

Outreach Plan; and (4) review the status of cooperative environmental activities the Parties are implementing consistent with the CAFTA-DR ECA.

The public is advised to refer to the State Department Web site at <http://www.state.gov/g/oes/env/> and the USTR Web site at <http://www.ustr.gov> for further information.

Dated: February 27, 2009.

Daniel T. Fantozzi,

*Director, Office of Environmental Policy,
Department of State.*

[FR Doc. E9-4805 Filed 3-5-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0144; Notice 2]

Decision That Nonconforming 1997 and 1998 Left-Hand Drive and 1997 through 2001 Right-Hand Drive Jeep Cherokee Multipurpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic
Safety Administration, DOT.

ACTION: Notice of decision by the
National Highway Traffic Safety
Administration (NHTSA) that
nonconforming 1997 and 1998 left-hand
drive and 1997 through 2001 right-hand
drive Jeep Cherokee multipurpose
passenger vehicles are eligible for
importation.

SUMMARY: This document announces a
decision by NHTSA that nonconforming
1997 and 1998 left-hand drive (LHD)
and 1997 through 2001 right-hand drive
(RHD) Jeep Cherokee multipurpose
passenger vehicles (MPVs) that were not
originally manufactured to comply with
all applicable Federal motor vehicle
safety standards (FMVSS) are eligible
for importation into the United States
because (1) they are substantially
similar to vehicles that were originally
manufactured for sale in the United
States and that were certified by their
manufacturer as complying with the
safety standards (the U.S.-certified
version of the 1997 and 1998 LHD and
1997 through 2001 RHD Jeep Cherokee
MPVs), and (2) they are capable of being
readily altered to conform to the
standards.

DATES: This decision is effective on
Friday, February 27, 2009.

FOR FURTHER INFORMATION CONTACT:
Coleman Sachs, Office of Vehicle Safety
Compliance, NHTSA (202-366-3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a
motor vehicle that was not originally
manufactured to conform to all
applicable FMVSS shall be refused
admission into the United States unless
NHTSA has decided that the motor
vehicle is substantially similar to a
motor vehicle originally manufactured
for sale in the United States, certified
under 49 U.S.C. 30115, and of the same
model year as the model of the motor
vehicle to be compared, and is capable
of being readily altered to conform to all
applicable FMVSS.

Where there is no substantially
similar U.S.-certified motor vehicle, 49
U.S.C. 30141(a)(1)(B) permits a
nonconforming motor vehicle to be
admitted into the United States if its
safety features comply with, or are
capable of being altered to comply with,
all applicable FMVSS based on
destructive test data or such other
evidence as NHTSA decides to be
adequate.

Petitions for eligibility decisions may
be submitted by either manufacturers or
importers who have registered with
NHTSA pursuant to 49 CFR Part 592. As
specified in 49 CFR 593.7, NHTSA
publishes notice in the **Federal Register**
of each petition that it receives, and
affords interested persons an
opportunity to comment on the petition.
At the close of the comment period,
NHTSA decides, on the basis of the
petition and any comments that it has
received, whether the vehicle is eligible
for importation. The agency then
publishes this decision in the **Federal
Register**.

Auto Boutique, Ltd., of Costa Mesa,
California (ABL) (Registered Importer
08-356), petitioned NHTSA to decide
whether nonconforming 1997-2001
RHD Jeep Cherokee MPVs are eligible
for importation into the United States.
Shortly after ABL's petition was filed,
U.S. Drive Right (USDR), of Spring
Arbor, Michigan (Registered Importer
08-355) separately petitioned NHTSA to
decide whether nonconforming 1997
and 1998 RHD and LHD Jeep Cherokee
MPVs are eligible for importation into
the United States. NHTSA published a
combined notice of the petitions on
September 17, 2008 (73 FR 53927) to
afford an opportunity for public
comment. The reader is referred to that
notice for a thorough description of the
petitions.

No comments were received in
response to the notice of the petitions.

The ABL and USDR petitions differed
in scope: USDR included LHD versions
of the subject vehicles for model years
1997 and 1998 but did not address LHD

or RHD 1999-2001 vehicles, while ABL
only addressed RHD 1999-2001
vehicles.

The following discussion applies
equally to both LHD and RHD vehicles.
That is because in this unique case, the
original manufacturer of the vehicles
certified as conforming to all applicable
FMVSS both LHD and RHD versions of
the substantially similar U.S.-certified
models in model years 1997-2001.
Moreover, the description of the
modifications required to convert these
vehicles do not differ with respect to the
driver's seating position.

The agency notes that the petitions
differed significantly with respect to the
need for alterations to conform the
vehicles to applicable FMVSS. ABL did
not indicate the need for any alterations
other than adding labeling to meet the
requirements of 49 CFR part 565, while
USDR contended that the vehicles must
be altered in order to meet Standards
No. 101, 108, 120 and 208 and 49 CFR
part 565. A complete description of the
alterations described by the two
petitioners can be found in the notice of
petition.

To reconcile these differences, the
agency has decided that all vehicles
covered by this decision must be
examined for compliance with
Standards No. 101, 108, 120 and 208 as
well as 49 CFR Part 565 and that RIs
must demonstrate, in the conformity
statements submitted for any vehicle
imported under this eligibility decision,
that each vehicle either conformed to
the standard as originally manufactured
or has been altered to conform by the RI.

Final Decision

Accordingly, on the basis of the
foregoing, NHTSA has decided that
nonconforming 1997 and 1998 LHD and
1997 through 2001 RHD Jeep Cherokee
MPVs that were not originally
manufactured to comply with all
applicable FMVSS are substantially
similar to nonconforming 1997 and
1998 LHD and 1997 through 2001 RHD
Jeep Cherokee MPVs originally
manufactured for sale in the United
States and certified under 49 U.S.C.
30115, and are capable of being readily
altered to conform to all applicable
FMVSS.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible
under any final decision must indicate
on the form HS-7 accompanying entry
the appropriate vehicle eligibility
number indicating that the vehicle is
eligible for entry. VSP-516 is the
vehicle eligibility number assigned to
1997 and 1998 LHD Jeep Cherokee

MPVs and VSP-515 is the vehicle eligibility number assigned to 1997 through 2001 RHD Jeep Cherokee MPVs admissible under this notice of final decision.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on February 27, 2009.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. E9-4808 Filed 3-5-09; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from GATX Rail (WB512-14-12/16/08), for permission to use certain data from the Board's Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Scott Decker, (202) 245-0330.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. E9-4747 Filed 3-5-09; 8:45 am]

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DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Capital Magnet Fund

AGENCY: Community Development Financial Institutions Fund, U.S. Department of the Treasury.

ACTION: Request for public comment.

SUMMARY: This notice invites comments from the public on issues regarding how the Community Development Financial Institutions (CDFI) Fund should design, implement, and administer the Capital Magnet Fund, as set forth in Section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (the Act), which was added

through Section 1131(b) of the Housing and Economic Recovery Act of 2008. All materials submitted will be available for public inspection and copying.

DATES: All comments and submissions must be received by May 5, 2009.

ADDRESSES: Comments may be sent by mail to: Deputy Director of Policy and Programs, CDFI Fund, U.S. Department of the Treasury, 601 13th Street, NW., Suite 200 South, Washington, DC 20005; by e-mail to cdfihelp@cdfi.treas.gov; or by facsimile at (202) 622-7754. Please note this is not a toll free number.

FOR FURTHER INFORMATION CONTACT:

Information regarding the CDFI Fund and the Capital Magnet Fund may be downloaded from the CDFI Fund's Web site at <http://www.cdfifund.gov>.

SUPPLEMENTARY INFORMATION: The Capital Magnet Fund was established through the Housing and Economic Recovery Act of 2008, which added Section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (the Act), 12 U.S.C. 4569. Through the Capital Magnet Fund, the CDFI Fund will carry out a competitive grant program for CDFIs and nonprofit organizations (if one of their principal purposes is the development or management of affordable housing) to attract private capital for and increase investment in the development, preservation, rehabilitation, and purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and economic development activities or community service facilities (such as day care centers, workforce development centers, and health care clinics) which in conjunction with affordable housing activities will implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area. Section 1339 established the Capital Magnet Fund as a program that will be administered by the CDFI Fund.

The CDFI Fund invites and encourages comments and suggestions germane to the mission, purpose, and implementation of the Capital Magnet Fund. The CDFI Fund is particularly interested in comments in the following areas:

Eligible Use of Funds

Section 1339(c) of the Act states that Capital Magnet Fund grants shall be used to attract private capital for and increase investment in: (a) The development, preservation, rehabilitation, or purchase of affordable housing for primarily extremely low-, very low-, and low-income families; and (b) economic development activities or

community service facilities, such as daycare centers, workforce development centers, and health care clinics, which in conjunction with affordable housing activities implement a concerted strategy to stabilize or revitalize a low-income area or underserved rural area. Section 1339(f) of the Act states that grant amounts awarded from the Capital Magnet Fund may be used in furtherance of the purposes above, including for the following eligible uses:

- (1) To provide loan loss reserves;
- (2) To capitalize a revolving loan fund;
- (3) To capitalize an affordable housing fund;
- (4) To capitalize a fund to support economic development activities or community service facilities, as described in Section 1339(c)(2) of the Act; and
- (5) For risk-sharing loans.

The CDFI Fund welcomes comments on issues relating to the eligibility of certain activities, particularly with respect to the following questions:

(a) What definition should the CDFI Fund use to assess what constitutes "affordable housing?" What affordability thresholds or restrictions (if any) should the Fund require, and for how long a period should these be in place?

(b) How should "primarily" be defined, as such term is used in Section 1339(c)(1)? What are the appropriate minimum levels of targeting that each project should be required to achieve (e.g., 50 percent of housing units are affordable to low-income persons, 20 percent of housing units are available to extremely low-income persons, etc.)?

(c) How should "preservation" be defined, as such term is used in Section 1339(c)(1)? Should it include the refinancing of single- or multi-family mortgages as eligible activities?

(d) How should "rehabilitation" be defined, as such term is used in Section 1339(c)(1)?

(e) Capital Magnet Fund grants may be used to finance economic development activities and/or community service facilities "in conjunction with affordable housing activities."

(i) What restrictions (if any) should the CDFI Fund place on the percentage of award dollars that an awardee may apply towards economic development activities and/or community service facilities (e.g., no more than 20 percent of a total award)?

(ii) Should the CDFI Fund support economic development activities/ community service facilities in conjunction with affordable housing activities financed by sources other than