

**List of Subjects in 49 CFR Part 1503**

Administrative practice and procedure, Investigations, Law enforcement, Penalties, Transportation.

**The Proposed Amendments**

For the reasons set forth in the preamble, the Transportation Security Administration proposes to amend part 1503 in chapter XII of title 49, Code of Federal Regulations as follows:

**PART 1503—INVESTIGATIVE AND ENFORCEMENT PROCEDURES**

1. The authority citation for part 1503 is revised to read as follows:

**Authority:** 6 U.S.C. 1142; 18 U.S.C. 6002; 28 U.S.C. 2461 (note); 49 U.S.C. 114, 20109, 31105, 40113–40114, 40119, 44901–44907, 46101–46107, 46109–46110, 46301, 46305, 46311, 46313–46314.

2. Revise subpart A heading and § 1503.1 to read as follows:

**Subpart A—Reports by the Public of Security Problems, Deficiencies, and Vulnerabilities****§ 1503.1 Submission of reports to TSA.**

(a) Any person may report to TSA a problem, deficiency, or vulnerability regarding transportation security, including the security of aviation, maritime, railroad, motor carrier vehicle, or pipeline transportation, or any mode of public transportation, such as mass transit. Reports may be made to TSA at the following addresses:

(1) U.S. mail at Transportation Security Administration, TSA HQ, TSA–XXX, 601 South 12th Street, Arlington, VA 20598–6002;

(2) By e-mail at [XXX.dhs.gov](mailto:XXX.dhs.gov); or

(3) By telephone at (XXX) XXX–XXXX.

(b) If a report submitted under this section identifies the person making the report, TSA will respond promptly to such person and acknowledge receipt of the report.

(c) TSA will review and consider the information provided in any report submitted under this section and take appropriate steps to address any problems, deficiencies, or vulnerabilities identified.

(d) Nothing in this section relieves a person of a separate obligation to report information to TSA under another provision of this title, a security program, or a security directive, or to another Government agency under other law.

Issued in Arlington, Virginia, on August 20, 2009.

**Keith Kauffman,**

*Acting Deputy Administrator.*

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17**

[FWS–R1–ES–2007–0004; MO 9221050083]

**Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Black-Footed Albatross (*Phoebastria nigripes*) as Threatened or Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding; reopening of the information solicitation period.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce the reopening of the public information solicitation period on our October 9, 2007, 90-day finding on a petition to list the black-footed albatross (*Phoebastria nigripes*) as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). This action will provide all interested parties with an additional opportunity to submit information and materials on the status of the black-footed albatross. Information previously submitted need not be resubmitted as it has already been incorporated into the public record and will be fully considered in the 12-month finding.

**DATES:** We are reopening the public information solicitation period and request that we receive information on or before September 25, 2009.

**ADDRESSES:** You may submit information by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: [FWS–R1–ES–2007–0004], Division of Policy and Directives Management, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Suite 222, Arlington, VA 22203.

You should be aware that we will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Information Solicited section below for more information).

**FOR FURTHER INFORMATION CONTACT:** Gina Shultz, Deputy Field Supervisor, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Room 3122, Honolulu, HI 96850 (telephone 808–792–9400; facsimile 808–792–9581). If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:****Information Solicited**

We are soliciting information during this reopened information solicitation period on the status of the black-footed albatross. We published a 90-day finding on a petition to list the black-footed albatross as threatened or endangered in the **Federal Register** on October 9, 2007 (72 FR 57278). If you submitted information previously on the status of the black-footed albatross during the previous information solicitation period, please do not resubmit it. This information has been incorporated into the public record and will be fully considered in the preparation of the 12-month finding.

You may submit your information and materials concerning the 90-day finding by one of the methods listed in the **ADDRESSES** section. Please be aware that if you submit information via <http://www.regulations.gov> your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will also post all hardcopy submissions on <http://www.regulations.gov>.

Information and materials we receive, as well as supporting documentation we used in preparing the 90-day finding for the black-footed albatross, will be available for public inspection on <http://www.regulations.gov>, or by appointment, during normal business hours, at the Service's Pacific Islands Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**, above).

**Background**

On October 9, 2007, we published a 90-day finding on a petition to list the black-footed albatross as threatened or endangered (72 FR 57278). In that 90-day finding, we found that the petition presented substantial scientific or commercial information indicating that listing the black-footed albatross may be warranted. We also initiated a status review to determine if listing the species

is warranted, and announced a 60-day public information solicitation period on the petition finding and status review, which ended on December 10, 2007.

We received two requests for an extension of the information solicitation period in order to allow agencies and interested persons the opportunity to provide additional information for our consideration during this status review. In particular, these requests were based on the anticipated publication of a formal status assessment of the black-footed (and Laysan) albatross by the U.S. Geological Survey, Biological Resources Discipline (USGS-BRD). This status assessment is now available to the public for review (<http://pubs.usgs.gov/sir/2009/5131/>). The USGS-BRD Status Assessment of Laysan and Black-footed Albatrosses provides a synthesis and

review of all existing data and other information about the species, including an assessment of fishery-related mortality and statistical models of the population status and trajectory. This assessment, along with other information provided by the public and reviewers on the 90-day petition finding, will be an important source of information for the status review and 12-month finding on the black-footed albatross.

It is important to note that the standard for “substantial information” indicating that the petitioned action may be warranted for a 90-day finding is in contrast to the 12-month finding that determines whether a petitioned action is warranted. A 90-day finding is not a status assessment of the species and does not constitute a status review under the Act. Our final determination

as to whether a petitioned action is warranted is not made until we have completed a thorough status review of the species, which is conducted following a positive 90-day finding. Because the Act’s standards for 90-day and 12-month findings are different, as described above, a positive 90-day finding does not mean that the 12-month finding also will be positive.

#### **Authority**

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: August 17, 2009.

#### **Dan Ashe,**

*Acting Director, U.S. Fish and Wildlife Service.*

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