewing Comments and Documents**

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov> at any time, click on “Search for Dockets,” and enter the docket number for this action (USCG–2008–1225) in the Docket ID box, and click enter. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### **Privacy Act**

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act, system of records notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

#### **Background and Purpose**

The Pinellas Bayway Structure “C” bridge has a vertical clearance of 25 feet in the closed position and the Corey Causeway bridge has a vertical clearance of 23 feet in the closed position.

The current operating regulations per 33 CFR 117.287(e), the draw of the Pinellas Bayway Structure “C” bridge, mile 114, at St. Petersburg Beach shall open on signal; except that from 7 a.m. to 7 p.m., the draw need open only on the hour, twenty minutes past the hour, and forty minutes past the hour. Per 33 CFR 117.287(f), the draw of the Corey Causeway (SR 693) bridge, mile 117.7 at South Pasadena, shall open on signal; except that, from 8 a.m. to 7 p.m. Monday through Friday, and 10 a.m. to 7 p.m. Saturdays and Sundays and Federal holidays, the draw need to open only on the hour, twenty minutes after the hour, and forty minutes after the hour.

The local mayor has requested that the Coast Guard evaluate a twice an hour schedule. The Florida Department of Transportation, the bridge owner, has a concern related to the length of time during bridge openings on the weekends due to the accumulation of vessels between openings which may directly

impact vehicle traffic. For this reason, FDOT will be monitoring the traffic flow through the area during this test and may recommend that the test be terminated at any point that vehicle traffic patterns show a detriment rather than an improvement in traffic flow. This test may have a minor impact on vessel traffic as there will be two openings an hour rather than three during these same time periods.

This deviation will start on 7 a.m. on January 26 and will continue until 7 p.m. on April 25, 2009, unless otherwise terminated/cancelled due to heavier than normal traffic patterns. The Pinellas Bayway Structure “C” and Corey Causeway bridges will open on demand except that from 7 a.m. to 7 p.m. daily both bridges will open on the hour and half-hour, seven days a week. Vessels able to pass under the bridges without an opening may do so at any time. Public vessels of the United States and tugs with tows must be passed at any time.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 15, 2009.

**R.S. Branham,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. E9–3301 Filed 2–13–09; 8:45 am]

**BILLING CODE 4910–15–P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 15**

[ET Docket No. 04–186 and 02–380; FCC 08–260]

### **Unlicensed Operation in the TV Broadcast Bands**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document the Commission adopted rules to allow unlicensed radio transmitters to operate in the broadcast television spectrum at locations where that spectrum is not being used by licensed services (this unused TV spectrum is often termed “white spaces”). This action will make a significant amount of spectrum available for new and innovative products and services, including broadband data and other services for businesses and consumers. The actions taken are a conservative first step that