

3. The disclosure of the information would inhibit the voluntary provision of that type of information;

4. The receipt of that type of information aids in fulfilling the FAA's safety and security responsibilities; and

5. Withholding such information from disclosure, under the circumstances provided in this part, will be consistent with the FAA's safety and security responsibilities.

#### **Description of the Proposed Information Sharing Program**

In an effort to monitor and analyze the hazards presented by wildlife to aircraft operations, the FAA actively solicits voluntary wildlife strike reports from a variety of sources such as pilots, air traffic controllers, air carrier personnel, and airport operations personnel. With this data, the FAA is able to analyze trends in order to develop better wildlife management strategies for individual airports and all civil/military aviation communities. These trends include seasonal strike fluctuations, diurnal/nocturnal strike comparisons, species identification, frequency, geographical distribution, effect on flight and damage incurred. Monitoring strikes also provides useful data regarding their frequency of occurrence during a specific phase of flight, altitude, and distance from airport. The information may also be used by the FAA to develop aircraft certification standards that take into account the unique hazard posed by wildlife threats.

The FAA has been collecting voluntarily submitted data from the public since 1990. During this time, the number of strikes annually reported more than quadrupled from 1,759 in 1990 to a record 7,666 in 2007. The increase in reports from 1990 to 2007 was likely the result of several factors:

1. An increased awareness of the wildlife strike issue, an increase in aircraft operations;
2. An increase in populations of hazardous wildlife species; and
3. An increase in the number of strikes.

Overall, there are over 100,000 wildlife strikes that have been submitted from civil and military aircraft strikes. As a result of these collection efforts, the FAA has a wildlife strike database that is unparalleled.

When the FAA began collecting this data, it assured the entities submitting the data that the submissions would not be made available to the public. At that time, the FAA did not have the authority to provide part 193 protection. However, the FAA has relied upon other voluntary disclosure programs to obtain needed safety data prior to the

enactment of 49 U.S.C. 40123 and these other programs are presently covered by part 193. The FAA believes that it is appropriate to extend this formal protection to the bird strike database as well. The Agency is concerned that there is a serious potential that information related to bird strikes will not be submitted because of fear that the disclosure of raw data could unfairly cast unfounded aspersions on the submitter.

The collection of this safety information has been successful not only in part due to an increase in awareness and improved strike-reporting technology but due to the fact that the reporting of strikes is nonpunitive to airports and airlines. There are almost 100 separate data fields in the strike database that allows the FAA to understand wildlife strike hazards to aviation better. Cooperative analyses between the FAA, the United States Department of Agriculture (USDA) and USDA's Animal and Plant Health Inspection Service Branch summarized this data into an annual report made available to the public. Such analyses are critical to determining:

1. The economic cost of wildlife strikes;
2. The magnitude of safety issues; and most important; and
3. The nature of the problems (e.g., wildlife species involved, types of damage, height and phase of flight during which strikes occur, and seasonal patterns).

The information obtained from these analyses provides the foundation for refinements in the development, implementation, and justification of integrated research and management efforts to reduce wildlife strikes. The FAA redacts certain information from the data that is available to the public based on relevance or its sensitivity.

For example, while the FAA collects wildlife strike data for specific airports, which it uses in its regulatory and oversight activities for that individual airport, the FAA does not release data regarding the submitter of the report. Here again, the FAA seeks to encourage the open provision of data for use in its regulatory activities. Drawing comparisons between airports is difficult because of the unevenness of reporting. Other factors that must be considered between airports and strike reporting are their different geographies, operations, structures, onsite/offsite habitats, and personnel to name a few. The complexity of the information warrants care with its interpretation; releasing this information without benefit of proper analysis would not

only produce an inaccurate perception of the individual airports and airlines but also inaccurate and inappropriate comparisons between airports/airlines. Requests for data within the FAA National Wildlife Strike Database have typically been for specific data fields, individual airports or detailed portions of the database. Responses from the FAA have addressed each request individually and adequately. Airports voluntarily report bird strike data to understand their wildlife hazards better and to streamline allocating wildlife mitigation funding. Inaccurate portrayals of airports and airlines could have a negative impact on their participation in reporting bird strikes. It is the willingness of airports to participate, to better understand, and to better address their unique set of wildlife hazards that highlights why voluntary reporting works.

In short, the FAA sees a direct correlation between the protection and provision of voluntary safety data. There is no question that the data collected over the last 19 years has improved safety throughout the world. It is imperative we do nothing to stifle this flow of information. Protecting this data under 49 U.S.C. 40123 and 14 CFR part 193 will ensure this continued input.

#### **Proposed Designation**

Accordingly, the FAA proposes to designate the data in its Wildlife Strike Database to be protected under 49 U.S.C. 40123 and 14 CFR part 193.

Issued in Washington, DC, on March 12, 2009.

**Catherine M. Lang,**

*Acting Associate Administrator for Airports.*

[FR Doc. E9-5868 Filed 3-18-09; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF THE TREASURY**

### **Internal Revenue Service**

#### **26 CFR Part 31**

[REG-158747-06]

**RIN 1545-BG45**

#### **Withholding Under Internal Revenue Code Section 3402(t); Hearing**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of public hearing on a notice of proposed rulemaking relating to withholding under section 3402(t) of the Internal Revenue Code. The proposed

regulations reflect changes in the law made by the Tax Increase Prevention and Reconciliation Act of 2005 that require Federal, State, and local government entities to withhold income tax when making payments to persons providing property or services. These proposed regulations provide guidance to assist the government entities in complying with section 3402(t). The regulations also provide certain guidance to persons receiving payments for property or services from government entities.

**DATES:** The public hearing is being held on April 16, 2009, at 10 a.m. The IRS must receive outlines of the topics to be discussed at the hearing by March 25, 2009.

**ADDRESSES:** The public hearing is being held in the auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: CC: PA: LPD: PR (REG-158747-06), room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC: PA: LPD: PR (REG-158747-06), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit electronic outlines of oral comments via the Federal eRulemaking Portal at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Concerning these proposed regulations, Jean Casey, (202) 622-6040; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Richard A. Hurst at [Richard.A.Hurst@irs.counsel.treas.gov](mailto:Richard.A.Hurst@irs.counsel.treas.gov) or (202) 622-7180 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is the notice of proposed rulemaking (REG-158747-06) that was published in the **Federal Register** on Friday, December 5, 2008 (73 FR 74082).

Persons, who wish to present oral comments at the hearing that submitted written comments, must submit an outline of the topics to be discussed and the amount of time to be devoted to each topic (signed original and eight (8) copies) by March 25, 2009.

A period of 10 minutes is allotted to each person for presenting oral comments. After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of

charge, at the hearing or in the Freedom of Information Reading Room (FOIA RR) (Room 1621) which is located at the 11th and Pennsylvania Avenue, NW entrance, 1111 Constitution Avenue, NW., Washington, DC.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

**LaNita Van Dyke,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. E9-5951 Filed 3-18-09; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF LABOR

### Office of Labor-Management Standards

#### 29 CFR Parts 403 and 408

**RIN 1215-AB62**

#### Labor Organization Annual Financial Reports

**AGENCY:** Office of Labor-Management Standards, Employment Standards Administration, Labor.

**ACTION:** Notice of proposed extension of effective date and applicability date.

**SUMMARY:** This notice seeks public comment on a proposal to delay for 180 days the April 21, 2009 effective date of the rule Labor Organization Annual Financial Reports, published in the **Federal Register** on January 21, 2009, and extended by a document published February 20, 2009; and delay the applicability date of the rule, now set for July 1, 2009, until January 1, 2010. The rule revised the Labor Organization Annual Report Form LM-2 and established a procedure whereby the Department of Labor may revoke, when warranted, the authorization to file the simplified Labor Organization Annual Report Form LM-3.

**DATES:** Following notice and comment, the Department delayed the subject rule, Labor Organization Annual Financial Reports, published in the **Federal Register** on January 21, 2009, and scheduled to take effect on February 20, 2009, from taking effect until April 21, 2009 (74 FR 7814). This notice proposes to further delay the effective date until October 19, 2009. Additionally, the rule published on January 21, 2009, applied

to labor organizations with fiscal years beginning on or after July 1, 2009. This notice also proposes to delay the applicability date of the rule to labor organizations reporting on fiscal years beginning on or after January 1, 2010. The comment period for the proposed delay of the effective date and applicability date will close on April 7, 2009.

**ADDRESSES:** You may submit comments, identified by RIN 1215-AB62, only by the following methods:

*Internet*—Federal eRulemaking Portal. Electronic comments may be submitted through <http://www.regulations.gov>. To locate the proposed rule, use key words such as “Labor-Management Standards” or “Labor Organization Annual Financial Reports” to search documents accepting comments. Follow the instructions for submitting comments. Please be advised that comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Delivery:* Comments may also be hand-delivered or mailed to: Denise M. Boucher, Director of the Office of Policy, Reports and Disclosure, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5609, Washington, DC 20210. Because of security precautions the Department continues to experience delays in U.S. mail delivery. You should take this into consideration when preparing to meet the deadline for submitting comments.

The Office of Labor-Management Standards (OLMS) recommends that you confirm receipt of your delivered comments by contacting (202) 693-0123 (this is not a toll-free number). Individuals with hearing impairments may call (800) 877-8339 (TTY/TDD). Only those comments submitted through <http://www.regulations.gov>, hand-delivered, or mailed will be accepted. Comments will be available for public inspection at <http://www.regulations.gov> and during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Denise M. Boucher, Director, Office of Policy, Reports and Disclosure, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5609, Washington, DC 20210, (202) 693-1185 (this is not a toll-free number), (800) 877-8339 (TTY/TDD).

**SUPPLEMENTARY INFORMATION:** The Department published a notice (74 FR 5899) on February 3, 2009, seeking public comment on whether or not it should delay for 60 days the effective