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The FDMS also contains the notices, application and related correspondence; informational open house materials; will also contain the public meeting transcripts; and will contain the Draft and the Final EIS and all comments submitted whether at public meetings or submitted directly to the DOT Docket Management Facility or the FDMS.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard, Maritime Administration, and the NYSDEC request submittal of comments and related material on environmental issues related to the proposed deepwater port using one of the methods described below. We most particularly seek comments that identify potentially significant impacts, alternatives, or mitigation measures that should be taken into account in determining the scope of the EIS.

The Coast Guard, Maritime Administration, and the NYSDEC will consider all comments and material received during the comment period. It is not necessary to present comments more than once. Comments need not be submitted to multiple agencies; all comments received will be shared amongst the agencies.

Submissions to the DOT Docket Management Facility or FDMS should include:

- Docket number USCG-2007-28535;
- Your name and address;
- Please include reasons for making each comment or bringing information to our attention so that we may properly address your concerns.

Submit comments or material using one of the following methods:

- Electronic submission to FDMS (preferred) at <http://www.regulations.gov>: Click on "Search for Dockets;" Enter Docket ID 28535; view documents by clicking the PDF icon under "Views;" and/or follow the online instructions for submitting comments.
- Fax, mail, or hand delivery to the DOT Docket Management Facility (see ADDRESSES). Faxed or hand delivered

submissions must be unbound, no larger than 8½ by 11 inches, and suitable for copying and electronic scanning. If you mail your submission and want to know when it reaches the Facility, include a stamped, self-addressed postcard or envelope.

Regardless of the method used for submitting comment or material, all submissions will be posted, without change, to the FMDS Web site (<http://www.regulations.gov>), and will include any personal information provided. Therefore, submitting this information makes it public. You may wish to read the Privacy and Use Notice that is available on the FDMS Web site, and the Department of Transportation Privacy Act Notice that appeared in the **Federal Register** on April 11, 2000 (65 FR 19477), see PRIVACY ACT. You may view docket submissions at the Department of Transportation Docket Management Facility or electronically on the FDMS Web site (see ADDRESSES).

Privacy Act

The electronic form of all comments received into the Federal Docket Management System can be searched by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). The DOT Privacy Act Statement can be viewed in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, pages 19477-78) or you may visit <http://www.regulations.gov>.

(Authority 49 CFR 1.66)

By order of the Maritime Administrator.

Dated: February 4, 2009.

Christine S. Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. E9-2668 Filed 2-9-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 4)]

Railroad Cost Recovery Procedures—Productivity Adjustment

AGENCY: Surface Transportation Board.

ACTION: Adoption of a Railroad Cost Recovery Procedures Productivity Adjustment.

SUMMARY: In a decision served on February 5, 2009, we proposed to adopt 1.012 (1.2% per year) as the measure of average change in railroad productivity for the 2003-2007 (5-year) averaging period. This value was a decline of 0.1 of a percentage point from the current

measure of 1.3% that was developed for the 2002-2006 period. That decision stated that comments may be filed addressing any perceived data and computational errors in our calculation. It also stated that, if there were no further action taken by the Board, the proposed productivity adjustment would become effective on March 1, 2009.

DATES: The productivity adjustment is effective March 1, 2009. Comments are due by February 23, 2009.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 290 (Sub-No. 4) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT:

Michael Smith, (202) 245-0322.

[Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision, which is available on our Web site www.stb.dot.gov. To purchase a copy of the full decision, write to, or call the Board's Office of Public Assistance, Governmental Affairs, and Compliance; 395 E Street, SW., Washington, DC 20423-0001; phone (202) 245-0235. [Assistance for the hearing impaired is available through FIRS: 1-800-877-8339.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: February 3, 2009.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9-2697 Filed 2-9-09; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0003]

Agency Information Collection (Application for Burial Benefits) Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.