

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to Boeing Model 747-400 and 747-400D series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747-53A2688, dated August 21, 2008.

**Subject**

(d) Air Transport Association (ATA) of America Code 53: Fuselage.

**Unsafe Condition**

(e) This AD results from reports of cracks found in the Section 41 upper deck floor beam upper chords. We are issuing this AD to detect and correct cracks in these chords, which could become large and cause the floor beams to become severed and result in rapid decompression or reduced controllability of the airplane.

**Compliance**

(f) Comply with this AD within the compliance times specified, unless already done.

**Inspections and Corrective Actions**

(g) Except as required by paragraphs (h) and (i) of this AD: At the applicable times in paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747-53A2688, dated August 21, 2008, do an inspection (open-hole or surface high frequency eddy current), to detect cracks in the floor panel attachment fastener holes of the Section 41 upper deck floor beam upper chords, and do applicable related investigative and corrective actions, by accomplishing all the applicable actions specified in the Accomplishment Instructions of the service bulletin. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E., "Compliance," of the service bulletin.

(h) If any crack is found during any inspection required by paragraph (g) of this AD, and Boeing Alert Service Bulletin 747-53A2688, dated August 21, 2008, specifies to contact Boeing for appropriate action: Before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Where Boeing Alert Service Bulletin 747-53A2688, dated August 21, 2008, specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

**Alternative Methods of Compliance (AMOCs)**

(j)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Ivan Li, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6437; fax (425) 917-6590.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on

any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on February 5, 2009.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E9-3386 Filed 2-17-09; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1**

[REG-148326-05]

RIN 1545-BF50

**Further Guidance on the Application of Section 409A to Nonqualified Deferred Compensation Plans; Correction**

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

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains a correction to a notice of proposed rulemaking (REG-148326-05) that was published in the *Federal Register* on Monday, December 8, 2008 (73 FR 74380) providing guidance on the calculation of amounts includible in income under section 409A(a) and the additional taxes imposed by such section with respect to service providers participating in certain nonqualified deferred compensation plans. The regulations would affect such service providers and the service recipients for whom the service providers provide services.

**FOR FURTHER INFORMATION CONTACT:** Stephen Tackney, (202) 927-9639 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The correction notice that is the subject of this document is under section 409A of the Internal Revenue Code.

**Need for Correction**

As published, the notice of proposed rulemaking (REG-148326-05) contains an error that may prove to be misleading and is in need of clarification.

**Correction of Publication**

Accordingly, the publication of the notice of proposed rulemaking (REG-148326-05), which was the subject of FR Doc. E8-28894, is corrected as follows:

On page 74380, column 3, in the preamble, under the caption **FOR FURTHER INFORMATION CONTACT:**, lines 1 and 2 from the bottom of the paragraph, the language "hearing, Funmi Taylor at (202) 622-7190 (not toll-free numbers)." is corrected to read "hearing, Funmi Taylor at (202) 622-3628 (not toll-free numbers)".

**LaNita Van Dyke,**

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

[FR Doc. E9-3323 Filed 2-17-09; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 110**

[Docket No. USCG-2008-0027]

RIN 1625-AA01

**Anchorage Regulations; Port of New York**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Coast Guard is withdrawing its proposed rule concerning the revision of boundaries of three anchorage grounds adjacent to Ellis and Liberty Islands in Upper New York Bay. The proposed rule is being withdrawn due to the decision not to expand two security zones around Ellis and Liberty Islands. The decision not to expand the security zones removes the need to revise the anchorage ground boundaries.

**DATES:** The proposed rule published at 73 FR 27775, May 14, 2008, is withdrawn, effective February 18, 2009.

**ADDRESSES:** The docket for this withdrawn rulemaking is available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to <http://www.regulations.gov>, selecting the Advanced Docket Search option on the right side of the screen, inserting USCG–2008–0027 in the Docket ID box, pressing Enter, and then clicking on the item in the Docket ID column.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notice, call Mr. John Mauro at (617) 223–8355. If you have questions on viewing material in the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 14, 2008, we published in the *Federal Register* a notice of proposed rulemaking that proposed to revise the boundaries of three anchorage grounds adjacent to Ellis and Liberty Islands in Upper New York Bay (73 FR 27775). This notice of proposed rulemaking was entitled “Anchorage Regulations; Port of New York” and is available at docket number USCG–2008–0027. The reason we proposed to revise the boundaries of those three anchorages was to coordinate with a separate rulemaking proposing the expansion of two security zones adjacent to Ellis and Liberty Islands. The notice of proposed rulemaking proposing expansion of the security zones was published in the *Federal Register* on May 6, 2008, (73 FR 24889), and is available at docket number USCG–2007–0074.

Due to comments received regarding the proposed expansion of two security zones, we will not expand these two security zones; the decision not to expand them was recently published as part of the final rule concerning “Safety and Security Zones: New York Marine Inspection Zone and Captain of the Port Zone,” docket number USCG–2007–0074. This decision removes the need to revise the size of the three adjacent anchorage grounds.

**Withdrawal**

Because we will not expand the security zones discussed above, there is no need to revise the boundaries of the three anchorage grounds adjacent to Ellis and Liberty Islands in Upper New York Bay. Therefore, we are withdrawing our proposal to revise those anchorage grounds, which was published on May 14, 2008, in the *Federal Register* (73 FR 27775).

**Authority**

We issue this notice of withdrawal under the authority of 33 U.S.C. 471, 1221 through 1236, 2030, 2035 and

2071; 33 CFR 1.05–1; and Department of Homeland Security Delegation No. 0170.1.

Dated: November 13, 2008.

**Dale G. Gabel,**  
Rear Admiral, U.S. Coast Guard, Commander,  
First Coast Guard District.

[FR Doc. E9–3381 Filed 2–17–09; 8:45 am]

**BILLING CODE 4910–15–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**46 CFR Parts 71, 114, 115, 122, 170, 171, 172, 174, 175, 176, 178, 179, and 185**

[Docket No. USCG–2007–0030]

RIN 1625–AB20

**Passenger Weight and Inspected Vessel Stability Requirements**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The Coast Guard is reopening the period for public comment on its notice of proposed rulemaking (NPRM) on regulations governing the stability of passenger vessels and the maximum number of passengers that may safely be permitted on board a vessel. The comment period will close on March 20, 2009.

**DATES:** The comment period for the proposed rule published at 73 FR 49244, August 20, 2008, and reopened at 73 FR 74426, December 8, 2008, is again reopened. Comments and related material must be received on or before March 20, 2009.

**ADDRESSES:** You may submit comments identified by docket number USCG–2007–0030 using any one of the following methods:

- (1) *Federal eRulemaking Portal:* <http://www.regulations.gov>.
- (2) *Fax:* 202–493–2251.
- (3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these methods. For instructions on submitting comments, see the “Public Participation and Request for Comments” portion of the

**SUPPLEMENTARY INFORMATION** section below.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this notice, call Mr. William Peters, U.S. Coast Guard, Office of Design and Engineering Standards, Naval Architecture Division (CG–5212), telephone 202–372–1371. If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

**Public Participation and Request for Comments**

The Coast Guard has requested comments as to all aspects of the rulemaking. We particularly encourage you at this time to submit comments and related material on the “Pontoon Vessel Passenger Crowding Stability Criteria Study, Appendix 1.” All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

*Submitting comments:* If you submit a comment, please include the docket number for this notice (USCG–2007–0030) and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov>, select the Advanced Docket Search option on the right side of the screen, insert “USCG–2007–0030” in the Docket ID box, press Enter, and then click on the balloon shape in the Actions column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

*Viewing comments and Appendix 1:* To view the comments and the “Pontoon Vessel Passenger Crowding Stability Criteria Study, Appendix 1” go to <http://www.regulations.gov>, select the Advanced Docket Search option on the right side of the screen, insert USCG–2007–0030 in the Docket ID box, press