

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel must proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies.

Dated: March 15, 2010.

**T.H. Farris,**

*Captain, U.S. Coast Guard, Captain of the Port San Diego.*

[FR Doc. 2010-6995 Filed 3-29-10; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### 44 CFR Part 64

[Docket ID FEMA-2010-0003; Internal Agency Docket No. FEMA-8123]

#### Suspension of Community Eligibility

##### *Correction*

In rule document 2010-6632 beginning on page 14356 in the issue of Thursday, March 25, 2010 make the following corrections:

(1) The department docket number is corrected to read as set forth above.

(2) On page 14357, in the fourth column, under the heading "Current effective map date", the date should read April 5, 2010.

[FR Doc. C1-2010-6632 Filed 3-29-10; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

#### 49 CFR Part 107

[Docket No. PHMSA-2009-0201 (HM-208H)]

**RIN 2137-AE47**

#### Hazardous Materials Transportation; Registration and Fee Assessment Program

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** PHMSA is amending the statutorily mandated registration and fee assessment program for persons who transport, or offer for transportation, certain categories and quantities of hazardous materials. For those registrants not qualifying as a small

business or not-for-profit organization, PHMSA is increasing the annual fee from \$975 (plus a \$25 administrative fee) to \$2,575 (plus a \$25 administrative fee) for registration year 2010-2011 and following years. The increase is necessary to fund the national Hazardous Materials Emergency Preparedness (HMEP) grants program at approximately \$28,300,000 in accordance with the Administration's Fiscal Year 2010 budget and proposed Fiscal Year 2011 budget.

**DATES:** Effective date of this final rule is April 29, 2010.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Donaldson, Office of Hazardous Materials Planning and Analysis, PHMSA, (202) 366-4484, and Ms. Deborah Boothe or Mr. Steven Andrews, Office of Hazardous Materials Standards, PHMSA, (202) 366-8553.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Since 1992, PHMSA has conducted a national registration program under the mandate in 49 U.S.C. 5108 for persons who offer for transportation or transport certain hazardous materials in intrastate, interstate, or foreign commerce. The purposes of the registration program are to gather information about the transportation of hazardous materials, and to fund the Hazardous Materials Emergency Preparedness (HMEP) grants program and additional related activities. See 49 U.S.C. 5108(b), 5116, 5128(b). PHMSA may set the annual registration fee between a minimum of \$250 and maximum of \$3,000. See 49 U.S.C. 5108(a)(2), 5108(g)(2)(A).

Since 2006, the annual registration fee has been set at \$250 (plus a \$25 processing fee) for small businesses and not-for-profit organizations and \$975 (plus a \$25 processing fee) for all other registrants. See 49 CFR 107.612(d). Because PHMSA had accumulated a surplus following a prior adjustment in 2000 (See 65 FR 7297, 7309 [Feb. 14, 2000]), notwithstanding a temporary reduction between 2003 and 2006, since Fiscal Year 2008, PHMSA has been able to fully fund the obligation limit of \$28,318,000 in the Consolidated Appropriations Act of 2008 (Pub. L. 110-116 [121 Stat. 1295], November 13, 2007), and the Omnibus Appropriations Act, 2009 (Pub. L. 111-8 [123 Stat. 945], March 11, 2009). However, that surplus has now been reduced to \$1,500,000, and it is necessary to adjust registration fees in order to collect additional monies in the 2010-2011 and following registration years and fully fund the current authorization and expected

budget requests of \$28.3 million for Fiscal Years beginning in 2010. This can be done by leaving the annual registration fee at \$250 (plus a \$25 processing fee) for those persons who are a small business or not-for-profit organization and increasing to \$2,575 (plus a \$25 processing fee) the annual fee paid by all other persons required to register.

##### **II. Notice of Proposed Rulemaking**

On February 2, 2010, PHMSA published a notice of proposed rulemaking (NPRM; 75 FR 5258) to ensure full funding of the HMEP grants program, by proposing an increase in registration fees beginning with the 2010-2011 registration year to fund the program at the \$28.3 million level. As explained in the NPRM, since 2006, the annual registration fee has been set at \$250 (plus a \$25 processing fee) for small businesses and not-for-profit organizations and \$975 (plus a \$25 processing fee) for all other registrants. See 49 CFR 107.612(d). Because PHMSA had accumulated a surplus following a prior adjustment in 2000 (See 65 FR 7297, 7309 [Feb. 14, 2000]), notwithstanding a temporary reduction between 2003 and 2006, since Fiscal Year 2008, PHMSA has been able to fully fund the obligation limit of \$28,318,000 in the Consolidated Appropriations Act of 2008 (Pub. L. 110-116 [121 Stat. 1295], November 13, 2007), and the Omnibus Appropriations Act, 2009 (Pub. L. 111-8 [123 Stat. 945], March 11, 2009). However, that surplus has now been reduced to \$1,500,000, and it is necessary to adjust registration fees in order to collect additional monies in the 2010-2011 and following registration years and fully fund the current authorization in Fiscal Year 2010 and expected budget requests of \$28.3 million for future fiscal years. Accordingly, PHMSA proposed to increase the registration fees for persons other than small businesses from \$975 (plus \$25 processing fee) to \$2,975 (plus \$25 processing fee) for registration year 2010-2011 and following, in order to maintain the statutorily mandated goal of funding the HMEP grants program activities at approximately \$28,300,000.

##### **III. HMEP Grants Program**

###### *A. Purpose and Achievements of the HMEP Grants Program*

The HMEP grants program, as mandated by 49 U.S.C. 5116, provides Federal financial and technical assistance to States and Indian Tribes to "develop, improve, and carry out emergency plans" within the National Response System and the Emergency