

The President delegated this authority to the United States Trade Representative under Presidential Proclamation 6763 (60 FR 1007).

On September 25, 2009, the Secretary of Agriculture (Secretary) announced the sugar program provisions for fiscal year (FY) 2010 (Oct. 1, 2009, through Sept. 30, 2010). The Secretary announced an in-quota quantity of the TRQ for raw cane sugar for FY 2010 of 1,117,195 metric tons\* raw value (MTRV), which is the minimum amount to which the United States is committed under the World Trade Organization (WTO) Uruguay Round Agreements. USTR is allocating this quantity (1,117,195 MTRV) to the following countries in the amounts specified below:

Country	FY 2010 Raw Cane Sugar Allocations (MTRV)
Argentina .....	45,281
Australia .....	87,402
Barbados .....	7,371
Belize .....	11,583
Bolivia .....	8,424
Brazil .....	152,691
Colombia .....	25,273
Congo .....	7,258
Costa Rica .....	15,796
Cote d'Ivoire .....	7,258
Dominican Republic .....	185,335
Ecuador .....	11,583
El Salvador .....	27,379
Fiji .....	9,477
Gabon .....	7,258
Guatemala .....	50,546
Guyana .....	12,636
Haiti .....	7,258
Honduras .....	10,530
India .....	8,424
Jamaica .....	11,583
Madagascar .....	7,258
Malawi .....	10,530
Mauritius .....	12,636
Mexico .....	7,258
Mozambique .....	13,690
Nicaragua .....	22,114
Panama .....	30,538
Papua New Guinea .....	7,258
Paraguay .....	7,258
Peru .....	43,175
Philippines .....	142,160
South Africa .....	24,220
St. Kitts & Nevis .....	7,258
Swaziland .....	16,849
Taiwan .....	12,636
Thailand .....	14,743
Trinidad & Tobago .....	7,371
Uruguay .....	7,258
Zimbabwe .....	12,636

These allocations are based on the countries' historical shipments to the United States. The allocations of the in-quota quantities of the raw cane sugar TRQ to countries that are net importers of sugar are conditioned on receipt of the appropriate verifications of origin,

and certificates for quota eligibility must accompany imports from any country for which an allocation has been provided.

On September 25, 2009, the Secretary announced the establishment of the in-quota quantity of the FY 2010 refined sugar TRQ at 90,039 MTRV for which the sucrose content, by weight in the dry state, must have a polarimeter reading of 99.5 degrees or more. This amount includes the minimum level to which the United States is committed under the WTO Uruguay Round Agreements (22,000 MTRV of which 1,656 MTRV is reserved for specialty sugar) and an additional 68,039 MTRV for specialty sugars. USTR is allocating a total of 10,300 MTRV of refined sugar to Canada, 2,954 MTRV of refined sugar to Mexico, and 7,090 MTRV of refined sugar to be administered on a first-come, first-served basis.

Imports of all specialty sugar will be administered on a first-come, first-served basis in five tranches. The Secretary has announced that the total in-quota quantity of specialty sugar will be the 1,656 MTRV included in the WTO minimum plus an additional 68,039 MTRV. The first tranche of 1,656 MTRV will open October 20, 2009. All types of specialty sugars are eligible for entry under this tranche. The second tranche of 25,000 MTRV will open on November 10, 2009. The third, fourth, and fifth tranches of 14,346 MTRV each will open on January 12, 2010, May 17, 2010 and August 24, 2010, respectively. The second, third, fourth and fifth tranches will be reserved for organic sugar and other specialty sugars not currently produced commercially in the United States or reasonably available from domestic sources.

With respect to the in-quota quantity of 64,709 metric tons (MT) of the TRQ for imports of certain sugar-containing products maintained under Additional U.S. Note 8 to Chapter 17 of the HTS, USTR is allocating 59,250 MT to Canada. The remainder, 5,459 MT, of the in-quota quantity is available for other countries on a first-come, first-served basis.

\* Conversion factor: 1 metric ton = 1.10231125 short tons.

**Ronald Kirk,**

*United States Trade Representative.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Approval of Noise Compatibility Program

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program (NCP) submitted by the Metropolitan Airport Authority of Peoria for General Wayne A. Downing Peoria International Airport under the provisions of 49 U.S.C. 47501 *et seq.* (the Aviation Safety and Noise Abatement Act, herein referred to as "the Act") and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). The General Wayne A. Downing Peoria International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on June 26, 2009. Notice of this determination was published in the **Federal Register** on July 2, 2009, 74 FR 31791.

Under section 47504 of the Act, an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and effected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land

uses around the airport and preventing the introduction of additional non-compatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grants agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use of navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

The submitted program included eleven proposed actions for noise mitigation on and off the airport, as applicable. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied.

On September 16, 2009, the FAA approved the General Wayne A. Downing Peoria International Airport noise compatibility program. All eleven of the recommendations of the program were approved.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, State, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Chicago Airports District Office.

These determinations are set forth in detail in a Record of Approval signed by Deb Roth on September 16, 2009. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the General Wayne A. Downing Peoria International Airport.

**DATES:** *Effective Date:* The effective date of the FAA's approval of the General Wayne A. Downing Peoria International Airport noise compatibility program is September 16, 2009.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Hanson, Environmental Protection Specialist, CHI-603, Federal Aviation Administration, Chicago Airport District Office, 2300 East Devon Avenue, Des Plaines, IL 60018. Telephone number: 847-294-7354. Documents reflecting this FAA action may also be reviewed at this same location.

Issued in Des Plaines, IL September 17, 2009.

**Jack Delaney,**

*Acting Manager, Chicago Airports District Office.*

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**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Buy America Waiver Notification

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the purchase of foreign Mobile Harbor Cranes in the Federal-aid/American Recovery and Reinvestment Act of 2009 project for the Toledo Port Authority General Cargo Facility.

**DATES:** The effective date of the waiver is October 6, 2009.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Mr. Gerald Yakowenko, FHWA Office of Program Administration, (202) 366-1562, or via e-mail at [gerald.yakowenko@dot.gov](mailto:gerald.yakowenko@dot.gov). For legal questions, please contact Mr. Michael Harkins, FHWA Office of the Chief Counsel, (202) 366-4928, or via e-mail at [michael.harkins@dot.gov](mailto:michael.harkins@dot.gov). Office hours for the FHWA are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may be downloaded from the Federal Register's home page at: <http://www.archives.gov> and the Government Printing Office's database at: <http://www.access.gpo.gov/nara>.

## Background

The FHWA's Buy America policy in 23 CFR 635.410 requires a domestic manufacturing process for any steel or iron products (including protective coatings) that are permanently incorporated in a Federal-aid construction project. The regulation also provides for a waiver of the Buy America requirements when the application of such requirements would be inconsistent with the public interest or when satisfactory quality domestic steel and iron products are not sufficiently available. This notice provides information regarding the FHWA's finding that a Buy America waiver is appropriate for the acquisition of Mobile Harbor Cranes at the General Cargo Facility in Ohio. While funded by funds made available to the FHWA and subject to the Buy America requirements under 23 U.S.C. 313 and 23 CFR 635.410, the project is being administered by the Maritime Administration. The FHWA has coordinated this Buy America waiver for administrative convenience.

In accordance with the Division I, section 126 of the "Omnibus Appropriations Act, 2009" (Pub. L. 111-8), the FHWA published a notice of intent to issue a waiver on the Mobile Harbor Cranes (<http://www.fhwa.dot.gov/construction/contracts/waivers.cfm?id=38>) on August 25, 2009. The FHWA received no comments in response to this notice which suggested that the Mobile Harbor Cranes may not be available domestically. During the 15-day comment period, the FHWA conducted additional nationwide review to locate potential domestic manufacturers for the Mobile Harbor Cranes. Based on all the information available to the agency, the FHWA concludes that there are no domestic manufacturers for the Mobile Harbor Cranes. Thus, the FHWA concludes that a Buy America waiver is appropriate as provided by 23 CFR 635.410(c)(1).

In accordance with the provisions of section 117 of the SAFETEA-LU Technical Corrections Act of 2008 (Pub. L. 110-244, 122 Stat. 1572), the FHWA is providing this notice as its finding that a waiver of Buy America requirements is appropriate. The FHWA invites public comment on this finding for an additional 15 days following the effective date of the finding. Comments may be submitted to the FHWA's Web site via the link provided to the Ohio waiver page noted above.

**Authority:** 23 U.S.C. 313; Public Law 110-161, 23 CFR 635.410.