

| Projects | Obligated | Objective | Cumulative disbursements | Measures |
|--|-------------|---|--------------------------|----------|
| Country: Namibia (CIF ONLY) Year: 2009 Quarter 2 Total Obligation: \$19,543,175 Entity to which the assistance is provided: MCA Namibia Total Quarterly Disbursement: \$0 | | | | |
| Education Project | \$8,976,296 | Improve the education sector's effectiveness, efficiency and quality. | \$0 | TBD |
| Tourism Project | 2,475,145 | Increase incomes and create employment opportunities by improving the marketing, management and infrastructure of Etosha National Park. | 0 | TBD |
| Agriculture Project | 1,369,139 | Sustainably improve the economic performance and profitability of the livestock sector and increase the volume of the indigenous natural products for export. | 0 | TBD |
| Program Administration* and Control, Monitoring and Evaluation. | 6,722,595 | | 0 | |
| Pending Subsequent Report**. | | | 0 | |

MCC has concluded a Compact with Namibia providing up to \$304,477,816 in development assistance which includes the CIF funding. At such time the Compact enters into force, the balance of the funds will be obligated and become available to Namibia.

*Program administration funds are used to pay items such as salaries, rent, and the cost of office equipment.

**These amounts represent disbursements made that will be allocated to individual projects in the subsequent quarter(s) and reported as such in subsequent quarterly report(s).

[FR Doc. E9-15308 Filed 6-26-09; 8:45 am]

BILLING CODE 9211-03-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (09-059)]

National Environmental Policy Act (NEPA): Nuclear Spectroscopic Telescope Array (NuSTAR) Mission

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Finding of No Significant Impact (FONSI).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 43321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), and NASA policy and procedures (14 CFR part 1216 subpart 1216.3), NASA has made a Finding of No Significant Impact (FONSI) with respect to the proposed NuSTAR mission. The proposed action would be the launch of the NuSTAR mission on a Pegasus XL launch vehicle from the Reagan Test Site (RTS) at U.S. Army Kwajalein Atoll (USAKA), the Republic of the Marshall Islands (RMI)

in August 2011. The only other alternative that was considered in detail was No Action.

DATES: Written comments on this FONSI should be submitted to Mark Sistilli at the address provided below and must be postmarked no later than 30 days from publication of this FONSI. While hard copy comments are preferred, NASA will accept e-mail addressed to Mark Sistilli at the address provided below so long as the e-mail is sent no later than 30 days from publication of this FONSI.

ADDRESSES: The environmental documentation that supports and serves as a basis for this FONSI may be reviewed at the locations listed under the **SUPPLEMENTARY INFORMATION** in this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Sistilli, NASA Headquarters, Science Mission Directorate, Astrophysics Division, NASA Headquarters, 300 E St., SW., Mail Suite 3Y33, Washington, DC 20546-0001, Phone: 202-358-2242, E-mail: mark.j.sistilli@nasa.gov.

SUPPLEMENTARY INFORMATION: The proposed NuSTAR spacecraft has been reviewed in accordance with the Routine Payload criteria established by the "Final Environmental Assessment for Launch of NASA Routine Payloads

on Expendable Launch Vehicles from Cape Canaveral Air Force Station Florida and Vandenberg Air Force Base California," (NRP EA) dated June 2002 and FONSI dated June 18, 2002. This review shows that the NuSTAR spacecraft meets all of the Routine Payload Criteria, with the exception of criteria 3 which specifies the launch vehicle and launch site conditions. The baseline launch vehicle for NuSTAR is the Pegasus XL, which is also covered under the Routine Payload criteria. However, the launch site proposed is USAKA, in the RMI. Council of Environmental Quality (CEQ) regulations encourages adoption of existing documents where applicable ("* * * an agency may adopt appropriate environmental documents prepared by another agency (Sec. 1506.3)"). In addition, NASA Procedural Requirements (NPR) 8580.1, section K.2.17 encourages the adoption of other agency existing NEPA documents. The environmental impacts of the launch of spacecraft from USAKA have been reported in previous NEPA documentation, therefore these NEPA documents are hereby incorporated by reference in this FONSI. This FONSI formally adopts existing FAA and DOD environmental documentation for Pegasus launches from USAKA.

At a minimum, NASA will take no final action prior to 30 days following the publication of this FONSI. Public comments on the environmental aspects of the proposed NuSTAR mission are hereby solicited and will be considered before NASA makes its final decision.

The NuSTAR mission was proposed and selected in response to NASA's Announcement of Opportunity for the Explorer Program in 2003. The Explorer program provides frequent, low-cost access to space missions for small-to mid-sized spacecraft. The Explorer program enables the definition, development and implementation of mission concepts through a variety of modes to meet the need of the scientific community and the NASA space science enterprise. NuSTAR's scientific goals include helping scientists answer fundamental questions about the universe, such as:

1. How black holes are distributed throughout the cosmos?
2. How the elements of the universe were created?
3. What powers the most extreme active galaxies?

With answers to these and other questions, NuSTAR would expand NASA's understanding of the origins and destinies of stars and galaxies.

NuSTAR would study the sky through the use of high energy x-rays. It consists of a single spacecraft which would be placed into an equatorial orbit around the Earth. The objective of the NuSTAR mission is to conduct a census for black holes on all scales, achieved through deep, wide-field surveys of extragalactic fields and the Galactic center, map radioactive material in young supernova remnants in order to study the birth of the elements and to understand how stars explode, to expose relativistic jets of particles from the most extreme active galaxies in order to understand what powers giant cosmic accelerators, to study cosmic ray origins and the extreme physics around collapsed stars and would respond to targets of opportunity including supernovae and gamma-ray bursts.

NuSTAR would achieve its science objectives with a combination of surveys and pointed observations. It would consist of a single instrument containing two identical grazing incidence hard X-ray telescopes that would effectively enlarge the X-ray collecting area. The grazing incidence mirrors would focus onto two shielded solid-state pixel detectors, separated by a mast that would extend the focal length to ten meters (33 feet) after launch. A laser metrology system (class 3B) would monitor the mast alignment and remove mast flexure that would

ease mast stability requirements. The optics would extend the frequency range and field of view over that achievable with standard metal surfaces. Cadmium Zinc Telluride (CdZnTe) detectors would provide excellent spectral resolution and high quantum efficiency without requiring cryogenic operation. There would be a single mechanical interface to the 3-axis stabilized spacecraft bus provided by Orbital Sciences Corporation, who also manufactures the Pegasus launch vehicle. NuSTAR would launch from United States Army Kwajalein Atoll, Republic of the Marshall Islands, aboard a single Pegasus XL launch vehicle in August 2011.

NuSTAR Adoption of Existing Environmental Documentation Applicability

The Pegasus XL launch vehicle would be processed and the NuSTAR spacecraft would be integrated to the launch vehicle at Vandenberg Air Force Base (VAFB), California. The Pegasus would be attached to its dedicated L-1011 aircraft at VAFB, and then ferried to RTS for launch. Limited testing operations on the spacecraft would be conducted at RTS. On the day of launch, the L-1011/Pegasus would depart from RTS and then the Pegasus would be released from the L-1011 aircraft at an altitude of approximately 35,000 to 45,000 feet over the Pacific Ocean, at a point southwest of the Kwajalein Atoll.

RTS is located on the USAKA, a subordinate command of the U.S. Army Space and Missile Defense Command, located in the RMI, approximately 3,700 kilometers (2,000 nautical miles) southwest of Hawaii. USAKA consists of all or portions of 11 of the 100 islands that enclose a 2,850 square kilometer (1,100 square mile) lagoon, the largest lagoon in the world. Kwajalein is one of 11 islands in the Marshall Islands leased by the U.S. government.

The U.S. Department of Transportation (DOT) Federal Aviation Administration (FAA) has analyzed the potential impacts of Pegasus launches at RTS in previous documents (FAA, 1994, OSC, 1999, and FAA, 2004) and has determined that the activities associated with the Pegasus operations at RTS will not individually or cumulatively significantly impact the quality of the human or natural environment.

NASA has analyzed the potential impacts of missions with spacecraft that are considered routine payloads in an environmental assessment (NRP EA). Spacecraft defined as routine payloads utilize materials, quantities of materials, launch vehicles and operation characteristics that are consistent with

normal and routine spacecraft preparation and flight activities. The environmental impacts of launching routine payloads fall within the range of routine, ongoing and previously documented impacts that have been determined not to be significant. Spacecraft covered by the NRP EA meet specific criteria ensuring that the spacecraft and its operation and decommissioning do not present any new or substantial environmental or safety concerns. The NuSTAR mission meets the criteria for a NASA routine payload (NASA, 2009) with the exception of criteria 3 concerning launch site conditions that are covered in DOT environmental documentation (FAA, 1994, OSC, 1999, and FAA, 2004). The mission does not present any unique or unusual circumstances that could result in new or substantial environmental impacts.

Based on the analyses set forth in the NRP EA and previous FAA documents, NASA has determined that the environmental impacts associated with the NuSTAR mission will not individually or cumulatively have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement is not required. In making this determination, NASA not only considered that the NuSTAR mission satisfies the criteria set forth in the NRP EA for spacecraft impacts, but it considered the potential site specific impacts of the NuSTAR mission set forth and detailed in the DOT documentation identified above.

The environmental documentation that supports and serves as a basis for this FONSI may be reviewed at the following locations:

Alele Public Library, P.O. Box 629, Majuro, Republic of the Marshall Islands 96960.

Grace Sherwood and Roi-Namur Libraries, P.O. Box 23, Kwajalein, Marshall Islands APO, A.P. 96555.

The environmental documentation may also be examined at the following locations by contacting the pertinent Freedom of Information Act Office:

(a) NASA, John F. Kennedy Space Center, FL 32899 (321-867-2745);

(b) NASA, Ames Research Center, Moffett Field, CA 94035 (650-604-3273);

(c) NASA, Dryden Flight Research Center, Edwards, CA 93523 (661-276-2704);

(d) NASA, Glenn Research Center at Lewis Field, Cleveland, OH 44135 (1-866-404-3642);

(e) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301-286-4721);

(f) NASA, John C. Stennis Space Center, MS 39529 (228-688-2118);
 (g) NASA, Lyndon B. Johnson Space Center, Houston, TX 77058 (281-483-8612);

(h) NASA, Langley Research Center, Hampton, VA 23681 (757-864-2497);

(i) NASA, Michoud Assembly Facility, New Orleans, LA 70189 (504-257-2629); and

(j) NASA, White Sands Test Facility, Las Cruces, NM 88004 (505-524-5024);

(k) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109.

Limited hard copies of the specific environmental documentation named below that supports this FONSI are available on a first-request basis by contacting Mark Sistilli at the address, telephone number, and e-mail address indicated wherein.

References

A complete list of all references cited in this rule is available on the Internet at <http://oim.hq.nasa.gov/oia/emd/ep.html> or by e-mailing a request to nepa@hq.nasa.gov.

Edward J. Weiler,

Associate Administrator for Science Mission Directorate.

[FR Doc. E9-15203 Filed 6-26-09; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

[NRC-2009-0262]

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Issuance and Availability of Draft Regulatory Guide, DG-3037.

FOR FURTHER INFORMATION CONTACT:

Margie Kotzalas, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 492-3202, e-mail Margie.Kotzalas@nrc.gov, or, R.A. Jerve, telephone (301) 251-7404, e-mail Richard.Jerve@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information and methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that

the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications.

The draft regulatory guide (DG), entitled, "Guidance for Fuel Cycle Facility Change Processes," is temporarily identified by its task number, DG-3037, which should be mentioned in all related correspondence. DG-3037 will be a new regulatory guide.

Title 10 of the *Code of Federal Regulations*, Part 70, "Domestic Licensing of Special Nuclear Material" (10 CFR Part 70) contains the regulations for fuel cycle facility licensees that possess greater than a critical mass of special nuclear material and are engaged in enriched uranium processing, fabrication of uranium fuel or fuel assemblies, uranium enrichment, enriched uranium hexafluoride conversion, plutonium processing, and fabrication of mixed-oxide fuel or fuel assemblies.

Subsection (a) of 10 CFR 70.72, "Facility changes and change process," requires that fuel cycle facility licensees establish a configuration management system to evaluate, implement, and track each change to the site, structures, processes, systems, equipment, components, computer programs, and activities of personnel. Such changes may be made by the licensee without prior approval of the NRC, provided that the changes meet the criteria of 10 CFR 70.72(c). DG-3037 provides guidance on how to meet the requirements of 10 CFR 70.72(c).

II. Further Information

The NRC staff is soliciting comments on DG-3037. Comments may be accompanied by relevant information or supporting data and should reference DG-3037 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

Personal information will not be removed from your comments. You may submit comments by any of the following methods:

1. Mail comments to: Rulemaking and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

2. E-mail comments to: nrcprep.resource@nrc.gov.

Requests for technical information about DG-3037 may be directed to the NRC contact, Margie Kotzalas at (301) 492-3202 or e-mail to Margie.Kotzalas@nrc.gov.

Comments would be most helpful if received by August 17, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-3037 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML091200493.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to pdr.resource@nrc.gov.

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 22nd day of June, 2009. For the Nuclear Regulatory Commission.

M.P. Orr,

Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. E9-15279 Filed 6-26-09; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28769; File No. 812-13633]

Embarcadero Funds, Inc., et al.; Notice of Application

June 22, 2009.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 ("Act" or "1940 Act") for an exemption from section 15(a) of the Act and rule 18f-2 under the Act, as well as from certain disclosure requirements.

SUMMARY OF APPLICATION: Applicants request an order that would permit them