

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### 7 CFR Part 250

[FNS-2007-0039]

RIN 0584-AD45

#### Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions; Approval of Information Collection Request

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Final rule; notice of approval of Information Collection Request (ICR).

**SUMMARY:** The final rule entitled Management of Donated Foods in Child Nutrition Programs, the Nutrition Services Incentive Program, and Charitable Institutions was published on August 8, 2008. The Office of Management and Budget approved and cleared the associated information collection requirements (ICR) on October 14, 2008. This document announces approval of the ICR.

**DATES:** The ICR associated with the final rule published in the **Federal Register** on August 8, 2008 at 73 FR 46169, was approved and cleared by OMB on October 14, 2008, under OMB Control Number 0584-0293.

#### FOR FURTHER INFORMATION CONTACT:

Lillie F. Ragan, Assistant Branch Chief, Policy Branch, Food Distribution Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 500, Alexandria, Virginia 22302, (703) 305-2662, or [Lillie.Ragan@fns.usda.gov](mailto:Lillie.Ragan@fns.usda.gov).

Dated: December 2, 2008.

#### E. Enrique Gomez,

*Acting Administrator, Food and Nutrition Service.*

[FR Doc. E8-29089 Filed 12-8-08; 8:45 am]

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

#### 8 CFR Part 299

[CIS No. 2302-05; DHS Docket No. USCIS-2005-0030]

RIN 1615-AA16

#### Special Immigrant and Nonimmigrant Religious Workers; Correcting Amendment

**AGENCY:** U.S. Citizenship and Immigration Services, DHS.

**ACTION:** Correcting amendment.

**SUMMARY:** With this amendment, the Department of Homeland Security (DHS) corrects an error in the amendatory text from the Special Immigrant and Nonimmigrant Religious Workers final rule published in the **Federal Register** on November 26.

**DATES:** *Effective Date:* This correction is effective December 9, 2008, and is applicable beginning November 26, 2008.

#### FOR FURTHER INFORMATION CONTACT:

Emisa Tamanaha, Adjudications Officer,

Business and Trade Services, Service Center Operations, U.S. Citizenship and Immigration Services, Department of Homeland Security, 111 Massachusetts Avenue, NW., 3rd Floor, Washington, DC 20529, telephone (202) 272-1505.

#### SUPPLEMENTARY INFORMATION:

##### Need for Correction

On November 26, 2008, U.S. Citizenship and Immigration Services (USCIS) published a final rule at 73 FR 72275 improving the Department of Homeland Security's ability to detect and deter fraud and other abuses in the religious worker program. This rule included revisions to two public use forms:

- Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, and
- Form I-129, Petition for a Nonimmigrant Worker.

USCIS inadvertently left out the form edition dates under 8 CFR 299.1 for Forms I-360 and I-129. This document corrects this error.

##### List of Subjects

8 CFR Part 299

Immigration, Reporting and recordkeeping requirements.

■ Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

#### PART 299—IMMIGRATION FORMS

■ 1. The authority citation for part 299 continues to read as follows:

**Authority:** 8 U.S.C. 1101 and note, 1103; 8 CFR part 2.

■ 2. Section 299.1 is amended by revising the entries for Forms "I-129" and "I-360" to read as follows:

##### § 299.1 Prescribed forms.

\* \* \* \* \*

Form No.	Edition date	Title and description
I-129	11-26-08	Petition for a Nonimmigrant Worker.
I-360	11-26-08	Petition for Amerasian, Widow(er) or Special Immigrant.

\* \* \* \* \*

Dated: December 4, 2008.

**Sunday A. Aigbe,**

Chief, Regulatory Management Division,  
Office of the Executive Secretariat, U.S.  
Citizenship and Immigration Services.

[FR Doc. E8-29085 Filed 12-8-08; 8:45 am]

BILLING CODE 9111-97-P

**DEPARTMENT OF THE INTERIOR****National Park Service****36 CFR Part 7**

RIN 1024-AD74

**Special Regulations; Areas of the National Park System**

AGENCY: National Park Service, Interior.

ACTION: Final rule.

**SUMMARY:** This rule will manage winter visitation and recreational use in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway. Publication of this final rule in the **Federal Register** complies with the November 7, 2008 order of the U.S. District Court for the District of Wyoming in *Wyoming v. United States Department of the Interior*, Case Nos. 07-CV-0319-B, 08-CV-00004-B, which reinstated the 2004 final rule on winter use in the parks, without its sunset provisions.

**DATES:** This regulation is effective December 9, 2008.

**FOR FURTHER INFORMATION CONTACT:** John Sacklin, Management Assistant's Office, Yellowstone National Park, 307-344-2019.

**SUPPLEMENTARY INFORMATION:** This rule was originally published in 2004 to provide a framework for managing winter use in the parks while the National Park Service (NPS) prepared a long-term winter use plan and EIS for the parks. Because NPS intended to supersede the 2004 rule with a long-term rule after 3 years, the actual authorizations of snowmobile and snowcoach use and the designation of routes for those uses contained provisions ending those authorizations and designations after the winter of 2006-2007 ("sunset provisions"). In 2007, NPS completed the long-term process, publishing a final rule implementing the decision in the **Federal Register** on December 13, 2007.

The 2007 rule was challenged by several environmental groups in a lawsuit in the U.S. District Court for the District of Columbia, *Greater Yellowstone Coalition v. Kempthorne*,

Civ. Nos. 07-2111 and 07-2112 (EGS), and by the State of Wyoming and others in the above-cited lawsuit in the U.S. District Court for the District of Wyoming. On September 15, 2008, the D.C. District Court issued a decision vacating and remanding the 2007 final rule.

On November 3, 2008, NPS released a Winter Use Plans Environmental Assessment (EA), and on November 5, 2008, NPS published a proposed rule that would have managed winter use in the parks for three winter seasons. Public comments were accepted on the EA until November 17 and on the proposed rule until November 20.

Subsequent to the publication of that proposed rule, on November 7, 2008, the Wyoming District Court issued an order finding that "equity requires reinstatement of the 2004 temporary rule to provide some semblance of order in this disordered and confusing state of affairs." Accordingly, the Court "[found] it appropriate to reinstate the 2004 temporary rule without the sunset provision" and that "[t]his will provide businesses and tourists with the certainty that is needed in this confusing litigation." On November 19, 2008, the Wyoming District Court entered judgment stating it had "entered a final order implementing a temporary rule." The Court thus "ordered, adjudged and decreed that \* \* \* the National Park Service shall reinstate the 2004 temporary rule until such time as it can promulgate an acceptable rule to take its place." This publication in the **Federal Register** complies with the court order and provides notice to the public of the rule now in effect. Pursuant to the court order, this rule will be in effect for this winter season, and will remain in effect until NPS promulgates "an acceptable rule to take its place."

The 2004 rule was originally published at 69 FR 65348 (Nov. 10, 2004) and more information and explanation of its provisions are available there.

**List of Subjects in 36 CFR Part 7**

District of Columbia, National parks, Reporting and recordkeeping requirements.

■ 36 CFR Part 7 is amended as set forth below:

**PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM**

■ 1. The authority citation for Part 7 continues to read as follows:

**Authority:** 16 U.S.C. 1, 3, 9a, 460(q), 462(k); Sec. 7.96 also issued under D.C. Code 8-137 (1981) and D.C. Code 40-721 (1981).

■ 2. Amend § 7.13 to revise paragraph (l) to read as follows:

**§ 7.13 Yellowstone National Park.**

\* \* \* \* \*

(l)(1) *What is the scope of this regulation?* The regulations contained in paragraphs (l)(2) through (l)(17) of this section are intended to apply to the use of recreational and commercial snowmobiles. Except where indicated, paragraphs (l)(2) through (l)(17) do not apply to non-administrative snowmobile or snowcoach use by NPS, contractor or concessioner employees who live or work in the interior of Yellowstone, or other non-recreational users authorized by the Superintendent.

(2) *What terms do I need to know?* This paragraph also applies to non-administrative snowmobile use by the NPS, contractor or concessioner employees, or other non-recreational users authorized by the Superintendent.

*Commercial guide* means a guide who operates as a snowmobile guide for a fee or compensation and is authorized to operate in the park under a concession contract. In this regulation, "guide" also means "commercial guide."

*Historic snowcoach* means a Bombardier snowcoach manufactured in 1983 or earlier. Any other snowcoach is considered a non-historic snowcoach.

*Oversnow route* means that portion of the unplowed roadway located between the road shoulders and designated by snow poles or other poles, ropes, fencing, or signs erected to regulate oversnow activity. Oversnow routes include pullouts or parking areas that are groomed or marked similarly to roadways and are adjacent to designated oversnow routes. An oversnow route may also be distinguished by the interior boundaries of the berm created by the packing and grooming of the unplowed roadway. The only motorized vehicles permitted on oversnow routes are oversnow vehicles.

*Oversnow vehicle* means a snowmobile, snowcoach, or other motorized vehicle that is intended for travel primarily on snow and has been authorized by the Superintendent to operate in the park. An oversnow vehicle that does not meet the definition of a snowcoach or a snowplane must comply with all requirements applicable to snowmobiles.

*Snowcoach* means a self-propelled mass transit vehicle intended for travel on snow, having a curb weight of over 1,000 pounds (450 kilograms), driven by a track or tracks and steered by skis or