

any conditions it deems appropriate, including without limitation, requirements that the issuer

- (i) Hedge any foreign currency risk, or
- (ii) Pledge collateral to secure the issuer's obligation to reimburse the FDIC for any payments made pursuant to the guarantee.
- (iii) Limit executive compensation and bonuses, and/or
- (iv) Limit or refrain from the payment of dividends.

\* \* \* \* \*

(k) *Emergency Guarantee Facility.* In the event that a participating entity that is either an insured depository institution or an entity that has issued FDIC-guaranteed debt on or before September 9, 2009 is unable, after October 31, 2009, to issue non-guaranteed debt to replace maturing senior unsecured debt as a result of market disruptions or other circumstances beyond the entity's control, the participating entity may, with the FDIC's prior approval under paragraph (h) of this section, issue FDIC-guaranteed debt after October 31, 2009 and on or before April 30, 2010. Any such issuance is subject to all of the terms and conditions imposed by the FDIC in its approval decision as well as all of the provisions of this part, including without limitation, the payment of the applicable assessment and compliance with the disclosure requirements.

- 4. Amend section 370.5 as follows:
  - a. Revise paragraph (f); and
  - b. Revise paragraph (h)(2), to read as follows:

**§ 370.5 Participation.**

\* \* \* \* \*

(f) Except as provided in paragraphs (g), (j), and (k) of § 370.3, participating entities are not permitted to select which newly issued senior unsecured debt is guaranteed debt; all senior unsecured debt issued by a participating entity up to its debt guarantee limit must be issued and identified as FDIC-guaranteed debt as and when issued.

\* \* \* \* \*

(h) \* \* \*

(2) Each participating entity that is either an insured depository institution, an entity that has issued FDIC-guaranteed debt before April 1, 2009, an entity that has been approved pursuant to § 370.3(h) to issue FDIC-guaranteed debt after June 30, 2009 and on or before October 31, 2009, or a participating entity that has been approved pursuant to § 370.3(k) to issue FDIC-guaranteed debt after October 31, 2009, must include the following disclosure statement in all written materials provided to lenders or creditors regarding any senior unsecured debt

that is issued by it during the applicable issuance period and that is guaranteed under the debt guarantee program:

*This debt is guaranteed under the Federal Deposit Insurance Corporation's Temporary Liquidity Guarantee Program and is backed by the full faith and credit of the United States. The details of the FDIC guarantee are provided in the FDIC's regulations, 12 CFR Part 370, and at the FDIC's Web site, <http://www.fdic.gov/tlgp>. [If the debt being issued is mandatory convertible debt, add: The expiration date of the FDIC's guarantee is the earlier of the mandatory conversion date or December 31, 2012]. [If the debt being issued is any other senior unsecured debt, add: The expiration date of the FDIC's guarantee is the earlier of the maturity date of the debt or December 31, 2012.]*

- \* \* \* \* \*
- 5. Amend section 370.6 as follows:
    - a. Revise paragraph (d)(1); and
    - b. Add paragraph (i), to read as follows:

**§ 370.6 Assessments under the Debt Guarantee Program.**

\* \* \* \* \*

(d) *Amount of assessments for debt within the debt guarantee limit (1) Calculation of assessment.* Subject to paragraphs (d)(3) and (h) of this section, and except as provided in paragraph (i) of this section, the amount of assessment will be determined by multiplying the amount of FDIC-guaranteed debt times the term of the debt or, in the case of mandatory convertible debt, the time period from issuance to the mandatory conversion date, times an annualized assessment rate determined in accordance with the following table.

| For debt with a maturity or time period to conversion date of | The annualized assessment rate (in basis points) is |
|---------------------------------------------------------------|-----------------------------------------------------|
| 180 days or less (excluding overnight debt) .....             | 50                                                  |
| 181–364 days .....                                            | 75                                                  |
| 365 days or greater .....                                     | 100                                                 |

\* \* \* \* \*

(i) *Assessment for Debt issued under the Emergency Guarantee Facility.* The amount of the assessment for FDIC-guaranteed debt issued pursuant to § 370.3(k) of this part is equal to the amount of the debt times the term of the debt (or in the case of mandatory convertible debt, the time period to conversion) times an annualized assessment rate of 300 basis points, or such greater rate as the FDIC may determine in its decision approving such issuance.

Dated at Washington DC, this 9th day of September 2009.

By order of the Board of Directors.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**  
*Executive Secretary.*

[FR Doc. E9–22372 Filed 9–15–09; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. FAA–2008–1292; Notice No. 09–05A]

**RIN 2120–AJ35**

#### Flightcrew Alerting; Reopening of Comment Period

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM); reopening of comment period.

**SUMMARY:** On July 9, 2009, the FAA published an NPRM to amend the airworthiness standards for flightcrew alerting and invited comments for a 60-day period. The comment period closed on September 8, 2009; however, the FAA is reopening the comment period for an additional 15 days in response to requests from The Boeing Company; the Air Line Pilots Association, International; the General Aviation Manufacturers Association; and Airbus. All of the requestors stated that reopening the comment period is needed to permit them additional time to develop comments responsive to Notice No. 09–05. Reopening the comment period will allow the requestors and others additional time to review and comment on the proposal.

**DATES:** The comment period for the NPRM published on July 9, 2009 (74 FR 32810) closed September 8, 2009, and is reopened until October 1, 2009.

**ADDRESSES:** You may send comments identified by Docket Number FAA–2008–1292 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

- *Fax:* Fax comments to Docket Operations at 202–493–2251.

- *Hand Delivery:* Bring comments to Docket Operations in Room W12–140 of

the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. For more information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**Privacy:** We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <http://DocketsInfo.dot.gov>.

**Docket:** To read background documents or comments received, go to <http://www.regulations.gov> at any time or to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For technical questions concerning this proposed rule contact Loran Haworth, FAA, Airplane and Flightcrew Interface Branch (ANM–111), Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue, SW, Renton, Washington 98057–3356; telephone (425) 227–1133; facsimile 425–227–1232; e-mail [Loran.Haworth@faa.gov](mailto:Loran.Haworth@faa.gov).

For legal questions concerning this proposed rule contact Doug Anderson, FAA, Office of the Regional Counsel (ANM–7), 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–2166; facsimile 425–227–1007; e-mail [Douglas.Anderson@faa.gov](mailto:Douglas.Anderson@faa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, please send only one copy of written

comments, or if you are filing comments electronically, please submit your comments only one time.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

##### **Proprietary or Confidential Business Information**

Do not file in the docket information that you consider to be proprietary or confidential business information. Send or deliver this information directly to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. You must mark the information that you consider proprietary or confidential. If you send the information on a disk or CD-ROM, mark the outside of the disk or CD-ROM and also identify electronically within the disk or CD-ROM the specific information that is proprietary or confidential.

Under 14 CFR 11.35(b), when we are aware of proprietary information filed with a comment, we do not place it in the docket. We hold it in a separate file to which the public does not have access, and place a note in the docket that we have received it. If we receive a request to examine or copy this information, we treat it as any other request under the Freedom of Information Act (5 U.S.C. 552). We process such a request under the DOT procedures found in 49 CFR part 7.

##### **Availability of Rulemaking Documents**

You can get an electronic copy using the Internet by:

- (1) Searching the Federal eRulemaking Portal at <http://www.regulations.gov>;
- (2) Visiting the Office of Rulemaking's Web page at <http://www.faa.gov/avr/arm/index.cfm>; or
- (3) Accessing the Government Printing Office's Web page at <http://www.gpoaccess.gov/fr/index.html>.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice

number, or amendment number of this rulemaking.

##### **Background**

On July 9, 2009, (74 FR 32810) Notice No. 09–05, “Flightcrew Alerting” that would amend the airworthiness standards for flightcrew alerting was published in the **Federal Register**. The comment period closed September 8.

By requests dated August 28, 2009, from The Boeing Company; September 2, 2009, from the Air Line Pilots Association, International (ALPA); September 3, 2009, from Airbus; and September 4, 2009, from the General Aviation Manufacturers Association (GAMA); the FAA was asked to extend the comment period by 60 days to permit a more careful review and consideration of the proposed rule.

The FAA considered the requests and has determined that reopening the comment period for an additional 15 days will allow The Boeing Company, ALPA, Airbus, GAMA and others, to complete their review and provide responsive comments on the NPRM. Reopening the comment period for the requested additional 60 days would adversely impact the FAA's harmonization efforts with the European Aviation Safety Agency.

The FAA finds it in the public interest to reopen the comment period for fifteen (15) days to give all interested persons additional time to complete their review and comments on the proposal.

Issued in Washington, DC, on September 11, 2009.

**Brenda D. Courtney,**

*Acting Director, Office of Rulemaking.*

[FR Doc. E9–22343 Filed 9–15–09; 8:45 am]

**BILLING CODE 4910–13–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Parts 71 and 93**

[Docket No. FAA–2009–0837; Airspace Docket No. 09–AWA–2; Notice No. 09–11]

**RIN 2120–AJ59**

#### **Proposed Modification of the New York, NY, Class B Airspace Area; and Proposed Establishment of the New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to make a minor modification to the New York,