

|                                                                                  | Percent |
|----------------------------------------------------------------------------------|---------|
| Businesses And Non-Profit Organizations Without Credit Available Elsewhere ..... | 4.000   |

The number assigned to this disaster for physical damage is 11679B and for economic injury is 11680B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

**Herbert L. Mitchell,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. E9-4868 Filed 3-6-09; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

### Small Business Size Standards: Waiver of the Nonmanufacturer Rule

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of intent to waive the Nonmanufacturer Rule for Conductor and Control Cable (Aluminum); Conductor and Control Cable (Copper); Truck Trailer; All terrain vehicles (ATV's), wheeled or tracked; Snowmobiles and parts; Off-road All terrain vehicles (ATV's), wheeled or tracked; Noncurrent-Carrying Wiring Device Manufacturing, *i.e.*, dead end tees and connectors, guy strain and link assemblies, bolts, washers, turnbuckles, twisted clips, steel angle assemblies, yoke plates, compression T connectors, press dies, anchor shackles, Y clevis ball and Y clevis sockets, yoke plates, and grounding clamps.

**SUMMARY:** The U.S. Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for Conductor and Control Cable (Aluminum); Conductor and Control Cable (Copper); Truck Trailer; All terrain vehicles (ATV's), wheeled or tracked; Snowmobiles and parts; Off-road All terrain vehicles (ATV's), wheeled or tracked; Noncurrent-Carrying Wiring Device Manufacturing, dead end tees and connectors, guy strain and link assemblies, bolts, washers, turnbuckles, twisted clips, steel angle assemblies, yoke plates, compression T connectors, press dies, anchor shackles, Y clevis ball and Y clevis sockets, yoke plates, and grounding clamps.

According to a request, no small business manufacturers supply these classes of products to the Federal government.

If granted, the waiver would allow otherwise qualified nonmanufacturer to supply the products of any

manufacturer on a Federal contract set aside for small businesses, service-disabled veteran-owned small businesses, or participants in the SBA's 8(a) Business Development Program.

**DATES:** Comments and source information must be submitted by March 24, 2009.

**ADDRESSES:** You may submit comments and source information to Edith G. Butler, Program Analyst, Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Ms. Edith G. Butler, by telephone at (202) 619-0422; by FAX at (202) 481-1788; or by e-mail at [edith.butler@sba.gov](mailto:edith.butler@sba.gov).

**SUPPLEMENTARY INFORMATION:** Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), and SBA's implementing regulations provide that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or participants in the SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b), 125.15(c). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

In order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. 13 CFR 121.1202(1). The SBA defines "class of products" based on a six digit coding system. The coding system is the Office of Management and Budget North American Industry Classification System (NAICS). In addition, SBA uses product service codes to identify particular products within the NAICS code to which a waiver would apply.

The SBA is currently processing a request to waive the Nonmanufacturer Rule for Conductor and Cable (Aluminum), North American Industry Classification System (NAICS) code 331319, product service code (PSC) 6145; Conductor and Control Cable (Copper), NAICS code 331422, PSC 6145; Truck Trailer Manufacturing, NAICS code 336212, PSC 2330; All Terrain Vehicles (ATV's), wheeled or

tracked, Manufacturing; Snowmobiles and parts; Off-road all terrain vehicles (ATV's) and wheeled or tracked Manufacturing, NAICS code 336999, PSC 2330; and Noncurrent-Carrying Wiring Device Manufacturing, *i.e.*, dead end tees and connectors, guy strain and link assemblies, bolts, washers, turnbuckles, twisted clips, steel angle assemblies, yoke plates, compression T connectors, press dies, anchor shackles, & clevis ball and & clevis sockets, yoke plates and grounding clamps, NAICS code 335932, PSC 5975.

The public is invited to comment or provide source information to SBA on the proposed waivers of the Nonmanufacturer Rule for these classes of products within 15 days after date of publication in the **Federal Register**.

Dated: March 3, 2009.

**Karen C. Hontz,**

*Director for Government Contracting.*

[FR Doc. E9-4835 Filed 3-6-09; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Air Traffic Procedures Advisory Committee

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

**SUMMARY:** The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, revision, clarification, and upgrading of terminology and procedures.

**DATES:** The meeting will be held Tuesday, May 5, 2009, from 8 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the CGH Headquarters, 600 Maryland Ave SW., Suite 800 West, 8th Floor Training Room, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Jehlen, ATPAC Executive Director, 800 Independence Avenue, SW., Washington, DC 20591. Telephone (202) 493-4527.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held Tuesday, May 5, 2009, from 8 a.m. to 5 p.m.

The agenda for this meeting will cover a continuation of the ATPAC's review of present air traffic control procedures and practices for standardization,

revision, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes;
2. Submission and Discussion of Areas of Concern;
3. Discussion of Potential Safety Items;
4. Report from Executive Director;
5. Items of Interest; and
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statement should notify Mr. Richard Jehlen no later than April 14, 2009. Any member of the public may present a written statement to the ATPAC at any time at the address given above.

Issued in Washington, DC, on February 18, 2009.

**Richard Jehlen,**

*Executive Director, Air Traffic Procedures Advisory Committee.*

[FR Doc. E9-4899 Filed 3-6-09; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2008-0232]

#### Commercial Driver's License: Commonwealth of Virginia, Department of Motor Vehicles; Application for Exemption

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition; granting of application for exemption.

**SUMMARY:** FMCSA approves an application from the Commonwealth of Virginia Department of Motor Vehicles (Virginia DMV) for an exemption for a period of 2 years from a provision of the Agency's commercial driver's license (CDL) regulations requiring that each CDL issued by a State contain a color photograph of the driver. Virginia DMV requested that it be allowed to use a black and white, laser-engraved photograph in lieu of a color photograph. Virginia DMV believes that the issuance of CDLs with black-and-white, laser-engraved photographs would enhance the security of the credential and assist law enforcement officials with the identification of the

CDL holder. FMCSA has determined that the exemption would provide for a level of safety that is equivalent to or greater than the level of safety achieved without the exemption.

**DATES:** This exemption is effective March 9, 2009 and expires on March 9, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations. Telephone: 202-366-4325, or E-mail: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption for a maximum of 2 years if it finds “\* \* \* such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption \* \* \*.” The procedure for requesting an exemption is prescribed by 49 CFR part 381.

The Virginia DMV is in the project-planning phase of its transition to centralized issuance of drivers' licenses and identification cards. Virginia DMV is working towards meeting the requirements of the REAL ID Act of 2005 (Pub. L. 109-13, May 11, 2005, 119 Stat. 231, 302), and U.S. Department of Homeland Security's (DHS) implementing regulations (73 FR 5271, January 29, 2008). Under the REAL ID Act, Federal Agencies are prohibited, effective May 11, 2008, from accepting a driver's license or State-issued personal identification card for an official purpose unless the issuing State has met the requirements of the Act.

##### Virginia DMV Application for Exemption

Virginia DMV has applied for an exemption from 49 CFR 383.153(a)(4), which requires each CDL to contain a color photograph of the driver. Virginia DMV requested that it be allowed to use a black and white, laser-engraved photograph on Virginia-issued CDLs in lieu of a color photograph. In its application for an exemption, Virginia DMV explains in detail how the use of black and white, laser-engraved photographs on Virginia CDLs will enhance the security of the credential, in particular because the laser-engraved photograph cannot easily be altered. Virginia DMV also stated that a black and white, laser-engraved image actually enhances driver identification because, with hair and eye color absent, the image provides greater emphasis on other, less readily-altered, facial

features. A copy of the Virginia DMV's application for an exemption is included in the docket referenced at the beginning of this notice.

#### Comments

Three comments were received to this docket. Canadian Bank Note Company, Ltd., supported the application, stating that the process proposed by Virginia DMV would provide “the most secure means of applying a photograph,” and a clearer image as well. L-1 Identity Solutions (L-1) opposed the application, suggesting that Virginia DMV employ both a color and a black and white photograph on each CDL. L-1 also recommended certain color technologies it believed to be more secure than the Virginia DMV technology. The third commenter, Virginia DMV, provided additional detail about its proposed black and white, laser-engraved technology indicating that it is no less secure than other technologies.

#### FMCSA Decision

FMCSA has evaluated Virginia DMV's application on its merits following full consideration of the comments submitted to the docket, and has decided to grant the exemption from 49 CFR 383.153(a)(4) for a period of 2 years. FMCSA determined that the exemption would maintain a level of safety equivalent to, or greater than, the level achieved without the exemption (49 U.S.C. 31315(b)(1)).

In reaching its decision, FMCSA considered DHS's January 29, 2008, final rule implementing certain provisions of the REAL ID Act. The final rule permits State licensing agencies to use either color or black and white photographs on driver's licenses and identification cards (6 CFR 37.17(e)(2)). DHS determined through a notice-and-comment rulemaking proceeding that laser-engraved black and white photography provides a comparable if not greater level of security or deterrence to falsification. (See 73 FR 5301)

The regulation from which the Virginia DMV is exempted does not concern the qualifications of the CDL holder or his or her safety performance. Furthermore, the rule does not pertain to FMCSA's requirement that the CDL document be tamperproof or tamper resistant. (See 49 CFR 383.155.) Because the exemption is limited to the actual photograph or image of the CDL holder and the State would continue to be required to maintain compliance with all other CDL document rules, FMCSA concludes the exemption would not have an adverse impact on safety.