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Conference Room, Suite 700
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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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Federal Register

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25850; Directorate Identifier 2006–NM–128–AD; Amendment 39–15004; AD 2007–07–04]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all McDonnell Douglas Model MD–11 and –11F airplanes. This AD requires revising the maintenance inspection program that provides for inspection of principal structural elements (PSEs) and replacement of safe-life parts, to incorporate a new revision to the MD–11 Airworthiness Limitations Instructions. The revision reduces inspection intervals for fatigue cracking of certain PSEs, and expands the inspection area for a certain other PSE. This AD results from a revised damage tolerance analysis. We are issuing this AD to detect and correct fatigue cracking of certain PSEs, which could adversely affect the structural integrity of the airplane.

DATES: This AD becomes effective May 2, 2007.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024), for the service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5238; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to all McDonnell Douglas Model MD–11 and –11F airplanes. That NPRM was published in the **Federal Register** on September 20, 2006 (71 FR 54941). That NPRM proposed to require revising the maintenance inspection program that provides for inspection of principal structural elements (PSEs) and replacement of safe-life parts, to incorporate a new revision to the MD–11 Airworthiness Limitations Instructions (ALI). The revision would reduce inspection intervals for fatigue cracking of certain PSEs, and expand the inspection area for a certain other PSE.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comment received.

Request To Extend Certain Initial Inspection Thresholds

Boeing has requested that we provide an extension of the initial inspection threshold for certain airplanes. Boeing states that the ALI specified in the NPRM would require reducing the initial inspection threshold for PSE 54.52.01.1 from 19,000 total flight cycles to 10,200 total flight cycles. Boeing adds that for PSEs 54.21.01.1 (54.52.01.1), 57.21.02.1, and 57.23.01.1, a minimum of 24 months is required to accomplish the initial inspection after paragraph (f) of the NPRM is done; the initial inspection times for these PSEs were reduced. Boeing also states that, as of July 2006, there are approximately 50 airplanes exceeding 10,000 total flight cycles. Boeing points out that the ALI would reduce the initial inspection threshold for PSEs 57.21.02.1 and 57.23.01.1 from 19,900 total flight cycles to 15,750 and 15,250 total flight cycles respectively. Boeing notes that, as of July 2006, there are six airplanes with more than 12,000 total flight cycles. Additionally, Boeing points out that the ALI would reduce the repetitive inspection interval for PSE 57.21.05.1 from 10,000 flight cycles to 3,200 flight cycles. Approximately 50 airplanes would have already accomplished the inspection, but would be planning for a 10,000-flight-cycle repetitive interval instead of a 3,200-flight-cycle repetitive interval. Boeing asserts that a substantial increase in the compliance time requirements for those PSE inspections is necessary to prevent an immediate hardship on the operators of these airplanes.

For the reasons cited by Boeing, we agree with its request to extend certain inspection compliance times. We have determined that PSE number 54.21.01.1, as cited in Boeing's comment, is a typographical error and we have used the correct PSE number, 54.52.01.1, in this AD. We have added a new paragraph (h) to this AD to specify those certain PSE inspection compliance times, and re-identified the remaining paragraphs accordingly.

Conclusion

We have carefully reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting the AD with the change described previously. These changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 102 airplanes of the affected design in the worldwide fleet. This AD affects about 93 airplanes of

U.S. registry. The maintenance and inspection program revision takes about 1 work hour per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the AD for U.S. operators is $7,440, or $80 per airplane, per inspection cycle.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in subtitle VII, part A, subpart III, section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2007–07–04 McDonnell Douglas: Amendment 39–15004. Docket No. FAA–2006–25850; Directorate Identifier 2006–NM–128–AD.

Effective Date

(a) This AD becomes effective May 2, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all McDonnell Douglas Model MD–11 and –11F airplanes, certificated in any category.

Note 1: This AD requires revisions to certain operator maintenance documents to incorporate new inspections for fatigue cracking of principal structural elements (PSEs). Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to incorporate the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (i) of this AD. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected structure. The FAA has provided guidance for this determination in Advisory Circular (AC) 25–1529–1.

Unsafe Condition

(d) This AD results from a revised damage tolerance analysis. We are issuing this AD to detect and correct fatigue cracking of certain principal structural elements (PSEs), which could adversely affect the structural integrity of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Revision of Airworthiness Limitations Section

(f) Except as provided by paragraph (h) of this AD: Within 18 months after the effective date of this AD, revise the Airworthiness Limitations section of the Instructions for Continued Airworthiness, Airworthiness Limitations Instructions (ALI), according to a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Boeing MD–11 ALI, Report Number MDC–K5225, Revision 11, dated March 2006, is one approved method.

(g) Except as provided by paragraph (i) of this AD: After the actions specified in paragraph (f) of this AD have been done, no alternative inspection intervals or replacement times may be approved for the PSEs and safe-life limited parts specified in Boeing MD–11 ALI Report Number MDC–K5225, Revision 11, dated March 2006.

Compliance Times for Inspections

(h) Accomplish the initial threshold and repetitive inspection intervals specified in the ALI, as applicable, at the times specified in paragraphs (h)(1) and (h)(2) of this AD.

(1) For PSEs 54.52.01.1, 57.21.02.1, and 57.23.01.1: Accomplish the initial inspection within 24 months after accomplishment of the requirements in paragraph (f) of this AD, or within the initial inspection interval specified in the ALI, whichever occurs later.

(2) For airplanes on which the initial inspection of PSE 57.21.05.1 has been accomplished as of the effective date of this AD: Repeat the inspection within 24 months after accomplishment of the requirements in paragraph (f) of this AD, or within 3,200 flight cycles after accomplishment of the initial inspection, whichever occurs later. Repeat the inspection thereafter at intervals not to exceed 3,200 flight cycles.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Los Angeles ACO, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) An AMOC that provides an acceptable level of safety may be used for any repair required by accomplishing the actions of 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, Los Angeles 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.

(3) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Material Incorporated by Reference

(j) None.

Issued in Renton, Washington, on March 19, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–5554 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2004–19755; Directorate Identifier 2004–NM–23–AD; Amendment 39–15003; AD 2007–07–03]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 747 airplanes. This AD requires repetitive tests to detect hot air leaking from the trim air diffuser ducts or sidewall riser duct assemblies (collectively referred to in this AD as ''TADDs''), related investigative actions, and corrective actions if necessary. This AD also provides an optional terminating action for the repetitive tests. This AD results from reports of sealant deteriorating on the outside of the center wing fuel tank and analysis that sealant may deteriorate inside the tank due to excess heat from leaking TADDs. We are issuing this AD to prevent leakage of fuel or fuel vapors into areas where ignition sources may be present, which could result in a fire or explosion.

DATES: This AD becomes effective May 2, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of May 2, 2007.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Dan Kinney, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6499; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Boeing Model 747 airplanes. That supplemental NPRM was published in the **Federal Register** on September 26, 2006 (71 FR 56064). That supplemental NPRM proposed to require repetitive tests to detect hot air leaking from the trim air diffuser ducts or sidewall riser duct assemblies (collectively referred to in the AD as ''TADDs''), related investigative actions, and corrective actions if necessary. That supplemental NPRM also provided an optional terminating action for the repetitive tests.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Supportive Comment

Boeing has reviewed the supplemental NPRM and concurs with the content.

Request To Delay Corrective Actions

Lufthansa German Airlines asks that, if any hot air leak is found during any test required by paragraph (f) of the supplemental NPRM, we give relief for the corrective actions specified in paragraphs (g) and (h) of the supplemental NPRM. It suggests we do this by allowing deactivation of the zone trim air modulation valve of the affected TADDs for at least ten days. Lufthansa states that this would allow a delay in performing the inspection and corrective actions until after that extension ends; this delay would permit the operator to better plan the actions required if any hot air leak is found during the repetitive tests required by paragraph (f).

We do not agree with the commenter. The zone trim air modulation valves are located downstream of the potential leakage area; therefore, deactivating them would not prevent hot air leakage from the TADDs. We have made no change to the AD in this regard.

Clarification of Test Requirements Specified in Paragraph (f)

Lufthansa asks for clarification of the test requirements specified in paragraph (f) of the supplemental NPRM. Lufthansa states that the repetitive tests specified in paragraph (f) are to be done in accordance with Boeing Service Bulletin 747–21A2418, Revision 4, dated November 17, 2005. Lufthansa adds that Note 2 of the supplemental NPRM refers to Chapters 21–61–20 and 21–61–21 of the Boeing 747 Airplane Maintenance Manual as an additional source of service information for the test and inspections of the TADDs. Lufthansa notes that those chapters describe the temperature measurement procedure for the repetitive hot air leak inspection and specify temperature measurements of all TADDs after thirty seconds, one minute, two minutes, and then every two minutes, for a duration of twenty minutes. Lufthansa states that it is not clear whether the temperature measurements must be performed simultaneously on all ducts, or sequentially with one or more ducts at a time; however, the description suggests performing the measurements simultaneously on all ducts. Lufthansa adds that performing the temperature measurements sequentially with one or more ducts would ease the measurement procedure. Lufthansa notes that it does not understand why the temperature has to be measured on all TADDs every two minutes for a duration of twenty minutes, mainly because the airplane maintenance manual for Model 747–200 Combi airplanes has only baseline and 10-minute measurements and there is no requirement for additional measurements. Lufthansa asks that the intervals be reduced to 1- and 10-minute intervals, with the possibility of performing each measurement sequentially.

We acknowledge and agree with the commenter's concern and provide clarification. The temperature measurement procedure identified by the commenter does specify performing the measurements simultaneously on all ducts. If the procedure were done sequentially, before making each measurement, the initial conditions of the airplane would have to be re-established, and the time required for that would be prohibitive. Measuring the temperatures frequently allows detection of the highest achieved temperature, given that the temperature may not increase steadily. In addition, Model 747–200 Combi airplane configurations are different; therefore, different procedures are used for those

airplanes and those procedures cannot be used for the other airplane models specified in this AD. However, according to the provisions of paragraph (l) of this AD, we may approve requests for another method which accomplishes the intent of the maintenance manual tasks if the request includes data which prove that method would provide an acceptable level of safety. We have made no change to the AD in this regard.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD as proposed in the supplemental NPRM.

Costs of Compliance

There are about 1,081 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Hot air leak test	3	$80	$240, per test cycle	216	$51,840, per test cycle.
General visual inspection	5	$80	$400, per inspection cycle	216	$86,400, per inspection cycle.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2007–07–03 Boeing: Amendment 39–15003. Docket No. FAA–2004–19755; Directorate Identifier 2004–NM–23–AD.

Effective Date

(a) This AD becomes effective May 2, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes; certificated in any category; line numbers 1 through 1316 inclusive.

Unsafe Condition

(d) This AD results from reports of sealant deteriorating on the outside of the center wing fuel tank and analysis that sealant may deteriorate inside the tank due to excess heat from leaking trim air diffuser ducts or sidewall riser duct assemblies (collectively referred to in this AD as ''TADDs''). We are issuing this AD to prevent leakage of fuel or fuel vapors into areas where ignition sources may be present, which could result in a fire or explosion.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Repetitive Tests and Inspections

(f) Do the actions in Table 1 of this AD at the times specified in Table 1 of this AD, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–21A2418, Revision 4, dated November 17, 2005. When the compliance times for a hot air leak test and a general visual inspection coincide, the hot air leak test is not required at that time, but is required within 1,200 flight hours (*i.e.*, one repeat interval) after the general visual inspection.

TABLE 1.—COMPLIANCE TIMES

Do this action—	Initially at the later of—	Then repeat within this interval until paragraph (j) is done—
(1) Repetitive test to detect hot air leaking from TADDs.	Prior to the accumulation of 21,200 total flight hours, or within 1,200 flight hours after the effective date of this AD.	1,200 flight hours.
(2) General visual inspection for damage or discrepancies of the TADDs.	Prior to the accumulation of 32,000 total flight hours, or within 12,000 flight hours after the effective date of this AD, except as provided by paragraph (g) of this AD.	12,000 flight hours.

Note 1: For the purposes of this AD, a general visual inspection is: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to ensure visual access to all surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

Note 2: Boeing Service Bulletin 747–21A2418, Revision 4, refers to Chapters 21–61–20 and 21–61–21 of the Boeing 747 Airplane Maintenance Manual as an additional source for service information for the test and inspections of the TADDs.

(g) If any hot air leak is found during any test required by paragraph (f) of this AD: Before further flight, do the general visual inspection for damage or discrepancies of the TADDs, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–21A2418, Revision 4, dated November 17, 2005.

Corrective Actions

(h) If any damage or discrepancy is found during any general visual inspection for damage required by paragraph (f) or (g) of this AD: Do the actions in paragraphs (h)(1), (h)(2), (h)(3), and (h)(4) of this AD, as applicable. Do all of these actions in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–21A2418, Revision 4, dated November 17, 2005.

(1) Before further flight: Perform a general visual inspection for damage of the primary and secondary fuel barriers of the center wing tank; structure adjacent to the discrepant TADD; and cables, cable pulleys, and raised cable seals in the over-wing area. If no damage is found on the side of the airplane where the damaged or discrepant TADD is found, inspecting the other side of the airplane is not required.

(2) Before further flight: Repair all damage or discrepancies found.

(3) Before further flight: Replace any damaged TADD with a new TADD having the same part number or a new or serviceable, improved TADD having a part number listed in the ''New TADD Part Number'' or ''New Sidewall Riser Duct Assy Part Number'' column, as applicable, of the tables in Section 2.C.2. of the service bulletin.

(4) Repeat the test and inspection required by paragraph (f) of this AD at the times specified in Table 1 of this AD, except as provided by paragraphs (i) and (j) of this AD.

(i) For any original-material TADD that is replaced with a new TADD having the same part number as the TADD being replaced: Within 21,200 flight hours after the TADD is replaced, do the test to detect hot air leaking from the replaced TADD, and within 32,000 flight hours after the TADD is replaced, do the general visual inspection for damage, as specified in paragraph (f) of this AD. Thereafter, repeat the test and inspection at the repetitive intervals specified in Table 1 of this AD, except when the times for a hot air leak test and a general visual inspection coincide, the leak test is not required.

Optional Terminating Action

(j) Replacing existing TADDs with new or serviceable, improved TADDs terminates repetitive test and inspection requirements as specified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD. New or serviceable, improved TADDs are those having a part number listed in the ''New TADD Part Number'' or ''New Sidewall Riser Duct Assy Part Number'' column, as applicable, of the tables in Section 2.C.2. of Boeing Service Bulletin 747–21A2418, Revision 3, dated December 21, 2004; or Revision 4, dated November 17, 2005.

(1) The repetitive general visual inspections required by paragraph (f)(2) of this AD are terminated for each TADD that is replaced with a new or serviceable, improved TADD.

(2) Replacing all TADDs on one side of the airplane with new or serviceable, improved TADDs terminates all repetitive tests required by paragraph (f)(1) of this AD and all repetitive inspections required by paragraph (f)(2) of this AD only for the side of the airplane on which the improved TADDs are installed.

(3) Replacing all TADDs on both sides of the airplane with new or serviceable, improved TADDs terminates all repetitive tests required by paragraph (f)(1) of this AD and all repetitive inspections required by paragraph (f)(2) of this AD.

Previously Accomplished Actions

(k) Actions done before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–21A2418, dated November 14, 2002; Revision 1, dated October 16, 2003; Revision 2, dated March 4, 2004; or Boeing Service Bulletin 747–21A2418, Revision 3, dated December 21, 2004; are acceptable for compliance with the corresponding actions required by this AD.

Alternative Methods of Compliance (AMOCs)

(l)(1) The Manager, Seattle Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Material Incorporated by Reference

(m) You must use Boeing Service Bulletin 747–21A2418, Revision 4, dated November 17, 2005, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 20, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–5557 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26250; Directorate Identifier 2006–NM–104–AD; Amendment 39–15001; AD 2007–07–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes (Collectively Called A300–600 Series Airplanes)

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus Model A300–600 airplanes. This AD requires an inspection to determine if certain spoiler actuators having certain part numbers are installed, and eventual replacement of all affected actuators. This AD results from failure of a distribution block, which was detected during fatigue qualification tests of certain spoiler actuators. We are issuing this AD to prevent failure of the distribution block, which could result in leakage of the hydraulic fluid that supplies those actuators. This failure could cause failure of one of the three spoiler actuators and the associated hydraulic circuits, which could result in loss of those hydraulic circuits and consequent reduced controllability of the airplane.

DATES: This AD becomes effective May 2, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 2, 2007.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Tom Stafford, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1622; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Airbus Model A300–600 airplanes. That NPRM was published in the **Federal Register** on November 6, 2006 (71 FR 64904). That NPRM proposed to require an inspection to determine if certain spoiler actuators having certain part numbers are installed, and eventual replacement of all affected actuators.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Request To Add Alternate Inspection of Distribution Blocks

The Air Transport Association (ATA), on behalf of one of its members, FedEx Express, asks that the inspection procedure recommended by FedEx Express of the distribution blocks on the affected spoiler actuators be included in any future rulemaking. FedEx Express states that it accomplished the proposed inspection on its airplanes, and during the inspection it found that most spoiler actuators of the specified age no longer had data plates attached; therefore, no part number or serial number was available. FedEx Express performed a detailed inspection of the distribution block on the affected spoiler actuator at the inboard and outboard positions to determine the part number. If the part number was installed, FedEx Express replaced the spoiler actuator with a serviceable spoiler actuator. FedEx Express recommends that this inspection procedure be used in any future rulemaking requiring the same actions. FedEx Express states that the procedure was coordinated with Airbus and the parts manufacturer before implementation.

We agree with the commenter's request to add an alternative inspection method of the distribution blocks on the spoiler actuators to determine the part number. Therefore, we have added an inspection to determine the part number of the distribution block of the spoiler actuator if the spoiler actuator part number cannot be found on the spoiler actuator. Paragraph (f) of this AD has been changed accordingly. In addition, if the same actions are required by future rulemaking we may consider using this inspection procedure on a case-by-case basis.

Request To State FAA Intent To Incorporate by Reference and To Publish Service Information in the Docket Management System (DMS)

The Modification and Replacement Parts Association (MARPA) asks that the NPRM, and subsequent NPRMs, indicate which documents will be incorporated by reference, and adds that those documents should be published in the DMS concurrently with the NPRM. MARPA assumes that when the final rule is issued the FAA intends to incorporate by reference the service bulletin referenced in the NPRM. MARPA states that the NPRM is incomplete if that's the case, and MARPA is unable to address the substantive elements of the NPRM without having access to the documents that are incorporated by reference.

We do not agree with the commenter's requests. When we refer to certain service information in a proposed AD, the public can assume we intend to incorporate by reference that service information, as required by the Office of the Federal Register. In regard to the request to post service bulletins on the Department of Transportation's DMS, we are currently in the process of reviewing issues surrounding the posting of service bulletins on the DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised. No change to the AD is necessary in this regard.

Request To Change Costs of Compliance Section

FedEx Express asks that the cost estimate specified in the Costs of Compliance section be changed. FedEx Express states that there are two airplanes of U.S. registry affected by the NPRM; however, the NPRM specifies only one. The ATA, on behalf of FedEx Express, reiterates the above comment. FedEx Express adds that both of its Airbus Model A300–600 airplanes manufacturer serial numbers 361 and 365, are listed in the service bulletin effectivity and are operated by FedEx Express.

We agree with the commenter for the reason provided, and have changed the

Costs of Compliance section in this AD accordingly.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously. These changes will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

This AD affects about 2 airplanes of U.S. registry.

The inspection takes about 1 hour per airplane, at an average labor rate of $80 per hour. Based on these figures, the estimated cost of the inspection for U.S. operators is $160, or $80 per airplane.

The replacements, if accomplished, take about 5 work hours per airplane, at an average labor rate of $80 per work hour. Required parts cost is minimal. Based on these figures, the estimated cost of the replacements for U.S. operators is $800, or $400 per airplane.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2007–07–01 Airbus: Amendment 39–15001. Docket No. FAA–2006–26250; Directorate Identifier 2006–NM–104–AD.

Effective Date

(a) This AD becomes effective May 2, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model C4–605R Variant F airplanes (collectively called A300–600 series airplanes); certificated in any category; as identified in Airbus Service Bulletin A300–27–6057, dated May 17, 2005.

Unsafe Condition

(d) This AD results from failure of a distribution block, which was detected during fatigue qualification tests of certain spoiler actuators. We are issuing this AD to prevent failure of the distribution block, which could result in leakage of the hydraulic fluid that supplies those actuators. This failure could cause failure of one of the three spoiler actuators and the associated hydraulic circuits, which could result in loss of those hydraulic circuits and consequent reduced controllability of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Inspection for Actuator Part Numbers and Corrective Action

(f) Within 700 flight hours after the effective date of this AD: Inspect to determine if a spoiler actuator with part number P376A0002–04 or P376A0002–08 is installed, by doing all the applicable actions in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–27–6057, excluding Appendix 01, dated May 17, 2005. If the part number cannot be found on the spoiler actuator: Operators may inspect the distribution block on the spoiler actuator to determine if part number P376A0089–00 is installed (distribution blocks having this part number are only on actuators with the affected part numbers).

(1) If no actuator with any part number identified in paragraph (f) of this AD is installed, no further action is required by this paragraph.

(2) If any actuator with any part number identified in paragraph (f) of this AD is installed and the three associated hydraulic circuits are affected (at least one actuator supplied by the yellow circuit and at least one actuator supplied by the blue circuit and at least one actuator supplied by the green circuit): Within 100 flight hours after accomplishing the inspection required by paragraph (f) of this AD, replace all affected actuators on one of the hydraulic circuits with new actuators in accordance with the service bulletin. Within 12 months after accomplishing that replacement, replace all the remaining affected actuators with new actuators in accordance with the service bulletin.

(3) If any actuator with any part number identified in paragraph (f) of this AD is installed and one or two of the associated hydraulic circuits are affected: Within 12 months after accomplishing the inspection required by paragraph (f) of this AD, replace all affected actuators with new actuators in accordance with the service bulletin.

Parts Installation

(g) After the effective date of this AD, no spoiler actuator with part number P376A0002–04 or P376A0002–08 may be installed on any airplane.

No Reporting Required

(h) Although Airbus Service Bulletin A300–27–6057, excluding Appendix 01, dated May 17, 2005, specifies to submit an inspection report to the manufacturer, this AD does not include that requirement.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(j) French airworthiness directive F–2005–125, dated July 20, 2005, also addresses the subject of this AD.

Material Incorporated by Reference

(k) You must use Airbus Service Bulletin A300–27–6057, excluding Appendix 01, dated May 17, 2005, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on March 20, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–5555 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–25336; Directorate Identifier 2006–NM–070–AD; Amendment 39–15002; AD 2007–07–02]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–300, –400, –500, –600, –700, –800 and –900 Series Airplanes; and Model 757–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 737–300, –400, –500, –600, –700, –800 and –900 series airplanes; and Model 757–200 and –300 series airplanes. This AD requires modifying the activation mechanism in the chemical oxygen generator of each passenger service unit (PSU). This AD results from several reports indicating that some chemical oxygen generators failed to activate during in-flight decompression events. These failures were due to fracture of components between the passenger oxygen mask and the release pin in the oxygen generator. We are issuing this AD to prevent failure of the activation mechanism in the chemical oxygen generator, which could result in the unavailability of supplemental oxygen and possible incapacitation of passengers and cabin crew during an in-flight decompression.

DATES: This AD becomes effective May 2, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of May 2, 2007.

ADDRESSES: You may examine the AD docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Susan Letcher, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6474; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at *http://dms.dot.gov* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Boeing Model 737–300, –400, –500, –600, –700, –800 and –900 series airplanes; and Model 757–200 and –300 series airplanes. That NPRM was published in the **Federal Register** on July 13, 2006 (71 FR 39593). That NPRM proposed to require modifying the activation mechanism in the chemical oxygen generator of each passenger service unit (PSU).

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments received.

Support for the NPRM

Boeing and AirTran support the NPRM.

Request To Change Compliance Time

The Air Transport Association (ATA), on behalf of its member, Delta Airlines, asks that the compliance time for accomplishing the modification be changed from 60 months to 72 months. Delta states that this would better align with airplane heavy maintenance visits.

We do not agree with ATA and Delta. The commenters provided no technical justification for revising this compliance time. Chemical oxygen generators failing to activate during in-flight decompression events is a significant safety issue; therefore, we have determined that the proposed 60-month compliance time is warranted. This determination is based on the effectiveness of the modification and the fact that failure of the activation mechanism of the chemical oxygen generator could result in the unavailability of supplemental oxygen and possible incapacitation of passengers and cabin crew during an in-flight decompression. In developing an appropriate compliance time for this AD, we considered those safety issues, as well as the manufacturer recommendations, the availability of necessary repair parts, and the practical aspect of accomplishing the required modification within an interval of time that corresponds to the normal maintenance schedules of most affected operators. In light of these factors, we have determined that the 60-month initial compliance time, as proposed, is appropriate. We do not find it necessary to change the AD in this regard.

Request To Publish Service Information/Incorporate by Reference in NPRM

The Modification and Replacement Parts Association (MARPA) states that ADs are based on service information that originates from the type certificate holder or its suppliers. MARPA adds that manufacturers' service documents are privately authored instruments, generally having copyright protection against duplication and distribution. MARPA states that when a service document is incorporated by reference into a public document, such as an AD, pursuant to 5 U.S.C. 552(a) and 1 CFR part 51, it loses its private, protected status and becomes a public document. MARPA notes that if a service document is used as a mandatory element of compliance, it should not simply be referenced, but should be incorporated by reference. MARPA believes that

public laws, by definition, should be public, which means they cannot rely upon private writings for compliance. MARPA adds that the legal interpretation of a document is a question of law, not of fact; therefore, unless the service document is incorporated by reference, it cannot be considered. MARPA is concerned that failure to incorporate essential service information could result in a court decision invalidating the AD.

MARPA also states that service documents incorporated by reference should be made available to the public by publication in the Docket Management System (DMS), keyed to the action that incorporates those documents. MARPA notes that the stated purpose of the incorporation by reference method is brevity, to keep from expanding the **Federal Register** needlessly by publishing documents already in the hands of the affected individuals. MARPA adds that, traditionally, ''affected individuals'' means aircraft owners and operators, who are generally provided service information by the manufacturer. MARPA adds that a new class of affected individuals has emerged, since the majority of aircraft maintenance is now performed by specialty shops instead of aircraft owners and operators. MARPA notes that this new class includes maintenance and repair organizations, component servicing, and/or servicing alternatively certified parts under section 21.303 (''Replacement and modification parts'') of the Federal Aviation Regulations (14 CFR 21.303). MARPA notes that the concept of brevity is now nearly archaic as documents exist more frequently in electronic format than on paper. Therefore, MARPA asks that the service documents deemed essential to the accomplishment of the NPRM be incorporated by reference into the regulatory instrument and published in DMS.

We acknowledge MARPA's requests. The Office of the Federal Register (OFR) requires that documents that are necessary to accomplish the requirements of the AD be incorporated by reference during the final rule phase of rulemaking. This final rule incorporates by reference the documents necessary for the accomplishment of the requirements mandated by this AD. Further, we point out that while documents that are incorporated by reference do become public information, as noted by the commenter, they do not lose their copyright protection. For that reason, we advise the public to contact the manufacturer to obtain copies of the referenced service information.

In regard to MARPA's request to post service bulletins on the Department of Transportation's DMS, we are currently in the process of reviewing issues surrounding the posting of service bulletins on the DMS as part of an AD docket. Once we have thoroughly examined all aspects of this issue and have made a final determination, we will consider whether our current practice needs to be revised. No change to the AD is necessary in response to these comments.

Request To Change Costs of Compliance Section

ATA, on behalf of its member, Delta Airlines, states that since the NPRM is written against airplanes and not individual PSUs, it should reflect the cost per airplane. Delta states that its approximate cost per Model 757 airplane is over $10,000; the total cost for its Model 757 fleet is in excess of $350,000. Delta adds that for its Model 737–800 fleet, 71 airplanes are affected, each currently having 54 PSUs installed. Delta states that the approximate cost per Model 737–800 airplane is over $6,000; the total cost for its Model 737–800 fleet is over $440,000.

We agree with the commenters. We have provided the approximate number of PSUs per airplane that are necessary to do the modification in the Costs of Compliance section below.

Clarify Availability of Parts

Continental Airlines has concerns regarding the availability of Boeing's material stock (*i.e.*, service bulletin kits), as well as those ancillary PSU parts which may be needed during the modification.

We infer that Continental wants verification of available parts. We have confirmed with Boeing that an ample number of required parts will be available to modify the U.S. fleet within the proposed compliance time. In light of this fact, we do not find it necessary to change the AD in this regard.

Conclusion

We have carefully reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

There are about 3,283 airplanes of the affected design in the worldwide fleet. This AD affects about 815 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD. The cost of the modification depends on the number of PSUs per airplane. The cost to modify all airplanes ranges from $4,342,320 up to $12,506,175.

ESTIMATED COSTS

Airplane Model	Work hours	Number of PSUs	Average labor rate per hour	Parts cost per PSU	Cost per airplane
737–500 and –600	1 per PSU	Between 36 and 40	$80	Between $68 and $75	Between $5,328 and $6,200.
737–300 and –700	1 per PSU	Between 40 and 50	80	Between $68 and $75	Between $5,920 and $7,750.
737–400 and –800	1 per PSU	Between 43 and 63	80	Between $68 and $75	Between $6,364 and $9,765.
737–900	1 per PSU	Between 58 and 63	80	Between $68 and $75	Between $8,584 and $9,765.
757–200	1 per PSU	Between 60 and 80	80	Between $68 and $75	Between $8,880 and $12,400.
757–300	1 per PSU	Between 70 and 99	80	Between $68 and $75	Between $10,360 and $15,345.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The Federal Aviation Administration (FAA) amends § 39.13 by adding the following new airworthiness directive (AD):

2007–07–02 Boeing: Amendment 39–15002. FAA–2006–25336; Directorate Identifier 2006–NM–070–AD.

Effective Date

(a) This AD becomes effective May 2, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 737–300, -400, -500, -600, -700, -800 and -900 series airplanes; and Model 757–200 and -300 series airplanes; certificated in any category; as identified in the applicable service bulletin in Table 1 of this AD.

TABLE 1.—SERVICE BULLETINS

Boeing special attention Service Bulletin	Dated—	Applicable to model/series—
737–25–1545	September 8, 2005	737–600, –700, –800, and –900.
737–25–1548	November 22, 2005	737–300, –400, and –500.
757–25–0284	November 22, 2005	757–200.
757–25–0285	November 22, 2005	757–300.

Unsafe Condition

(d) This AD results from several reports indicating that some chemical oxygen generators failed to activate during in-flight decompression events. These failures were due to fracture of components between the passenger oxygen mask and the release pin in the oxygen generator. We are issuing this AD to prevent failure of the activation mechanism of the chemical oxygen generator, which could result in the unavailability of supplemental oxygen and possible incapacitation of passengers and cabin crew during an in-flight decompression.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Modification

(f) Within 60 months after the effective date of this AD: Modify the activation mechanism in the chemical oxygen generator of each passenger service unit (PSU) by doing all the applicable actions specified in the Accomplishment Instructions of the applicable service bulletin specified in Table 1 of this AD.

Alternative Methods of Compliance (AMOCs)

(g)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Material Incorporated by Reference

(h) You must use the applicable service bulletin specified in Table 2 of this AD to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207 for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

TABLE 2.—MATERIAL INCORPORATED BY REFERENCE

Boeing special attention Service Bulletin	Date
737–25–1545	September 8, 2005.
737–25–1548	November 22, 2005.
757–25–0284	November 22, 2005.
757–25–0285	November 22, 2005.

Issued in Renton, Washington, on March 13, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–5556 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 710, 715, 716, 719, and 721

[Docket No. 060831231–7030–02]

RIN 0694–AD53

Chemical Weapons Convention Regulations: UDOC ''Change in Inspection Status Form;'' Amendments to Records Review and Recordkeeping Requirements; Additions to the List of States Parties to the Chemical Weapons Convention (CWC)

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is publishing this final rule to amend the Chemical Weapons Convention Regulations (CWCR) to expedite the collection of information concerning the inspection status of plant sites that produce unscheduled discrete organic chemicals (UDOCs) subject to the declaration requirements of the CWCR, to clarify the scope of the CWCR records review and recordkeeping requirements, and to update the maximum civil penalty that may be imposed for violations of the CWCR restrictions on imports of Chemical Weapons Convention (CWC) Schedule 1 and Schedule 2 chemicals. The CWCR include requirements to declare certain activities, involving scheduled chemicals and UDOCs, and to provide access for on-site verification by international inspectors of certain declared facilities in the United States.

Specifically, this final rule amends the CWCR by revising the annual declaration requirements for UDOCs to allow a ''declared'' plant site currently subject to inspection, which anticipates that its production of UDOCs during the current calendar year will be below the inspection threshold level indicated in the CWCR, to submit a Change in Inspection Status Form to BIS by December 15th of the current calendar year. In addition, any such UDOC plant site containing at least one plant that anticipates producing an individual PSF chemical (i.e., a UDOC containing the elements phosphorus, sulfur or fluorine) in quantities that exceed the *declaration* threshold for such chemicals will have the option of submitting its Annual Declaration on Past Activities, in lieu of a Change in Inspection Status Form, by December 15th of the current calendar year. Otherwise, the CWCR require that the Annual Declaration on Past Activities be submitted by February 28th of the following year. The information provided to BIS, as a result of this change, will ensure that the plant site is not subject to inspection during the first 90 days of the next calendar year (i.e., the year after the UDOC activities took place), which is the period when the United States compiles its annual declaration on past activities for submission to the Organization for the Prohibition of Chemical Weapons (OPCW). In addition, this information will strengthen the verification regime of the CWC by allowing the OPCW to schedule inspections, on a year-round basis, of those UDOC facilities in the United States that meet or exceed the inspection threshold level indicated in the CWCR.

This rule also amends the CWCR by revising the records review provisions to clarify that a facility must provide the OPCW Inspection Team with access to all supporting materials and documentation used by the facility to prepare declarations and to otherwise comply with the CWCR, including records related to activities that have taken place at the facility since the beginning of the previous calendar year (i.e., up to and including the date of the inspection), even if the facility has not submitted its current year Annual Declaration on Past Activities to BIS at the time the inspection takes place.

In addition, this rule revises the CWCR records review and recordkeeping requirements to clarify that the types of records that are subject to these requirements include all supporting materials and documentation associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals and feedstock. The purpose of this clarification is to ensure that the CWCR records review and recordkeeping requirements fully conform with the inspection aims described in the inspection provisions of the CWCR, which include verifying the absence of Schedule 1 chemicals and the non-diversion of Schedule 1 and Schedule 2 chemicals.

This rule amends the enforcement provisions of the CWCR to increase the maximum civil penalty that may be imposed for violations of the CWCR restrictions on imports of CWC Schedule 1 or Schedule 2 chemicals from $11,000 to $50,000 to reflect amendments to the International Emergency Economic Powers Act (IEEPA) made by the USA PATRIOT Improvement and Reauthorization Act of 2005, which was enacted on March 9, 2006.

Finally, this rule updates the list of countries that currently are States Parties to the CWC by adding the Central African Republic and Comoros, which recently became States Parties, and by replacing the listing for Serbia and Montenegro with a separate listing for each country.

DATES: This rule is effective March 28, 2007. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

ADDRESSES: You may submit comments on this rule, identified by RIN 0694–AD53, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *E-mail: publiccomments@bis.doc.gov.* Include ''RIN 0694–AD53'' in the subject line of the message.
- *Fax:* (202) 482–3355. Please alert the Regulatory Policy Division, by calling (202) 482–2440, if you are faxing comments.
- *Mail or Hand Delivery/Courier:* Willard Fisher, U.S. Department of Commerce, Bureau of Industry and Security, Regulatory Policy Division, 14th St. & Pennsylvania Avenue, NW., Room 2705, Washington, DC 20230, *ATTN:* RIN 0694–AD53.

This rule contains a collection of information approved by OMB under Control Number 0694–0091 (Chemical Weapons Convention—Declaration and Report Forms). You may submit comments regarding this collection of information (identified by OMB Control No. 0694–0091), including suggestions for reducing the burden, to David Rostker, Office of Management and Budget (OMB), by e-mail to *David_Rostker@omb.eop.gov*, or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044. Comments on this collection of information should be submitted separately from comments on the final rule (i.e., RIN 0694–AD53)—all comments on the latter should be submitted by one of the four methods outlined above.

FOR FURTHER INFORMATION CONTACT: For questions of a general or regulatory nature, contact the Regulatory Policy Division, *telephone:* (202) 482–2440. For program information on declarations and reports, contact the Treaty Compliance Division, Office of Nonproliferation Controls and Treaty Compliance, *telephone:* (703) 605–4400; for legal questions, contact Rochelle

Woodard, Office of the Chief Counsel for Industry and Security, *telephone:* (202) 482–5301.

SUPPLEMENTARY INFORMATION:

Background

This final rule amends the Chemical Weapons Convention Regulations (CWCR) to expedite the collection of information concerning the inspection status of plant sites that produce unscheduled discrete organic chemicals (UDOCs) that are subject to the declaration requirements of the CWCR. This rule also clarifies the scope of the CWCR records review and recordkeeping requirements. In addition, this rule updates the maximum civil penalty that may be imposed for violations of the CWCR restrictions on imports of CWC Schedule 1 and Schedule 2 chemicals. These changes were included in a proposed rule and request for comment that BIS published on October 6, 2006 (71 FR 59032). BIS did not receive any public comments on the proposed rule and is publishing this final rule to implement these changes.

The CWCR include requirements to declare certain activities, involving scheduled chemicals and UDOCs, and to provide access for on-site verification by international inspectors of certain declared facilities in the United States. The CWCR implement the provisions of the Convention on the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, also known as the Chemical Weapons Convention (CWC or Convention), affecting U.S. industry and U.S. persons, in accordance with the provisions of the Chemical Weapons Convention Implementation Act of 1998 (the Act or CWCIA) (22 U.S.C. 6701 et seq.). The Act authorizes the United States to require the U.S. chemical industry and other private entities to submit declarations, notifications and other reports and also to provide access for on-site inspections conducted by inspectors from the Organization for the Prohibition of Chemical Weapons (OPCW).

The CWC, which entered into force on April 29, 1997, is an arms control treaty with significant nonproliferation aspects. As such, the CWC bans the development, production, stockpiling or use of chemical weapons and prohibits States Parties to the CWC from assisting or encouraging anyone to engage in a prohibited activity. The CWC provides for declaration and inspection of all States Parties' chemical weapons and chemical weapon production facilities, and oversees the destruction of such weapons and facilities. To fulfill its arms control and nonproliferation objectives, the CWC also establishes a comprehensive verification scheme and requires the declaration and inspection of facilities that produce, process or consume certain ''scheduled'' chemicals and UDOCs, many of which have significant commercial applications.

Part IX of the Verification Annex of the CWC contains provisions that apply to declarations and inspection of ''other chemical production facilities,'' which are referred to as UDOC plant sites in Part 715 of the CWCR. Plant sites that declare under Part 715 of the CWCR must submit an Annual Declaration on Past Activities describing UDOC activities subject to declaration during the previous calendar year. These annual declarations must be submitted to BIS no later than February 28th of the year that follows the calendar year in which the UDOC activities took place. The U.S. Government compiles these declarations into the annual U.S. declaration on past activities, which it submits to the OPCW within 90 days after the beginning of the calendar year in which the UDOC plant sites submit their individual declarations to BIS.

Part 716 of the CWCR states that a UDOC plant site is subject to inspection during a specific calendar year only if it produced in excess of 200 metric tons aggregate of UDOCs during the previous calendar year (see § 716.1(b)(4)). A plant site cannot be subject to inspection, for UDOC activities that took place during the previous calendar year, if: (1) A declaration is not required to be submitted to the OPCW or (2) a declaration is submitted to the OPCW with aggregate quantities of UDOCs below 200 metric tons. The due date for a UDOC plant site to submit its Annual Declaration on Past Activities to BIS is February 28th of the year following the calendar year in which the UDOC activities took place. Prior to the publication of this final rule, there was no mechanism in the CWCR that allowed the U.S. Government to determine which UDOC plant sites were subject to inspection and to notify the OPCW concerning the inspection status of such plant sites, prior to the due date for submitting the U.S. annual declaration on past activities to the OPCW (i.e., within 90 days after the beginning of the calendar year). Therefore, as a practical matter, UDOC plant sites in the United States did not become subject to inspection by the OPCW until the U.S. annual declaration on past activities had been submitted to the OPCW. BIS recognized that universal application of this approach would interfere with the conduct of UDOC inspections in States Parties for the first 90 days of each calendar year (i.e., a ''90-day gap''), which could have the long-term effect of undermining the verification regime of the CWC.

In order to eliminate this ''90-day gap,'' BIS is amending the CWCR by revising the annual declaration requirements for UDOCs to allow a ''declared'' plant site currently subject to inspection, which anticipates that its production of UDOCs during the current calendar year will be below the inspection threshold level indicated in the CWCR, to submit a Change in Inspection Status Form to BIS, so that BIS can inform the OPCW that the plant site will not be subject to inspection during the next calendar year. This new form must be submitted to BIS no later than December 15th of the current calendar year (i.e., the year in which UDOC production is anticipated to be below the inspection threshold level). The U.S. Government will then inform the OPCW that the plant site will not be subject to inspection during the next calendar year.

Certain plant sites will be given the option of submitting their Annual Declaration on Past Activities in lieu of the Change in Inspection Status Form. In choosing this alternative, however, the plant sites will have to submit their Annual Declaration on Past Activities to BIS by December 15th of the current calendar year, instead of February 28th of the following year, as is normally required under the CWCR. The only UDOC plant sites that will be eligible to use this option are those that anticipate producing by synthesis one or more PSF chemicals (i.e., UDOCs containing the elements phosphorus, sulfur or fluorine) during the current calendar year, in quantities that would require them to submit an Annual Declaration on Past Activities to BIS, but that would be below the CWCR inspection threshold level for UDOCs (i.e., plant sites that contain at least one plant that anticipates producing in excess of 30 metric tons of an individual PSF chemical, but that do not anticipate producing by synthesis in excess of 200 metric tons aggregate of all UDOCs during the current calendar year).

If, subsequent to submitting its Change in Inspection Status Form to BIS, a UDOC plant site determines that the production by synthesis of UDOCs at the plant site actually exceeded the UDOC inspection threshold level specified in § 715.1(d)(1) of the CWCR, the plant site must indicate this fact when it submits its Annual Declaration on Past Activities to BIS and explain, on Form B, why the plant site exceeded the UDOC inspection threshold. In addition, any UDOC plant site that chooses the

option of submitting its Annual Declaration on Past Activities to BIS by December 15th, in lieu of a Change in Inspection Status Form, and subsequently determines that the production by synthesis of UDOCs at the plant site actually exceeded the UDOC inspection threshold level specified in § 715.1(d)(1) of the CWCR, must submit an amendment to its Annual Declaration on Past Activities (see § 715.2 of the CWCR) indicating this fact and explaining, on Form B, why the plant site exceeded the UDOC inspection threshold.

Currently inspectable UDOC plant sites that do not submit either a Change in Inspection Status Form or an Annual Declaration on Past Activities by December 15th of the current calendar year, as provided in this rule, will remain subject to inspection through at least the 90-day period at the beginning of the next calendar year.

This final rule also amends the CWCR to clarify the scope of the records review requirements for inspections. Prior to the publication of this rule, Section 716.4(e) of the CWCR was unclear concerning the extent to which an OPCW Inspection Team would have access to a facility's records that were related to activities that took place at the facility during the previous calendar year. This rule amends Section 716.4(e) of the CWCR to clarify that a facility undergoing inspection must provide the Inspection Team with access to all supporting materials and documentation used by the facility to prepare declarations and to otherwise comply with the CWCR, including records related to activities that have taken place at the facility since the beginning of the previous calendar year (i.e., up to and including the date of the inspection), regardless of whether or not the facility has submitted its Annual Declaration on Past Activities to BIS at the time of the inspection.

In addition, this final rule amends Section 716.4(e) of the CWCR to ensure that the CWCR records review requirements for inspections fully conform with the inspection aims described in Part 716 of the CWCR. Since BIS began hosting inspections under the CWCR, the standard practice has been for facilities to provide, as appropriate, records associated with the movement into, around, and from the facility of declared chemicals and their feedstock or product chemicals formed from such chemicals and feedstock. The OPCW Inspection Team requires access to these types of records in order to accomplish the aims of the inspections, as described in Parts VI–IX of the Verification Annex of the CWC and in Part 716 of the CWCR. Parts VI–IX of the CWC Verification Annex establish the general and specific aims for inspections, including verification of the absence of Schedule 1 chemicals and the non-diversion of Schedule 1 and Schedule 2 chemicals. Part 716 of the CWCR describes these CWC inspection aims and establishes requirements for providing Inspection Teams with access to records in order to achieve these aims. Prior to the publication of this rule, Section 716.4(e) of the CWCR did not clearly indicate that facilities were required to make available to the Inspection Team all supporting materials and documentation associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals and feedstock. Therefore, this rule amends Section 716.4(e) to clearly indicate that the facility must make all such records available to the Inspection Team.

Consistent with the clarification to Section 716.4(e) of the CWCR described above, this final rule also amends the recordkeeping provisions in Section 721.2(a) of the CWCR to specifically require that each facility subject to inspection under Part 716 of the CWCR retain all records associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals.

This rule amends the enforcement provisions in Part 719 of the CWCR to increase the maximum civil penalty that may be imposed for violations of the CWCR restrictions on imports of CWC Schedule 1 or Schedule 2 chemicals from $11,000 to $50,000 to reflect amendments to Section 206 of the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1705) made by the USA PATRIOT ACT Improvement and Reauthorization Act of 2005 (Public Law 109–177), which was enacted on March 9, 2006. Specifically, this rule amends Section 719.3(b) of the CWCR and the footnote thereto to increase the maximum civil penalty that BIS may impose under IEEPA. As a result of this amendment to the CWCR, any violations of the CWC Schedule 1 or Schedule 2 import restrictions described in Section 719.3(a) of the CWCR will be subject to the increased IEEPA maximum civil penalty of $50,000.

Finally, this rule revises Supplement No. 1 to Part 710 of the CWCR (titled ''States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on Their Destruction'') by adding the Central African Republic and Comoros, which recently became States Parties to the CWC. As a result of this change, the CWCR declaration and reporting requirements for these two countries will be the same as those that apply to other States Parties. In addition, the listing for Serbia and Montenegro is removed and both countries are now listed, separately. Each country is now a State Party to the CWC and the United States has recognized Montenegro as a sovereign state. See Press Release, U.S. Department of State, U.S. Recognizes Montenegro as Independent State (June 13, 2006), available at *http://www.state.gov/secretary/rm/2006/67839.htm.*

Rulemaking Requirements

1. This rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule contains a collection of information subject to the requirements of the PRA. This collection has been approved by OMB under Control Number 0694–0091 (Chemical Weapons Convention—Declaration and Report Forms), which carries burden hour estimates, per respondent, of 10.6 hours for Schedule 1 Chemicals, 11.9 hours for Schedule 2 chemicals, 2.5 hours for Schedule 3 chemicals, 5.3 hours or 5.1 hours for unscheduled discrete organic chemicals (depending upon whether an Annual Declaration on Past Activities or a No Changes Authorization Form, respectively, is required), 0.17 hours for Schedule 1 notifications, and 1.7 hours for compliance review requests. These burden hour estimates also include all types of amendments required under the Chemical Weapons Convention Regulations (CWCR). The Declaration and Report Handbooks include a ''Guide to Submission of Forms'' which also identifies the specific forms that must be included in a declaration or report package. To calculate the number of hours it takes to complete a specific type of declaration or report, multiply the number of forms required for a specific declaration or report type by the number of hours estimated to complete each form. BIS will use the information contained in declarations and reports submitted by U.S. persons to compile

the U.S. National Industrial Declaration in order to meet our obligations under the Chemicals Weapons Convention. BIS will submit the U.S. National Industrial Declaration to the United States National Authority who will forward the Declaration to the Organization for the Prohibition of Chemical Weapons as required by the Convention.

This rule will increase the burden hours under the approved collection (i.e., Control Number 0694–0091) by amending Section 715.1(d) of the CWCR to add a new requirement for the submission of a Change in Inspection Status Form that applies to any ''declared'' unscheduled discrete organic chemical (UDOC) plant site currently subject to inspection, which anticipates that its production of UDOCs during the current calendar year will be below the inspection threshold level indicated in the CWCR. These UDOC plant sites are required to submit a Change in Inspection Status Form to BIS, by December 15th of the current calendar year, in order to ensure that they will not be subject to inspection during the first 90 days of the next calendar year. Prior to the publication of this rule, there was no mechanism in the CWCR that allowed the U.S. Government to determine which UDOC plant sites were subject to inspection and to notify the OPCW concerning the inspection status of such plant sites, before the due date for submitting the U.S. annual declaration on past activities to the OPCW (i.e., within 90 days after the beginning of the calendar year). Therefore, as a practical matter, UDOC plant sites in the United States did not become subject to inspection by the OPCW until the U.S. annual declaration on past activities had been submitted to the OPCW. Universal application of this approach would have interfered with the conduct of UDOC inspections in States Parties for the first 90 days of each calendar year (i.e., the ''90-day gap''), which could have had the long-term effect of undermining the verification regime of the CWC.

BIS estimates that the burden hours for completion and submission of the Change in Inspection Status Form will be 5.1 hours per respondent. The total burden hours for this additional collection of information are estimated to be 30.6 hours (i.e., 5.1 burden hours × 6 respondents). The estimated total cost of this additional collection of information will be $1,163 (30.6 burden hours × $38/hour). As a result of the changes made by this rule, the total estimated annual burden hours under the approved collection (i.e., Control Number 0694–0091) will increase from 4,471 burden hours to 4,501.6 burden hours. This estimate takes into consideration the fact that this rule provides certain ''declared'' UDOC plant sites (i.e., plant sites that anticipate producing one or more PSF chemicals during the current calendar year, in quantities that would require them to submit an Annual Declaration on Past Activities to BIS, but that would be below the CWCR inspection threshold level for UDOCs) with the option of submitting their Annual Declaration on Past Activities earlier than normally required (i.e., December 15th of the year in which the UDOC activities take place, instead of February 28th of the following year), in lieu of submitting a Change in Inspection Status Form.

This rule also makes several amendments to the CWCR records review and recordkeeping requirements, none of which will affect the burden hours and associated costs under the approved collection (i.e., Control Number 0694–0091). This rule amends Section 716.4(e) of the CWCR to: (1) Clarify the extent to which an OPCW Inspection Team will have access to a facility's records that are related to activities that took place at the facility during the previous calendar year (by requiring facilities undergoing inspection to provide the Inspection Team with access to all supporting materials and documentation used by the facility to prepare declarations and to otherwise comply with the CWCR, including records related to activities that have taken place at the facility since the beginning of the previous calendar year, i.e., up to and including the date of the inspection) and (2) ensure that the CWCR records review requirements for inspections fully conform with the inspection aims described in Part 716 of the CWCR (by requiring facilities to make available to the Inspection Team all supporting materials and documentation associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals and feedstock). Consistent with the changes to Section 716.4(e) of the CWCR, this final rule amends the recordkeeping provisions in Section 721.2(a) of the CWCR to specifically require that each facility subject to inspection under Part 716 of the CWCR retain all records associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals.

In order to assess the extent to which requiring facilities to maintain and make available records to verify the non-diversion of CWC Schedule 1 and Schedule 2 chemicals would affect the burden hours and associated costs under the approved collection (Control Number 0694–0091), BIS conducted a voluntary survey of nine facilities, requesting these facilities to estimate the time that would be required to prepare and maintain records used to determine non-diversion of CWC Schedule 1 and Schedule 2 chemicals (e.g., records on chemical production, processing, consumption, inventory, transfers, and other dispositions). All five of the facilities that responded to the voluntary survey indicated that they already use and maintain such records to prepare their declarations (in accordance with the requirements of the CWCR) and for other internal procedures. Based on the results of this survey, BIS determined that amending the CWCR to require declared chemical facilities to maintain and make available records for verifying the non-diversion of CWC Schedule 1 and Schedule 2 chemicals would not impose any additional burden or associated costs under the approved collection.

BIS also assessed the extent to which burden hours and associated costs under the approved collection (Control Number 0694–0091) would be affected by requiring facilities to provide the Inspection Team with access to all supporting materials and documentation used by the facility to prepare declarations and to otherwise comply with the CWCR, including records related to activities that have taken place at the facility since the beginning of the previous calendar year (i.e., up to and including the date of the inspection). BIS determined that there would be no additional burden or associated costs under the approved collection, as a result of this recordkeeping requirement, because facilities already maintained and provided access to such records in order to comply with the declaration, recordkeeping, and/or inspection requirements in the CWCR.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to David Rostker, Office of Management and Budget (OMB), by e-mail to *David_Rostker@omb.eop.gov*, or by fax to (202) 395–7285; and to the Regulatory Policy Division, Bureau of Industry and Security, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Under section 605(b) of the RFA, however, if the head of an agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis. Pursuant to section 605(b), the Chief Counsel for Regulations, Department of Commerce, certified to the Chief Counsel for Advocacy, Small Business Administration, that this final rule, if promulgated, would not have a significant economic impact on a substantial number of small entities for the reasons explained below. No comments were received on the economic impact of the rule. Consequently, BIS did not prepare a final regulatory flexibility analysis.

Small entities include small businesses, small organizations and small governmental jurisdictions. For purposes of assessing the impact of this final rule on small entities, small entity is defined as: (1) A small business according to RFA default definitions for small business (based on SBA size standards), (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000, and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. BIS has determined that this final rule will affect only the first category of small entities (i.e., small businesses). The President reported to the Congress, in December 2003, as required under Section 309 of the CWC Implementation Act, that 297 U.S. companies representing 691 facilities, plant sites, and trading companies were subject to the declaration and reporting requirements under the Chemical Weapons Convention Regulations (CWCR). Although BIS estimates that the majority of these 297 companies are businesses that have more than 500 employees, BIS does not have sufficient information on these companies to definitively characterize them as large entities. The Small Business Administration (SBA) has established standards for what constitutes a small business, with respect to each of the Standard Industrial Classification (SIC) code categories for ''Chemicals and Allied Products.'' However, BIS is not able to determine which of these SIC code categories apply to the companies that are subject to the declaration, reporting, advance notification, recordkeeping or inspection requirements of this rule. Therefore, for the purpose of assessing the impact of this final rule, BIS assumes that the 297 companies are small entities.

The changes made by this final rule will not affect a substantial number of small entities. This final rule amends section 715.1(d) of the CWCR to add a new requirement for the submission of a Change in Inspection Status Form that applies to any ''declared'' UDOC plant site currently subject to inspection, which anticipates that its production of UDOCs during the current calendar year will be below the inspection threshold level indicated in the CWCR. These UDOC plant sites are required to submit a Change in Inspection Status Form to BIS, by December 15th of the current calendar year, in order to ensure that they will not be subject to inspection during the first 90 days of the next calendar year.

BIS estimates that, of the 691 facilities, plant sites, and trading companies that are affected by the declaration and reporting requirements of the CWCR per calendar year, 600 of these are unscheduled discrete organic chemical (UDOC) plant sites. Of these 600 UDOC plant sites, BIS estimates that no more than 6 UDOC plant sites per calendar year will be required to submit a Change in Inspection Status Form for the purpose of indicating that their annual UDOCs production will be below the inspection threshold level indicated in the CWCR. Since BIS can only estimate the total number of small entities per calendar year that are affected by the declaration and reporting requirements of the CWCR (i.e., 297 small entities, as indicated above), BIS must also estimate the number of small entities that own, operate, or otherwise control UDOC plant sites likely to be affected by this rule. Therefore, based on the estimate that only 6 UDOC plant sites (out of a total of 600 UDOC plant sites) will be required to submit a Change in Inspection Status Form each calendar year, BIS estimates, for the purpose of assessing the impact of this final rule, that no more than 6 small entities per calendar year will be affected by this new CWCR requirement. This estimate assumes that each UDOC plant site that will be affected by this final rule will be owned, operated, or otherwise controlled by a small entity. Since BIS estimates that no more than 6 small entities per calendar year will be affected by this new CWCR requirement, the requirement will not affect a substantial number of small entities.

Furthermore, the additional recordkeeping and reporting requirements imposed by this final rule will not have a significant economic impact on small entities. BIS estimates that the burden hours for completion and submission of the Change in Inspection Status Form will be 5.1 hours per respondent. The total annual burden hours for this additional collection of information are estimated to be 30.6 hours (i.e., 5.1 burden hours × 6 respondents). The estimated total annual cost of this additional collection of information for all affected entities will be $1,163 (30.6 burden hours × $38/hour). This estimate takes into consideration the fact that this rule provides certain ''declared'' UDOC plant sites (i.e., plant sites that anticipate producing one or more PSF chemicals during the current calendar year, in quantities that would require them to submit an Annual Declaration on Past Activities to BIS, but that would be below the CWCR inspection threshold level for UDOCs) with the option of submitting their Annual Declaration on Past Activities earlier than normally required (i.e., December 15th of the year in which the UDOC activities take place, instead of February 28th of the following year), in lieu of submitting a Change in Inspection Status Form. Based on these estimates, the total cost of these additional recordkeeping and reporting requirements will represent only a small percentage of the revenues generated by the affected companies.

Therefore, this final rule will not affect a substantial number of small entities (no more than 6 UDOC plant sites of an estimated 600, per annum) and the total economic impact on the affected entities (*i.e.*, $1,163) will not be significant. Since the revisions that this rule makes to the CWCR will not impose a significant economic impact on a substantial number of small entities, BIS has not prepared a final regulatory flexibility analysis for this rule.

List of Subjects

15 CFR Part 710

Chemicals, Exports, Foreign Trade, Imports, Treaties.

15 CFR Part 715

Chemicals, Exports, Foreign Trade, Imports, Reporting and recordkeeping requirements.

15 CFR Part 716

Chemicals, Confidential business information, Reporting and recordkeeping requirements, Search warrant, Treaties.

15 CFR Part 719

Administrative practice and procedure, Chemicals, Exports, Imports, Penalties.

15 CFR Part 721

Reporting and recordkeeping requirements.

■ Accordingly, Parts 710, 715, 716, 719, and 721 of the Chemical Weapons Convention Regulations (15 CFR parts 710–729) are amended as follows:

PART 710—[AMENDED]

■ 1. The authority citation for 15 CFR part 710 continues to read as follows:

Authority: 22 U.S.C. 6701 *et seq.*; E.O. 13128, 64 FR 36703, 3 CFR 1999 Comp., p. 199.

■ 2. Supplement No. 1 to Part 710 is amended by revising the undesignated center heading ''List of States Parties as of March 25, 2006'' to read ''List of States Parties as of November 1, 2006'', by removing the country ''Serbia and Montenegro'', and by adding in alphabetical order the countries ''Central African Republic'', ''Comoros'', ''Montenegro'', and ''Serbia''.

PART 715—[AMENDED]

■ 3. The authority citation for 15 CFR part 715 continues to read as follows:

Authority: 22 U.S.C. 6701 *et seq.*; E.O. 13128, 64 FR 36703.

■ 4. Section 715.1 is amended by adding a Note immediately following paragraph (b)(1) and by revising paragraph (d) to read as follows:

§ 715.1 Annual declaration requirements for production by synthesis of unscheduled discrete organic chemicals (UDOCs).

* * * * *

(b) * * *

(1) * * *

Note to § 715.1(b)(1): If there is a change in the inspection status of your plant site, as described in paragraph (d)(2) of this section, you may submit an Annual Declaration on Past Activities, in lieu of a Change in Inspection Status Form, under the circumstances described in Note 3 to paragraph (d)(2). In this case, the due date for submitting the Annual Declaration on Past Activities to BIS, covering UDOC production at your plant site during the *current* calendar year, would be December 15th of the *current* calendar year, instead of February 28th of the next calendar year (also see Supplement No. 3 to this part). If you choose to submit your Annual Declaration on Past Activities to BIS by December 15th and, subsequently, you determine that the production by synthesis of UDOCs at your plant site actually exceeded the UDOC inspection threshold level specified in paragraph (d)(1) of this section, you must submit an amendment to your Annual Declaration on Past Activities (see § 715.2 of the CWCR) and indicate, on Form B, the reason your plant site exceeded the UDOC inspection threshold.

* * * * *

(d) *Routine inspections of declared UDOC plant sites.* (1) *Inspection requirement.* A ''declared'' UDOC plant site is subject to routine inspection by the Organization for the Prohibition of Chemical Weapons (OPCW) (see part 716 of the CWCR) if it produced by synthesis more than 200 metric tons aggregate of UDOCs during the previous calendar year.

(2) *Change in inspection status.* You may complete the Change in Inspection Status Form, to ensure that your facility does not remain subject to inspection during the first 90 days of the next calendar year (i.e., prior to the submission of the U.S. declaration to the OPCW), if:

(i) Your plant site is currently subject to inspection, pursuant to paragraph (d)(1) of this section, based on your plant site's production by synthesis of UDOCs during the *previous* calendar year; and

(ii) Your plant site's production by synthesis of UDOCs in the *current* calendar year will be below the inspection threshold level specified in paragraph (d)(1) of this section by the deadline indicated in Supplement No. 3 to this part, and is anticipated to remain below that threshold level through the remainder of the *current* calendar year.

Note 1 to § 715.1(d)(2): Upon receipt of the Change in Inspection Status Form, BIS will inform the Organization for the Prohibition of Chemical Weapons (OPCW) that your plant site is not subject to inspection during the *next* calendar year.

Note 2 to § 715.1(d)(2): If, after submitting your Change in Inspection Status Form to BIS, you determine that the production by synthesis of UDOCs at your plant site actually exceeded the UDOC inspection threshold level specified in paragraph (d)(1) of this section, you must indicate this fact when you submit your Annual Declaration on Past Activities to BIS and indicate, on Form B, the reason your plant site exceeded the UDOC inspection threshold.

Note 3 to § 715.1(d)(2): You may submit the Annual Declaration on Past Activities described in paragraph (b)(1) of this section, instead of the Change in Inspection Status Form, if you anticipate that UDOC production at your plant site during the *current* calendar year will be below the inspection threshold level specified in paragraph (d)(1) of this section, but you expect your plant site to remain subject to the UDOC declaration requirements in paragraph (a)(1) of this section. In this case, the due date for the Annual Declaration on Past Activities will be December 15th of the current calendar year, instead of February 28th of the *next* calendar year. Note that any changes to information contained in the Annual Declaration on Past Activities must be addressed in accordance with the amendment requirements in § 715.2 of the CWCR. For example, if subsequent to the submission of your Annual Declaration on Past Activities to BIS on December 15th, you determine that the production by synthesis of UDOCs at your plant site actually exceeded the UDOC inspection threshold level specified in paragraph (d)(1) of this section, you must submit an amendment to your Annual Declaration on Past Activities (see § 715.2 of the CWCR) and indicate, on Form B, the reason your plant site exceeded the UDOC inspection threshold.

Note 4 to § 715.1(d)(2): Currently inspectable UDOC plant sites that do not submit either a Change in Inspection Status Form or Annual Declaration of Past Activities by December 15th of the current calendar year, in accordance with paragraph (d)(2) of this section, will remain subject to inspection through at least the 90-day period at the beginning of the next calendar year.

■ 5. Section 715.4 is amended by revising the section heading and introductory text, by revising paragraph (c), and by adding a new paragraph (d) to read as follows:

§ 715.4 Deadlines for submitting UDOC declarations, No Changes Authorization Forms, Change in Inspection Status Forms, and amendments.

Declarations, No Changes Authorization Forms, Change in Inspection Status Forms, and amendments required under this part must be postmarked by the appropriate dates identified in Supplement No. 3 to this part 715 of the CWCR. Required documents under this part include:

(c) *Change in Inspection Status Form*—May be completed and submitted to BIS if your plant site is currently subject to inspection, pursuant to § 715.1(d)(1) of the CWCR, and you anticipate that the production of UDOCs at your plant site during the *current* calendar year will remain below the inspection threshold level indicated therein (i.e., 200 metric tons aggregate); and

(d) Amended declaration.

■ 6. Supplement No. 3 to part 715 is revised to read as follows:

SUPPLEMENT NO. 3 TO PART 715

[Deadlines for Submission of Declarations, No Changes Authorization Forms, Amendments for Unscheduled Discrete Organic Chemical (UDOC) Facilities, and Change in Inspection Status Forms]

Declarations	Applicable forms	Due dates
Annual Declaration on Past Activities (previous calendar year). Declared plant site.	Certification, UDOC, A (as appropriate), B (optional).	February 28 of the year following any calendar year in which the production by synthesis of UDOCs exceeded the applicable declaration threshold in § 715.1(a)(1) of the CWCR.*
No Changes Authorization Form (declaration required, but no changes to data contained in previously submitted annual declaration on past activities—previous calendar year). Declared plant site	No Changes Authorization Form.	February 28 of the year following any calendar year in which the production by synthesis of UDOCs exceeded the applicable declaration threshold in § 715.1(a)(1) of the CWCR.
Amended Declaration:	Certification, UDOC, A (as appropriate), B (optional).	
—Declaration information		—15 calendar days after change in information.
—Company information		—30 calendar days after change in information.
—Post-inspection letter		—45 calendar days after receipt of letter.
Change in Inspection Status Form (applies only if your plant site is currently subject to inspection, pursuant to § 715.1(d)(1) of the CWCR, and you anticipate that the production by synthesis of UDOCs at your plant site during the current calendar year will remain below the inspection threshold level specified therein).	Change in Inspection Status Form.	December 15th of any calendar year in which the production by synthesis of UDOCs is anticipated to be below the inspection threshold level specified in § 715.1(d)(1) of the CWCR.*

*You may submit the Annual Declaration on Past Activities (ADPA) described in § 715.1(b)(1), instead of the Change in Inspection Status Form, if you anticipate that UDOC production at your plant site during the current calendar year will be below the inspection threshold level specified in § 715.1(d)(1), but you expect your plant site to remain subject to the UDOC declaration requirements in § 715.1(a)(1). In this case, the due date for the Annual Declaration on Past Activities will be December 15th of the current calendar year, instead of February 28th of the *next* calendar year.

PART 716—[AMENDED]

■ 7. The authority citation for 15 CFR part 716 continues to read as follows:

Authority: 22 U.S.C. 6701 *et seq.*; E.O. 13128, 64 FR 36703, 3 CFR 1999 Comp., p. 199.

■ 8. Section 716.1 is amended by adding a new Note 3 to paragraph (b)(4) to read as follows:

§ 716.1 General information on the conduct of initial and routine inspections.

* * * * *

(b) * * *

(4) * * *

Note 3 to paragraph (b)(4): Any UDOC plant site that is eligible, in accordance with § 715.1(d)(2) of the CWCR, to submit a Change in Inspection Status Form or an Annual Declaration on Past Activities by December 15th of the current calendar year (*i.e.*, a plant site that will be below the inspection threshold level indicated in paragraph (b)(4) of this section during the current calendar year), but that fails to do so, will remain subject to inspection through at least the 90-day period at the beginning of the next calendar year.

* * * * *

■ 9. Section 716.4 is amended by revising paragraph (e) to read as follows:

§ 716.4 Scope and conduct of inspections.

* * * * *

(e) *Records review.* (1) The facility must provide the Inspection Team with access to all supporting materials and documentation used by the facility to prepare declarations and to otherwise comply with the requirements of the CWCR. These supporting materials and documentation shall include records related to activities that have taken place at the facility since the beginning of the previous calendar year, regardless of whether or not the facility has submitted its current year Annual Declaration on Past Activities to BIS at the time of the inspection. The facility shall also make available for inspection all records associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals and feedstock. All supporting materials and documentation subject to the requirements of this paragraph (e) must be retained by the facility in accordance with the requirements of § 721.2 of the CWCR. The facility also must permit access to and copying of these records, upon request by BIS or any other agency of competent jurisdiction, in accordance with the requirements of § 721.1 of the CWCR.

(2) The facility must provide access to these supporting materials and documentation in appropriate formats (*e.g.*, paper copies, electronic remote access by computer, microfilm, or microfiche), through the U.S. Government Host Team to Inspection Teams, during the inspection period or as otherwise agreed upon by the Inspection Team and Host Team Leader.

(3) The facility must provide the Inspection Team with appropriate accommodations in which to review these supporting materials and documentation.

(4) If a facility does not have access to supporting materials and documentation for activities that took place under previous ownership, because such records were not transferred to the current owner of the facility by the previous owner (*e.g.*, as part of the contract involving the sale of the facility), the previous owner must make such records available to the Host Team for provision to the Inspection Team in accordance with section 305 of the Act. However, the current owner of a facility, upon receiving notification of an inspection (see § 716.5 of the CWCR), is responsible for informing BIS if the previous owner did not transfer records for activities that took place under the previous ownership—this will allow BIS to contact the previous owner of the facility, to arrange for access to such records, if BIS deems them relevant to the inspection activities.

PART 719—[AMENDED]

■ 10. The authority citation for 15 CFR part 719 continues to read as follows:

Authority: 22 U.S.C. 6701 *et seq.*; 50 U.S.C. 1601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 12938, 59 FR 59099, 3 CFR 1994, Comp., p. 950; E.O. 13128, 64 FR 36703, 3 CFR 1999 Comp., p. 199.

§ 719.3 [Amended]

■ 11. Section 719.3 is amended:

■ a. By revising the dollar amount ''$11,000'' to read ''$50,000'' in paragraph (b) and in the footnote to paragraph (b); and

■ b. By revising the parenthetical ''(15 CFR 6.4(a)(3))'' at the end of the footnote to paragraph (b) to read ''(15 CFR 6.4(a)(5))''.

PART 721—[AMENDED]

■ 12. The authority citation for 15 CFR part 721 continues to read as follows:

Authority: 22 U.S.C. 6701 *et seq.*; E.O. 13128, 64 FR 36703, 3 CFR 1999 Comp., p. 199.

■ 13. Section 721.2 is amended by revising paragraph (a) to read as follows:

§ 721.2 Recordkeeping.

(a) *Requirements.* Each person, facility, plant site or trading company required to submit a declaration, report, or advance notification under parts 712 through 715 of the CWCR must retain all supporting materials and documentation used by a unit, plant, facility, plant site or trading company to prepare such declaration, report, or advance notification to determine production, processing, consumption, export or import of chemicals. Each facility subject to inspection under Part 716 of the CWCR must retain all supporting materials and documentation associated with the movement into, around, and from the facility of declared chemicals and their feedstock or any product chemicals formed from such chemicals and feedstock. In the event that a declared facility is sold, the previous owner of the facility must retain all such supporting materials and documentation that were not transferred to the current owner of the facility (*e.g.*, as part of the contract involving the sale of the facility)—otherwise, the current owner of the facility is responsible for retaining such supporting materials and documentation. Whenever the previous owner of a declared facility retains such supporting materials and documentation, the owner must inform BIS of any subsequent change in address or other contact information, so that BIS will be able to contact the previous owner of the facility, to arrange for access to such records, if BIS deems them relevant to inspection activities involving the facility (see § 716.4 of the CWCR).

* * * * *

Dated: March 21, 2007.

Christopher A. Padilla,

Assistant Secretary for Export Administration.

[FR Doc. E7–5594 Filed 3–27–07; 8:45 am]

BILLING CODE 3510–33–P

FEDERAL TRADE COMMISSION

16 CFR Part 311

Test Procedures and Labeling Standards for Recycled Oil

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') has completed its regulatory review of the Test Procedures and Labeling Standards for Recycled Oil (''Recycled Oil Rule'' or ''Rule''), as part of the Commission's systematic review of all current Commission regulations and guides. The Commission, with the exception of incorporating by reference American Petroleum Institute Publication 1509, Fifteenth Edition, and updating incorporation by reference approval language, has determined to retain the Recycled Oil Rule in its current form.

DATES: This action is effective as of March 28, 2007. The incorporation by reference of the American Petroleum Institute Publication 1509, Fifteenth Edition, listed in this Rule, is approved by the Director of the Federal Register as of March 28, 2007.

ADDRESSES: Requests for copies of this notice should be sent to the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Ave., NW., Washington, DC 20580. The notice also is available on the Internet at the Commission's Web site, *http://www.ftc.gov*.

FOR FURTHER INFORMATION CONTACT: Janice Podoll Frankle, (202) 326–3022, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580. E-mail: *jfrankle@ftc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Commission has determined, as part of its oversight responsibilities, to review its rules and guides periodically to seek information about their costs and benefits, as well as their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission.

II. Background

Section 383 of the Energy Policy and Conservation Act of 1975 (''EPCA''), 42 U.S.C. 6363, mandated that the FTC promulgate a rule prescribing testing procedures and labeling standards for recycled oil. This section of EPCA is intended to encourage the recycling of used oil, promote the use of recycled oil, reduce consumption of new oil by promoting increased utilization of recycled oil, and reduce environmental hazards and wasteful practices associated with the disposal of used oil. 42 U.S.C. 6363(a).

EPCA also mandated that the National Institute of Standards and Technology (''NIST'') develop (and report to the FTC) test procedures to determine whether processed used oil is substantially equivalent to new oil for a particular end use. 42 U.S.C. 6363(c). Within 90 days after receiving NIST's test procedures, EPCA required that the FTC prescribe, by rule, substantial equivalency test procedures, as well as labeling standards for recycled oil. 42 U.S.C. 6363(d)(1)(A). EPCA also required that the Commission's rule permit any container of recycled oil to bear a label indicating any particular end use (*e.g.*, engine lubricating oil), for which a determination of ''substantial equivalency'' with new oil has been made in accordance with the NIST test procedures. 42 U.S.C. 6363(d)(1)(B).

On July 27, 1995, NIST reported to the FTC test procedures for determining the substantial equivalence of processed used engine oil with new engine oil. The NIST test procedures and performance standards are the same as those adopted by the American Petroleum Institute (''API'') for engine lubricating oils generally, regardless of origin. The Rule, 16 CFR part 311, which was issued on October 31, 1995 (60 FR 55421), implements EPCA's requirements by permitting a manufacturer or other seller to ''represent, * * * on a container of processed used oil, that such oil is substantially equivalent to new oil for use as engine oil only if the manufacturer has determined that the oil is substantially equivalent to new oil for use as engine oil'' in accordance with the test procedures entitled ''Engine Oil Licensing and Certification System,'' American Petroleum Institute Publication 1509, Thirteenth Edition, January 1995.[1]

[1] The Commission's 1995 **Federal Register** notice explained that the Rule ''does not require manufacturers to * * * explicitly state that their engine oil is substantially equivalent to new oil'' and does not mandate any qualifiers or specific disclosures. (60 FR 55418–55419). Until NIST

As part of the Commission's ongoing project to review periodically its rules and guides to determine their current effectiveness and impact, on July 6, 2006, the Commission published a **Federal Register** notice (''FRN'') seeking comment on the Recycled Oil Rule.[2] The Commission sought comment on: (1) The continuing need for the Rule as currently promulgated; (2) the benefits the Rule has provided to purchasers; (3) whether the Rule has imposed costs on purchasers; (4) what changes, if any, should be made to the Rule to increase purchasers' benefits and how the changes would affect the costs to firms; (5) what significant burdens or costs the Rule has imposed on firms; (6) what changes, if any, should be made to the Rule to reduce burdens or costs to firms; (7) whether the Rule overlaps or conflicts with other federal, state, or local laws or regulations; (8) what effects, if any, have changes in relevant technology or economic conditions had on the Rule; and (9) whether the updated version of American Petroleum Institute Publication 1509 (Fifteenth Edition) should be incorporated by reference into the Rule.

III. Regulatory Review Comments

The Commission received comments[3] from four trade associations[4] and three companies.[5] These comments are discussed below.

1. Is there a continuing need for the Rule as currently promulgated?

All of the comments stated that the Recycled Oil Rule should remain in effect. The Automotive Oil Change Association (''AOCA''), which stated that it is the national representative for over 3,000 small business fast-lube facilities that both generate significant quantities of used oil and collect ''do-it-yourselfer'' used oil from the public, commented that the Rule furthers the success of the used oil recycling chain. AOCA also commented that consumers and the automotive service industry need uniformity in motor oil container labeling and that without the Rule some states might require recycled oil content labeling ''that differs from other states thereby causing confusion and placing a burden on commerce.''

The National Automobile Dealers Association (''NADA''), which stated that it represents 20,000 franchised automobile and truck dealers who sell new and used vehicles and service, provide auto repair, and sell auto parts, commented that the Rule indirectly impacts car and truck dealerships that purchase motor oil for vehicle use and collect used oil from the vehicles they service. NADA commented that since car and truck dealerships use only API certified motor oils, ''the Rule's requirement that used oil processors take appropriate steps when manufacturing 'substantially equivalent' motor oils helps make those oils potentially marketable to dealerships.'' NADA further stated that by not requiring that ''substantially equivalent'' recycled oils be labeled ''recycled'' or ''re-refined,'' used oil processors are able to market their products effectively. NADA also advised that the Rule has facilitated the growth of consumer acceptance of recycled oil.

Safety-Kleen Systems, Inc. (''Safety-Kleen''), which stated that it re-refines about 160 million gallons of used oil each year, commented that the Department of Energy, in conjunction with the Environmental Protection Agency, recently completed a study that, in part, concluded that re-refining used oil is beneficial to the environment and noted the need to encourage the use of recycled oil.[6] Similarly, ExxonMobil Lubricants & Specialties Company (''ExxonMobil'') commented that the Rule ''contributes to the goal of encouraging responsible used oil management practices to protect the public and the environment.''

2. What benefits has the Rule provided to purchasers of the products or services affected by the Rule?

Safety-Kleen stated that because the Rule sets forth the criteria that re-refined oil must meet to be ''substantially equivalent'' to new oil, end users are assured that the oil will perform as intended in their vehicles. Pennzoil-Quaker State Company, a wholly owned subsidiary of Shell Oil Company (''Shell''), which is the manufacturer, marketer, and seller of a number of engine oils, including Pennzoil, Quaker State, Q, ROTELLA, and Formula Shell, and the owner of Jiffy Lube stores, commented that the Rule has eliminated the requirement that engine oils made with recycled base oils be labeled as such; thus, consumers can shop for engine oils with the assurance that engine oil that meets API's standards will be sufficient for their vehicles, whether the base oil used is virgin or recycled.

3. Has the Rule imposed costs on purchasers?

Both Safety-Kleen and Shell stated that they were not aware of any additional costs to purchasers due to the Rule. No other comments addressed this question.

4. What changes, if any, should be made to the Rule to increase the benefits of the Rule to purchasers? How would these changes affect the costs the Rule imposes on firms subject to its requirements? How would these changes affect the benefits to purchasers?

The National Petrochemical & Refiners Association (''NPRA''), Shell, and Safety-Kleen, while supporting the Rule, suggested certain modifications. NPRA, which stated that it is a national trade association with 450 members, including those who own or operate virtually all U.S. refining capacity, in addition to most of the nation's petrochemical manufacturers, commented that the Rule's definition of ''recycled oil''[7] ''is too broad and could result in sub-standard products in the marketplace.'' NPRA attached to its comment three proposed definitions for recycled oil (''re-refining,''[8] ''re-conditioning,''[9] and ''re-processing.''[10]), which it said ''reflect

develops test procedures for other end uses, the Recycled Oil Rule is limited to recycled oil used as engine oil. Moreover, because NIST's test procedures and performance standards are the same as those adopted by API for engine oils, the Commission must limit the Rule's scope to categories of engine oil that are covered by the API Engine Oil Licensing and Certification System, as prescribed in API Publication 1509.

[2] 71 FR 38321 (July 6, 2006).

[3] The comments are cited in this notice by reference to the name of the commenter. The comments are on the public record and are available for public inspection in the Consumer Response Center, Room 130, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC, from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. The comments also are available on the Internet at the Commission's Web site, *http://www.ftc.gov.*

[4] The trade associations are: American Petroleum Institute, Automotive Oil Change Association, National Automobile Dealers Association, and National Petrochemical & Refiners Association (comment received after comment period closed).

[5] The companies are: ExxonMobil Lubricants & Specialities Company, Safety-Kleen Systems, Inc., and Pennzoil-Quaker State Company.

[6] The study is entitle ''Used Oil Re-refining Study to Address Energy Policy Act of 2005 Section 1838.''

[7] Section 311.1(d) of the Rule defines ''recycled oil'' as ''processed used oil'' that the manufacturer has determined, pursuant to the Rule's required test procedures is ''substantially equivalent to new oil for use as engine oil.''

[8] NPRA stated that ''re-refined stock shall be substantially free from materials introduced through additization and use. Re-refining produces a base oil comparable to virgin base oils. It is capable of meeting current guidelines required to produce most current engine oil categories and licensing requirements as defined by API. (API Base Oil Interchangeability Guidelines, E.1.2.1 and API 1509 requirements.)''

[9] NPRA defined ''re-conditioning'' as ''[u]se of a filtration system to remove insoluble impurities, combines with replenishment of key additives, to extend the lubricant's life.''

[10] NPRA defined ''re-processing'' as ''chemical or physical operations designed to produce from used

Continued

today's current manufacturing procedures and would help ensure uniform, reliable products.''

NPRA, however, did not explain how the manufacturing processes underlying its proposed new definitions impact the performance characteristics of recycled oil. Significantly, Congress was primarily concerned with the performance characteristics of recycled oil, not the recycling process used to manufacture the oil.[11] The current definition of recycled oil, requiring that the oil perform substantially equivalently to new oil, meets this goal. Furthermore, the Commission has not received any complaints or any other comments regarding the current definition of ''recycled oil.''

Shell commented that the '' 'substantially equivalent' criterion is solely performance-based and does not include a consideration of the possible health effects of engine oils and other products manufactured with recycled base oils, rather than virgin petroleum base oils.'' [12] Thus, Shell recommended that the FTC ''require 'substantial equivalency' to include health-based criteria in addition to the performance-based criteria.'' [13]

The Commission observes that Exxon Company, U.S.A., in connection with the 1995 Recycled Oil rulemaking, also proposed that the Recycled Oil Rule establish health-based ''substantial equivalency'' standards. In addressing Exxon's concerns, the Commission found that consideration of the potential health effect of recycled oil was beyond its statutory mandate and that ''it is clear from the legislative history of EPA that Congress was concerned only with the performance characteristics of recycled oil, not potential health consequences * * *. Although Exxon's concerns may be important, they cannot be addressed in this proceeding. The Commission has no factual or legal basis to address the health effects, or any other nonperformance qualities, of recycled oil in this rulemaking.'' [14] Accordingly, the Commission reiterates that it is beyond the Commission's legislative mandate to amend the Rule to incorporate health-based criteria.

Additionally, Safety-Kleen suggested that the Commission consider labeling changes that emphasize that ''re-refined motor oil is 'recycled' and environmentally preferable to other end uses of used motor oil.'' [15] As the Commission stated in the 1995 Recycled Oil rulemaking: ''Because the rule does not mandate the use of specific disclosures, recycled oil manufacturers or other sellers have flexibility to promote the performance of their products and their 'substantial equivalency' with new oil * * *. Manufacturers can voluntarily label recycled oil with terms such as 'recycled' to assist in the marketing of their products.'' [16] In the present Rule review, the Commission continues to adhere to that position because the Rule already provides manufacturers and sellers the discretion to label and market their processed used engine oil as ''recycled.''

5. What significant burdens or costs, including costs of compliance, has the Rule imposed on firms subject to its requirements? Has the Rule provided benefits to such firms? If so, what benefits?

Safety-Kleen commented that by referencing the API certification, the Rule has minimized duplication of costs in obtaining engine oil approval. Safety-Kleen commented that it would oppose any requirements beyond those specified by the API because any additional testing or requirements would be a burden.[17] Shell commented that it did not have any data regarding the compliance costs for manufacturers of refined oil.

6. What changes, if any, should be made to the Rule to reduce the burdens or costs imposed on firms subject to its requirements? How would these changes affect the benefits provided by the Rule? [18]

Shell recommended that the Commission make no changes to the performance-based criteria but reiterated its recommendation that the Commission include health-based criteria.

7. Does the Rule overlap or conflict with other federal, state, or local laws or regulations?

Safety-Kleen commented that the Rule is consistent with federal efforts to encourage re-refining used oil and that there is no significant overlap between the Rule and other government initiatives.[19] Shell commented that it is not aware of any conflict or overlap with other federal, state, or local laws or regulations.

8. Since the Rule was issued, what effects, if any, have changes in relevant technology or economic conditions had on the Rule?

Safety-Kleen commented that ''[t]he rising price of crude oil and the political instability in many crude-producing regions has made re-refining more attractive both economically and strategically.'' Safety-Kleen observed that advances in re-refining have ''led re-refined oil to be warranty approved by all major U.S. manufacturers as long as the oil is API approved.''

9. Since the Rule was issued, the API has published the Fifteenth Edition of Publication 1509.[20] Should this updated version of Publication 1509 be incorporated by reference into the Rule?

All of the comments recommended that the Commission incorporate by reference the Fifteenth Edition of Publication 1509 into the Rule and that the Commission amend the Rule's reference to Publication 1509 to accommodate edition updates. API observed that the Sixteenth Edition of API 1509 is ''expected to be issued shortly'' and thus recommended that the reference to API Publication 1509 in Section 311.4 of the Rule be amended to read ''latest edition.'' API stated that adopting the ''latest edition'' language

oil, or to make used oil more amenable for production of, fuel oils, lubricants, or other used oil-derived products. Processing includes, but is not limited to: blending used oil with virgin petroleum products, blending used oils to meet the fuel specification, filtration, simple distillation.''

[11] H.R. Rep. No. 96–1415, 96th Cong. 2d Sess. 6 (1980), reproduced at 1980 U.S. Code Cong. & Ad. News 4354, 4356. (''Oil should be labeled on the basis of performance characteristics and fitness for its intended use, and not on the basis of the origin of the oil.'')

[12] Shell contends that recycled oils vary in how well the impurities are removed during their manufacture. Shell further asserts that these impurities ''present'' a skin cancer hazard. However, Shell did not present any studies that showed a link between recycled oil and any health ailments. Rather, Shell stated that limited health data on re-refined base oils is available as compared to studies of virgin base oils. Shell also did not propose a specific study protocol for evaluating the health effects of recycled oil.

[13] Attachment 1 to Shell's comment contains a detailed discussion of this matter and the basis for Shell's recommendation.

[14] 60 FR 55418 (October 31, 1995).

[15] Specifically, Safety-Kleen commented that re-refined motor oil requires less energy to produce than motor oil derived from crude oil and results in fewer emissions.

[16] 60 FR 55419. The Commission, however, explained that manufacturers using such terms need to consider the Commission's Guides for the Use of Environmental Marketing Claims. *See, e.g.,* 16 CFR 260.7(e).

[17] Safety-Kleen also noted that any requirements that only apply to recycled oil, and not to new oil, would be counter to the Rule's purpose.

[18] Safety-Kleen's response to this question referred back to its response to question 4.

[19] Safety-Kleen responded that the Rule is consistent with Executive Orders 13101 (1998) and 13149 (2000) that direct the federal government to buy re-refined oil when it is available at the same quality and price as new oil.

[20] The current Rule references the Thirteenth Edition.

will prevent confusion as new editions are issued.

Although this suggestion has considerable merit, each statement of incorporation by reference in regulatory text must specifically identify the material to be incorporated, including the title, date, edition, author, publisher, and identification number of the publication.[21] Therefore, the Commission does not have discretion to refer generally to the ''latest'' or ''current'' edition of API Publication 1509 in the Rule.[22] Because Publication 1509 is in its Fifteenth Edition, the Commission is incorporating it by reference by publishing an amendment to the Code of Federal Regulations in the current rulemaking.

IV. Conclusion

The comments provide evidence that the Rule serves a useful purpose, while imposing minimal costs on the industry; and the Commission has no evidence to the contrary. Accordingly, with the exception of incorporating by reference API Publication 1509, Fifteenth Edition, and adding an updated explanation of incorporation by reference in Section 311.4, the Commission has determined to retain the Recycled Oil Rule in its current form.

V. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, requires an agency to provide a Final Regulatory Flexibility Analysis with the final rule, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 603–605. The Rule permits rather than requires any container of recycled oil to bear a label indicating that it is substantially equivalent to new engine oil, if such determination has been made in accordance with the prescribed test procedures. The Rule imposes no reporting or recordkeeping requirements, and it permits recycled oil to be labeled with information that is basic and easily ascertainable. In addition, the Rule does not require recycled oil manufacturers to conduct substantial equivalency tests themselves and maintain their own testing equipment. Rather, they may use third parties to minimize testing costs. In any event, the Commission believes the Rule, as amended, does not affect a substantial number of small entities because relatively few companies currently manufacture and sell recycled oil as engine oil, and that most would not be ''small entities'' under applicable regulations, 13 CFR part 121. Although there may be some ''small entities'' among private-label retail sellers or distributors of recycled engine oil, the Rule's labeling standards should continue to have only a minimal impact on such entities, because the Rule is limited to voluntary labeling disclosures beyond the labeling costs that such entities already incur. Accordingly, for the reasons above, the Commission certifies that the Rule, as amended, will not have a significant economic impact on a substantial number of small entities. This document serves as notice of that determination to the Small Business Administration.

VI. Paperwork Reduction Act

Under the Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501–3520, federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of information'' means agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). The amended Rule does not involve the ''collection of information'' under the PRA and, therefore, OMB approval is not required.

List of Subjects in 16 CFR Part 311

Energy conservation, Incorporation by reference, Labeling, Recycled oil, Trade practices.

Text of Amendments

■ For the reason set forth in the preamble, 16 CFR part 311 is amended as follows:

PART 311—TEST PROCEDURES AND LABELING STANDARDS FOR RECYCLED OIL

■ 1. The authority citation for part 311 continues to read as follows:

Authority: 42 U.S.C. 6363(d).

■ 2. Revise § 311.4 to read as follows:

§ 311.4 Testing.

To determine the substantial equivalency of processed used oil with new oil for use as engine oil, manufacturers or their designees must use the test procedures that were reported to the Commission by the National Institutes of Standards and Technology (''NIST'') on July 27, 1995, entitled ''Engine Oil Licensing and Certification System,'' American Petroleum Institute (''API''), Publication 1509, Thirteenth Edition, January 1995. API Publication 1509, Thirteenth Edition has been updated to API Publication 1509, Fifteenth Edition, April 2002. API Publication 1509, Fifteenth Edition, April 2002, is incorporated by reference. This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the materials incorporated by reference may be obtained from: API, 1220 L Street, NW., Washington, DC 20005. Copies may be inspected at the Federal Trade Commission, Consumer Response Center, Room 130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, or at the National Archives and Records Administration (''NARA''). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. E7–5678 Filed 3–27–07; 8:45 am]

BILLING CODE 6750–01–P

[21] See, National Archives and Records Administration, Office of the Federal Register, ''Federal Register Document Drafting Handbook,'' ch. 6 (1998). This handbook contains the rules federal agencies must follow to incorporate materials by reference into regulatory text. This handbook is issued under the Federal Register Act (44 U.S.C. 1501–1511) and the regulations of the Administrative Committee of the Federal Register (1 CFR 15.10).

[22] Comments made in connection with the Recycled Oil rulemaking in 1995 similarly suggested that the final rule require use of test procedures found in the ''latest'' or ''current'' version of API Publication 1509. In addressing comments made in connection with the 1995 rulemaking, the Commission's Federal Register notice detailed why such proposals were not feasible. (60 FRN 55417–55418).

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Futures and Options Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission (Commission or (CFTC) is granting an exemption to firms designated by the Taiwan Futures Exchange (TAIFEX) from the application of certain of the Commission's foreign futures and option regulations based upon substituted compliance with certain comparable regulatory and self-regulatory requirements of a foreign regulatory authority consistent with

conditions specified by the Commission, as set forth herein. This Order is issued pursuant to Commission Regulation 30.10, which permits persons to file a petition with the Commission for exemption from the application of certain of the Regulations set forth in Part 30 and authorizes the Commission to grant such an exemption if such action would not be otherwise contrary to the public interest or to the purposes of the provision from which exemption is sought.

DATES: *Effective Date:* March 28, 2007.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Esq., Deputy Director, Division of Clearing and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581. *Telephone:* (202) 418–5439.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

Order Under CFTC Regulation 30.10 Exempting Firms Designated by the Taiwan Futures Exchange (TAIFEX) From the Application of Certain of the Foreign Futures and Option Regulations the Later of the Date of Publication of the Order Herein in the **Federal Register** or After Filing of Consents by Such Firms and TAIFEX, as Appropriate, to the Terms and Conditions of the Order Herein.

Commission Regulations governing the offer and sale of commodity futures and option contracts traded on or subject to the regulations of a foreign board of trade to customers located in the U.S. are contained in Part 30 of the Commission's regulations.[1] These regulations include requirements for intermediaries with respect to registration, disclosure, capital adequacy, protection of customer funds, recordkeeping and reporting, and sales practice and compliance procedures that are generally comparable to those applicable to transactions on U.S. markets.

In formulating a regulatory program to govern the offer and sale of foreign futures and option products to customers located in the U.S., the Commission, among other things, considered the desirability of ameliorating the potential extraterritorial impact of such a program and avoiding duplicative regulation of firms engaged in international business. Based upon these considerations, the Commission determined to permit persons located outside the U.S. the subject to a comparable regulatory structure in the jurisdiction in which they were located to seek an exemption from certain of the requirements under Part 30 of the Commission's regulations based upon substituted compliance with the regulatory requirements of the foreign jurisdiction.

Appendix A to Part 30 ''Interpretative Statement With Respect to the Commission's Exemptive Authority Under § 30.10 of Its Rules'' (Appendix A), generally sets forth the elements the Commission will evaluate in determining whether a particular regulatory program may be found to be comparable for purposes of exemptive relief pursuant to Regulation 30.10.[2] These elements include: (1) Registration, authorization or other form of licensing, fitness review or qualification of persons that solicit and accept customer orders; (2) minimum financial requirements for those persons that solicit and accept customer orders; (3) protection of customer funds from misapplication; (4) recordkeeping and reporting requirements; (5) sales practice standards; (6) procedures to audit for compliance with, and to take action against those persons who violate, the requirements of the program; and (7) information sharing arrangements between the Commission and the appropriate governmental and/or self-regulatory organization to ensure Commission access on an ''as needed'' basis to information essential to maintaining standards of customer and market protection within the U.S.

Moreover, the Commission specifically stated in adopting Regulation 30.10 that no exemption of a general nature would be granted unless the persons to whom the exemption is to be applied: (1) Submit to jurisdiction in the U.S. by designating an agent for service of process in the U.S. with respect to transactions subject to Part 30 and filing a copy of the agency agreement with the National Futures Association (NFA); (2) agree to provide access to their books and records in the U.S. to Commission and Department of Justice representatives; and (3) notify NFA of the commencement of business in the U.S.[3]

On September 20, 2005, TAIFEX petitioned the Commission on behalf of its member firms, located and doing business in Taiwan, for an exemption from the application of the Commission's Part 30 Regulations to those firms. In support of its petition, TAIFEX states that granting such an exemption with respect to such firms that it has authorized to conduct foreign futures and option transactions on behalf of customers located in the U.S. would not be contrary to the public interest or to the purposes of the provisions from which the exemption is sought because such firms are subject to a regulatory framework comparable to that imposed by the Commodity Exchange Act (Act) and the regulations thereunder.

Based upon a review of the petition, supplementary materials filed by TAIFEX and the recommendation of the Commission's staff, the Commission has concluded that the standards for relief set forth in Regulation 30.10 and, in particular, Appendix A thereof, have been met and that compliance with applicable Taiwanese law and TAIFEX regulations may be substituted for compliance with those sections of the Act and regulations thereunder more particularly set forth herein.

By this Order, the Commission hereby exempts, subject to specified conditions, those firms identified to the Commission by TAIFEX as eligible for the relief granted herein from:

—Registration with the Commission for firms and for firm representatives;
—The requirement in Commission Regulation 30.6(a) and (d), 17 CFR § 30.6(a) and (d), that firms provide customers located in the U.S. with the risk disclosure statements in Commission Regulation 1.55(b), 17 CFR § 1.55(b), and Commission Regulation 33.7, 17 CFR § 33.7, or as otherwise approved under Commission Regulation 1.55(c), 17 CFR § 1.55(c);
—The separate account requirement contained in Commission Regulation 30.7, 17 CFR § 30.7;
—Those sections of Part 1 of the Commission's financial regulations that apply to foreign futures and options sold in the U.S. as set forth in Part 30; and
—Those sections of Part 1 of the Commission's regulations relating to books and records which apply to transactions subject to Part 30,

based upon substituted compliance by such persons with the application statutes and regulations in effect in Taiwan.

This determination to permit substituted compliance is based on, among other things, the Commission's finding that the regulatory framework governing persons in Taiwan who would be exempted hereunder provides:

(1) A system of qualification or authorization of firms who deal in transactions subject to regulation under Part 30 that includes, for example, criteria and procedures for granting, monitoring, suspending and revoking licenses, and provisions for requiring and obtaining access to information about authorized firms and persons who act on behalf of such firms;

(2) Financial requirements for firms including, without limitation, a requirement

[1] Commission regulations referred to herein are found at 17 CFR Ch. I (2006).

[2] 52 FR 28990, 29001 (August 5, 1987).

[3] 52 FR 28980, 28981 and 29002.

for a minimum level of working capital and daily mark-to-market settlement and/or accounting procedures;

(3) A system for the protection of customer assets that is designed to preclude the use of customer assets to satisfy house obligations and requires separate accounting for such assets;

(4) Recordkeeping and reporting requirements pertaining to financial and trade information;

(5) Sales practice standards for authorized firms and persons acting on their behalf that include, for example, required disclosures to prospective customers and prohibitions on improper trading advice;

(6) Procedures to audit for compliance with, and to redress violations of, the customer protection and sales practice requirements referred to above, including, without limitation, an affirmative surveillance program designed to detect trading activities that take advantage of customers, and the existence of broad powers of investigation relating to sales practice abuses; and

(7) Mechanisms for sharing of information between the Commission, TAIFEX, and the Taiwanese regulatory authorities on an ''as needed'' basis including, without limitation, confirmation data, data necessary to trace funds related to trading futures products subject to regulation in Taiwan, position data, and data on firms' standing to do business and financial condition.

Commission staff have concluded, upon review of the petition of TAIFEX and accompanying exhibits, that Taiwan's regulation of futures and options exchanges is comparable to that of the U.S. in the areas specified in Appendix A of Part 30, as described above.

This Order does not provide an exemption from any provision of the Act or regulations thereunder not specified herein, such as the antifraud provision in Regulation 30.9. Moreover, the relief granted is limited to brokerage activities undertaken on behalf of customers located in the U.S. with respect to transactions on or subject to the regulations of TAIFEX for products that customers located in the U.S. may trade.[4] The relief does not extend to regulations relating to trading, directly or indirectly, on U.S. exchanges. For example, a firm trading in U.S. markets for its own account would be subject to the Commission's large trader reporting requirements.[5] Similarly, if such a firm were carrying positions on a U.S. exchange on behalf of foreign clients and submitted such transactions for clearing on an omnibus basis through a firm registered as a futures commission merchant under the Act, it would be subject to the reporting requirements applicable to foreign brokers.[6] The relief herein is inapplicable where the firm solicits or accepts orders from customers located in the U.S. for transactions on U.S. markets. In that case, the firm must comply with all applicable U.S. laws and regulations, including the requirement to register in the appropriate capacity.

The eligibility of any firm to seek relief under this exemptive Order is subject to the following conditions:

(1) The regulatory or self-regulatory organization responsible for monitoring the compliance of such firms with the regulatory requirements described in the Regulation 30.10 petition must represent in writing to the CFTC[7] that:

(a) Each firm for which relief is sought is registered, licensed or authorized, as appropriate, and is otherwise in good standing under the standards in place in Taiwan; such firm is engaged in business with customers in Taiwan as well as in the U.S.; and such firm and its principals and employees who engage in activities subject to Part 30 would not be statutorily disqualified from registration under Section 8a(2) of the Act, 7 U.S.C. § 12a(2);

(b) It will monitor firms to which relief is granted for compliance with the regulatory requirements for which substituted compliance is accepted and will promptly notify the Commission or NFA of any change in status of a firm that would affect its continued eligibility for the exemption granted hereunder, including the termination of its activities in the U.S.;

(c) All transactions with respect to customers resident in the U.S. will be made on or subject to the regulations of TAIFEX and the Commission will receive prompt notice of all material changes to the relevant laws in Taiwan, any regulations promulgated thereunder and TAIFEX regulations;

(d) Customers located in the U.S. will be provided no less stringent regulatory protection than Taiwanese customers under all relevant provisions of Taiwanese law; and

(e) It will cooperate with the Commission with respect to any inquiries concerning any activity subject to regulation under the Part 30 Regulations, including sharing the information specified in Appendix A on an ''as needed'' basis and will use its best efforts to notify the Commission if it becomes aware of any information that in its judgment affects the financial or operational viability of a member firm doing business in the U.S. under the exemption granted by this Order.

(2) Each firm seeking relief hereunder must represent in writing that it:

(a) Is located outside the U.S., its territories and possessions and, where applicable, has subsidiaries or affiliates domiciled in the U.S. with a related business (*e.g.*, banks and broker/dealer affiliates) along with a brief description of each subsidiary's or affiliate's identity and principal business in the U.S.;

(b) Consents to jurisdiction in the U.S. under the Act by filing a valid and binding appointment of an agent in the U.S. for service of process in accordance with the requirements set forth in Regulation 30.5;

(c) Agrees to provide access to its books and records related to transactions under Part 30 required to be maintained under the applicable statutes and regulations in effect in Taiwan upon the request of any representative of the Commission or U.S. Department of Justice at the place in the U.S. designated by such representative, within 72 hours, or such lesser period of time as specified by that representative as may be reasonable under the circumstances after notice of the request;

(d) Has no principal or employee who solicits or accepts orders from customers located in the U.S. who would be disqualified under Section 8a(2) of the Act, 7 U.S.C. § 12a(2), from doing business in the U.S.;

(e) Consents to participate in any NFA arbitration program that offers a procedure for resolving customer disputes on the papers where such disputes involve representations or activities with respect to transactions under Part 30, and consents to notify customers located in the U.S. of the availability of such a program;

(f) Undertakes to comply with the applicable provisions of Taiwanese laws and TAIFEX regulations that form the basis upon which this exemption from certain provisions of the Act and Regulations thereunder is granted.

As set forth in the Commission's September 11, 1997 Order delegating to NFA certain responsibilities, the written representations set forth in paragraph (2) shall be filed with NFA.[8] Each firm seeking relief hereunder has an ongoing obligation to notify NFA should there be a material change to any of the representations required in the firm's application for relief.

This Order will become effective as to any designated TAIFEX firm the later of the date of publication of the Order in the **Federal Register** or the filing of the consents set forth in paragraphs (2)(a)–(f). Upon filing of the notice required under paragraph (1)(b) as to any such firm, the relief granted by this Order may be suspended immediately as to that firm. That suspension will remain in effect pending further notice by the Commission, or the Commission's designee, to the firm and TAIFEX.

This Order is issued pursuant to Regulation 30.10 based on the representations made and supporting material provided to the Commission

[4] *See, e.g.,* Sections 2(a)(1)(C) and (D) of the Act.

[5] *See, e.g.,* 17 CFR part 18 (2006).

[6] *See, e.g.,* 17 CFR parts 17 and 21 (2006).

[7] As described below, these representations are to be filed with NFA.

[8] 62 FR 47792, 47793 (September 11, 1997). Among other duties, the Commission authorized NFA to receive requests for confirmation of Regulation 30.10 relief on behalf of particular firms, to verify such firms' fitness and compliance with the conditions of the appropriate Regulation 30.10 Order and to grant exemptive relief from registration to qualifying firms.

and the recommendation of the staff, and is made effective as to any firm granted relief hereunder based upon the filings and representations of such firms required hereunder. Any material changes or omissions in the facts and circumstances pursuant to which this Order is granted might require the Commission to reconsider its finding that the standards for relief set forth in Regulation 30.10 and, in particular, Appendix A, have been met. Further, if experience demonstrates that the continued effectiveness of this Order in general, or with respect to a particular firm, would be contrary to public policy or the public interest, or that the systems in place for the exchange of information or other circumstances do not warrant continuation of the exemptive relief granted herein, the Commission may condition, modify, suspend, terminate, withhold as to a specific firm, or otherwise restrict the exemptive relief granted in this Order, as appropriate, on its own motion.

The Commission will continue to monitor the implementation of its program to exempt firms located in jurisdictions generally deemed to have a comparable regulatory program from the application of certain of the foreign futures and option regulations and will make necessary adjustments if appropriate.

Issued in Washington, DC on March 23, 2007.

Eileen A. Donovan,

Acting Secretary of the Commission.

[FR Doc. 07–1521 Filed 3–27–07: 8:45 am)

BILLING CODE 6351–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200 and 232

[Release No. 34–55502]

Technical Amendment to Regulation S–T

AGENCY: Securities and Exchange Commission.

ACTION: Final rule; technical amendments.

SUMMARY: The Securities and Exchange Commission (''Commission'') is amending Regulation S–T to make a correction with respect to mandated electronic submissions and to include persons or entities that submit filings for review by the Division of Market Regulation as persons or entities that are subject to the electronic filing requirements of Regulation S–T. The amendment will clarify that a filing submitted on an electronic filing system other than the Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system is not a mandated submission under Regulation S–T and will clarify that filers who submit forms on EDGAR for review by the Division of Market Regulation are subject to the requirements of Regulation S–T. The Commission is also amending the Rules of Organization and Program Management to delegate authority to the Director of the Division of Market Regulation to adjust the filing date of an electronic submission and to grant or deny a continuing hardship exemption from electronic filing under Regulation S–T. The amendment will conserve Commission resources and will allow the Commission to make such adjustments and to grant or deny such exemptions in a timely manner.

DATES: *Effective Date:* April 27, 2007.

FOR FURTHER INFORMATION CONTACT: Jerry Carpenter, Assistant Director, or Catherine Moore, Special Counsel, (202) 551–5710, Division of Market Regulation, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–6628.

SUPPLEMENTARY INFORMATION:

I. Background

On October 4, 2004, the Securities and Exchange Commission (''Commission'') adopted an amendment to Rule 19b–4 [1] to require that Form 19b–4 [2] be filed electronically on the Commission's Electronic Form 19b–4 Filing System (''EFFS'').[3] At the same time, the Commission amended Rule 101(a) of Regulation S–T [4] to mandate that Form 19b–4 be submitted to the Commission in electronic format and amended Rule 101(c)(9) of Regulation S–T to except Form 19b–4 from the requirement that filings submitted to the Division of Market Regulation be submitted in paper format. However, Regulation S–T only applies to electronic filings that are submitted on EDGAR, and Form 19b–4 is not submitted through EDGAR. As a result, Rules 101(a) and 101(c)(9) of Regulation S–T should not have been amended with respect to Form 19b–4. The Commission is making a technical amendment to remove the reference to Form 19b–4 in Rule 101(a) and to revise Rule 101(c)(9) to clarify that forms submitted for review by the Division of Market Regulation electronically, whether on EDGAR or on another electronic filing system such as EFFS, do not have to be submitted in paper format.

Additionally, the Commission is making a technical amendment to Rule 100 of Regulation S–T to include persons or entities that submit filings for review by the Division of Market Regulation as persons and entities that are subject to the electronic filing requirements of Regulation S–T. Because the EDGAR system was initially designed for the electronic submission of documents that are subject to review by the Divisions of Corporation Finance and Investment Management, Rule 100 currently only applies to registrants whose filings are submitted for review by those divisions and to such registrant's joint or third party filers. To reflect the fact that the Commission has recently added Forms 25, TA–1, TA–2, and TA–W, which are submitted for review by the Division of Market Regulation, to the list of mandated electronic filings in Section 101(a) of Regulation S–T, the Commission is amending Rule 100 to include the filers of any other forms that are submitted through EDGAR for review by the Division of Market Regulation as persons or entities that are subject to the electronic filing requirements of Regulation S–T.

The Commission is amending Rule 30–3 of the Rules of Organization and Program Management [5] to add new paragraphs (j) and (k) to delegate to the Director of the Division of Market Regulation authority to grant or deny a request submitted under Regulation S–T to adjust the filing date of an electronic filing and to grant or deny, as appropriate, a continuing hardship exemption to an electronic filer under Rule 202 of Regulation S–T. The delegation of authority to the Director of the Division of Market Regulation is designed to conserve Commission resources by permitting staff to adjust the filing date of an electronic filing and to grant or to deny exemptions where appropriate and in a timely manner. Nevertheless, the staff may submit matters to the Commission for consideration, as it deems appropriate. The Directors of the Divisions of Corporation Finance and of Investment Management have previously been delegated such authority.[6]

II. Certain Findings

Under the Administrative Procedure Act (''APA''), notice of proposed

[1] 17 CFR 240.19b–4.

[2] 17 CFR 249.819.

[3] Securities Exchange Act Release No. 50486, 69 FR 60287 (October 8, 2004) [File No. S7–18–04].

[4] 17 CFR 232 *et seq.*

[5] 17 CFR 200.30–3, Delegation of authority to the Director of Division of Market Regulation.

[6] 17 CFR 200.30–1(j) and (k) and 200.30–6(j) and (k).

rulemaking is not required ''(A) [for] interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice; or (B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [7] The Commission is making technical amendments to Regulation S–T to correct Rule 101 and to make a conforming change to Rule 100 with respect to forms submitted for review by the Division of Market Regulation and therefore, notice and public procedure is unnecessary. Specifically, Rule 101(a) is being amended to remove the reference to Form 19b–4 and Rule 101(c) is being amended to clarify that only forms which are not submitted electronically are required to be filed in paper. Additionally, Rule 100 is being amended to add a new paragraph (d) which will define filers whose filings are subject to review by the Division of Market Regulation as persons or entities that are subject to Regulation S–T. The amendment reflects the fact that the Commission currently mandates that Forms 25, TA–1, TA–2, and TA–W be filed electronically on EDGAR and that the filers of these forms should be (and probably believe that they are) subject to the requirements and protections of Regulation S–T. For these reasons, the Commission finds that publishing the changes for comment is unnecessary.[8] The amendment to Rule 30–3 of the Commission's Rules of Organization and Program Management relates solely to agency organization, procedure, or practice. As such, notice of proposed rulemaking is not required.

III. Statutory Authority

The Commission is adopting amendments § 200.30–3 under the authority set forth in sections 4A(a) and 23(a) of the Securities Exchange Act.[9] The Commission is adopting amendments to Regulation S–T under authority set forth in sections 19(a) of the Securities Act and 23(a) of the Securities Exchange Act.[10] The amendments to § 200.30–3 and to Regulation S–T are adopted under Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below.

List of Subjects

17 CFR Part 200

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies).

17 CFR Part 232

Reporting and recordkeeping requirements.

Text of Amendment

■ In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart A—Organization and Program Management

■ 1. The authority citation for part 200, subpart A, continues to read, in part, as follows:

Authority: 15 U.S.C. 77o, 77s, 77sss, 78d, 78d–1, 78d–2, 78w, 78*ll*(d), 78mm, 80a–37, 80b–11, and 7202, unless otherwise noted.

* * * * *

■ 2. Section 200.30–3 is amended by redesignating paragraph (j) as paragraph (l) and adding new paragraphs (j) and (k) to read as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(j) With respect to the Securities Act of 1933 (15 U.S.C. 77a *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*), and Regulation S-T thereunder (part 232 of this chapter), to grant or deny a request submitted pursuant to Rule 13(b) of Regulation S–T (§ 232.13(b) of this chapter) to adjust the filing date of an electronic filing.

(k) With respect to the Securities Act of 1933 (15 U.S.C. 77a *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C.) 78a *et seq.*), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*), and Regulation S–T thereunder (part 232 of this chapter) to set the terms of, and grant or deny as appropriate, continuing hardship exemptions, pursuant to Rule 202 of Regulation S–T (§ 232.202 of this chapter), from the electronic submission requirements of Regulation S–T (part 232 of this chapter).

* * * * *

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

■ 3. The authority citation for part 232 continues to read in part as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 80a–8, 80a–29, 80a–30, 80a–37, and 7201 *et seq.*; and 18 U.S.C 1350.

* * * * *

■ 4. Section 232.100 is amended by:

■ a. Removing the word ''and'' at the end of paragraph (b);

■ b. Redesignating paragraph (c) as paragraph (d);

■ c. Adding new paragraph (c); and

■ d. Revising the term ''registrant'' in newly redesignated paragraph (d) to read ''person or entity''.

The addition reads as follows:

§ 232.100 Persons and entities subject to mandated electronic filing.

* * * * *

(c) Persons or entities whose filings are subject to review by the Division of Market Regulation; and

* * * * *

■ 5. Section 232.101 is amended by:

■ a. Removing paragraph (a)(1)(x);

■ b. Redesignating paragraph (a)(1)(xi) and (a)(1)(xii) as paragraphs (a)(1)(x) and (a)(1)(xi); and

■ c. Revising paragraph (c)(9).

The revision reads as follows:

§ 232.101 Mandated electronic submissions and exceptions.

* * * * *

(c) * * *

(9) Exchange Act filings submitted to the Division of Market Regulation other than those that are submitted in electronic format as mandated or permitted electronic submissions under paragraph (a) and (b) of this section or that are submitted electronically in a filing system other than EDGAR.

* * * * *

Dated: March 21, 2007.

By the Commission.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–5589 Filed 3–27–07; 8:45 am]

BILLING CODE 8010–01–P

[7] 5 U.S.C. 553(b).

[8] For similar reasons, the amendments do not require analysis under the Regulatory Flexibility Act or analysis of major status under the Small Business Regulatory Enforcement Fairness Act. *See* 5 U.S.C. 601(2) (for purposes of Regulatory Flexibility analyses, the term ''rule'' means any rule for which the agency publishes a general notice of proposed rulemaking) and 5 U.S.C. 804(3)(C) (for purposes of congressional review of agency rulemaking, the term ''rule'' does not include any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties).

[9] 15 U.S.C. 78d–1(a) and 78w(a).

[10] 15 U.S.C. 78s(a) and 78w(a).

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD08–07–006]

Drawbridge Operating Regulations; Berwick Bay, (Atchafalaya River) Morgan City, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the BNSF Railway Company Vertical Lift Span Bridge across Berwick Bay, mile 0.4, (Atchafalaya River, mile 17.5) at Morgan City, St. Mary Parish, Louisiana. This deviation provides for the bridge to remain closed to navigation for 12 consecutive hours to conduct scheduled maintenance to the drawbridge.

DATES: This deviation is effective from 8 a.m. until 8 p.m. on Thursday, June 14, 2007.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, Room 1313, 500 Poydras Street, New Orleans, Louisiana 70130–3310 between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 671–2128. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: David Frank, Bridge Administration Branch, telephone (504) 671–2128.

SUPPLEMENTARY INFORMATION: The BNSF Railway Company has requested a temporary deviation in order to replace the railroad signal circuits of the BNSF Railway Railroad Vertical Lift Span Bridge across Berwick Bay, mile 0.4 (Atchafalaya River, mile 17.5) at Morgan City, St. Mary Parish, Louisiana. Replacement of the signal circuits is necessary to turn the lining of signals across the bridge into a fully automatic operation so that the bridge will be in full compliance with requirements of the Federal Railroad Administration. This temporary deviation will allow the bridge to remain in the closed-to-navigation position from 8 a.m. until 8 p.m. on Thursday, June 14, 2007. The proposed work was previously scheduled for Wednesday, December 13, 2006 and Wednesday, February 7, 2007, but had to be postponed. The bridge owner is now prepared to complete the work and has coordinated the closure with all departments within the railroad. There may be times, during the closure period, when the draw will not be able to open for emergencies.

The bridge provides 4 feet of vertical clearance in the closed-to-navigation position. Thus, most vessels will not be able to transit through the bridge site when the bridge is closed. Navigation on the waterway consists of tugs with tows, fishing vessels and recreational craft including sailboats and powerboats. Due to prior experience, as well as coordination with waterway users, it has been determined that this closure will not have a significant effect on these vessels.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: March 20, 2007.

Marcus Redford,

Bridge Administrator.

[FR Doc. E7–5612 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[CGD09–07–004]

RIN 1625–AA09

Drawbridge Operation Regulation; Detroit River (Trenton Channel), Grosse Ile, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily revising the operating regulations for the Grosse Ile Toll Bridge at Mile 8.80 over the Trenton Channel during the planned seven-month duration of time that the Grosse Ile County (Free) Bridge at Mile 5.60 will be rehabilitated and not available for vehicular traffic. Grosse Ile is connected to the mainland by these two bridges only. The temporary regulations will revise the number of required bridge openings of the Grosse Ile Toll Bridge to provide less interruptions of vehicular traffic while simultaneously providing for reasonable needs of marine navigation.

DATES: This temporary rule is effective from 6 a.m. on April 18, 2007 until 6:30 p.m. on December 15, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD09–07–004 and are available for inspection or copying at Commander (dpb), Ninth Coast Guard District, 1240 E. Ninth Street, Room 2025, Cleveland, Ohio 44199–2060 between 7 a.m.. and 3 a.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Kurt Carlson, U.S. Ninth Coast Guard Bridge Branch, (216) 902–6086.

SUPPLEMENTARY INFORMATION: We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This temporary rule is designed to insure that marine navigation of the Trenton Channel is maintained throughout the entire period of Grosse Ile (Free) Bridge rehabilitation (seven months). Dates for the rehabilitation project were just submitted by the bridge owner. Providing notice and comment would mean that this temporary final rule would not be issued in advance of the project beginning, which is contrary to the public interest.

Under 5 U.S.C. 553(d)(3), and for the same reason cited above, the Coast Guard finds that good cause exists for making this rule effective in less than 30 days after publication in the **Federal Register**.

Background and Purpose

Grosse Ile, an island in the Detroit River, is a suburb of the City of Detroit, Michigan. Most residents are employed off-island and must traverse one of the two bridges that connect the island to the mainland. ''Rush hour'' traffic is extremely heavy. The U.S. Coast Guard, at the request of the Manager of Grosse Ile Township and Congressional and State Representatives, is modifying the operation of the Grosse Ile Toll (swing) Bridge during the period of time that the Grosse Ile ''Free'' Bridge will be out of service due to scheduled rehabilitation. The modified operations will limit the number of bridge openings for the Grosse Ile Toll Bridge resulting in fewer interruptions for vehicular traffic particularly during the morning and afternoon ''rush hours''. Bridge logs reveal that the Toll Bridge is required to open (on average) 150 times per month for recreational vehicles and an additional 11 times per month for commercial vessels. The current regulations for Grosse Ile Toll Bridge at

Mile 8.80 over the Trenton Channel are defined in 33 CFR 117.631:

(1) Between the hours of 7 a.m. and 11 p.m., seven days a week and holidays, the draw need open only from three minutes before to three minutes after the hour and half-hour for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

(2) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for pleasure craft and commercial vessels.

The modified regulations for the Grosse Ile Toll Bridge at Mile 8.80 over the Trenton Channel shall be:

Weekdays:

The bridge will not be required to open during ''rush hours'' defined as between 6 a.m. and 9 a.m. and between 3:30 p.m. and 6:30 p.m.

At all other times, the bridge is required to make one opening per hour for recreational vessels (if necessary) from three minutes before until three minutes after the hour.

Except during defined ''rush hours'', the bridge must open for commercial vessels upon signal.

Weekends:

The bridge shall open once per hour for recreational vessels (if necessary) from three minutes before until three minutes after the hour.

At all times during weekends and holidays, the bridge must open for commercial vessels upon signal.

Discussion of Rule

Currently, the Grosse Ile Toll Bridge accommodates approximately 9,000 vehicle crossings per day and the Grosse Ile County (Free) Bridge accommodates 23,000 vehicle crossings per day. From April 18 until December 15, 2007, the ''Free'' Bridge will be rehabilitated and closed to vehicular traffic. Consequently, during this period, all vehicular traffic on and off Grosse Ile will only be able to use the Toll Bridge. Thus, estimated traffic volume will be 32,000 vehicles per day. The modified bridge regulations will provide for better accommodation of the increased volume of vehicular traffic.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. No significant impact is expected because vessels will not be prohibited from transit past the bridge. The navigable waterway, although further restricted, will not be closed.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Marine transit along this navigable waterway of the United States will not be halted, although owners or operators of recreational and/or commercial vessels intending to transit or anchor in a portion of the Trenton Channel during the periods modified by this temporary rule may encounter short delays.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not affect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect

on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD, and Department of Homeland Security Management Directive 5100.1, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (32)(e) of the Instruction, from further environmental documentation. Under figure 2–1, paragraph (32)(e), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

■ For the reasons discussed in the preamble, the Coast Guard temporarily amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; Department of Homeland Security Delegation No. 0170.1; 33 CFR 1.05–1(g); § 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

■ 2. In § 117.631, from 6 a.m. on April 18 until 6:30 p.m. on December 15, 2007 temporarily suspend paragraph (a) and temporarily add paragraph (d) to read as follows:

§ 117.631 Detroit River (Trenton Channel).

* * * * *

(d) The draw of the Grosse Ile Toll Bridge (Grosse Ile Parkway), mile 8.80, at Grosse Ile, shall operate as follows:

(1) Between the hours of 6 a.m. and 9 a.m. and 3:30 p.m. and 6:30 p.m., Monday through Friday, the bridge need not open. At all other times, Monday through Friday, the draw must open for commercial vessels upon signal and only from three minutes before until three minutes after the hour for pleasure craft.

(2) On Saturday, Sunday and holidays, the bridge must open for commercial vessels upon signal and only from three minutes before until three minutes after the hour for pleasure craft.

Dated: March 16, 2007.

John E. Crowley, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. E7–5717 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD05–06–104]

RIN 1625–AA87

Security Zone; Chesapeake Bay, Between Sandy Point and Kent Island, MD

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a permanent security zone on the waters of the Chesapeake Bay, within 250 yards north of the north span and 250 yards south of the south span of the William P. Lane Jr. Memorial Bridge, located between Sandy Point and Kent Island, Maryland. This action is necessary to provide for the security of a large number of participants during the annual Bay Bridge Walk across the William P. Lane Jr. Memorial Bridge, held annually on the first Sunday in May. The security zone will allow for control of vessels or persons within a specified area of the Chesapeake Bay and safeguard the public at large.

DATES: This rule is effective April 27, 2007.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD05–06–104 and are available for inspection or copying at Coast Guard Sector Baltimore, Waterways Management Division, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Houck, at Coast Guard Sector Baltimore, Waterways Management Division, at telephone number (410) 576–2674 or (410) 576–2693.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On December 1, 2006, we published a notice of proposed rulemaking (NPRM) entitled ''Security Zone; Chesapeake Bay, Between Sandy Point and Kent Island, MD'' in the **Federal Register** (71 FR 69514). We received no letters commenting on the proposed rule. No public meeting was requested, and none was held.

Background and Purpose

The ongoing hostilities in Afghanistan and Iraq have made it prudent for U.S. ports and waterways to be on a higher state of alert because the al Qaeda organization and other similar organizations have declared an ongoing intention to conduct armed attacks on U.S. interests worldwide. Due to increased awareness that future terrorist attacks are possible, the Coast Guard, as lead federal agency for maritime homeland security, has determined that the Captain of the Port, Baltimore must have the means to be aware of, deter, detect, intercept, and respond to asymmetric threats, acts of aggression, and attacks by terrorists on the American homeland while still maintaining our freedoms and sustaining the flow of commerce. This security zone is part of a comprehensive port security regime designed to safeguard human life, vessels, and waterfront facilities against sabotage or terrorist attacks.

In this particular rulemaking, to address the aforementioned security concerns during the highly-publicized public event, and to take steps to prevent the catastrophic impact that a terrorist attack against a large number of participants during the annual Bay Bridge Walk would have on the public interest, the Captain of the Port, Baltimore, Maryland is establishing a security zone upon all waters of the Chesapeake Bay, within 250 yards north

of the north (westbound) span of the William P. Lane Jr. Memorial Bridge, and 250 yards south of the south (eastbound) span of the William P. Lane Jr. Memorial Bridge, from the western shore at Sandy Point to the eastern shore at Kent Island, Maryland. This security zone will help the Coast Guard to prevent vessels or persons from engaging in terrorist actions against a large number of participants during the event. Due to these heightened security concerns, and the catastrophic impact a terrorist attack on the Chesapeake Bay Bridge during the annual Bay Bridge Walk would have on the large number of participants, and the surrounding area and communities, a security zone is prudent for this type of event.

Discussion of Comments and Changes

The Coast Guard received no comments on the proposed rule during the comment period published in the NPRM. No public meeting was requested and none was held. As a result, no change to the proposed regulatory text was made.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The operational restrictions of the security zone are tailored to provide the minimal disruption of vessel operations necessary to provide immediate, improved security for persons, vessels, and the waters of the Chesapeake Bay, within 250 yards of the William P. Lane Jr. Memorial Bridge, located between Sandy Point and Kent Island, Maryland. Additionally, this security zone is temporary in nature and any hardship experienced by persons or vessels are outweighed by the national interest in protecting the public at large from the devastating consequences of acts of terrorism, and from sabotage or other subversive acts, accidents, or other causes of a similar nature.

The Coast Guard received no comments on this aspect of the proposed rule during the comment period published in the NPRM. As a result, no change to the proposed regulatory text was made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities: the owners or operators of vessels intending to operate, remain or anchor within 250 yards of the William P. Lane Jr. Memorial Bridge, located between Sandy Point and Kent Island, Maryland. This security zone will not have a significant economic impact on a substantial number of small entities because vessels desiring to transit through the security zone without loitering or those vessels with compelling interests to remain in the zone may seek authorization to enter the security zone from the Captain of the Port. Before the enforcement period, the Coast Guard will issue maritime advisories widely available to users of the Chesapeake Bay.

The Coast Guard received no comments on this aspect of the proposed rule during the comment period published in the NPRM. As a result, no change to the proposed regulatory text was made.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. However, we received no requests for assistance from any small entities.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and

responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Commandant Instruction M16475.lD and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. This regulation establishes a security zone. A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.507 to read as follows:

§ 165.507 Security Zone; Chesapeake Bay, between Sandy Point and Kent Island, MD.

(a) *Definitions.* The *Captain of the Port, Baltimore, Maryland* means the Commander, Coast Guard Sector Baltimore, Maryland or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port, Baltimore, Maryland to act on his or her behalf.

(b) *Location.* The following area is a security zone: All waters of the Chesapeake Bay, from the surface to the bottom, within 250 yards north of the north (westbound) span of the William P. Lane Jr. Memorial Bridge, and 250 yards south of the south (eastbound) span of the William P. Lane Jr. Memorial Bridge, from the western shore at Sandy Point to the eastern shore at Kent Island, Maryland.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones found in § 165.33 of this part.

(2) Entry into or remaining in this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Baltimore, Maryland.

(3) Persons or vessels requiring entry into or passage through the security zone must first request authorization from the Captain of the Port, Baltimore to seek permission to transit the area. The Captain of the Port, Baltimore, Maryland can be contacted at telephone number (410) 576–2693. The Coast Guard vessels enforcing this section can be contacted on VHF Marine Band Radio, VHF channel 16 (156.8 MHz). Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port, Baltimore, Maryland and proceed at the minimum speed necessary to maintain a safe course while within the zone.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced annually on the first Sunday in May from 7 a.m. to 5 p.m. local time.

Dated: March 16, 2007.

Brian D. Kelley,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. E7–5718 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2006–AZ–0558; FRL–8292–6]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Boundary Redesignation; Finding of Attainment for Miami Particulate Matter of 10 Microns or Less (PM_{10}) Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve the State of Arizona's boundary redesignation of the Hayden/Miami PM_{10} nonattainment area into two separate PM_{10} nonattainment areas: Hayden and Miami. EPA is also finding that the Miami PM_{10} nonattainment area is attaining the PM_{10} national ambient air quality standard, and, based on this attainment finding, EPA is determining that certain Clean Air Act requirements are not applicable for so long as the Miami area shows continued attainment of the standard based on current, publicly available, quality-assured monitoring data. EPA is taking this action consistent with obligations under the Clean Air Act to act on State redesignations. Lastly, EPA is correcting two errors in previous rulemakings that involved the designations of PM_{10} areas within the State of Arizona.

DATES: This rule is effective on May 29, 2007, without further notice, unless EPA receives adverse comments by April 27, 2007. If adverse comment is received, EPA will publish a timely

withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2006–AZ–0558 by one of the following methods:

- *Federal eRulemaking portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail: tax.wienke@epa.gov.*
- *Fax:* (415) 947–3579 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Wienke Tax, Office of Air Planning, Environmental Protection Agency (EPA), Region 9, Mailcode AIR–2, 75 Hawthorne Street, San Francisco, California 94105–3901.
- *Hand Delivery:* Wienke Tax, Office of Air Planning, Environmental Protection Agency (EPA), Region 9, Mailcode AIR–2, 75 Hawthorne Street, San Francisco, California 94105–3901. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R09–OAR–2006–AZ–0558. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA, without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov index.* Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Office of Air Planning, Environmental Protection Agency (EPA), Region 9, Mailcode AIR–2, 75 Hawthorne Street, San Francisco, California 94105–3901. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Wienke Tax, Office of Air Planning, Environmental Protection Agency (EPA), Region 9, Mailcode AIR–2, 75 Hawthorne Street, San Francisco, California 94105–3901, (520) 622–1622, *tax.wienke@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

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I. Background

A. What NAAQS Are Considered in this Action?

National ambient air quality standards (NAAQS) are thresholds for certain ambient air pollutants set by EPA under the Clean Air Act (CAA or ''Act'') to protect public health and welfare. Particulate matter with an aerodynamic diameter less than or equal to 10 micrometers, or PM_{10}, is the subject of this action. PM_{10} is among the ambient air pollutants for which EPA has established NAAQS. PM_{10} causes adverse health effects by penetrating deep in the lungs, aggravating the cardiopulmonary system. Children, the elderly, and people with asthma and heart conditions are the most vulnerable.

In 1971, EPA promulgated the first NAAQS for particulate matter (PM) and defined the standard in terms of an indicator referred to as ''total suspended particulate,'' or ''TSP,'' which roughly included all particles with diameters of 30 microns or less. In 1987, EPA established new PM NAAQS and defined the new standards in terms of PM_{10} instead of TSP. See 52 FR 24634 (July 1, 1987). Ten years later, in 1997, EPA established another PM NAAQS and defined this new standard in terms of particulate matter with an aerodynamic diameter less than or equal to 2.5 micrometers, or $PM_{2.5}$, but in our 1997 final rule, we decided to retain a PM_{10} NAAQS as well. See 62 FR 38652 (July 18, 1997). In 2006, EPA completed a review of both the $PM_{2.5}$ NAAQS and PM_{10} NAAQS and, among other actions, decided to retain the 24-hour-average PM_{10} standard at its current level but to revoke the annual-average PM_{10} standard. See 71 FR 61144 (October 17, 2006). The level of the primary (*i.e.*, public health) PM_{10} standard is 150 micrograms per cubic meter ($\mu g/m^3$), 24-hour average concentration.[1] See 40 CFR 50.6. The secondary PM_{10} standard, promulgated to protect against adverse welfare effects, is identical to the primary standard.

[1] The effective date of EPA's October 17, 2006 final rule revoking the annual-average standard was December 18, 2006. Thus, we make no finding in this direct final rule relative to the annual-average PM_{10} NAAQS but have included annual-average PM_{10} concentration data for informational purposes only. The now-revoked annual-average PM_{10} NAAQS was set at a level of 50 $\mu g/m^3$.

B. What is the Designation and Classification of this PM_{10} Nonattainment Area?

Under the Clean Air Act Amendments of 1977, and due to recorded violations of the former TSP-defined NAAQS and the location of major industrial sources, EPA designated one township in each of the Hayden and Miami areas as separate nonattainment areas for TSP (44 FR 21261, April 10, 1979, as corrected at 44 FR 53081, September 12, 1979).[2] As noted above, in 1987, we revised the PM NAAQS to include only particulate matter of a size range less than or equal to a nominal 10 microns (PM_{10}). As part of the implementation policy for the new standards, where insufficient PM_{10} data were available, EPA categorized areas based on their probability of violating the standard using TSP data. The categories were: Group I, areas with a high probability of violating the standards; Group II, areas with a moderate probability of violating; and Group III, areas that were likely to be attaining the standards.

In 1987, EPA identified the ''Hayden/Miami area'' as one of the Group I areas for PM_{10}. See 52 FR 29383 (August 7, 1987). In a 1990 clarification, we defined the geographic area of the combined Hayden/Miami Group I area as including all or part of 26 contiguous townships in and around the towns of Hayden and Miami (55 FR 45799, October 31, 1990).[3]

Subsequent to our 1990 clarification and upon enactment of the Clean Air Act Amendments of 1990, all ''Group I'' areas, such as the Hayden/Miami planning area, were designated as ''nonattainment'' for the PM_{10} NAAQS by operation of law and classified as ''moderate.'' See CAA sections 107(d)(4)(B) and 188(a). In March 1991, EPA announced the designations and classifications of areas with respect to PM_{10} NAAQS that occurred by operation of law upon enactment of the 1990 Amendments to the CAA. See 56 FR 11101 (March 15, 1991). In August 1991, EPA rejected challenges made by the State of Arizona and industry to the geographic size of the Hayden/Miami PM_{10} nonattainment area. See 56 FR 37654 (August 8, 1991). Later that same year, we codified the PM_{10} nonattainment designations and moderate area classifications in 40 CFR part 81. See 56 FR 56694 (November 6, 1991). For ''moderate'' nonattainment areas such as the Hayden/Miami PM_{10} nonattainment area, CAA section 188(c) of the 1990 Amended Act establishes an attainment date of December 31, 1994.

Along with the new designations, classifications, and attainment dates, the CAA as amended in 1990 also established new planning requirements. In accordance with section 189(a) of the CAA, Arizona was required to submit a state implementation plan (SIP) revision by November 15, 1991 demonstrating attainment of the PM_{10} standards and providing for implementation of reasonably available control measures (RACM) by December 31, 1994 for the Hayden/Miami area. The State of Arizona relied upon a SIP revision (''Final PM–10 State Implementation Plan for the Hayden Group I Area'' dated September 1989) that it had submitted on October 16, 1989 to meet the requirements of the CAA as amended in 1990 for ''moderate'' PM_{10} nonattainment areas.

In 1994, we proposed a limited approval and limited disapproval of Arizona's 1989 SIP revision. See 59 FR 36116 (July 15, 1994). The primary reason for the proposed limited disapproval was that the plan addressed only the Hayden portion of the Hayden/Miami PM_{10} nonattainment area. In response, by letter dated November 10, 1994, the Governor's designee for CAA matters, the Arizona Department of Environmental Quality (ADEQ), submitted a formal petition for rulemaking to realign the Hayden/Miami PM_{10} nonattainment area boundary. Specifically, ADEQ requested that EPA correct the purported error the Agency had made in including the Miami area in the original Group I area in 1987 and called for exclusion of the northern third of the area (*i.e.*, the Miami portion) from the nonattainment area. We have not taken final action on our 1994 proposed limited approval/limited disapproval of ADEQ's 1989 SIP revision. In today's direct final rule, we again are taking no action on ADEQ's 1989 SIP revision but will address applicable CAA requirements for the Hayden area in a future rulemaking. For the Miami area, in this direct final rule, we are making an attainment finding and a determination regarding applicability of certain CAA requirements (see section III, below).

On June 20, 2006, under CAA section 107(d)(3)(D), ADEQ submitted a request for a boundary redesignation of the Hayden/Miami PM_{10} nonattainment area to EPA for approval. In contrast with ADEQ's 1994 petition, ADEQ's 2006 boundary redesignation would not reduce the overall size of the area designated as nonattainment for PM_{10} but would simply divide a single PM_{10} nonattainment area into two PM_{10} nonattainment areas. We consider ADEQ's June 20, 2006 boundary redesignation (discussed in the following section of this direct final rule) to supersede the State's 1994 petition and thus plan no further action on that earlier request.

II. Boundary Redesignation

A. What Did the State Submit?

On June 20, 2006, ADEQ submitted to EPA under CAA section 107(d)(3)(D) a request for a boundary redesignation of the Hayden/Miami PM_{10} nonattainment area into two separate, but adjoining, PM_{10} nonattainment areas, namely, the Hayden nonattainment area and the Miami nonattainment area. ADEQ enclosed a technical justification report entitled, ''Request to Revise the Hayden/Miami PM_{10} Nonattainment Area Boundary'' (May 2006), in support of this boundary redesignation. ADEQ's technical justification report includes a discussion of the regulatory background and the topographical and meteorological characteristics of the Hayden and Miami areas. The report also includes tables summarizing emission inventory and ambient air quality data and maps showing the existing nonattainment area boundaries, topographical features, the locations of permitted emissions sources, and the boundary delineating the new Miami and Hayden PM_{10} nonattainment areas. Together, these two new PM_{10} nonattainment areas would cover the same geographic area as the original Hayden/Miami PM_{10} nonattainment area. ADEQ's boundary separating the Miami and Hayden PM_{10} areas runs east-west in steps using township and section identifiers to roughly trace the ridgeline of the Pinal Mountains.

B. How Does EPA Evaluate Boundary Redesignations?

Under section 107(d)(3)(D) of the CAA, the Governor of any State may, on the Governor's own motion, submit to EPA a revised designation of any area or portion thereof within the State.[4] EPA is required to approve or deny a submittal

[2] Hayden and Miami are towns located near significant mining and copper smelting activities in east central Arizona, roughly 70 to 80 miles east-southeast of Phoenix. Miami is located in Gila County; Hayden straddles the boundary between Gila County and Pinal County approximately 27 miles south of Miami.

[3] The Hayden/Miami ''Group I'' area encompassed the following townships: T1N, R13E; T1N, R14E; T1N, R15E; T1S, R13E; T1S, R14E; T1S, R14½2E; T1S, R15E; T2S, R13E; T2S, R14E; T2S, R15E; T3S, R13E; T3S, R14E; T3S, R15E; T3S, R16E (except that portion in the San Carlos Indian Reservation); T4S, R13E; T4S, R14E; T4S, R15E; T4S, R16E; T5S, R13E; T5S, R14E; T5S, R15E; T5S, R16E; T6S, R13E; T6S, R14E; T6S, R15E; and T6S, R16E.

[4] Boundary changes are an inherent part of a designation or redesignation of an area under the CAA. See CAA section 107(d)(1)(B)(ii).

for redesignation within 18 months of receipt. The type of redesignation that ADEQ submitted on June 20, 2006 involves just a boundary change and does not involve a change in status (*i.e.*, does not involve a change from ''nonattainment,'' for example, to ''attainment'' or ''unclassifiable'') of any area. In this notice, we refer to the former type of redesignation as a ''boundary redesignation.''

In determining whether to approve or deny a State's submittal of a boundary redesignation under section 107(d)(3)(D), EPA uses the same factors Congress directed EPA to consider when the Agency initiates a revision to a designation of an area on its own motion under section 107(d)(3)(A). These factors include ''air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate.'' See CAA section 107(d)(3)(A). In addition, because ADEQ's redesignation involves a nonattainment area, we also take into account CAA section 107(d)(1)(A), which provides that nonattainment areas are to include the geographic area that does not meet, or that contributes to ambient air quality in a nearby area that does not meet, the NAAQS for a given pollutant.

C. What is EPA's Evaluation of the State's Submittal?

We have reviewed and evaluated ADEQ's technical justification report and conclude that ADEQ has adequately demonstrated that the Miami and Hayden PM_{10} nonattainment areas lie in separate airsheds in which air quality is determined by topographical and meteorological factors and local emissions sources specific to each airshed with no significant PM_{10} transport between the two areas. We also conclude that ADEQ's division of the two areas essentially along the ridgeline of the Pinal Mountains follows logically from the identification of these separate airsheds. As such, each new PM_{10} nonattainment area encompasses the geographic area of historic PM_{10} (or, in the case of Miami, TSP) NAAQS violations as well as the sources which contributed to those violations. Therefore, we are approving the State's boundary redesignation of the Hayden/Miami PM_{10} nonattainment area and are thereby establishing separate Hayden and Miami PM_{10} nonattainment areas. We provide further detail on our evaluation in the paragraphs that follow.

Topography

As noted previously, the Hayden/Miami PM_{10} nonattainment area is located in east central Arizona. The town of Hayden is situated in the southern portion of the nonattainment area, approximately 27 miles south of the town of Miami, which is located in the northern portion of the nonattainment area. Between the two towns lie the predominant geographic features of the nonattainment area: the Pinal, Mescal, and Dripping Spring Mountain ranges.

Airsheds refer to areas with common weather or meteorological conditions and sources of air pollution. Generally speaking, an airshed contains source and receptor areas. The Pinal and Mescal Mountains, the highest of the three mountain ranges in this area, form a boundary between the Lower Salt River Airshed and the Gila River Airshed. These two interconnecting ranges separate the southern or Hayden portion of the nonattainment area from the northern or Miami portion. Figure 1 in the State's technical justification report illustrates the topographical features in the region.

Elevations in the Pinal and Mescal Mountains are well over 5,000 feet above sea level with numerous peaks above 6,000 feet. Pinal Peak is the highest point at 7,848 feet. Elevational differences between lower elevations in the southern portion of the nonattainment area and the airshed boundary (i.e., the ridgeline of the Pinal Mountains) generally range between 4,000 and 6,000 feet. Elevational differences between the northern portion of the nonattainment area and the airshed boundary (ridgeline of the Pinal Mountains) generally range between 2,000 and 4,000 feet.

Meteorology

The speed and direction of air pollutant transport in both the Lower Salt River Airshed (Miami area) and the Gila River Airshed (Hayden area) are greatly influenced by local topography. Both airsheds contain extensive areas of complex terrain that is responsible for complicated wind patterns.

Hayden is located in a relatively narrow portion of the Gila River valley, immediately downstream from the confluence of the Gila and San Pedro Rivers. The Dripping Spring Mountains are located northeast of Hayden. In ADEQ's technical justification report, wind patterns in Hayden, where a number of stationary sources are located, are described as distinctly up-valley/down-valley. Such patterns are typical of mountainous areas, and are characterized by up-valley or up-slope flows during the day and down-valley or down-slope winds during the night. ADEQ notes that low southeasterly winds in the Gila River valley from nighttime down-slope or drainage flow can combine with stable atmospheric conditions to cause elevated pollutant concentrations within low lying areas. Up-slope convection during the day increases dispersion and flow out of the low lying areas. Under normal daytime conditions, surface winds become west-southwesterly to west-northwesterly (up-valley) in the Hayden area, replacing nighttime down-slope winds as the atmosphere becomes less stable. This pattern is repeated locally throughout much of the complex terrain found in the southern portion of the Hayden/Miami PM_{10} nonattainment area.

Due to widespread areas of complex terrain, a similar up-valley/down-valley pattern is found throughout much of the northern portion of the Hayden/Miami PM_{10} nonattainment area, where Miami is located. Miami is located along U.S. Highway 60 in a steep canyon of the Pinal Mountains. As described for Hayden, Miami is similarly influenced by up-slope/down-slope wind patterns. Generally, the Miami area exhibits a diurnal pattern of having a stronger average easterly component to nighttime airflow with a westerly component evident during the day.

ADEQ's technical justification report notes that stronger regional air flow can at times override local patterns and overcome elevational differences, and that, under these conditions, direction of flow can vary. However, ADEQ notes also that mixing, dispersion, and dilution of emissions are increased under these conditions, especially with distance. Thus, localized complex terrain windflow patterns are the primary forces affecting dispersion from sources within each of the Hayden and Miami areas. We agree with ADEQ's conclusion that the greater emissions impacts are local, and any cross-airshed boundary contributions that may occur are minimal relative to local impacts.

Locations of Emissions Sources

The topographical and meteorological characteristics described above support the conclusion that Hayden and Miami lie in separate airsheds with minimal PM_{10} pollutant transport between the two. However, ADEQ also provides information on the locations and magnitude of permitted PM_{10} sources in the two areas that lends further support to this conclusion.

ADEQ notes that the majority of permitted sources in the Hayden/Miami PM_{10} nonattainment area are associated with mining and smelting activities. These sources are located primarily in the extreme south and north of the

Hayden/Miami nonattainment area near the two mining towns, Hayden and Miami.[5] Hayden area sources are clustered primarily in lower elevation areas in the southern portion of the nonattainment area, south of the Township 2 South/Township 3 South boundary. Miami area sources are located generally north of the Township 1 North/Township 1 South line. The central portion of the nonattainment area, dominated by the Pinal and Mescal Mountain ranges that divide the lower elevation areas to the north and south, contains no permitted stationary sources. This buffer between the two concentrations of emissions sources to the south and north further minimizes the possibility of significant PM_{10} pollutant transport between the Hayden and Miami areas.

Planning Considerations

ADEQ notes that dividing the single PM_{10} nonattainment area into two areas would facilitate air quality management by enabling separate analyses that reflect local air transport patterns and the development of control strategies and planning processes specific to each area. While we find that the existence of a single PM_{10} air quality planning area does not preclude separate analyses and development of subarea-specific control strategies, we do recognize that dividing the single area into two would allow for de-coupling of the air quality planning processes for the Hayden and Miami areas, thereby allowing one of the two areas to seek redesignation and to begin the maintenance phase of CAA planning sooner than might otherwise be possible.

Conclusion

Based on our review of ADEQ's technical justification report and other available information, we find that ADEQ has sufficiently demonstrated that the Miami and Hayden areas lie in separate airsheds in which local topographical and meteorological factors and local emissions sources determine ambient PM_{10} conditions and between which PM_{10} pollutant transport is minimal. The concentration of PM_{10} emissions sources to the south and north ends of the Hayden/Miami PM_{10} nonattainment area adds separation distance to the list of factors that minimize the potential for PM_{10} pollutant transport between the Miami and Hayden areas. We also find that dividing the single area into two would be beneficial from a planning perspective by allowing one of the areas to proceed to the maintenance phase of air quality planning under the CAA sooner than might otherwise be possible.[6]

D. What Are the Implications of EPA's Approval of the State's Boundary Redesignation?

In approving ADEQ's boundary redesignation of the Hayden/Miami PM_{10} nonattainment area into two areas, we approve ADEQ's boundary, which roughly traces the ridgeline of the Pinal Mountains.

The new Miami PM_{10} nonattainment area encompasses all or part of the following seven townships: T1N, R13E; T1N, R14E; T1N, R15E; T1S, R13E (sections 1–6); T1S, R14E (sections 1–24); T1S, R14½E; and T1S, R15E. The new Hayden PM_{10} nonattainment area encompasses all or part of the following 21 townships: T1S, R13E (sections 7–36); T1S, R14E (sections 25–36); T2S, R13E; T2S, R14E; T2S, R15E; T3S, R13E; T3S, R14E; T3S, R15E; T3S, R16E (except that portion in the San Carlos Indian Reservation); T4S, R13E; T4S, R14E; T4S, R15E; T4S, R16E; T5S, R13E; T5S, R14E; T5S, R15E; T5S, R16E; T6S, R13E; T6S, R14E; T6S, R15E; and T6S, R16E.

Together, the two new PM_{10} nonattainment areas cover the same geographic area as the original Hayden/Miami PM_{10} nonattainment area. Both of the new PM_{10} nonattainment areas retain the ''moderate'' classification associated with the Hayden/Miami PM_{10} nonattainment area.

III. Finding of Attainment for Miami Area and Determination Regarding Applicability of Certain Clean Air Act Requirements

A. How Do We Make Attainment Determinations?

Generally, we will determine whether an area's air quality meets the PM_{10} NAAQS based upon data gathered at established state and local air monitoring stations (SLAMS) and national air monitoring stations (NAMS) in the nonattainment area and entered into EPA's Air Quality System (AQS) database. Data entered into AQS have been determined to meet Federal monitoring requirements (see 40 CFR 50.6; 40 CFR part 50, appendix J; 40 CFR part 53; 40 CFR part 58, appendices A and B) and may be used to determine the attainment status of areas. We will also consider air quality data from other air monitoring stations in the nonattainment area, such as Special Purpose Monitors (SPM), some of which are run by industrial sources, provided that the stations meet the Federal monitoring requirements for SLAMS and that the data is publicly available.[7] All data are reviewed to determine the area's air quality status in accordance with our guidance at 40 CFR part 50, appendix K.

Attainment of the 24-hour standard is determined by calculating the expected number of days in a year with PM_{10} concentrations greater than 150 $\mu g/m^3$. The 24-hour standard is attained when the expected number of days with levels above 150 $\mu g/m^3$ (averaged over a three-year period) is less than or equal to one. Three consecutive years of air quality data are necessary to show attainment of the PM_{10} NAAQS. See 40 CFR part 50, appendix K. A complete year of air quality data, as referred to in 40 CFR part 50, appendix K, is composed of all four calendar quarters with each quarter containing data from at least 75 percent of the scheduled sampling days.

B. What Is the Basis for EPA's Determination that the Miami Area Is Attaining the PM_{10} NAAQS?

Beginning in 1987, PM_{10} has been monitored at seven different sites in the Miami area. ADEQ operated some of these PM_{10} monitoring sites and the owner and operator of the primary copper smelter (*i.e.*, Phelps-Dodge Miami, Inc. or ''Phelps-Dodge''), which is the largest single industrial source of emissions in the area, operated others. Different monitoring locations were

[5] ADEQ estimates that, in 2004, permitted sources in Hayden emitted 1,974 tons of PM_{10} or 84 percent of total nonattainment area PM_{10} emissions. Emissions for Miami area sources totaled 375 tons or 16 percent of total nonattainment area emissions, and about one-fifth of Hayden area emissions. As expected in areas where local topographical and meteorological factors are the primary determinants of ambient air conditions and given the relative PM_{10} source strengths in the two areas, PM_{10} monitors in the Hayden area record higher PM_{10} concentrations than those in the Miami area. For example, whereas violations of both the 24-hour and now-revoked annual PM_{10} NAAQS have been recorded in the Hayden area (although none in recent years), no PM_{10} violations have ever been recorded in the Miami area.

[6] We note that our action here today is consistent with prior EPA rulemakings redesignating PM_{10} nonattainment areas into multiple nonattainment areas that together cover the same geographic area as the original nonattainment area. See, *e.g.*, 63 FR 59722 (November 5, 1998), involving the division of a PM_{10} nonattainment area in Idaho into two areas delineated by the boundary between State lands and the Fort Hall Indian Reservation; and 67 FR 50805 (August 6, 2002), corrected at 67 FR 59005 (September 19, 2002), involving the division of a PM_{10} nonattainment area in California into three areas delineated by the boundaries of Inyo, Kern and San Bernardino counties.

[7] See EPA Memorandum, ''Use of Special Purpose Monitoring Data,'' from John S. Seitz, Director, Office of Air Quality Planning and Standards, August 22, 1997.

selected in an effort to locate the maximum PM_{10} impacts from the smelter. Since 1991, two monitors have remained at their current locations: the Golf Course monitor and the Ridgeline monitor. Both are operated by Phelps-Dodge and are considered Special Purpose Monitors (SPMs). ADEQ ended PM_{10} monitoring at its Nolan Ranch site (also known as ''Miami South'' or ''Jones Ranch'') in 1994 and no longer operates any PM_{10} monitor in the Miami area. No violations of the PM_{10} NAAQS have been monitored at any of the seven monitoring sites in the Miami area since monitoring began in 1987.

The PM_{10} data collected by Phelps-Dodge at the two SPMs (*i.e.*, the Golf Course and Ridgeline sites) are not normally certified by ADEQ and entered into AQS, but to provide for this attainment finding, ADEQ worked with Phelps-Dodge to certify PM_{10} monitoring data collected over the past several years and to enter the certified data into AQS. Table 1 provides a summary of the data collected at the Golf Course and Ridgeline sites during the 2003–2005 period.

Phelps-Dodge collected the PM_{10} data shown in Table 1 below using Graseby-Anderson Dichotomous samplers, devices designated by EPA as a manual reference method sampler. The samplers operated on an approved operating schedule of once every six days and the data sets meet EPA requirements for 75 percent data capture as discussed in 40 CFR 50, appendix K. ADEQ has reviewed the operation and maintenance records for these monitors and has certified that the data collected by Phelps-Dodge meets EPA's quality assurance requirements.

TABLE 1.—SUMMARY OF 24 HOUR AND ANNUAL PM_{10} CONCENTRATIONS ($\mu G/M^3$) FOR MIAMI, 2003–2005

Year	PM_{10} Concentrations					
	Ridgeline			Golf Course		
	24-hr max	Annual average	3 year annual average	24-hr max	Annual average	3 year annual average
2003	59	14.6		53	20.7	
2004	26	10.2		40	16.4	
2005	23	12.4	12.4	40	21.0	19.4

Note: Data for the annual-average are included in this table for informational purposes only because the annual-average PM_{10} standard has been revoked. The former annual-average PM_{10} standard was attained when the annual arithmetic mean PM_{10} concentration over a three-year period is equal to or less than 50 $\mu g/m^3$. We note that the Miami area would have been found to attain the annual standard as well as the 24-hour standard had the former not been revoked.

As noted above, the 24-hour PM_{10} standard is attained when the expected number of days with levels above 150 $\mu g/m^3$ (averaged over a three-year period) is less than or equal to one. Based on the data summarized in table 1, above, we find no exceedances of the 24-hour PM_{10} standard for the 2003 to 2005 period and thus the expected number of days with levels above 150 $\mu g/m^3$ (averaged over that three-year period) is zero. As such, we find that Miami is attaining the 24-hour PM_{10} NAAQS.

C. What Are the Applicable Planning Requirements for the Miami Area as a Result of EPA's Attainment Determination?

The air quality planning requirements for moderate PM_{10} nonattainment areas, such as the Miami PM_{10} nonattainment area, are set out in part D, subparts 1 and 4 of title I of the Act. We have issued guidance in a General Preamble [8] describing how we will review SIPs and SIP revisions submitted under title I of the Act, including those containing moderate PM_{10} nonattainment area SIP provisions.

In some designated nonattainment areas, monitored data demonstrates that the NAAQS has already been achieved. Based on its interpretation of the Act, EPA has determined that certain requirements of part D, subparts 1 and 2 (of title I) of the Act do not apply and therefore do not require certain submissions for an area that has attained the NAAQS. These include reasonable further progress (RFP) requirements, attainment demonstrations and contingency measures, because these provisions have the purpose of helping achieve attainment of the NAAQS.

EPA's Clean Data Policy is the subject of two memoranda setting forth our interpretation of the provisions of the Act as they apply to areas that have attained the relevant NAAQS. EPA also finalized the statutory interpretation set forth in the policy in a final rule, 40 CFR 51.918, as part of its ''Final Rule to Implement the 8-hour Ozone National Ambient Air Quality Standard—Phase 2'' (Phase 2 Final Rule). See discussion in the preamble to the rule at 70 FR 71645–71646 (November 29, 2005). EPA believes that the legal bases set forth in detail in our Phase 2 Final Rule; our May 10, 1995 memorandum from John S. Seitz, entitled ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard'' (Seitz memo); and our December 14, 2004 memorandum from Stephen D. Page entitled ''Clean Data Policy for the Fine Particle National Ambient Air Quality Standards'' (Page memo) are equally pertinent to the interpretation of provisions of subparts 1 and 4 applicable to PM_{10}. EPA's interpretation of how the provisions of the Act apply to areas with ''clean data'' is not logically limited to ozone and $PM_{2.5}$, because the rationale is not dependent upon the type of pollutant. Our interpretation that an area that is attaining the standard is relieved of obligations to demonstrate RFP and to provide an attainment demonstration and contingency measures pursuant to part D of the CAA, pertains whether the standard is PM_{10}, ozone, or $PM_{2.5}$.

The reasons for relieving an area that has attained the relevant standard of certain part D, subparts 1 and 2 obligations, applies equally to part D, subpart 4, which contains specific attainment demonstration and RFP provisions for PM_{10} nonattainment areas. As we have explained in the Phase 2 Final Rule and our ozone and $PM_{2.5}$ clean data memoranda, EPA believes it is reasonable to interpret provisions regarding RFP and attainment demonstrations, along with related requirements, so as not to require SIP submissions if an area subject to those requirements is already attaining the NAAQS (*i.e.*, attainment of the NAAQS is demonstrated with three consecutive years of complete, quality-

[8] ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (57 FR 13498, April 16, 1992, as supplemented 57 FR 18070, April 28, 1992).

assured air quality monitoring data). Three U.S. Circuit Courts of Appeals have upheld EPA rulemakings applying its interpretation of subparts 1 and 2 with respect to ozone. *Sierra Club* v. *EPA,* 99 F.3d 1551 (10th Cir. 1996); *Sierra Club* v. *EPA,* 375 F.3d 537 (7th Cir. 2004); *Our Children's Earth Foundation* v. *EPA,* No. 04–73032 (9th Cir. June 28, 2005) (memorandum opinion). It has been EPA's longstanding interpretation that the general provisions of part D, subpart 1 of the Act (sections 171 and 172) do not require the submission of SIP revisions concerning RFP for areas already attaining the ozone NAAQS. In the General Preamble, we stated:

> [R]equirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that the area has already attained. Showing that the State will make RFP towards attainment will, therefore, have no meaning at that point. 57 FR at 13564.

EPA believes the same reasoning applies to the PM_{10} provisions of part D, subpart 4.

With respect to RFP, section 171(1) states that, for purposes of part D of title I, RFP ''means such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.'' Thus, whether dealing with the general RFP requirement of section 172(c)(2), the ozone-specific RFP requirements of sections 182(b) and (c), or the specific RFP requirements for PM_{10} areas of part D, subpart 4, section 189(c)(1), the stated purpose of RFP is to ensure attainment by the applicable attainment date. Section 189(c)(1) states that:

> Plan revisions demonstrating attainment submitted to the Administrator for approval under this subpart shall contain quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate reasonable further progress, as defined in section 7501(1) of this title, toward attainment by the applicable date.

Although this section states that revisions shall contain milestones which are to be achieved until the area is redesignated to attainment, such milestones are designed to show reasonable further progress ''toward attainment by the applicable attainment date'', as defined by section 171. Thus, it is clear that once the area has attained the standard, no further milestones are necessary or meaningful. This interpretation is supported by language in section 189(c)(3), which mandates that a state that fails to achieve a milestone must submit a plan that assures that the state will achieve the next milestone or attain the NAAQS if there is no next milestone. Section 189(c)(3) assumes that the requirement to submit and achieve milestones does not continue after attainment of the NAAQS.

In the General Preamble, we noted with respect to section 189(c) that ''the purpose of the milestone requirement is to 'provide for emission reductions adequate to achieve the standards by the applicable attainment date' (H.R. Rep. No. 490 101st Cong., 2d Sess. 267 (1990)).'' 57 FR 13539 (April 16, 1992). If an area has in fact attained the standard, the stated purpose of the RFP requirement will have already been fulfilled.[9] EPA took this position with respect to the general RFP requirement of section 172(c)(2) in the April 16, 1992 General Preamble and also in the May 10, 1995 memorandum with respect to the requirements of sections 182(b) and (c). We are extending that interpretation to the specific provisions of part D, subpart 4. In the General Preamble, we stated, in the context of a discussion of the requirements applicable to the evaluation of requests to redesignate nonattainment areas to attainment, that the ''requirements for RFP will not apply in evaluating a request for redesignation to attainment since, at a minimum, the air quality data for the area must show that the area has already attained. Showing that the State will make RFP towards attainment will, therefore, have no meaning at that point.'' (57 FR 13564). See also our September 4, 1992 memorandum from John Calcagni, entitled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (Calcagni memo), p. 6.

Similarly, the requirements of section 189(c)(2) with respect to milestones no longer apply so long as an area has attained the standard. Section 189(c)(2) provides in relevant part that:

> Not later than 90 days after the date on which a milestone applicable to the area occurs, each State in which all or part of such area is located shall submit to the Administrator a demonstration * * * that the milestone has been met.

Where the area has attained the standard and there are no further milestones, there is no further requirement to make a submission showing that such milestones have been met. As noted above, this is consistent with the position that EPA took with respect to the general RFP requirement of section 172(c)(2) in the April 16, 1992 General Preamble and also in the May 10, 1995 Seitz memorandum with respect to the requirements of section 182(b) and (c). In the May 10, 1995 Seitz memorandum, EPA also noted that section 182(g), the milestone requirement of Subpart 2, which is analogous to provisions in section 189(c), is suspended upon a determination that an area has attained. The memorandum, also citing additional provisions related to attainment demonstration and RFP requirements, stated:

> Inasmuch as each of these requirements is linked with the attainment demonstration or RFP requirements of section 182(b)(1) or 182(c)(2), if an area is not subject to the requirement to submit the underlying attainment demonstration or RFP plan, it need not submit the related SIP submission either.

1995 Seitz memorandum at 5.

With respect to the attainment demonstration requirements of section 189(a)(1)(B), an analogous rationale leads to the same result. Section 189(a)(1)(B) requires that the plan provide for ''a demonstration (including air quality modeling) that the [SIP] will provide for attainment by the applicable attainment date * * *.'' As with the RFP requirements, if an area is already monitoring attainment of the standard, EPA believes there is no need for an area to make a further submission containing additional measures to achieve attainment. This is also consistent with the interpretation of the section 172(c) requirements provided by EPA in the General Preamble, the Page memo, and the section 182(b) and (c) requirements set forth in the Seitz memo. As EPA stated in the General Preamble, no other measures to provide for attainment would be needed by areas seeking redesignation to attainment since ''attainment will have been reached.'' (57 FR at 13564).

Other SIP submission requirements are linked with these attainment

[9] Thus, we believe that it is a distinction without a difference that section 189(c)(1) speaks of the RFP requirement as one to be achieved until an area is ''redesignated attainment'', as opposed to section 172(c)(2), which is silent on the period to which the requirement pertains, or the ozone nonattainment area RFP requirements in sections 182(b)(1) or 182 (c)(2), which refer to the RFP requirements as applying until the ''attainment date,'' since section 189(c)(1) defines RFP by reference to section 171(1) of the Act. Reference to section 171(1) clarifies that, as with the general RFP requirements in section 172(c)(2) and the ozone-specific requirements of section 182(b)(1) and 182(c)(2), the PM-specific requirements may only be required ''for the purpose of ensuring attainment of the applicable national ambient air quality standard by the applicable date.'' 42 U.S.C. section 7501(1). As discussed in the text of this rulemaking, EPA interprets the RFP requirements, in light of the definition of RFP in section 171(1), and incorporated in section 189(c)(1), to be a requirement that no longer applies once the standard has been attained.

demonstration and RFP requirements, and similar reasoning applies to them. These requirements include the contingency measure requirements of sections 172(c)(9) and 182(c)(9). We have interpreted the contingency measure requirements of sections 172(c)(9) and 182(c)(9) as no longer applying when an area has attained the standard because those ''contingency measures are directed at ensuring RFP and attainment by the applicable date.'' (57 FR at 13564); Seitz memo, pp. 5–6.

Both sections 172(c)(1) and 189(a)(1)(C) require ''provisions to assure that reasonably available control measures'' (*i.e.*, RACM) are implemented in a nonattainment area. The General Preamble, 57 FR at 13560 (April 16, 1992), states that EPA interprets section 172(c)(1) so that RACM requirements are a ''component'' of an area's attainment demonstration. Thus, for the same reason the attainment demonstration no longer applies by its own terms, the requirement for RACM no longer applies. EPA has consistently interpreted this provision to require only implementation of potential RACM measures that could contribute to reasonable further progress or to attainment. General Preamble, 57 FR at 13498. Thus, where an area is already attaining the standard, no additional RACM measures are required.[10] EPA is interpreting section 189(a)(1)(C) consistent with its interpretation of section 172(c)(1).

Here, as in both our Phase 2 Final Rule and ozone and $PM_{2.5}$ clean data memoranda, we emphasize that the suspension of a requirement to submit SIP revisions concerning these RFP, attainment demonstration, RACM, and other related requirements exists only for as long as a nonattainment area continues to monitor attainment of the standard. If such an area experiences a violation of the NAAQS, the basis for the requirements being suspended would no longer exist. Therefore, the area would again be subject to a requirement to submit the pertinent SIP revision or revisions and would need to address those requirements. Thus, a determination that an area need not submit one of the SIP submittals amounts to no more than a suspension of the requirements for so long as the area continues to attain the standard. However, once EPA ultimately redesignates the area to attainment, the area will be entirely relieved of these requirements to the extent the maintenance plan for the area does not rely on them.

Therefore, we believe that, for the reasons set forth here and established in our prior ''clean data'' memoranda and rulemakings, a PM_{10} nonattainment area that has ''clean data,'' should be relieved of the part D, subpart 4 obligations to provide an attainment demonstration pursuant to section 189(a)(1)(B), the RACM provisions of section 189(a)(1)(C), and the RFP provisions established by section 189(c)(1) of the Act, as well as the aforementioned attainment demonstration, RACM, RFP and contingency measure provisions of part D, subpart 1 contained in section 172 of the Act.[11]

Should EPA at some future time determine that an area that had clean data, but which has not yet been redesignated as attainment for a NAAQS, has violated the relevant standard, the area would again be required to submit the pertinent requirements under the SIP for the area. Attainment determinations under the policy do not shield an area from other required actions, such as provisions to address pollution transport.

As set forth above, EPA finds that because the Miami area is attaining the PM_{10} NAAQS, the requirement of an attainment demonstration, reasonable further progress, reasonably available control measures and contingency measures no longer applies for so long as the area continues to monitor attainment of the PM_{10} NAAQS.[12]

This determination is contingent on the existence of monitoring data showing continued attainment of the PM_{10} NAAQS in the Miami area. Normally, we would simply rely on the continuation of a State's or local air district's monitoring network to provide the data necessary for the public and EPA to verify continued attainment because a State or local air district administering such a network must, under applicable Federal regulations, use reference methods, meet quality assurance requirements, and enter data periodically into AQS.

In the Miami area, however, the only monitors collecting PM_{10} data are Special Purpose Monitors (SPMs) run by Phelps-Dodge. Historically, these data have not been submitted to the State for certification and subsequent entry into EPA's Air Quality System (AQS) database. Thus, we have requested that ADEQ provide us with evidence that ADEQ and Phelps-Dodge ensure that PM_{10} data continues to be collected at Phelps-Dodge's two monitoring sites in the Miami area in a manner that meets Federal monitoring requirements for state and local air monitoring stations (SLAMS) and that ADEQ commits to entering the data into AQS on a periodic basis. ADEQ has submitted sufficient evidence supporting such commitments in the form of two letters: a letter dated May 15, 2006 from Alan H. Binegar, Smelter Manager, Phelps-Dodge Miami Inc. to Nancy Wrona, Director, Air Quality Division, ADEQ, and a letter dated January 19, 2007 from Nancy C. Wrona, Director, Air Quality Division, ADEQ, to Deborah Jordan, Director, Air Division, EPA-Region IX.

Specifically, in its May 15, 2006 letter, Phelps-Dodge agrees to submit calibration records and supporting documentation for its PM_{10} monitors to ADEQ with future quarterly PM_{10} reports. In its January 19, 2007 letter, ADEQ commits to begin entering data collected during 2006 by March 1, 2007, to complete the entry of 2006 data into AQS by the end of June 2007, and to continue entry of 2007 and subsequent data following applicable EPA quality assurance procedures and validation. We interpret ADEQ's commitment to mean that by the end of 2007, ADEQ will be entering Miami PM_{10} monitoring data collected by Phelps-Dodge on the same quarterly schedule as required for SLAMS.

If Phelps-Dodge or ADEQ fails to fulfill the monitoring-related commitments set forth in the letters dated May 15, 2006 and January 19, 2007, then we can no longer be assured of the continued attainment of the PM_{10} NAAQS in the Miami area, and a failure to provide current, valid, publicly available PM_{10} data will have the same consequence as a measured violation of the PM_{10} NAAQS. In either event, the rationale for determining that the CAA

[10] The EPA's interpretation that the statute only requires implementation of RACM measures that would advance attainment was upheld by the United States Court of Appeals for the Fifth Circuit (*Sierra Club* v. *EPA,* 314 F.3d 735, 743–745 (5th Cir. 2002), and by the United States Court of Appeals for the D.C. Circuit (*Sierra Club* v. *EPA,* 294 F.3d 155, 162–163 (DC Cir. 2002)).

[11] In some prior rulemakings involving the Clean Data Policy and PM_{10}, EPA has applied criteria in addition to that of attainment of the standard. See, *e.g.*, 67 FR 43020 (June 26, 2002). EPA does not believe that those additional criteria are required by statute or are necessary for application of the policy for PM_{10} areas, and does not employ them in applying the policy to ozone and $PM_{2.5}$ areas. EPA intends to make its application of the policy consistent for ozone, $PM_{10,}$ and $PM_{2.5,}$ and does not intend to require an area to meet additional criteria for $PM_{10.}$

[12] We note that our application of the Clean Data Policy to the Miami PM_{10} nonattainment area is consistent with actions we have taken for other PM_{10} nonattainment areas that were also attaining the standard. See 71 FR 6352 (February 8, 2006)(Ajo, Arizona area); 71 FR 13021 (March 14, 2006)(Yuma, Arizona area); 71 FR 40023 (July 14, 2006)(Weirton, West Virginia area); 71 FR 44920 (August 8, 2006)(Rillito, Arizona area); and 71 FR 63642 (October 30, 2006) (San Joaquin Valley, California area).

requirements discussed above no longer apply in the Miami area will no longer exist, and as a result, we will take action to withdraw our finding that the Miami area is attaining the standard and withdraw our related determination with respect to certain CAA requirements discussed above. Then, the State of Arizona would again be required to submit the pertinent CAA requirements for this nonattainment area.

IV. Corrections to the Arizona PM_{10} Table in 40 CFR Part 81

In today's notice, we are also correcting two errors in the table found in 40 CFR part 81 (specifically, 40 CFR 81.303) listing the area designations within the State of Arizona for the PM_{10} NAAQS. CAA section 110(k)(6) provides EPA with authority to correct errors in rulemakings involving, among other things, area designations and classifications.

First, we are fixing a typographical error in the listing for Payson in the PM_{10} table. This error was introduced into the table in a final rule redesignating the Payson area to attainment. See 67 FR 43013 (June 26, 2002). In the June 2002 final rule, we inadvertently listed one of the townships that comprise the Payson air quality planning area as ''T01N, * * *'' while intending ''T10N, * * *.'' See 67 FR 43013, at 43019. We are correcting the listing in this notice.

Second, we are correcting the erroneous deletion of the designation for ''rest of state'' in the Arizona PM_{10} table in 40 CFR 81.303. This error occurred in two stages. First, in a 1996 final rule, we inadvertently included ''rest of state'' under the listing for Mohave County. See 61 FR 21372, at 21378 (May 10, 1996). Then, in a final rule published on February 15, 2002, we inadvertently deleted the ''rest of state'' listing entirely. See 67 FR 7082, at 7085 (February 15, 2002). In this notice, we are correcting this error by restoring the ''rest of state'' designation (''unclassifiable'') as a separate listing in the Arizona PM_{10} table.

V. EPA's Final Action

Under section 107(d)(3)(D) of the Clean Air Act, EPA is approving the State of Arizona's redesignation of the Hayden/Miami PM_{10} nonattainment area into two separate but adjoining PM_{10} nonattainment areas (Hayden and Miami) as submitted on June 20, 2006 and making the changes to the table in 40 CFR part 81 that shows Arizona PM_{10} area designations accordingly. EPA is approving this boundary redesignation based on topographical, meteorological, and other air quality-related factors that demonstrate that Hayden and Miami areas lie in different airsheds with little or no cross-airshed transport of PM_{10}. Together, the two new PM_{10} nonattainment areas cover the same geographic area as the original Hayden/Miami PM_{10} nonattainment area and retain a ''moderate'' classification with respect to the PM_{10} NAAQS. The approved boundary between the two new areas roughly traces the ridgeline of the Pinal Mountains.

We also find that the Miami PM_{10} nonattainment area is attaining the PM_{10} NAAQS. Our finding of attainment is based on quality-assured data that meet the requirements of 40 CFR part 50, appendix K for the period 2003–2005.[13]

EPA also finds that, because the Miami area is attaining the NAAQS, the following CAA requirements are not applicable for so long as the Miami area continues to attain the PM_{10} standard: the part D, subpart 4 obligations to provide an attainment demonstration pursuant to section 189(a)(1)(B), the RACM provisions of 189(a)(1)(C), the RFP provisions established by section 189(c)(1), and the attainment demonstration, RACM, RFP and contingency measure provisions of part D, subpart 1 contained in section 172 of the Act. Because our determination with respect to the above CAA requirements relies on the existence of current, valid, publicly-available monitoring data, we are making our determination contingent upon fulfillment of commitments made by Phelps-Dodge and ADEQ in letters dated May 15, 2006 and January 19, 2007 to submit such data from the two current PM_{10} monitoring sites in the Miami area to EPA's AQS. If the commitments made by Phelps-Dodge and ADEQ are not fulfilled or if the data shows a violation of the standard, then EPA will act to withdraw the attainment finding and withdraw the related determination with respect to the CAA requirements listed above.

[13] The two actions we are taking today, the boundary redesignation and the finding of attainment, should be distinguished from an action to redesignate an area from ''nonattainment'' to ''attainment'' under CAA section 107(d)(3). There are a number of prerequisite conditions that must be met before we can approve a State's request to change (i.e., ''redesignate'') the air quality planning status of an area from ''nonattainment'' to ''attainment,'' including, among other conditions, approval of a maintenance plan meeting the requirements of section 175A of the CAA. See section 107(d)(3)(E) of the Act. Thus, the classification and designation status in 40 CFR part 81 will remain moderate nonattainment for the Miami PM_{10} area until such time as the State of Arizona meets the CAA requirements under section 107(d)(3)(E) for redesignation of the Miami area to attainment.

Lastly, under CAA section 110(k)(6), we correct two errors that were introduced into the ''Arizona—PM_{10}'' table in 40 CFR 81.303 in previous rulemakings. First, we correct a typographical error in the listings of townships that define the Payson air quality planning area. Second, we correct the erroneous deletion of the designation for ''rest of state'' by restoring the ''rest of state'' designation (''unclassifiable'') as a separate listing in the Arizona PM_{10} table.

We are publishing this rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal should adverse comments be filed. This action will be effective May 29, 2007, without further notice unless the EPA receives relevant adverse comments by April 27, 2007.

If we receive such comments, then we will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. We will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 29, 2007 and no further action will be taken on the proposed rule.

VI. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely redesignates a boundary of an air quality planning area, makes a determination based on air quality data, and suspends certain requirements that otherwise would apply and does not impose any additional requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as

described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 97249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely redesignates a boundary of an air quality planning area, makes a determination based on air quality data, and suspends certain requirements that otherwise would apply and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 29, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 20, 2007.

Wayne Nastri,

Regional Administrator, Region 9.

■ Part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

■ 1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart C—[Amended]

■ 2. In § 81.303, the table entitled ''Arizona—PM_{10}'' is amended by revising the entries for Pinal and Gila Counties and Gila County and by adding an entry for ''rest of state'' to read as follows:

§ 81.303 Arizona.

* * * * *

ARIZONA—PM_{10}

Designated Area	Designation		Classification	
	Date	Type	Date	Type
* * * *		*	*	*
Pinal and Gila Counties:				
Hayden planning area ..... T1S, R13E (sections 7–36); T1S, R14E (sections 25–36);T2S, R13E; T2S, R14E; T2S, R15E; T3S, R13E; T3S, R14E; T3S, R15E; T3S, R16E (except that portion in the San Carlos Apache Indian Reservation); T4S, R13E; T4S, R14E; T4S, R15E; T4S, R16E; T5S, R13E; T5S, R14E; T5S, R15E; T5S, R16E; T6S, R13E; T6S, R14E; T6S, R15E; and T6S, R16E.	11/15/90	Nonattainment ...	11/15/90	Moderate.
Miami planning area ..... T1N, R13E; T1N, R14E; T1N, R15E; T1S, R13E (sections 1–6); T1S, R14E (sections 124); T1S, R14½E; and T1S, R15E.	11/15/90	Nonattainment ...	11/15/90	Moderate.
Gila County (part):				
Payson: T10N, sections 1–3, ... 10–15, 22–27, and 34–36 of R9E; T11N, sections 1–3, 10–15, 22–27, and 34–36 of R9E; T10–11N, R10E; T10N, sections 4–9, 16–21, and 28–33 of R11E; T11N, sections 4–9, 16–21, and 28–33 of R11E.	08/26/02	Attainment		
* * * *		*	*	*
Rest of State	11/15/90	Unclassifiable		

* * * * *

[FR Doc. E7–5663 Filed 3–27–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[EPA–HQ–OAR–2004–0507, FRL–8291–3]

RIN 2060–AN11

Protection of Stratospheric Ozone: Listing of Ozone Depleting Substitutes in Foam Blowing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today the Environmental Protection Agency (EPA) is taking final action to determine that HCFC–22 and HCFC–142b are unacceptable for use in the foam sector under the Significant New Alternatives Policy (SNAP) program under section 612 of the Clean Air Act. The SNAP program reviews alternatives to Class I and Class II ozone depleting substances and approves use of alternatives which do not present a substantially greater risk to public health and the environment than the substance they replace or than other available substitutes. In prior rulemakings, the Agency listed HCFC–22 and HCFC–142b as unacceptable substitutes in several foam end uses; here, EPA is amending a determination for one category of end-uses and taking the following actions for remaining applications. First, EPA is finding HCFC–22 and HCFC–142b unacceptable as substitutes for HCFC–141b in commercial refrigeration, sandwich panels, and slabstock and ''other'' rigid polyurethane foams and removing narrowed use limits previously established in those applications. Second, EPA is finding HCFC–22 and HCFC–142b unacceptable as substitutes for CFCs in all foam end-uses. Third, the Agency is establishing a grandfathering period to allow existing users of HCFC–22 and HCFC–142b in pour foam applications, including commercial refrigeration, sandwich panels, and slabstock and ''other'' rigid polyurethane foams other than foam for marine applications, until March 1, 2008 to implement alternatives; existing users of HCFC–22 and HCFC–142b foam blowing agents in the manufacture of foam for marine applications (*e.g.*, flotation foam) will be allowed to continue use of these blowing agents until September 1, 2009. Fourth, the Agency is grandfathering existing users of HCFC–22 and HCFC–142b in extruded polystyrene (XPS) foam and in all other foam end uses until January 1, 2010 in order to allow time for those users to complete their transition to alternatives.

DATES: This final rule is effective on May 29, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2004–0507. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air and Radiation Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Jeff Cohen, Stratospheric Protection Division, Office of Atmospheric Programs (6205J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343–9005; fax number: (202) 343–2363; e-mail address: *cohen.jeff@epa.gov*. The published versions of notices and rulemakings under the SNAP program are available on EPA's Stratospheric Ozone Web site at *http://www.epa.gov/ozone/snap/regs*.

SUPPLEMENTARY INFORMATION:

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I. Regulated Entities

Today's rule regulates the use of HCFC–22 and HCFC–142b as foam blowing agents used in the manufacture of rigid polyurethane/polyisocyanurate and extruded polystyrene foam products. Businesses that currently might be using HCFC–22 and HCFC–142b, or might want to use it in the future, include:

—Businesses that manufacture polyurethane/polyisocyanurate foam systems.
—Businesses that use polyurethane/polyisocyanurate systems to apply insulation to buildings, roofs, pipes, etc.
—Businesses that manufacture extruded polystyrene foam insulation for buildings, roofs, pipes, etc.

Table 1 lists potentially regulated entities:

TABLE 1.—POTENTIALLY REGULATED ENTITIES, BY NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM (NAICS) CODE OR SUBSECTOR

Category	NAICS code or subsector	Description of regulated entities
Industry	326150	Urethane and Other Foam Product (except Polystyrene) Manufacturing.
Industry	326140	Polystyrene Foam Product Manufacturing.

This table is not intended to be exhaustive, but rather a guide regarding entities likely to be regulated by this action. If you have any questions about whether this action applies to a particular entity, consult the person listed in the preceding section, **FOR FURTHER INFORMATION**.

II. Section 612 Program

A. Statutory Requirements

Section 612 of the Clean Air Act (CAA) requires EPA to develop a program for evaluating alternatives to ozone depleting substances (ODS). EPA refers to this program as the Significant New Alternatives Policy (SNAP) program. The major provisions of section 612 are:

- *Rulemaking*—Section 612(c) requires EPA to promulgate rules making it unlawful to replace any class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbon) or class II (hydrochlorofluorocarbon) substance with any substitute that the Administrator determines may present adverse effects to human health or the environment where the Administrator has identified an alternative that (1) Reduces the overall risk to human health and the environment, and (2) is currently or potentially available.
- *Listing of Unacceptable/Acceptable Substitutes*—Section 612(c) also requires EPA to publish a list of the substitutes unacceptable for specific uses. EPA must publish a corresponding list of acceptable alternatives for specific uses.
- *Petition Process*—Section 612(d) grants the right to any person to petition EPA to add a substitute to or delete a substitute from the lists published in accordance with section 612(c). The Agency has 90 days to grant or deny a petition. When the Agency grants a petition, EPA must publish the revised lists within an additional six months.
- *90-Day Notification*—Section 612(e) directs EPA to require any person who produces a chemical substitute for a class I substance to notify EPA not less than 90 days before new or existing chemicals are introduced into interstate commerce for significant new uses as substitutes for a class I substance. The producer must also provide EPA with the producer's health and safety studies on such substitutes.
- *Outreach*—Section 612(b)(1) states that the Administrator shall seek to maximize the use of federal research facilities and resources to assist users of class I and II substances in identifying and developing alternatives to the use of such substances in key commercial applications.
- *Clearinghouse*—Section 612(b)(4) requires the Agency to set up a public clearinghouse of alternative chemicals, product substitutes, and alternative manufacturing processes that are available for products and manufacturing processes which use class I and II substances.

B. Regulatory History

On March 18, 1994, EPA published a rule (59 FR 13044) describing the process for administering the SNAP program and issued EPA's first acceptability lists for substitutes in the major industrial use sectors. These sectors include: refrigeration and air conditioning, foam manufacturing, solvents cleaning, fire suppression and explosion protection, sterilants, aerosols, adhesives, coatings and inks, and tobacco expansion. These sectors comprise the principal industrial sectors that historically consumed large volumes of ozone-depleting compounds.

EPA defines a ''substitute'' as any chemical, product substitute, or alternative manufacturing process, whether existing or new, that could replace a class I or class II substance (40 CFR 82.172). Anyone who produces a substitute must provide EPA with health and safety studies about the substitute at least 90 days before introducing it into interstate commerce for significant new use as an alternative (40 CFR 82.174(a)). This requirement applies to chemical manufacturers, but may include importers, formulators, or end users when they are responsible for introducing a substitute into commerce.

C. Listing Decisions

In the original 1994 SNAP rule, the Agency identified four possible decision categories: acceptable; acceptable subject to use conditions; acceptable subject to narrowed use limits; and unacceptable (40 CFR 82.180(b)). Fully acceptable substitutes, *i.e.*, those with no restrictions, can be used for all applications within the relevant sector end use.

After reviewing a substitute, EPA may make a determination that a substitute is acceptable only if certain conditions of use are met to minimize risk to human health and the environment. Such substitutes are described as ''acceptable subject to use conditions.''

Even though EPA can restrict the use of a substitute based on the potential for adverse effects, it may be necessary to permit a narrowed range of use within a sector end use because of the lack of alternatives for specialized applications. Users intending to adopt a substitute acceptable with narrowed use limits must first ascertain that other acceptable alternatives are not technically feasible. Companies must document the results of their evaluation, and retain the results on file for the purpose of demonstrating compliance. This documentation must include descriptions of substitutes examined and rejected, processes or products in which the substitute is needed, reason for rejection of other alternatives (*e.g.*, performance, technical or safety standards), and the anticipated date other substitutes will be available and projected time for switching to other available substitutes. The use of such substitutes in applications and end uses which are not specified as acceptable in the narrowed use limit is unacceptable and violates Section 612 of the CAA and the SNAP regulations (40 CFR 82.174).

EPA does not believe that notice and comment rulemaking procedures are required to list alternatives as acceptable with no restrictions. Such listings do not impose any sanction, nor do they remove any prior license to use a substitute. Consequently, EPA adds substitutes to the list of acceptable alternatives without first requesting comment on new listings (59 FR 13044). Updates to the acceptable lists are published as separate Notices of Acceptability in the **Federal Register**.

As described in the original March 18, 1994 rule for the SNAP program (59 FR 13044), EPA believes that notice-and-comment rulemaking is required to place any alternative on the list of prohibited substitutes, to list a substitute as acceptable only under certain use conditions or narrowed use limits, or to remove an alternative from either the list of prohibited or acceptable substitutes.

III. Background

A major goal of the SNAP program is to facilitate the transition away from ODS to alternatives that pose less risk to human health and the environment. In 1994, EPA listed several HCFCs as acceptable replacements for CFCs [1] because the Agency believed that HCFCs provided a temporary bridge to alternatives that do not deplete stratospheric ozone. At that time, EPA believed that HCFCs were necessary transitional alternatives to CFC blowing agents in thermal insulating foam (59 FR 13083). As a result, HCFC–141b, HCFC–22 and HCFC–142b became common

[1] Historically, CFC–11, CFC–12, CFC–113 and CFC–114 have all been used as blowing agents in the foam industry, with CFC–11 in polyurethane applications and CFC–12 in extruded polystyrene boardstock applications being the two most popular CFC blowing agents (March 18, 1994, 59 FR 13082).

foam blowing agents in place of CFCs. Pursuant to the CAA and the *Montreal Protocol on Substances that Deplete the Ozone Layer*, HCFC–141b was phased out of production and import in the United States on January 1, 2003, and HCFC–22 and HCFC–142b are scheduled to be phased out of production and import on January 1, 2010.[2] Since the time EPA initially listed HCFC–22 and HCFC–142b as acceptable in certain foam blowing uses, the Agency has listed several other non-ODS alternative blowing agents, including hydrofluorocarbons (HFCs), hydrocarbons, carbon dioxide, and other compounds, as acceptable substitutes in foam blowing.[3]

In a final rule published on July 22, 2002, EPA: (1) Found HCFC–22 and HCFC–142b acceptable substitutes for HCFC–141b with narrowed use limits in the foam end uses of commercial refrigeration, sandwich panels, and rigid polyurethane slabstock and ''other'' foams end uses; (2) deferred a final decision on our proposed decision to list HCFC–22 and HCFC–142b as unacceptable substitutes for CFCs for all foam end uses; (3) listed HCFC–22 and HCFC–142b as unacceptable substitutes for HCFC–141b in the foam end uses of rigid polyurethane/polyisocyanurate laminated boardstock, rigid polyurethane appliance foam and rigid polyurethane spray foam; and (4) listed HCFC–124 as an unacceptable substitute in all foam end uses.[4]

The Notice of Proposed Rulemaking (NPRM) published on November 4, 2005 (70 FR 67120) proposed again taking action with respect to two of the actions addressed in the July 2002 rule. First, in response to a court ruling vacating the Narrowed Use Limits established in the 2002 final rule (*Honeywell Int'l* v. *EPA*, 374 F.3d 1363 (D.C. Cir 2004), *modified on rehearing* 393 F.3d 1315 (DC Cir. 2005)),[5] EPA proposed to list HCFC–22 and HCFC–142b as unacceptable substitutes for HCFC–141b in commercial refrigeration, sandwich panels, and slabstock and ''other'' foam, but proposed to grandfather existing users until January 1, 2010. Second, EPA proposed to list HCFC–22 and HCFC–142b as unacceptable substitutes for CFCs in all foam end uses, but to grandfather existing users until January 1, 2010.

The Agency published a Notice of Data Availability (NODA) on May 26, 2006 to make available to the public additional information received subsequent to the public comment period for the November 4, 2005 NPRM. The NODA summarized two reports on the availability and technical viability of alternatives in the polyurethane ''pour foam'' and the extruded polystyrene (XPS) foam industries, and produced evidence that a shorter grandfathering period for existing users in pour foam applications was appropriate. Pour foam applications include commercial refrigeration foam, sandwich panels, and slabstock and ''other'' foam.

Based on the information contained in the NPRM and the NODA, the information published in the corresponding docket (EPA–HQ–OAR–2004–0507), and the comments to the NPRM and to the NODA, EPA is establishing a shorter grandfathering period than what we proposed in the 2005 NPRM for pour foam applications, while finalizing the proposed grandfathering date for XPS and other foam applications. The section below presents a detailed discussion of the decisions being made today.

IV. Listing Decisions on HCFC–22 and HCFC–142b in the Foam Sector

(1) HCFC–22, HCFC–142b and Blends Thereof Are Unacceptable as Substitutes for HCFC–141b in the Foam End Uses of Commercial Refrigeration, Sandwich Panels, and Slabstock and ''Other'' Foam

Commercial refrigeration, sandwich panels, and slabstock and ''other'' foam end uses (also referred to as ''pour foam'') comprise a diverse set of products manufactured by pour foam processes with a wide range of applications including walk-in coolers, garage doors, water heaters, refrigerated transport, refrigerated vending machines and ice bins, insulated drink dispensers, residential architectural panels, tank and pipe insulation, marine flotation foams, floral foam and taxidermy foam. For these pour foam end uses and applications, the information received by the Agency since 2002 demonstrates that several SNAP-approved, non-ODS alternatives including hydrocarbons, HFC–245fa, HFC–134a, methyl formate and water, are widely available, technically viable, and are being sold in the market today. (Docket # EPA–HQ–OAR–2004–0507, Documents 0002 through 0042).

This listing will be effective 60 days following publication in the **Federal Register**. However, EPA is allowing (*i.e.*, grandfathering) existing users of HCFC–22 and HCFC–142b, as of November 4, 2005, in these end uses other than marine applications to continue use of those HCFCs until March 1, 2008; use of HCFC–22 and HCFC–142 in manufacture of foam for marine applications will be allowed to continue until September 1, 2009.[6] The Agency believes this time is needed for existing users to transition to alternatives (see discussion below on grandfathering existing users in pour foam applications).

This listing replaces the July 22, 2002 rulemaking that listed HCFC–22 and HCFC–142b as unacceptable substitutes for HCFC–141b, subject to narrowed use limits, in commercial refrigeration,

[2] The phaseout schedule was established on December 10, 1993 (58 FR 65018) as authorized under section 606 of the Clean Air Act.

[3] These listings are published in the following **Federal Register** notices: September 3, 1996 (61 FR 47012), March 10, 1997 (62 FR 10700), June 3, 1997 (62 FR 30275), February 24, 1998 (63 FR 9151), June 8, 1998 (64 FR 30410), December 6, 1999 (64 FR 68039), April 11, 2000 (65 FR 19327), June 19, 2000 (65 FR 37900), December 18, 2000 (65 FR 78977), August 21, 2003 (68 FR 50533) and October 1, 2004 (69 FR 58903).

[4] At the time of the 2002 final rule, EPA concluded that viable alternatives to HCFC–141b had not been fully developed across all applications, particularly those with thermal performance requirements (67 FR 47707) and established Narrowed Use Limits for specific end uses to provide formulators and manufacturers who found that alternatives to HCFC–141b were not technically viable the flexibility to switch to the less harmful ozone depleting chemicals of HCFC–22 and HCFC–142b.

[5] After publication of the July 22, 2002 final rule, Honeywell International filed suit in the United States Court of Appeals for the District of Columbia Circuit (the Court), challenging the Narrowed Use Limits that the Agency established for HCFC–22 and HCFC–142b. Honeywell alleged that EPA improperly considered costs in establishing Narrowed Use Limits instead of finding HCFC–22 and HCFC–142b unacceptable for certain end uses. EPA argued that the decision was based solely on technical feasibility and, though not precluded from considering costs, it had not done so as part of the decision. The Court upheld Honeywell's challenge, explaining that various preamble statements indicated that EPA had considered costs, but that EPA had not explained the basis for doing so. In light of the Court's decision, EPA was required to reassess its action with respect to the acceptability of HCFC–22 and HCFC–142b as substitutes for HCFC–141b in commercial refrigeration, sandwich panels, and slabstock and ''other'' foam. After considering new information on alternatives, the Agency proposed finding HCFC–22 and HCFC–142b unacceptable as substitutes for HCFC–141b in commercial refrigeration, sandwich panels, and slabstock and ''other'' foam applications based on the technical viability of alternatives.

[6] In this context, existing use is defined as current use of HCFC–22 and/or HCFC–142b to manufacture actual foam products that are sold into commercial markets. The decision to grandfather is based on the criteria established in *Sierra Club* v. *EPA* (719 F.2D 436 (DC CIR. 1983)). The criteria EPA examines to judge the appropriateness of grandfathering include: (1) Is the new rule an abrupt departure from Agency practice, (2) what is the extent the interested parties relied on the previous rule, (3) what is the burden of the new rule on the interested parties and (4) what is the statutory interest in making the new rule effective immediately, as opposed to grandfathering interested parties (59 FR 13057).

sandwich panels, and slabstock and other foams.

(2) HCFC–22 and HCFC–142b and Blends Thereof Are Unacceptable as Substitutes for CFCs in All Foam End Uses

EPA's final determination that the use of HCFC–22 and HCFC–142b as substitutes for CFCs in all foam end uses is unacceptable is based on the availability and potential availability of a number of viable alternatives, including HFC–134a, HFC–152a, CO2, hydrocarbons, ethanol, water, and formulations under development.

This final action applies to all foam end uses although we are unaware of any current use of HCFC–22 and HCFC–142b foam blowing agents other than in pour foam applications and XPS. As with existing users who substituted for HCFC–141b, EPA is grandfathering existing users of HCFC–22 and HCFC–142b in pour foam applications. Existing users can continue their use of HCFC–22 and HCFC–142b until March 1, 2008 for pour foam applications other than marine, and September 1, 2009 for marine applications, because of the time needed to implement alternatives.

Unlike pour foam applications, U.S. extruded polystyrene (XPS) manufacturers have not yet implemented alternatives to HCFC–22 and HCFC–142b due to technical challenges. Accordingly, EPA is grandfathering existing users of HCFC–22 and HCFC–142b, as of November 4, 2005, in the (XPS) foam end-use [7] and all other foam applications besides pour foam until January 1, 2010. As discussed below, the Agency believes this time is needed for existing XPS users to complete a transition to alternatives while meeting technical and performance requirements related to building codes and insulation efficiency.

This listing will be effective 60 days following publication in the **Federal Register**, with the grandfathering dates of March 1, 2008 for existing users in pour foam applications other than marine, September 1, 2009 for existing users in marine applications, and January 1, 2010 for existing users in XPS and all other foam applications.

(3) Grandfathering Existing Users of HCFC–22 and HCFC–142b in Pour Foam Applications Other Than Marine, Including Commercial Refrigeration, Sandwich Panels, and Slabstock and ''Other'' Foam

Grandfathering allows those who made a good faith transition to a SNAP-approved alternative sufficient time to transition to a different alternative while prohibiting new users from investing in an alternative that no longer meets the test for being SNAP-approved (*i.e.*, other alternatives that provide less risk to human health and the environment are available). In the November 4, 2005 NPRM, EPA proposed to find HCFC–22 and HCFC–142b unacceptable as substitutes for HCFC–141b in pour foam end uses, but proposed to grandfather existing users, as of November 4, 2005 (the date of the proposal), until January 1, 2010. Similarly, EPA proposed to find HCFC–22 and HCFC–142b unacceptable as substitutes for CFCs in all foam end uses, but proposed to grandfather existing users, as of November 4, 2005, until January 1, 2010. At the time of the 2005 proposal, the Agency believed that existing users of HCFC–22 and HCFC–142b in all foam applications could require up to four years (*i.e.*, until January 1, 2010 based on the projected effective date of the final rule) for a safe transition to non-ODS alternatives. Nevertheless, the Agency strongly encouraged all existing users of HCFC–22 and HCFC–142b to begin their transition to alternatives immediately and to complete the transition as soon as possible prior to January 1, 2010.[8]

The comments received on the 2005 NPRM can be split into two major categories, those related to pour foam applications and those related to XPS foam applications. The majority of commenters that addressed pour foam applications disagreed with the proposed grandfathering date of January 1, 2010 and argued for acceleration in the required transition, specifically, the elimination of any grandfathering provision whatsoever, or alternatively, a grandfathering date between 2006 and 2008. These commenters noted that several SNAP-approved non-ozone depleting alternatives, including hydrocarbons, HFC–245fa, HFC–134a, HFC–152a, CO2, water, methyl formate, and others are readily available through multiple formulators or systems houses [9] and technically viable (Docket # EPA–HQ–OAR–2004–0507, Documents 0004–0007, 0010, 0011, 0015, 0017, 0020, 0021, 0025, 0026, 0028, 0031, 0041, 0045). Based on these comments, the Agency commissioned Stratus Consulting Inc. to evaluate the transition to non-ODS blowing agents in the different pour foam applications. The study, made available to the public as part of the May 26, 2006 NODA (71 FR 30353), was based on available information on the industry and alternative blowing agents, as well as on a series of interviews with representatives of systems houses and end use manufacturers (Docket # EPA–HQ–OAR–2004–0507, Document 0038).

Key conclusions from the 2006 Stratus evaluation, summarized in the May 2006 NODA, were consistent with the majority of public comments to the 2005 NPRM on pour foam, and are presented here (Docket # EPA–HQ–OAR–2004–0507, Document 0038):

- Non-ODS alternatives for pour foam applications are available, currently being formulated by systems houses, and technically viable across all pour foam applications.
- No technical performance hurdles to using non-ODS alternatives in pour foam were identified that cannot be overcome either through design changes or with support from suppliers and systems houses.
- EPA's 2000 proposal on the use of HCFCs in foam manufacturing stated that it can take up to four years to complete blowing agent transitions. The transition requires six steps: (1) Obtaining new permits or modifying existing permits, (2) changing equipment to optimize production and ensure worker safety, (3) establishing raw material suppliers, (4) developing formulations, (5) testing final products, and (6) obtaining final product review and approval by relevant boards and agencies. Companies that chose to plan ahead for the eventual phase-out of HCFC–22 and HCFC–142b could have

[7] For simplicity, polystyrene used here refers to polystyrene extruded boardstock or billet (plank), rather than all polystyrene products—some of which never used HCFCs, such as thin polystyrene foam sheet used for plates and cups.

[8] Similarly, at the time of the 2002 final rule, the Agency stated: ''EPA is continuing to review the commercial refrigeration, sandwich panels, and slabstock and other foams end uses to determine the progress of non-ozone depleting alternatives. As non-ozone depleting alternatives become more widely available, the Agency will reevaluate the acceptability of HCFCs in these end uses. Therefore, foam manufacturers within these applications that are using HCFCs should begin using non-ozone depleting alternatives as soon as they are available in anticipation of future EPA action restricting the use of HCFCs'' (67 FR 47704).

[9] Pour foam manufacturers purchase formulations of blowing agents and other materials as part of pour foam systems from formulators or ''systems houses.'' There are approximately 20 systems houses in the U.S. that formulate pour foam systems and include both large and small businesses. The onus is typically on the systems houses to research, test and implement alternatives and develop systems that meet technical, safety, and performance requirements. Both the formulators and pour foam manufacturers are subject to SNAP regulations because both use the blowing agent—formulators blend the blowing agent into a foam formulation, and manufacturers produce the foam with aid of the blowing agent.

initiated this process in the period from 2002 to 2003, when the current suite of alternatives became available, if not before, and could have completed the first four steps by the current date. Thus, these companies could anticipate completing their conversion by 2006 or 2007 in pour foam applications.

• Those companies that have not taken the initial steps to transition to non-ODS blowing agents in pour foam should be able to have market-ready products by January 2008. This is based on two findings. First, most if not all, systems houses have already developed non-ODS formulations; and second, several manufacturers of finished pour foam products (including walk-in storage coolers, reach-in storage coolers, metal panels, insulated beverage dispensers, picnic coolers, and entry and garage doors) were able to convert to non-ODS formulations within 18 months, and in many cases, as rapidly as 6 to 8 months.

• Pour foam formulators and manufacturers should be allowed sufficient time to complete the conversions, including testing final products, obtaining final review and approval from customers, code bodies, and agencies. Based on their findings, RJR Consulting and Stratus Consulting (2006a) concluded that ''it is probable that end users will be able to complete the final steps for a successful conversion in 9–14 months.''

The 2006 Stratus evaluation did not explicitly address the use of HCFC–22 and HCFC–142b in marine applications which are discussed below. Comments to the May 2006 NODA, summarized below, supported the major conclusions of the Stratus evaluation and help form the basis for the Agency's determination in this action. Based on the information provided to EPA since the publication of the final rule in July 2002, including the comments to the 2005 NPRM and the 2006 NODA, EPA believes today that alternatives are widely available, technically viable, and in use in pour foam applications (Docket # EPA–HQ–OAR–2004–0507, Documents 0004–0017 and Comments 0020, 0022, 0025, 0026, 0028, 0031, 0041 and 0045). The Agency also concludes based on the available information that existing users of HCFC–22 and HCFC–142b in pour foam, other than marine applications, will be able to transition to non-ODS alternatives by March 1, 2008.

It is possible that a foam manufacturer may have unique technical constraints in making a transition to non-ODS alternatives by March 1, 2008. One possible scenario is that of a manufacturer that currently operates in only one facility that does not own (and leases), and is scheduled to transition to a non-ODS alternative to coincide with the move to a new facility and installation of new process equipment that cannot be completed by March 1, 2008. In addition, for this situation, making an interim transition to a non-ODS alternative at the current facility would not be possible because of the time needed to get fire safety and industry code approvals. In this specific situation, the Agency believes it is appropriate for that manufacturer's use of HCFC–22 or HCFC–142b to be grandfathered until January 1, 2010. For this situation, the manufacturer should retain documentation for possible inspection that includes the following information:

1—Description of the applications served by the use of HCFC–22 or HCFC–142b;

2—verifiable documentation showing that the manufacturer operates out of only one facility that the manufacturer does not own;

3—verifiable documentation of land purchase or construction plans for a new facility that pre-dates publication of this rule;

4—verifiable documentation showing that the manufacturer has contracted for purchase of new process equipment to use a non-ODS alternative;

(4) Grandfathering Existing Users of HCFC–22 and HCFC–142b in Marine Applications

Boats use foam for buoyancy and for structural integrity. Comments received subsequent to publication of the NODA raised concern that boat manufacturers would not be able to accelerate their conversion to non-ODS alternatives at the same pace as in other pour foam sectors (NMMA, 2006, Lewit, 2007). Unlike other pour foam applications, new blowing agent formulations used for marine flotation have to meet U.S. Coast Guard buoyancy tests. In addition, new formulations must be tested to ensure that the boat structure can withstand pressure under stressful conditions. For many boat manufacturers, these tests must be done with assistance from systems houses who will be also working with customers in other pour foam end-uses. EPA believes that non-ODS alternatives are available for marine applications, and that boat manufacturers working with systems houses can convert from HCFCs to non-ODS within the same time frame discussed previously for other pour foam applications. However, the Agency also believes that boat manufacturers need additional time compared to other pour foam applications to ensure that new formulations produce flotation foam that meets the safety and performance requirements for boats. Based on the available information pertaining to the projected workload of systems houses and of the technological feasibility in adopting new formulations, the Agency believes that existing users of HCFC–22 and HCFC–42b for foam in marine applications will be able to transition to non-ODS alternatives by September 1, 2009.

(5) Grandfathering Existing Users of HCFC–22 and HCFC–142b in Extruded Polystyrene Foam (XPS)

As stated above, in the 2005 NPRM, EPA proposed to find HCFC–22 and HCFC–142b unacceptable as substitutes for CFCs in all foam end uses, but proposed to grandfather existing users, as of November 4, 2005 (the date of the proposal) until January 1, 2010. For the XPS foam end use only, EPA is finalizing its proposal to allow existing users of HCFC–22 and HCFC–142b, as of November 4, 2005, until January 1, 2010 to transition to non-ODS alternatives based on our analysis under the four-part test for grandfathering established in *Sierra Club* v. *EPA*.[10] The Agency believes this transition period is needed based on continuing technical challenges in developing non-ODS alternatives for XPS that meet product performance specifications related to building codes and insulation efficiency.

U.S. XPS manufacturers have invested in the research and development of alternatives and are in final stages of formulation to conform to the January 1, 2010 production phase-out deadline for HCFC–142b and HCFC–22 (Docket # EPA–HQ–OAR–2004–0507, Documents 0002 and 0039). XPS manufacturers project that based on the January 1, 2010 phase-out date, formulations of non-ODS alternatives will need to be developed by mid-2007, with the remaining time used to install manufacturing line upgrades, which can take up to 18 months; perform plant qualification runs, which can take 6–9 months; and obtain code body and agency product approvals, which can take 9–12 months. Accordingly, existing manufacturing lines need until January 1, 2010, to complete equipment conversions, produce the new products at full scale, and get the products qualified by builders and other XPS

[10] Other than pour foam applications, discussed above, and extruded polystyrene, the Agency is not aware of other foam end uses still dependent on HCFC–22 or HCFC–142b blowing agents; however, if there are users of HCFC–22 or HCFC–142b in other foam end uses, they will also be grandfathered.

customers, and code bodies (Docket # EPA–HQ–OAR–2004–0507, Documents 0002 and 0039). Based on the transition requirements described above, EPA believes it is appropriate that existing users of HCFC–22 and HCFC–142b, as of November 4, 2005, in XPS applications be allowed to continue using these chemicals until January 1, 2010 in order to ensure a safe transition to non-ODP alternative blowing agents.

Regarding EPA's decision to allow grandfathering in both pour foam and XPS foam applications, the SNAP program is designed to encourage the transition away from ozone depleting chemicals. However, the balance of the factors specific to existing use of HCFC–22 and HCFC–142b in pour foam and XPS foam applications outweigh EPA's statutory interest in applying the unacceptability determination immediately to all users. EPA believes its goal of encouraging the transition away from ozone depleting chemicals is still satisfied as new use of these substances will not be permitted, and existing users will continue their transition to non-ODP alternatives as quickly as is feasible. EPA strongly encourages all existing users of HCFC–22 and HCFC–142b to begin their transition to alternatives immediately and to complete the transition as soon as possible prior to the applicable grandfathering deadlines.

V. Response to Comments

Grandfathering Existing Users of HCFC–22 and HCFC–142b in the Pour Foam End Use

A number of comments from the different components of the polyurethane pour foam industry (chemical manufacturing, formulator/systems house, end-product manufacturing) supported the Agency's proposal to list HCFC–22 and HCFC–142 as unacceptable substitutes for HCFC–141b in commercial refrigeration, sandwich panels, and slabstock and other foam; and the proposal to list HCFC–22 and HCFC–142b as unacceptable substitutes for CFCs (for pour foam applications). Many of these same comments, however, disagreed with the Agency's proposal to grandfather existing use of HCFC–22 and HCFC–142b in pour foam until 2010. Some comments argued for elimination of the grandfathering period while others advocated a shorter period ranging from July 1, 2006 to January 1, 2008. These comments were based on experiences in successfully converting to non-HCFC blowing agents either at the formulation stage or at the end-product stage considerably faster (*i.e.*, less than 1–2 years) than the four years the Agency originally projected to be needed. One of those commenting noted that a two-year grandfathering period to January 2008 would be ''excessively generous'' to those few systems houses which have not already transitioned to non-ODS alternatives given today's wide availability of non-ODS, off-the-shelf products (Docket # EPA–HQ–OAR–2004–0507, Documents 0022, 0022.1 and 0027). Several comments on this issue made in response to the May 2006 NODA also advocated the elimination or shortening of the grandfathering period to either January 1, 2007 or 2008.

In contrast, one systems house agreed with the Agency's proposal to allow users of HCFC–22 until January 1, 2010 before transitioning to non-ODS alternatives, claiming the pour foam manufacturers originally switched to HCFC–22 with the understanding they would face no restrictions on the use of the chemical until it was phased out of production in 2010. This commenter stated the ''final rulemaking has to be perfectly clear, free of any risk of further meddling, either by EPA or big business, and must fairly consider those who spent the money and time to change to 22 (sic) ahead of schedule. Prematurely forcing users out of HCFC–22 is forcing them out of business.'' (Docket # EPA–HQ–OAR–2004–0507, Documents 0008 and 0029).

Another formulator provided similar comments on the May 2006 NODA, arguing that many of its customers who are small businesses have not begun new product trials and the conversion process. This commenter disagreed with a conclusion in the Stratus report that end users will be able to complete the final steps for a successful conversion in 9–14 months because that was not enough time for a systems house to support each of its customer's unique technical needs in completing a transition (Docket # EPA–HQ–OAR–2004–0507, Documents 0044 and 0044.1).

Two comments representing boat builders indicated that unique safety and structural testing were required for marine flotation applications and that the numerous small businesses in that industry would be challenged to safely accelerate their conversions to non-ODS alternatives (Docket # EPA–HQ–OAR–2004–0507, Documents 0046 and 0047). They claimed that the boat manufacturing industry was not aware of EPA's May 2006 NODA.

The Agency agrees with commenters who argued a shorter grandfathering period is appropriate as it applies to pour foam applications. Numerous non-ODS alternatives are available proven to meet technical specifications and market needs, and the majority, if not all systems houses, have developed non-ODS formulations. There are now numerous examples of systems houses and pour foam manufacturers, across multiple product sectors and end uses, who have successfully converted to non-ODS alternatives within 6–18 months (Docket # EPA–HQ–OAR–2004–0507, Documents 0010, 0015, 0038 and 0041).

Furthermore, since at least 1992, the foam industry has been aware of the 2010 production phaseout of HCFC–22 and HCFC–142b and all users should by now have made substantial progress in transitioning to alternatives. Since at least 2000, the Agency has consistently explained its intention of reviewing the availability and viability of alternatives in the context of a SNAP restriction on use of HCFC–22 and HCFC–142b, and has consistently encouraged users of these chemicals to complete their transition as soon as possible (65 FR 42653, 67 FR 47703, 70 FR 67120, and 71 FR 30353). For these reasons, the Agency disagrees with the comments in support of the January 1, 2010 grandfathering deadline for pour foam applications.

The argument that small businesses will be severely affected if they cannot continue to use HCFC–22 after January 1, 2008 is not consistent with the fact that many small businesses completed transitions to non-ODS alternatives within 12 months, and in several cases, as early as 6–8 months (Docket # EPA–HQ–OAR–2004–0507, Documents 0010, 0015, 0038 and 0041). Further, small and large businesses who manufacture doors, commercial refrigeration equipment, and other pour foam products typically rely on systems houses to develop and test formulations specific to their products. There are now a wide range of ''off the shelf'' non-ODS formulations available to these users (Docket # EPA–HQ–OAR–2004–0507, Documents 0022, 0022.1, 0027 and 0038), and the Agency sees no substantive obstacle for pour foam manufacturers to complete a transition to non-ODS alternatives by March 1, 2008 for applications other than marine.

For marine flotation foam and other marine foam applications, the Agency recognizes the need to ensure sufficient time for boat builders to complete their testing of new formulations to meet performance and safety standards (*e.g.*, Coast Guard), especially considering the diverse nature of the boat industry and the number of boat manufacturers in the U.S. (approximately 3000 according to one commenter, see Docket # EPA–HQ–

OAR–2004–0507, Document 0047). Therefore, the Agency has concluded that an additional 18 months compared to other pour foam applications (September 1, 2009) is an appropriate deadline.

Grandfathering Existing Users of HCFC–22 and HCFC–142b in the Polystyrene (XPS) End Use

Although pour foam applications and XPS applications both use HCFC–22 and HCFC–142b, the two sets of applications use entirely different foam manufacturing processes and thus face different technical challenges when transitioning to non-ODS alternatives. In commenting on the 2005 NPRM and the 2006 NODA, representatives of XPS manufacturers made the following points:

- EPA should withdraw its proposal to list HCFC–142b and HCFC–22 as unacceptable in the foams sector;
- The Agency has no authority to designate a substitute previously listed as acceptable as unacceptable without a specific SNAP petition;
- If EPA promulgates this unacceptability determination the grandfathering deadline should be January 1, 2010.

The Agency disagrees with comments that HCFC–142b and HCFC–22 should not be listed as unacceptable, but agrees that the grandfathering deadline should be January 1, 2010 for XPS foam applications. There are numerous non-ODS alternatives across the foam sector, including for XPS, that are available or potentially available, but the XPS manufacturers have not yet completed implementation of them. While the XPS manufacturers have been working diligently to develop alternatives, the Agency recognizes that there are technical challenges involved in making the transition to the new formulations. Based on the comments from the XPS industry and other available information (Docket # EPA–HQ–OAR–2004–0507, Documents 0002, 0018, 0018.1, 0019, 0019.1, 0023, 0023.1, 0039), the Agency believes that U.S. XPS manufacturers will not be able to complete a transition to non-ODS products that meet technical product specifications related to building codes and insulation efficiency until January 1, 2010.

The Agency disagrees with the comment that EPA does not have authority to list previously acceptable substitutes as unacceptable without a specific petition. Section 612 of the Clean Air Act requires the Agency to respond to petitions but places no restriction on the Agency's ongoing review of SNAP determinations. In the preamble to the original SNAP rulemaking, the Agency stated its belief that ''section 612 authorizes it to initiate changes to the SNAP determinations independent of any petitions or notifications received. These amendments can be based on new data on either additional substitutes or on characteristics of substitutes previously reviewed.'' (59 FR 13047). The Agency has previously listed as unacceptable substitutes that previously were acceptable when new data on their environmental or health risks have become available, or when substitutes that pose less overall risk become available (*e.g.*, HCFC–141b in foam blowing at 69 FR 58269, HBFC–22B1 in fire suppression at 67 FR 4185, and MT–31 in refrigeration at 64 FR 3861).

Definition of Use and Existing User

Some of those commenting asked the Agency to clarify the terms ''use'' and ''existing user'' of HCFC–22 and/or HCFC–142b, and how the Agency's grandfathering provisions would apply to existing users who are developing expanded or new manufacturing individual facilities that would use HCFC–22 or HCFC–142b. One commenter asked that the Agency only allow operating facilities, or at least, fully permitted facilities, to be grandfathered.

The 2005 NPRM defined existing use as ''current use of HCFC–22 and/or HCFC–142b to manufacture actual foam products that are sold into commercial markets'' (70 FR 67124). EPA explained in the preamble to the 2005 NPRM that grandfathering allows those who had made the good faith transition to a SNAP approved alternative sufficient time to transition to a different alternative while prohibiting new investment in an alternative that no longer meets the test for being SNAP-approved (*i.e.*, other alternatives that provide less risk to human health and the environment are available)'' (70 FR 67124). Grandfathering allows existing users time to adjust their manufacturing processes for a safe transition to non-ODP alternatives. (70 FR 67125). The Agency maintains these principles in establishing the grandfathering provisions in the final rule.

In the case of an expanded or new facility where use of HCFC–22 or HCFC–142b has not actually begun, but is being developed by a manufacturer who has another facility where HCFC–22 or HCFC–142b has been in use, the Agency believes that it is consistent with the grandfathering to consider the new facility as part of the existing use if those new or expanded facilities are for the primary purpose of supplying the market, without disruption, with product that meets all codes and standards (*i.e.*, building, energy efficiency and fire) while they transition their existing facilities to alternatives. However, it would not be consistent with the grandfathering provisions if the primary purpose of a new facility or an expansion of an existing facility were to increase the manufacturer's production of foam products.

The SNAP program's goal is to prevent unnecessary use of chemicals that pose a more significant risk to human health and the environment than other chemicals that the Agency has found acceptable. EPA proposed to grandfather existing users of HCFC–22 and HCFC–142b for foam manufacturing in order to allow them time to transition safely to acceptable substitutes. If expansion of existing capacity is needed by manufacturers as an integral part of their transition timeline to non-ODS alternatives, it would be consistent with EPA's rationale for grandfathering existing users of HCFC–22 and HCFC–142b in some end uses.

Another clarification in response to the comments with respect to the term ''use of HCFC–22 and/or HCFC–142b'' is that end-users will be allowed to use ''systems'' containing these blowing agents to manufacture foam-containing products after the applicable grandfathering date as long as the formulations were made prior to that grandfathering date. This is consistent with the original 1994 SNAP rulemaking which defines use as ''any use of a substitute for Class I or Class II ozone-depleting compound, including but not limited to use in a manufacturing process or product, in consumption by the end-user, or in intermediate uses, such as formulation or packaging for other subsequent uses'' (59 FR 13148). In this case, for example, boat manufacturers will be able to use their inventory of HCFC–22 formulations after September 1, 2009 but only if those formulations were manufactured prior to that date.

Unique Applications Requiring Continued Use of HCFC–22 or HCFC–142b

In the 2005 proposal, as in past rulemakings, the Agency requested comment about any specific, unique applications that would require continued use of HCFC–22 or HCFC–142b beyond the effective date of the unacceptability determination. For example, in the recent SNAP final rule published on September 30, 2004, EPA found the use of HCFC–141b unacceptable in all foam applications. However, based on technical information submitted to EPA during

the comment period, the Agency exempted ''the use of HCFC–141b for space vehicle, nuclear and defense foam applications from the unacceptability determination'' (69 FR 58272). For this current rulemaking, EPA did not receive any comment about such unique applications and we are not aware of any specialized foam applications that would require continued use of HCFC–22 or HCFC–142b beyond either March 1, 2008 for pour foam applications other than marine applications; September 1, 2009 for marine applications (*e.g.*, flotation foam); or January 1, 2010 for XPS applications. Therefore, the Agency is not providing any exception to its decision today.

VI. Summary

The major objective of the SNAP program is to facilitate the transition from ozone-depleting chemicals by promoting the use of substitutes which present a lower risk to human health and the environment (40 CFR 82.170(a)). In this light, a key policy interest of the SNAP program is promoting the shift from ODSs to alternatives posing lower overall risk that are currently or potentially available (59 FR 13044). Non-ozone depleting alternatives are technically viable and commercially available for nearly all foam applications, including in the pour foam products found in the end uses of commercial refrigeration, sandwich panels, slabstock, and ''other'' foam. Continued use of HCFCs in those end uses would contribute to unnecessary depletion of the ozone layer, and will delay the transition to alternatives that pose lower overall risk to health and the environment. Accordingly, EPA is (1) Listing HCFC–22 and HCFC–142b as unacceptable substitutes for HCFC–141b in commercial refrigeration, sandwich panels, and slabstock and ''other'' foam; and (2) listing HCFC–22 and HCFC–142b as unacceptable substitutes for CFCs in all foam end uses. These listings would be effective 60 days after the publication of the final rule in the **Federal Register**. Existing users of HCFC–22 and HCFC–142b, as of November 4, 2005, in pour foam applications including commercial refrigeration, sandwich panels, and slabstock and ''other'' foam end uses, other than foam for marine applications (*e.g.*, flotation foam), will be grandfathered until March 1, 2008. Existing users of HCFC–22 and HCFC–142b, as of November 4, 2005, to manufacture foam for marine applications, will be grandfathered until September 1, 2009. These listings for pour foam applications replace those established in the July 22, 2002 rulemaking which established narrowed use limits for continued use of HCFC–22 and HCFC–142b. Existing users of HCFC–22 or HCFC–142b, as of November 4, 2005, in the extruded polystyrene end use and other foam end uses will be grandfathered until January 1, 2010. EPA is allowing existing users of HCFC–22 and HCFC–142b to continue use for a limited time to ensure that they will be able to adjust their manufacturing processes to safely accommodate the use of non-ODS alternatives.

VII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order (EO) 12866 (58 FR 51735, October 4, 1993), this action is a ''significant regulatory action'' because it raises novel legal or policy issues. Accordingly, EPA conducted a preliminary screening analysis of cost impacts (Stratus and RJR Consulting, 2006). Results of this analysis using the highest identified set of cost assumptions indicate the total annual national costs of a 2008 phase-out will be less than one-half of the $100 million threshold that defines a significant regulatory action in terms of economic impact. EPA submitted this action to the Office of Management and Budget (OMB) for review under EO 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. Today's rule contains no new reporting requirements. The Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations in subpart G of 40 CFR part 82 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0226, EPA ICR number 1596.06. This Information Collection Request (ICR) included five types of respondent reporting and recordkeeping activities pursuant to SNAP regulations: Submission of a SNAP petition, filing a SNAP/Toxic Substances Control Act (TSCA) Addendum, notification for test marketing activity, record-keeping for substitutes acceptable subject to use restrictions and recordkeeping for small volume uses.

A copy of the ICR may be obtained from Susan Auby, by mail at the Office of Environmental Information, Office of Information Collection, Collection Strategies Division; U.S. Environmental Protection Agency (2822T); 1200 Pennsylvania Ave., NW., Washington, DC 20460, by e-mail at *auby.susan@epa.gov*, or by calling (202) 566–1672.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA) or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule, a small entity is defined as:

(1) A small business that is primarily engaged in the operations described below with fewer than 500 employees (based on Small Business Administration size standards);

(2) A small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and

(3) A small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

The types of businesses subject to today's final rule include businesses that manufacture polyurethane/polyisocyanurate foam systems (NAICS 326150), businesses that use polyurethane/polyisocyanurate systems to apply insulation to buildings, roofs, pipes, etc. (NAICS 326150), and manufacturers of extruded polystyrene (NAICS 326140). After considering the economic impacts of today's final rule on small entities, I certify this action will not have a significant economic impact on a substantial number of small entities. EPA does not believe small businesses will be adversely impacted by this final rule. The majority of the small businesses in the foam industry operate in polyurethane foam end uses as opposed to extruded polystyrene (XPS) foam applications (this rule covers both). In the context of this rule, small businesses (if they are still using an HCFC at all) are likely using HCFC–22 to manufacture pour foam in applications such as commercial refrigeration, sandwich panels, and slabstock and ''other'' foam. As explained below, polyurethane pour foam applications operate differently than other SNAP applications in that a small number of companies supply a much larger number of actual pour foam manufacturers.

There are approximately 20 formulators in the U.S. that supply pour foam manufacturers foam systems which consist of two drums of ingredients including the blowing agent (*e.g*, HCFC–22). Some of the formulators are large businesses, but many are small and their customers, the foam manufacturers, number in the thousands. The pour foam manufacturers use the foam system to produce the actual foam product (*e.g.*, vending machine or metal panel). In this situation, the formulators are responsible for implementing alternatives to the ozone-depleting blowing agent and providing the pour foam manufacturers with systems that produce foam meeting the necessary requirements, technical or otherwise. However, both the formulators and pour foam manufacturers are subject to SNAP regulations because both use the blowing agent.

Information in the docket EPA–HQ–OAR–2004–0507 demonstrates that non-ODP alternatives are technically viable and commercially available. In fact, small businesses at both the formulator and pour foam manufacturer levels are already supplying and using non-ODP alternatives in applications such as commercial refrigeration, sandwich panels and slabstock and ''other'' foam. Therefore, those small businesses will not be adversely affected by the rule to find HCFC–22 and HCFC–142b unacceptable for use because they have already implemented alternatives.

Equally, those small businesses that are still using HCFC–22 in pour foam applications will not be significantly impacted by this rulemaking. It is estimated there are thousands of pour foam manufacturers, many of which are small businesses. However, these manufacturers will not be adversely impacted by this final rule because they buy their pour foam systems from the approximately 20 pour foam formulators discussed above. Those 20 formulators are responsible for implementing the alternatives to ozone depleting blowing agents (HCFC–22 and HCFC–142b) and providing a foam system to the pour foam manufacturers that meets all technical and performance requirements.

In addition, manufacturers and users of HCFCs have had more than 10 years to prepare for the January 1, 2010 deadline for phasing out production of HCFC–22 and HCFC–142b in the U.S. since the HCFC phaseout schedule was established by a separate EPA regulation in 1993 (58 FR 65018). Today's final rule would allow continued use of these chemicals until March 1, 2008 for pour foam manufacturers other than those making foam for marine applications, and September 1, 2009 for those manufacturing foam for marine applications, (and until January 1, 2010 for XPS applications). Furthermore, the costs of the HCFC phaseout and the transition to non-ozone depleting alternatives were accounted for in a Regulatory Impact Analysis (RIA) that was performed in 1993 for the phaseout rule mentioned above. A memo in the docket at EPA–HQ–OAR–2004–0507–0012 details the impacts of this final rule, including a discussion of the related 1993 phaseout rule and RIA, on both the pour foam formulators and pour foam manufacturers and concludes there will not be significant impact on a substantial number of small businesses. In fact, most formulators that are still using HCFC–22 and/or HCFC–142b also have implemented alternatives and sell both types of systems to their customers, the manufacturers (EPA–HQ–OAR–2004–0507–0008). Based on this, it is clear that alternatives to ODS have been identified and there are no technical constraints to implementing those alternatives.

EPA updated these analyses and developed a screening analysis of small business impacts stemming from the proposed acceleration of the phase-out schedules (Docket # OAR 2004–0507, Documents 0038 and 0039). Based on a current market assessment, it appears that most companies in the affected applications already have converted to alternatives. By our estimates, there are about 40 companies continuing to use HCFC–22 for pour-foam applications, of which 29 have fewer than 500 employees. Using the highest identified set of cost assumptions, the annual costs of a 2008 phase-out exceed the impact screening threshold of one percent of sales in 10 companies. No firms have an impact exceeding the next threshold of three percent of sales. Under more likely mid-range assumptions, the impacts will be smaller. These results indicate there will not be a significant impact on a substantial number of small entities. Although this rule will not have a significant economic impact on a substantial number of small entities, EPA nonetheless tried to further reduce the impact of this rule on small entities. Based on acceptability decisions in previous final rules, the Agency believes that some existing users of HCFC–22 and HCFC–142b, including small businesses, invested in good faith in SNAP-approved alternatives that EPA now finds unacceptable. Accordingly, it is appropriate for EPA to balance their interest against our statutory obligation to facilitate the transition away from ozone depleting chemicals as required by the four part test established in *Sierra Club* v. *EPA*. Grandfathering existing users of HCFC–22 and HCFC–142b, some of which are small businesses, allows those users approximately 1–2 years to transition to non-ODS alternatives. (This is the time cited by small businesses when explaining their transition process in comments to the 2005 NPRM and 2006 NODA.)

Similarly, this final rule does not negatively impact XPS manufacturers because the rule grandfathers existing use of HCFC–22 and HCFC–142b for XPS applications until January 1, 2010. While the XPS industry has been working to implement alternatives, EPA recognizes there are remaining technical challenges to completing the transition in XPS (Docket # OAR–2004–0507, Documents 0002 and 0039). Accordingly, the Agency agreed with the comments from the XPS manufacturers and grandfathered them until January 1, 2010 to allow the time necessary to develop non-ODS XPS foam products that meet all technical and building specifications.

As discussed in the preamble and noted in the docket, there are numerous alternatives that are technically viable and available for all foam applications. In fact, some users have already transitioned away from HCFC–22 and

HCFC–142b, particularly in pour foam applications (Docket # EPA–HQ–OAR–2004–0507, Documents 0004—0042). The actions in the final rule may well provide benefits to small businesses which have transitioned to alternatives and made good faith efforts and investments in the transition because they will be able to compete on a level playing field with those that are still using ODS blowing agents.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Today's final rule does not affect State, local, or tribal governments. The enforceable requirements of the rule for the private sector affect only a small number of foam manufacturers that could potentially have switched to use HCFC–22 and HCFC–142b in the United States and those currently using HCFC–22 and HCFC–142b. With regard to potential new users, there are technically viable alternatives for those manufacturers. With regard to existing users, there are viable alternatives that will be feasible to use once the manufacturers have made the necessary adjustments to its facility and products. The impact of this rule on the private sector is less than $100 million per year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. This regulation applies directly to facilities that use these substances and not to governmental entities.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255 (August 10, 1999)), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations having ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule applies directly to facilities that use these substances and not to governmental entities. Thus, Executive Order 13132 does not apply to this rule. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and State and local governments, EPA specifically solicited comment on this final rule from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249 (November 9, 2000)), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This final rule does not have tribal implications, as specified in Executive Order 13175. Today's rule applies directly to facilities using these substances and does not significantly or uniquely affect the communities of Indian tribal governments. Thus, Executive Order 13175 does not apply to this rule.

G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

Executive Order 13045: Protection of Children from Environmental Health & Safety Risks (62 FR 19885 (April 23, 1997)) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. The use of HCFC–22 and HCFC–142b in foam manufacture occurs in the workplace where we expect adults are more likely to be present than children, and thus, the agents do not put children at risk disproportionately.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866. This action would impact the manufacture of foam using HCFC–22 and HCFC–142b. Further, we have concluded that this rule is not likely to have any adverse energy effects.

I. National Technology Transfer Advancement Act

As noted in the proposed rule, Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective May 29, 2007.

VIII. Additional Information

For more information on EPA's process for administering the SNAP program or criteria for evaluation of substitutes, refer to the SNAP final rulemaking published in the **Federal Register** on March 18, 1994 (59 FR 13044). Notices and rulemakings under the SNAP program, as well as EPA publications on protection of stratospheric ozone, are available from EPA's Ozone Depletion Web site at *http://www.epa.gov/ozone/* and from the Stratospheric Protection Hotline number at (800) 296–1996.

IX. References

The documents below are referenced in the preamble. All documents are located in the Docket at the address listed in Section I at the beginning of this document. Unless specified otherwise, all documents are available in Docket ID No. EPA–HQ–OAR–2004–0507 at *http://www.regulations.gov.*

Beauchamp, B., 2005 Comments from Stepan Company. (EPA–HQ–OAR–2004–0507 item –0011, –0017, –0021, and –0025)

Begbie, R., 2005. Comment from Exxon Mobil Chemical Company. (EPA–HQ–OAR–2004–0507 item –0007)

Berglund, T., 2005. Comment from Dynaplast Products. (EPA–HQ–OAR–2004–0507 item –0006)

Bernhardt, S., 2005. Comments from Honeywell Chemicals. (EPA–HQ–OAR–2004–0507 item –0009, –0016, –0016.1, and –0042)

Boyer, K., 2005. Comment from Centria. (EPA–HQ–OAR–2004–0507 item –0005)

Coyle, M., 2005. Comment from Bally Refrigerated Boxes, Inc. (EPA–HQ–OAR–2004–0507 item –0004)

Federal Register (FR), vol. 65, p.42653.

Federal Register (FR), vol. 67, p.47703.

Federal Register (FR), vol. 70, p.67120.

Federal Register (FR), vol. 71, p.30353.

Henderson, J., 2005. Comment from Jeanne Henderson. (EPA–HQ–OAR–2004–0507 item –0032)

Herrenbruck, S., 2005. Comments from Extruded Polystyrene Foam Association. (EPA–HQ–OAR–2004–0507 item –0023 and –0023.1)

Kalinowski, T., 2005. Comments from Foam Supplies, Inc. (EPA–HQ–OAR–2004–0507 item –0008 and –0029)

Kasakevich, J. 2006. Comments from The Dow Chemical Company. (EPA–HQ–OAR–2004–0507 item –0044 and –0044.1)

Kraus, T., 2005, Comments from The Manitowoc Company Inc. (EPA–HQ–OAR–2004–0507 item –0010 , –0015, and –0041)

LaPlante, A. and M. Powers., 2005. Comments from Pacific Environmental Advocacy Center. (EPA–HQ–OAR–2004–0507 item –0024, –0024.1, and –0036)

Lewandowski, P., 2005. Comments from Owens Corning. (EPA–HQ–OAR–2004–0507 item –0018 and –0018.1)

Mathis, P., 2005. Comments from National Cooler Division of Hill Phoenix. (EPA–HQ–OAR–2004–0507 item –0020, –0026, –0028, –0031, and –0045)

Memo from Small Business Regulatory Enforcement Act. 2005. Potential Impacts on Small Businesses of a SNAP Proposed Rulemaking on the Use of HCFC–22 and HCFC–142b in Foam Applications. (EPA–HQ–OAR–2004–0507 item –0012)

RJR Consulting, Inc., 2005. XPS (Extruded Polystyrene Foam) Technical Support-Status of C Conversion from HCFC Blowing Agents. (EPA–HQ–OAR–2004–0507 item 0002)

RJR Consulting, Inc. and Stratus Consulting, Inc., 2006a. Technical Viability of SNAP Approved Non-Ozone Depleting Blowing Agents Available for Pour Foam Blowing Applications. (EPA–HQ–OAR–2004–0507 item 0038)

RJR Consulting, Inc. and Stratus Consulting, Inc., 2006b. Review of SNAP Approved Non-Ozone Depleting Blowing Agents Available to the Extruded Polystyrene Foam Industry. (EPA–HQ–OAR–2004–0507 item 0039)

Stratus Consulting, Inc., and RJR Consulting, Inc., 2006. E.O. 12866, RFA, and SBREFA Screening Analyses.

US EPA, 2005. E-mail to the Dow Chemical Company. (EPA–HQ–OAR–2004–0507 item –0034)

US EPA, 2005. Memo to File Regarding Conversation with Foam Supplies, Inc. (EPA–HQ–OAR–2004–0507 item –0013)

US EPA, 2005. Memo to File Regarding Meeting with The Dow Chemical Company. (EPA–HQ–OAR–2004–0507 item –0033)

US EPA, 2006. Memo to File Regarding Meeting with Pacific Environmental Advocacy Center. (EPA–HQ–OAR–2004–0507 item –0035)

US EPA, 2006. Memo to File Regarding Meeting with Congressman Petri and Manitowoc Company, Inc. (EPA–HQ–OAR–2004–0507 item –0037)

US EPA, 2005. Memo to File Regarding A Blowing Agent Transition. (EPA–HQ–OAR–2004–0507 item –0014)

USEPA, 2005. Protection of Stratospheric Ozone: Listing of Ozone Depleting Substitutes in Foam Blowing. (EPA–HQ–OAR–2004–0507 item 0001)

US EPA, 2006. Protection of Stratospheric Ozone: Notice of Data Availability; New Information Concerning SNAP Program Proposal on Ozone Depleting Substitutes in Foam Blowing (EPA–HQ–OAR–2004–0507 item 0040)

Watson, S., 2005. Comments from Carpenter Co. (EPA–HQ–OAR–2004–0507 item –0022, –0022.1, and –0027)

Weick, M., 2005. Comments from The Dow Chemical Company. (EPA–HQ–OAR–2004–0507 item –0019, –0019.1, –0043, and–0043.1)

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: March 19, 2007.

Stephen L. Johnson,

Administrator.

■ For the reasons set out in the preamble, 40 CFR part 82 is amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

■ 1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671—7671q.

Subpart G—Significant New Alternatives Policy Program

■ 2. Subpart G is amended by adding Appendix Q to read as follows:

Appendix Q to Subpart G of Part 82—Unacceptable Substitutes Listed in the March 28, 2007 Final Rule, Effective May 29, 2007.

FOAM BLOWING UNACCEPTABLE SUBSTITUTES

End use	Substitute	Decision	Further information
—Rigid polyurethane commercial refrigeration —Rigid polyurethane sandwich panels. —Rigid polyurethane slabstock and other foams.	HCFC–22; HCFC–142b as substitutes for HCFC–141b.	Unacceptable [1]	Alternatives exist with lower or zero-ODP.
—Rigid polyurethane and polyisocyanurate laminated boardstock. —Rigid polyurethane appliance. —Rigid polyurethane spray and commercial refrigeration, and sandwich panels. —Rigid polyurethane slabstock and other foams. —Polystyrene extruded insulation boardstock and billet. —Phenolic insulation board and bunstock. —Flexible polyurethane. —Polystyrene extruded sheet.	HCFC–22; HCFC–142b as substitutes for CFCs.	Unacceptable [2]	Alternatives exist with lower or zero-ODP.

[1] For existing users of HCFC–22 and HCFC–142b as of November 4, 2005 other than in marine applications, the unacceptability determination is effective on March 1, 2008; for existing users of HCFC–22 and HCFC–142b as of November 4, 2005 in marine applications, including marine flotation foam, the unacceptability determination is effective on September 1, 2009. For an existing user of HCFC–22 or HCFC–142b that currently operates in only one facility that it does not own, and is scheduled to transition to a non-ODS, flammable alternative to coincide with a move to a new facility and installation of new process equipment that cannot be completed by March 1, 2008, the unacceptability determination is effective January 1, 2010.

[2] For existing users of HCFC–22 and HCFC–142b in polystyrene extruded insulation boardstock and billet and the other foam end uses, as of November 4, 2005, the unacceptability determination is effective on January 1, 2010.

■ 3. In Appendix K to Subpart G, the second table (Foam Blowing—Acceptable Substitutes) is removed.

[FR Doc. E7–5491 Filed 3–27–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2006–481; FRL–8120–1]

Fluopicolide; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fluopicolide in or on imported grape at 2.0 parts per million (ppm), and grape, raisin at 6.0 ppm with no U.S. registration. Bayer CropScience AG requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA). The tolerance petition and data was transferred to Valent U.S.A. Corporation on January 9, 2006.

DATES: This regulation is effective March 28, 2007. Objections and requests for hearings must be received on or before May 29, 2007, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2006–0481. All documents in the docket are listed in the index for the docket. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Janet Whitehurst, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6129; e-mail address: *janet.whitehurst@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111), e.g., agricultural workers; greenhouse, nursery, and floriculture workers; farmers.
- Animal production (NAICS code 112), e.g., cattle ranchers and farmers, dairy cattle farmers, livestock farmers.
- Food manufacturing (NAICS code 311), e.g., agricultural workers; farmers; greenhouse, nursery, and floriculture workers; ranchers; pesticide applicators.
- Pesticide manufacturing (NAICS code 32532), e.g., agricultural workers; commercial applicators; farmers; greenhouse, nursery, and floriculture workers; residential users.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult

the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Access Electronic Copies of This Document?

In addition to accessing an electronic copy of this **Federal Register** document through the electronic docket at *http://www.regulations.gov*, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*. You may also access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's pilot e-CFR site at *http://www.gpoaccess.gov/ecfr*.

C. Can I File an Objection or Hearing Request?

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2006–0481 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 29, 2007. In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing that does not contain any CBI for inclusion in the public docket that is described in **ADDRESSES**. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit your copies, identified by docket ID number EPA–HQ–OPP–2006–0481, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

II. Petition for Tolerance

In the **Federal Register** of January 24, 2007 (72 FR 3132) (FRL–8110–9), EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5E6903) by Valent U.S.A. Corporation, Walnut Creek, CA 94596-8025. The petition requested that 40 CFR part 180 be amended by establishing a tolerance for residues of the fungicide fluopicolide, 2,6-dichloro-*N*-[[3-chloro-5-(trifluoromethyl)-2-pyridinyl]methyl] benzamide, in or on imported grape, juice, and grape, wine at 2.0 ppm and the processed commodity grape, raisin at 9.0 ppm. That notice referenced a summary of the petition prepared by Valent U.S.A. Corporation, the registrant, which is available to the public in the docket, *http://www.regulations.gov*. Comments were received on the notice of filing. EPA's response to these comments are discussed in Unit IV.C.

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 of the FFDCA and a complete description of the risk assessment process, see *http://www.epa.gov/fedrgstr/EPA-PEST/1997/November/Day-26/p30948.htm*.

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2) of FFDCA, for a tolerance for residues of fluopicolide in or on grape at 2.0 ppm and grape, raisin at 6.0 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. Specific information on the studies received and the nature of the toxic effects caused by fluopicolide as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov*. The referenced document is available in docket ID EPA–HQ–OPP–2006–0481.

B. Toxicological Endpoints

For hazards that have a threshold below which there is no appreciable risk, the dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns.

The linear default risk methodology (Q*) is the primary method currently used by the Agency to quantify non-threshold hazards such as cancer. The Q* approach assumes that any amount of exposure will lead to some degree of cancer risk, estimates risk in terms of the probability of occurrence of additional cancer cases. More information can be found on the general

principles EPA uses in risk characterization at *http://www.epa.gov/pesticides/factsheets/riskassess.htm* and *http://www.epa.gov/oppfead1/trac/science*.

A summary of the toxicological endpoints for fluopicolide used for human risk assessment can be found at *http://www.regulations.gov*. The referenced document is available in docket ID EPA–HQ–OPP–2006–0481.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses*. Tolerances have not been established (40 CFR 180.627) for the residues of fluopicolide, in or imported grapes. There are no registrations for use of fluopicolide in the United States. There are no major livestock feed items associated with the use on imported grapes. Therefore, residues in livestock commodities are not relevant to the establishment of import tolerances for grapes. Risk assessments were conducted by EPA to assess dietary exposures from fluopicolide in food as follows:

i. *Acute exposure*. Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one-day or single exposure.

No acute reference dose was established nor was a dietary endpoint identified in either the general population or for females aged 13-49 years. There were no appropriate studies that demonstrated evidence of toxicity attributable to a single dose of fluopicolide for these populations. As a result, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure*. In conducting the chronic dietary exposure assessment EPA used the Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM-FCID™), which incorporates food consumption data as reported by respondents in the USDA 1994–1996 and 1998 Nationwide Continuing Surveys of Food Intake by Individuals (CSFII), and accumulated exposure to the chemical for each commodity. The dietary assessment included grape commodities, as the only source of residues for fluopicolide. It was assumed that 100% of all grape commodities contained tolerance level residues.

iii. *Cancer*. Fluopicolide is not likely to be carcinogenic to humans; therefore, a cancer exposure assessment was not conducted.

iv. *Anticipated residue and percent crop treated (PCT) information*. Anticipated residues/PCT data were not needed to refine the risk assessment so they were not used.

2. *Dietary exposure from drinking water*. Since there are no existing U.S. registrations for fluopicolide, no residues from fluopicolide are expected to occur in drinking water.

3. *From non-dietary exposure*. The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). No occupational exporue to fluopicolide is expected to occur in the U.S. as a result of fluopicolide on imported grapes.

4. *Cumulative effects from substances with a common mechanism of toxicity*. Section 408(b)(2)(D)(v) of the FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to fluopicolide and any other substances and fluopicolide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that fluopicolide has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the policy statements released by EPA's Office of Pesticide Programs concerning common mechanism determinations and procedures for cumulating effects from substances found to have a common mechanism on EPA's website at *http://www.epa.gov/pesticides/cumulative*.

D. Safety Factor for Infants and Children

1. *In general*. Section 408 of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. In applying this provision, EPA either retains the default value of 10X when reliable data do not support the choice of a different factor, or, if reliable data are available, EPA uses a different additional safety factor value based on the use of traditional uncertainty factors and/or special FQPA safety factors, as appropriate.

2. *Prenatal and postnatal sensitivity*. Acceptable/guideline studies for developmental toxicity in rats and rabbits as well as a 2-generation reproduction study in rats were available for consideration during endpoint selection. There is no evidence of susceptibility following *in utero* and/or postnatal exposure in the rabbit developmental toxicity study or in the 2-generation rat reproduction study. Although qualitative susceptibility was observed in the rat developmental toxicity study, there is low concern for these effects because the offspring effects (reduced growth and skeletal defects) are well characterized and accompanied by maternal toxicity. There are no residual uncertainties concerning pre- and post-natal toxicity.

3. *Conclusion*. EPA has determined that reliable data show that it would be safe for infants and children to reduce the FQPA safety factor to 1X. That decision is based on the following findings: There is a complete toxicity database for fluopicolide. There are no residual uncertainties concerning pre- and post-natal toxicity and no neurotoxicity concerns. The dietary food exposure assessment utilizes tolerance level residues and 100% CT. There is no potential for drinking water exposure. There is no potential for residential exposure.

E. Aggregate Risks and Determination of Safety

In accordance with the FQPA, EPA must consider and aggregate pesticide exposures and risks from three major sources: Food, drinking water, and residential exposures. In an aggregate assessment, exposures from relevant sources are added together and compared to quantitative estimates of hazard (e.g., a NOAEL or PAD), or the risks themselves can be aggregated. When aggregating exposures and risks from various sources, EPA considers both the route and duration of exposure.The registrant is seeking import tolerances on grapes and its processed commodities and the risk assessment includes only dietary

exposure to fluopicolide. There is no expectation that exposure to fluopicolide would occur via water consumption or residential use. Therefore, an aggregate exposure risk assessment is equivalent to the dietary risk assessment.

1. *Acute risk*. Because there was no evidence of toxicity for fluopicolide attributable to a single dose, fluopicolide is not expected to pose an acute risk.

2. *Chronic risk*. As there are no U.S. registrations or proposed registrations, the chronic aggregate risk is equivalent to the chronic dietary risk for fluopicolide residues in food. The chronic dietary exposure estimates are <1% cPAD for the general U.S. population and 3% cPAD for children 1-2 years old, the most highly exposed subgroup. The dietary risk estimates are all below EPA's level of concern.

3. *Short-term risk*. Short–term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). As there are no U.S. registrations or proposed registrations for fluopicolide, there will be no exposures from residential uses or residues in drinking water. Therefore, the aggregate risk is the risk from food (grape commodities) only. The dietary risk estimates are all below EPA's level of concern.

4. *Intermediate-term risk*. Intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). As there are no U.S. registrations or proposed registrations for fluopicolide, there will be no exposures from residential uses or residues in drinking water. Therefore, the aggregate risk is the risk from food (grape commodities) only. The dietary risk estimates are all below EPA's level of concern.

5. *Aggregate cancer risk for U.S. population*. Fluopicolide is not likely to be carcinogenic to humans; therefore, fluopicolide is not expected to pose a cancer risk.

6. *Determination of safety*. Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to fluopicolide residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology liquid chromatography/mass spectrometry/mass spectrometry (LC/MS/MS) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755-5350; telephone number: (410) 305-2905; e-mail address: *residuemethods@epa.gov*.

B. International Residue Limits

No Codex, Canadian, or Mexican maximum residue limits (MRLs) or tolerances have been established for fluopicolide.

C. Response to Coments

One comment dated June 14, 2006, was received from B. Sachau. Ms. Sachau's comments regarding general exposure to pesticides contained no scientific data or evidence to rebut the Agency's conclusion that there is a reasonable certainty that no harm will result from aggregate exposure to fluopicolide, including all anticipated dietary exposures and other exposures for which there is reliable information. This comment as well as her comments regarding animal testing have been responded to by the Agency on several occasions. For examples, see the **Federal Register** issues of January 7, 2005 (70 FR 1349) (FRL–7691–4) and October 29, 2004 (69 FR 63083) (FRL–7681–9).

V. Conclusion

Therefore, the tolerance is established for residues of fluopicolide, 2,6-dichloro-*N*-[[3-chloro-5-(trifluoromethyl)-2-pyridinyl]methyl]benzamide, in or on grape at a tolerance level of 2.0 parts per million (ppm), and grape, raisin at a tolerance level of 6.0 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes a tolerance under section 408(d) of FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of FFDCA, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism*(64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of FFDCA. For these same reasons, the Agency has determined that this rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR

67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

VII. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 21, 2007.

Steven Bradbury,

Acting Director, Office of Pesticides Program.

■ Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Section 180.627 is added to subpart C to read as follows:

§ 180.627 Fluopicolide; tolerances for residues.

(a) *General.* Tolerances are established for residues of fluopicolide, 2,6-dichloro-*N*-[[3-chloro-5-(trifluoromethyl)-2-pyridinyl]methyl] benzamide, in or on the following commodities.

Commodity	Parts per million
Grape	2.0
Grape, raisin	6.0

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. E7–5628 Filed 3–27–07; 8:45 am]

BILLING CODE 6560–50–S

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFEs determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30,

1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p.376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas:					
Pulaski (FEMA Docket No.: B–7467).	City of Jacksonville (05–06–1464P).	December 21, 2005; December 28, 2005; *Jacksonville Patriot*.	The Honorable Tommy Swaim, Mayor, City of Jacksonville, One Municipal Drive, Jacksonville, Arkansas 72076.	March 29, 2006	050180
California:					
Alameda (FEMA Docket No.: B–7474).	City of Livermore (06–09–BE71P).	September 21, 2006; September 28, 2006; *Alameda Times Star*.	The Honorable Marshall Kamena, Mayor, City of Livermore, 1052 South Livermore Avenue, Livermore, CA 94550.	December 28, 2006	060008
Georgia:					
Jackson (FEMA Docket No.: B–7474).	Unincorporated areas of Jackson County (06–04–BQ92P).	September 20, 2006; September 27, 2006; *The Jackson Herald*.	The Honorable Pat Bell, Chairman, Jackson County Board of Commissioners, 67 Athens Street, Jefferson, GA 30549.	December 27, 2006	130345
Illinois:					
Will (FEMA Docket No.: B–7467).	Village of Bolingbrook (06–05–B595P).	July 14, 2006; July 21, 2006; *The Bolingbrook Sun*.	The Honorable Roger C. Claar, Mayor, Village of Bolingbrook, 375 West Briarcliff Road, Bolingbrook, Illinois 60440.	September 28, 2006	170812
Nevada:					
Clark (FEMA Docket No.: B–7466).	City of Henderson (05–09–A069P).	December 1, 2005; December 8, 2005; *Las Vegas Review-Journal*.	The Honorable James B. Gibson, Mayor, City of Henderson, 240 South Water Street, Fourth Floor, Henderson, Nevada 89009–5050.	March 9, 2006	320005
Clark (FEMA Docket No.: B–7466).	Unincorporated areas of Clark County (05–09–A069P).	December 1, 2005; December 8, 2005; *Las Vegas Review-Journal*.	The Honorable Rory Reid, Chair, Clark County Board of Commissioners, 500 Grand Central Parkway, Las Vegas, Nevada 89106.	March 9, 2006	320003
Clark (FEMA Docket No.: B–7466).	Unincorporated areas of Clark County (06–09–B083P).	March 16, 2006; March 23, 2006; *Las Vegas Review-Journal*.	The Honorable Rory Reid, Chair, Clark County Board of Commissioners, 500 Grand Central Parkway, Las Vegas, Nevada 89106.	June 22, 2006	320003
Texas:					
Lampasas (FEMA Docket No.: B–7466).	City of Lampasas (06–06–B513P).	August 15, 2006; September 5, 2006; *Lampasas Dispatch Record*.	The Honorable Jack Calvert, Mayor, City of Lampasas, 312 East Third Street, Lampasas, Texas 76550.	August 21, 2006	480430
Montgomery (FEMA Docket No.: B–7466).	Unincorporated areas of Montgomery County (05–06–A477P).	May 10, 2006; May 17, 2006; *Humble/Kingwood Observer*.	The Honorable Alan B. Sadler, Montgomery County Judge, 301 North Thompson, Suite 210, Conroe, Texas 77301.	April 24, 2006	480483
Parker (FEMA Docket No.: B–7466).	City of Weatherford (05–06–0653P).	May 18, 2006; May 25, 2006; *Weatherford Democrat*.	The Honorable Joe M. Tison, Mayor, City of Weatherford, P.O. Box 255, Weatherford, Texas 76086.	August 24, 2006	480522
Tarrant (FEMA Docket No.: B–7466).	City of Bedford (05–06–A515P).	April 27, 2006; May 4, 2006; *Fort Worth Star-Telegram*.	The Honorable James Story, Mayor, City of Bedford, 2000 Forest Ridge Drive, Bedford, Texas 76021.	August 3, 2006	480585
Tarrant (FEMA Docket No.: B–7474).	City of Blue Mound (06–06–BE05P).	October 19, 2006; October 26, 2006; *Fort Worth Star-Telegram*.	The Honorable Jace Preston, Mayor, City of Blue Mound, 301 Blue Mound Road, Fort Worth, Texas 76131.	January 25, 2007	480587
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (05–06–0916P).	July 20, 2006; July 27, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 10000 Throckmorton Street, Fort Worth, Texas 76102.	October 26, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (05–06–1252P).	June 22, 2006; June 29, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 10000 Throckmorton Street, Fort Worth, Texas 76102.	September 28, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (06–06–B004P).	April 20, 2006; April 27, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 10000 Throckmorton Street, Fort Worth, Texas 76102.	July 27, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (06–06–B065P).	July 13, 2006; July 20, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 10000 Throckmorton Street, Fort Worth, Texas 76102.	October 19, 2006	480596

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (06–06–B068P).	April 20, 2006; April 27, 2006; *Fort Worth Star-Telegram.*	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 10000 Throckmorton Street, Fort Worth, Texas 76102.	July 27, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (06–06–B169P).	June 15, 2006; June 22, 2006; *Fort Worth Star Telegram.*	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 10000 Throckmorton Street, Fort Worth, Texas 76102.	September 21, 2006	480596
Tarrant (FEMA Docket No.: B–7466).	City of Fort Worth (06–06–B536P).	June 22, 2006; June 29, 2006; *Fort Worth Star-Telegram.*	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 10000 Throckmorton Street, Fort Worth, Texas 76102.	September 28, 2006	480596
Tarrant (FEMA Docket No.: B–7474).	City of Fort Worth (06–06–BE05P).	October 19, 2006; October 26, 2006; *Fort Worth Star-Telegram.*	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 10000 Throckmorton Street, Fort Worth, Texas 76102.	January 25, 2007	480596
Tarrant (FEMA Docket No.: B–7466).	Unincorporated areas of Tarrant County (06–06–B004P).	April 20, 2006; April 27, 2006; *Fort Worth Star-Telegram.*	The Honorable Tom Vandergriff, Tarrant County Judge, 100 East Weatherford Street, Suite 502A, Fort Worth, Texas 76196.	July 27, 2006	480582
Washington (FEMA Docket No.: B–7474).	City of Brenham (06–06–B038P).	September 21, 2006; September 28, 2006; *Brenham Banner-Press.*	The Honorable Milton Tate, Mayor, City of Brenham, P.O. Box 1059, Brenham, Texas 77833.	August 28, 2006	480648
Williamson (FEMA Docket No.: B–7466).	City of Round Rock (05–06–0490P).	February 23, 2006; March 2, 2006; *Round Rock Leader.*	The Honorable Nyle Maxwell, Mayor, City of Round Rock, 221 East Main Street, Round Rock, Texas 78664.	March 8, 2006	481048

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: March 20, 2007.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7–5615 Filed 3–27–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

[Docket No. FEMA–B–7712]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the Base (1% annual-chance) Flood Elevations (BFEs) is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified BFEs for new buildings and their contents.

DATES: These modified BFEs are currently in effect on the dates listed in the table below and revise the Flood Insurance Rate Maps (FIRMs) in effect prior to this determination for the listed communities.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Mitigation Division Director of FEMA reconsider the changes. The modified BFEs may be changed during the 90-day period.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The modified BFEs are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified BFE determinations are available for inspection is provided.

Any request for reconsideration must be based on knowledge of changed conditions or new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by the other Federal, State, or regional entities. The changes BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This interim rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of

September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This interim rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This interim rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Pima	Town of Marana (06–09–BD84P).	November 9, 2006; November 16, 2006; *Daily Territorial*.	The Honorable Ed Honea, Mayor, Town of Marana, Marana Municipal Complex, 11555 West Civic Center Drive, Marana, AZ 85653.	October 26, 2006	040118
Arkansas: Benton	City of Rogers (05–06–A137P).	January 3, 2007; January 10, 2007; *Rogers Hometown News*.	The Honorable Steve Womack, Mayor, City of Rogers, 300 West Poplar Street, Rogers, AR 72756.	April 4, 2007	050013
Arkansas: Benton	City of Rogers (06–06–BA42P).	December 20, 2006; December 27, 2006; *Rogers Hometown News*.	The Honorable Steve Womack, Mayor, City of Rogers, 301 West Chestnut, Rogers, AR 72756.	March 28, 2007	050013
Arkansas: Benton	City of Rogers (07–06–0169P).	January 24, 2007; January 31, 2007; *Arkansas Democrat Gazette*.	The Honorable Steve Womack, Mayor, City of Rogers, 301 West Chestnut Street, Rogers, AR 72756.	April 25, 2007	050013
Arkansas: Crawford	City of Van Buren (06–06–B796P).	November 29, 2006; December 6, 2006; *Press Argus-Courier*.	The Honorable John Riggs, Mayor, City of Van Buren, 1003 Broadway, Van Buren, AR 72956.	March 7, 2007	050053
Arkansas: Crawford	Unincorporated areas of Crawford County (06–06–B796P).	November 29, 2006; December 6, 2006; *Press Argus-Courier*.	The Honorable Jerry H. Williams, Crawford County Judge, Crawford County Courthouse, 300 Main Street, Van Buren, AR 72956.	March 7, 2007	050428
Arkansas: Pulaski	City of Sherwood (06–06–B539P).	November 16, 2006; November 23, 2006; *The Sherwood Voice*.	The Honorable Bill Harmon, Mayor, City of Sherwood, 2199 East Kiehl Avenue, Sherwood, AR 72120.	February 22, 2007	050235
Arkansas: Saline	City of Benton (06–06–BC89P).	November 30, 2006; December 7, 2006; *The Benton Courier*.	The Honorable Rick Holland, Mayor, City of Benton, Benton Municipal Complex, 114 South East Street, Benton, AR 72015.	November 27, 2006	050192
Arkansas: Saline	Unincorporated areas of Saline County (06–06–BC89P).	November 30, 2006; December 7, 2006; *The Benton Courier*.	The Honorable Lanny Fite, County Judge, Saline County, 200 North Main Street, Room 117, Benton, AR 72015.	November 27, 2006	050191
California: Contra Costa.	Unincorporated areas of Contra Costa County (06–09–B006P).	January 18, 2007; January 25, 2007; *Contra Costa Times*.	The Honorable Brian Swisher, Mayor, City of Brentwood, 708 Third Street, Brentwood, CA 94513.	April 26, 2007	060439
California: Riverside	City of Murrieta (06–09–BD71P).	January 18, 2007; January 25, 2007; *The Californian*.	The Honorable Kelly Seyarto, Mayor, City of Murrieta, 26442 Beckman Court, Murrieta, CA 92562.	April 26, 2007	060751
California: San Bernardino.	City of Barstow (06–09–B313P).	December 18, 2006; January 4, 2007; *San Bernardino County Sun*.	The Honorable Lawrence E. Dale, Mayor, City of Barstow, 220 East Mountain View Street, Suite A, Barstow, CA 92311.	November 30, 2006	060271
California: San Bernardino.	Unincorporated areas of San Bernardino County (06–09–B313P).	December 18, 2006; January 4, 2007; *San Bernardino County Sun*.	The Honorable Bill Postmus, Chairman, San Bernardino County Board of Supervisors, 385 North Arrowhead Avenue, 3rd Floor, San Bernardino, CA 92415.	November 30, 2006	060270
California: San Diego.	Unincorporated areas of San Diego County (06–09–BF75P).	December 21, 2006; December 28, 2006; *San Diego Transcript*.	The Honorable Bill Horn, Chairman, San Diego County Board of Supervisors, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	November 29, 2006	060284
California: Santa Barbara.	Unincorporated areas of Santa Barbara County (07–09–0251X).	January 18, 2007; January 25, 2007; *Santa Barbara News Press*.	The Honorable Joni L. Gray, Chairperson, Santa Barbara County, 511 East Lakeside Parkway, Suite 126, Santa Maria, CA 93455.	February 2, 2007	060331
California: Shasta	Unincorporated areas of Shasta County (06–09–BB09P).	November 9, 2006; November 16, 2006; *Redding Record Searchlight*.	The Honorable Patricia A ''Trish'' Clarke, Chairman, Shasta County Board of Supervisors, 1450 Court Street, Suite 308 B, Redding, CA 96001.	October 31, 2006	060358
Colorado: Adams	City of Thornton (06–08–B537P).	February 1, 2007; February 8, 2007; *Golden Transcript*.	The Honorable Noel Busck, Mayor, City of Thornton, 9500 Civic Center Drive, Thornton, CO 80229.	May 10, 2007	080007
Colorado: Adams	Unincorporated areas of Adams County (06–08–B537P).	February 1, 2007; February 8, 2007; *Golden Transcript*.	The Honorable Alice J. Nichol, Chairman, Adams County Board of Commissioners, 450 South Fourth Avenue, Brighton, CO 80601.	May 10, 2007	080001

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Colorado: Adams and Jefferson.	City of Westminster (06–08–B537P).	February 1, 2007; February 8, 2007; *Golden Transcript*.	The Honorable Nancy McNally, Mayor, City of Westminster, 4800 West 92nd Avenue, Westminster, CO 80031.	May 10, 2007	080008
Colorado: Arapahoe	City of Centennial (06–08–B400P).	December 28, 2006; January 4, 2007; *Littleton Independent*.	The Honorable Randy Pye, Mayor, City of Centennial, City of Centennial Office, 12503 East Euclid Drive, Suite 200, Centennial, CO 80111.	April 5, 2007	080315
Colorado: Boulder	City of Boulder (06–08–B289P).	December 20, 2006; December 27, 2006; *The Boulder City Camera*.	The Honorable Mark Ruzzin, Mayor, City of Boulder, P.O. Box 791, Boulder, CO 80306.	March 28, 2007	080024
Colorado: Boulder	Unincorporated areas of Boulder County (06–08–B289P).	December 20, 2006; December 27, 2006; *The Boulder Daily Camera*.	The Honorable Ben Pearlman, Chairman, Boulder County Board of Commissioners, Boulder County Courthouse, P.O. Box 471, Boulder, CO 80306.	March 28, 2007	080023
Colorado: Broomfield	City of Broomfield and Unincorporated areas of Broomfield County (06–08–B537P).	February 1, 2007; February 8, 2007; *Golden Transcript*.	The Honorable Karen Stuart, Mayor, City and County of Broomfield, One DesCombes Drive, Broomfield, CO 80020.	May 10, 2007	085073
Colorado: El Paso	City of Colorado Springs (05–08–0608P).	November 22, 2006; November 29, 2006; *El Paso County News*.	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	October 25, 2006	080060
Colorado: El Paso	Unincorporated areas of El Paso County (05–08–A578P).	November 22, 2006; November 29, 2006; *El Paso County News*.	The Honorable Jim Bensberg, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, CO 80903–2208.	October 30, 2006	080059
Colorado: El Paso	Unincorporated areas of El Paso County (06–08–B137P).	November 29, 2006; December 6, 2006; *El Paso County News*.	The Honorable Sallie Clark, Chair, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, CO 80903.	December 13, 2006	080059
Colorado: Summit	Town of Breckenridge (06–08–B667P).	January 12, 2007; January 19, 2007; *Summit County Journal*.	The Honorable Ernie Blake, Mayor, Town of Breckenridge, P.O. Box 168, Breckenridge, CO 80424.	December 7, 2006	080172
Connecticut: Hartford	City of Hartford (07–01–0111P).	December 21, 2006; December 28, 2006; *Hartford Courant*.	The Honorable Eddie A. Perez, Mayor, City of Hartford, 550 Main Street, Hartford, CT 06103.	December 6, 2006	095080
Delaware: New Castle.	Unincorporated areas of New Castle County (06–03–B233P).	December 21, 2006; December 28, 2006; *The News Journal*.	The Honorable Chris Coons, New Castle County Executive, 87 Read's Way, New Castle, DE 19720.	March 29, 2007	105085
Delaware: New Castle.	Unincorporated areas of New Castle County (06–03–B714P).	December 1, 2006; December 8, 2006; *Newark Post*.	The Honorable Paul G. Clark, President, New Castle County Council, City/County Building, 800 North French Street, Eighth Floor, Wilmington, DE 19801.	March 9, 2007	105085
Florida: Clay	Unincorporated areas of Clay County (06–04–BQ02P).	November 9, 2006; November 16, 2006; *Clay Today*.	The Honorable William Wilkes, Circuit Court Judge, Clay County Courthouse, 825 North Orange Avenue, Green Cove Springs, FL 32043.	October 16, 2006	120064
Florida: Duval	City of Jacksonville (05–04–A005P).	December 11, 2006; December 18, 2006; *Jacksonville Daily Record*.	The Honorable Mr. John Peyton, Mayor, City of Jacksonville, City Hall at St. James, Fourth Floor, 117 West Duval Street, Jacksonville, FL 32202.	March 19, 2007	120077
Florida: Flagler	Unincorporated areas of Flagler County (06–04–BW09P).	December 21, 2006; December 28, 2006; *The News-Journal*.	The Honorable James Darby, Chairman, Board of Commissioners, Flagler County, P.O. Box 1132, Flagler Beach, FL 32136.	November 30, 2006	120085
Florida: Leon	Unincorporated areas of Leon County (06–04–B039P).	December 21, 2006; December 28, 2006; *Tallahassee Democrat*.	The Honorable Parwez Alam, Administrator, Leon County, 301 South Monroe Street, Fifth floor, Tallahassee, FL 32301.	March 29, 2007	120143
Florida: Marion	Unincorporated areas of Marion County (06–04–BH17P).	November 30, 2006; December 7, 2006; Star-Banner.	The Honorable Jim Payton, Chairman, Marion County Board of Commissioners, 601 Southeast 25th Avenue, Ocala, FL 34471.	October 30, 2006	120160
Florida: Miami-Dade	City of Miami (06–04–C312P).	November 30, 2006; December 7, 2006; Miami New Times.	The Honorable Manuel A. Diaz, Mayor, City of Miami, 3500 Pan American Drive, Miami, FL 33133.	October 30, 2006	120650
Florida: Pinellas	City of St. Petersburg (06–04–BS96P).	December 21, 2006; December 28, 2006; St. Petersburg Times.	The Honorable Rick Baker, 175 Fifth Street North, St. Petersburg, FL 33701.	March 29, 2007	125148
Florida: Polk	Unincorporated areas of Polk County (06–04–BO60P).	November 16, 2006; November 23, 2006; The Polk County Democrat.	Mr. Michael Herr, County Manager, Polk County, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	February 22, 2007	120261
Florida: St. Johns	Unincorporated areas of St. Johns County (06–04–BT86P).	November 9, 2006; November 16, 2006; *The St. Augustine Record*.	The Honorable James E. Bryant, Chairman, Board of County Commissioners, St. Johns County, 4020 Lewis Speedway, St. Augustine, FL 32084.	February 15, 2007	125147
Georgia: Columbia	Unincorporated areas of Columbia County (06–04–C011P).	December 6, 2006; December 13, 2006; *Columbia County News-Times*.	The Honorable Ron C. Cross, Chairman, Columbia County Commissioners, 908 Nerium Trail, Evans, GA 30809.	February 28, 2007	130059

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Georgia: Gwinnett	Unincorporated areas of Gwinnett County (05–04–2732P).	December 21, 2006; December 28, 2006; *Gwinnett Daily Post*.	The Honorable Charles E. Bannister, Chairman, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30045.	March 29, 2007	130322
Georgia: Gwinnett	Unincorporated areas of Gwinnett County (06–04–C663P).	December 21, 2006; December 28, 2006; *Gwinnett Daily Post*.	The Honorable Charles Bannister, Chairman, Board of Commissioners, Gwinnett County, 75 Langley Drive, Lawrenceville, GA 30045.	November 30, 2006	130322
Georgia: Gwinnett	Unincorporated areas of Gwinnett County (06–04–BY93P).	February 1, 2007; February 8, 2007; *Gwinnett Daily Post*.	The Honorable Charles E. Bannister, Chairman, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30045.	May 10, 2007	130322
Hawaii: Hawaii	Unincorporated areas of Hawaii County (06–09–B047P).	November 2, 2006; November 9, 2006; *Hawaii Tribune Herald*.	The Honorable Harry Kim, Mayor, Hawaii County, 25 Aupuni Street, Room 215, Hilo, HI 96720.	October 16, 2006	155166
Idaho: Boise	Unincorporated areas of Boise County (06–10–B184P).	January 4, 2007; January 11, 2007; *The Idaho Statesman*.	The Honorable Roger B. Jackson, Chairman, Boise County Board of Commissioners, 420 Main Street, Idaho City, ID 83631.	April 12, 2007	160205
Illinois: DuPage	City of Warrenville (06–05–B753P).	December 21, 2006; December 28, 2006; *Daily Herald*.	The Honorable David L. Brummel, Mayor, City of Warrenville, City Hall, 28W701 Stafford Place, Warrenville, IL 60555.	November 22, 2006	170218
Illinois: Ogle	City of Rochelle (06–05–B086P).	November 9, 2006; November 16, 2006; *The Rochelle News-Leader*.	The Honorable Chet Olson, Mayor, City of Rochelle, 420 North Sixth Street, Rochelle, IL 61068.	February 15, 2007	170352
Illinois: St. Clair	City of Belleville (06–05–B005P).	November 30, 2006; December 7, 2006; *News-Democrat*.	The Honorable Mark Eckert, Mayor, City of Belleville, 101 South Illinois Street, Belleville, IL 62220.	March 8, 2007	170618
Illinois: St. Clair	Unincorporated areas of St. Clair County (06–05–B005P).	November 30, 2006; December 7, 2006; *News-Democrat*.	Mr. Mark Kern, Chairman, St. Clair County Board, St. Clair County Building, 10 Public Square, Belleville, IL 62220.	March 8, 2007	170616
Illinois: Will	Village of Frankfort (06–05–BT88P).	November 30, 2006; December 7, 2006; *Daily Southtown*.	The Honorable Jim Holland, Mayor, Village of Frankfort, 432 West Nebraska Street, Frankfort, IL 60423.	October 31, 2006	170701
Indiana: Hancock	City of Greenfield (06–05–B085P).	December 21, 2006; December 28, 2006; *Greenfield Daily Reporter*.	The Honorable Rodney Fleming, Mayor, City of Greenfield, Keith J. McClanon Government Center, 10 South State Street, Greenfield, IN 46140.	January 2, 2007	180084
Indiana: Hancock	Unincorporated areas of Hancock County (06–05–B085P).	December 21, 2006; December 28, 2006; *Greenfield Daily Reporter*.	Mr. Brian Kleiman, President, Board of Commissioners, Hancock County, 111 South American Legion Place, Greenfield, IN 46140.	March 29, 2007	180419
Kansas: Johnson	City of Olathe (06–07–B170P).	December 21, 2006; December 28, 2006; *The Johnson County Sun*.	The Honorable Michael Copeland, Mayor, City of Olathe, P.O. Box 768, Olathe, KS 66051–0768.	November 22, 2006	200173
Kansas: Johnson	City of Overland Park (06–07–B170P).	December 21, 2006; December 28, 2006; *The Johnson County Sun*.	The Honorable Carl Gerlach, Mayor, City of Overland Park, 8500 Santa Fe Drive, Olathe, KS 66061.	November 22, 2006	200174
Kansas: Sedgwick	City of Wichita (06–07–BB40P).	December 21, 2006; December 28, 2006; *The Wichita Eagle*.	The Honorable Carlos Mayans, Mayor, City of Wichita, City Hall, First Floor, 455 North Main Street, Wichita, KS 67202.	February 5, 2007	200238
Kansas: Shawnee	City of Topeka (06–07–B029P).	November 16, 2006; November 23, 2006; *Topeka Capital Journal*.	The Honorable William W. Bunten, Mayor, City of Topeka, City Hall, 215 Southeast 7th Street, Topeka, KS 66603–3914.	November 30, 2006	205187
Maine: Cumberland	Town of Windham (06–01–B562P).	November 9, 2006; November 16, 2006; *Portland Press Herald*.	The Honorable John MacKinnon, Chairman, Windham Town Council, 8 School Road, Windham, ME 04062.	October 30, 2006	230189
Maine: Oxford	Town of Bethel (06–01–B021P).	November 30, 2006; December 7, 2006; *The Bethel Citizen*.	The Honorable Stanley R. Howe, Chairman, Town of Bethel, P.O. Box 1660, Bethel, ME 04217.	October 30, 2006	230088
Maryland: Allegany	Unincorporated areas of Allegany County (06–03–B234P).	November 30, 2006; December 7, 2006; *The Cumberland Times-News*.	The Honorable James J. Stakem, President, Allegany County Board of Commissioners, Allegany County Office Complex, 701 Kelly Road, Fourth Floor, Cumberland, MD 21502–2803.	March 8, 2007	240001
Maryland: Carroll	Unincorporated areas of Carroll County (05–03–A533P).	October 19, 2006; October 26, 2006; *Carroll County Times*.	The Honorable Julia W. Gouge, President, Carroll County Board of Commissioners, Carroll County Office Building, 225 North Center Street, Westminster, MD 21157.	January 25, 2007	240015
Maryland: Howard	Unincorporated areas of Howard County (05–03–A496P).	December 14, 2006; December 21, 2006; *Howard County Times*.	The Honorable James N. Robey, Howard County Executive, 3430 Courthouse Drive, Ellicott City, MD 21043.	November 16, 2006	240044
Massachusetts: Barnstable.	Town of Bourne (06–01–B530P).	December 21, 2006; December 28, 2006; *Cape Cod Times*.	The Honorable Linda Zuern, Chair, Board of Selectmen, Town of Bourne, 24 Perry Avenue, Buzzards Bay, MA 02532.	November 30, 2006	255210

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Massachusetts: Essex.	Town of Wenham (06–01–B791P).	November 9, 2006; November 16, 2006; *The Salem News*.	The Honorable Peter Hersee, Chairman, Wenham Board of Selectmen, 123 Main Street, Wenham, MA 01984.	February 15, 2007	250107
Michigan: Macomb and Marquette.	Township of Macomb (06–05–BT19P).	December 22, 2006; December 29, 2006; *Macomb County Legal News*.	The Honorable John D. Brennan, Supervisor, Township of Macomb, 54111 Broughton Rd, Macomb, MI 48042.	March 30, 2007	260445
Minnesota: Olmsted	City of Rochester (06–05–BR73P).	November 30, 2006; December 7, 2006; *Post-Bulletin*.	The Honorable Ardell Brede, Mayor, City of Rochester, 201 Fourth Street Southeast, Room 281, Rochester, MN 55904.	October 30, 2006	275246
Mississippi: Rankin	City of Flowood (06–04–C397P).	December 20, 2006; December 27, 2006; *Rankin County News*.	The Honorable Gary Rhoads, Mayor, City of Flowood, P.O. Box 320069, Flowood, MS 39232–0069.	March 29, 2007	280289
Mississippi: Rankin	Unincorporated areas of Rankin County (06–04–C397P).	December 20, 2006; December 27, 2006; *Rankin County News*.	The Honorable Norman McLeod, Rankin County Administrator, 221 East Government Street, Suite A, Brandon, MS 39042.	March 29, 2007	280142
Missouri: Pemiscot	City of Caruthersville (06–07–B730P).	December 21, 2006; December 28, 2006; *Caruthersville-Hayti Democrat-Argus*.	The Honorable Diane Sayre, Mayor, City of Caruthersville, 200 West Third Street, Caruthersville, MO 63830.	March 29, 2007	290275
Missouri: Pemiscot	Unincorporated areas of Pemiscot County (06–07–B730P).	December 21, 2006; December 28, 2006; *Caruthersville Hayti Democrat-Argus*.	The Honorable Charles Moss, Presiding Commissioner, Pemiscot County Commission, 610 Ward Avenue, Caruthersville, MO 63830.	March 29, 2007	290779
Missouri: St. Charles	City of O'Fallon (06–07–B699P).	September 20, 2006; September 27, 2006; *St. Charles Journal*.	The Honorable Donna Morrow, Mayor, City of O'Fallon, City Hall, 100 North Main Street, O'Fallon, MO 63366.	December 27, 2006	290316
Missouri: St. Charles	Unincorporated areas of St. Charles County (06–07–B699P).	September 20, 2006; September 27, 2006; *St. Charles Journal*.	The Honorable Joe Ortwerth, County Executive, St. Charles County Administration Building, 201 North Second Street, St. Charles, MO 63301.	December 27, 2006	290315
Nevada: Clark	Unincorporated areas of Clark County (06–09–B036P).	November 9, 2006; November 16, 2006; *Las Vegas Review-Journal*.	The Honorable Rory Reid, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89106.	October 31, 2006	320003
Nevada: Clark	Unincorporated areas of Clark County (06–09–B275P).	November 9, 2006; November 16, 2006; *Las Vegas Review-Journal*.	The Honorable Rory Reid, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89106.	February 15, 2007	320003
Nevada: Clark	Unincorporated areas of Clark County (06–09–BC35P).	November 9, 2006; November 16, 2006; *Las Vegas Review-Journal*.	The Honorable Rory Reid, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89106.	October 24, 2006	320003
New Mexico: Bernalillo.	City of Albuquerque (07–06–0332P).	February 1, 2007; February 8, 2007; *The Albuquerque Journal*.	The Honorable Martin J. Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	May 10, 2007	350002
New Mexico: Sandoval.	City of Rio Rancho (06–06–BI29P).	November 30, 2006; December 7, 2006; *The Santa Fe New Mexican*.	The Honorable Ken Jackson, Mayor, City of Rio Rancho, 3900 Southern Boulevard, Rio Rancho, NM 87124.	December 1, 2006	350146
North Carolina: Durham.	City of Durham (06–04–B004P).	November 9, 2006; November 16, 2006; *The Herald-Sun*.	The Honorable William V. "Bill" Bell, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	October 27, 2006	370086
Ohio: Allen	City of Lima (05–05–0634P).	November 30, 2006; December 7, 2006; *The Lima News*.	The Honorable David J. Berger, Mayor, City of Lima, 50 Town Square, Lima, OH 45801.	March 8, 2007	390006
Ohio: Allen	Unincorporated areas of Allen County (05–05–0634P).	November 30, 2006; December 7, 2006; *The Lima News*.	The Honorable Greg Sneary, President, Allen County Board of Commissioners, 301 West North Street, Lima, OH 45801.	March 8, 2007	390758
Ohio: Lake	City of Mentor (06–05–BY78P).	January 12, 2007; January 19, 2007; *The News Herald*.	The Honorable Ray Kirchner, Mayor, City of Mentor, 8500 Civic Center Boulevard, Mentor, OH 44060.	January 2, 2007	390317
Ohio: Lorain	City of Amherst (05–05–A229P).	November 30, 2006; December 7, 2006; *Chronicle Telegraph*.	The Honorable David A. Taylor, Mayor, City of Amherst, 480 Park Avenue, Amherst, OH 44001.	March 8, 2007	390347
Ohio: Lucas	City of Toledo (06–05–B078P).	December 1, 2006; December 7, 2006; *Toledo Legal News*.	The Honorable Carleton S. Finkbeiner, Mayor, City of Toledo, One Government Center, 640 Jackson, Suite 2200, Toledo, OH 43604.	October 30, 2006	395373
Ohio: Lucas	City of Toledo (07–05–0330X).	December 21, 2006; December 28, 2006; *Toledo Legal News*.	The Honorable Carleton S. Finkbeiner, Mayor, City of Toledo, One Government Center, 640 Jackson, Suite 2200, Toledo, OH 43604.	November 29, 2006	395373
Ohio: Lucas	Unincorporated areas of Lucas County (06–05–BW42P).	December 1, 2006; December 7, 2006; *Toledo Legal News*.	Ms.Tina Skeldon Wozniak, President, Lucas County Board of Commissioners, One Government Center, Suite 800, Toledo, OH 43604.	October 30, 2006	390359
Oklahoma: Carter	City of Ardmore (06–06–B689P).	December 21, 2006; December 28, 2006; *Ardmoreite*.	The Honorable Bob Clark, Mayor, City of Ardmore, P.O. Box 249, Ardmore, OK 73401.	November 30, 2006	400031

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Oklahoma: Oklahoma.	City of Oklahoma City (06–06–B396P).	January 11, 2007; January 18, 2007; *The Oklahoman*.	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Street, Third Floor, Oklahoma City, OK 73102.	April 19, 2007	405378
Oklahoma: Tulsa	City of Broken Arrow (06–06–BJ56P).	January 18, 2007; January 25, 2007; *Tulsa World*.	The Honorable Richard Carter, Mayor, City of Broken Arrow, P.O. Box 610, Broken Arrow, OK 74012.	January 29, 2007	400236
Pennsylvania: Cumberland.	Township of Lower Allen (06–03–B823P).	November 30, 2006; December 7, 2006; *The Sentinel*.	The Honorable John T. Titzel, President, Board of Commissioners, Township of Lower Allen, 1993 Hummel Avenue, Camp Hill, PA 17011.	March 8, 2007	421016
Pennsylvania: Cumberland.	Township of Silver Spring (06–03–B462P).	December 21, 2006; December 28, 2006; *The Sentinel*.	The Honorable Christopher R. Latta, Chairman, Silver Spring Township Supervisors, 6475 Carlisle Pike, Mechanicsburg, PA 17055.	November 30, 2006	420370
Pennsylvania: Delaware.	Township of Thornbury (07–03–0012P).	January 11, 2007; January 18, 2007; *Delaware County Daily Times*.	The Honorable Lou Gagliardi, Chairman, Thornbury Township Board of Supervisors, 8 Township Drive, Cheyney, PA 19319.	December 18, 2006	425390
Pennsylvania: Lehigh.	City of Allentown (06–03–B617P).	December 1, 2006; December 8, 2006; *The Express-Times*.	The Honorable Ed Pawlowski, Mayor, City of Allentown, Office of the Mayor, 435 Hamilton Street, Allentown, PA 18101.	March 9, 2007	420585
Rhode Island: Bristol	Town of Bristol (05–01–0763P).	November 9, 2006; November 16, 2006; *The Phoenix Times*.	The Honorable Diane C. Mederos, Mayor, Town of Bristol, Town Hall, 10 Court Street, Bristol, RI 02809.	October 17, 2006	445393
Rhode Island: Providence.	Town of North Smithfield (06–01–B167P).	November 30, 2006; December 7, 2006; *The Call*.	The Honorable David Lovett, Chairman, North Smithfield Town Council, 1 Main Street, North Smithfield, RI 02876.	October 10, 2006	440021
South Carolina: Charleston.	City of Charleston (06–04–BQ23P).	November 30, 2006; December 7, 2006; *The Post and Courier*.	The Honorable Joseph P. Riley, Jr., Mayor, City of Charleston, P.O. Box 652, Charleston, SC 29402.	October 27, 2006	455412
South Carolina: Charleston.	City of Isle of Palms (07–04–0193P).	December 21, 2006; December 28, 2006; *The Post and Courier*.	Ms. Linda Lovvorn Tucker, City Administrator, City of Isle of Palms, Post Office Box 508, Isle of Palms, SC 29451.	November 30, 2006	455416
South Carolina: Horry.	City of Myrtle Beach (05–04–2815P).	December 21, 2006; December 28, 2006; *Horry Independent*.	Mr. Thomas Leath, Manager, City of Myrtle Beach, P.O. Drawer 2468, Myrtle Beach, SC 29577.	November 17, 2006	450109
South Carolina: Horry.	Unincorporated areas of Horry County (06–04–C114P).	November 22, 2006; November 30, 2006; *Horry Independent*.	Mr. Danny Knight, County Administrator, Horry County, P.O. Box 1236, Conway, SC 29528.	March 1, 2007	450104
South Carolina: Richland.	Town of Blythewood (06–04–C394P).	January 18, 2007; January 25, 2007; *Country Chronicle*.	The Honorable Pete Amoth, Mayor, Town of Blythewood, P.O. Box 1004, Blythewood, SC 29016.	April 26, 2007	450258
South Carolina: Richland.	Unincorporated areas of Richland County (06–04–BP19P).	December 22, 2006; December 29, 2006; *The Columbia Star*.	The Honorable Anthony G. Mizzell, Chair, Richland County Council, 106 Wembley Street, Columbia, SC 29209.	March 30, 2007	450170
South Carolina: Richland.	Unincorporated areas of Richland County (06–04–BX98P).	January 19, 2007; January 26, 2007; *The Columbia Star*.	Mr. J. Milton Pope, Interim County Administrator, Richland County, P.O. Box 192, Columbia, SC 29202.	April 27, 2007	450170
South Carolina: Richland.	Unincorporated areas of Richland County (06–04–BX99P).	January 19, 2007; January 26, 2007; *The Columbia Star*.	The Honorable Anthony G. Mizzell, Chair, Richland County Council, 106 Wembley Street, Columbia, SC 29209.	April 27, 2007	450170
South Carolina: Richland.	Unincorporated areas of Richland County (07–04–0179P).	December 22, 2006; December 29, 2006; *The Columbia Star*.	The Honorable Anthony Mizzell, Chairman, Richland County Council, P.O. Box 192, Columbia, SC 29202.	March 30, 2007	450170
South Dakota: Pennington.	City of Rapid City (06–08–B495P).	December 21, 2006; December 28, 2006; *Rapid City Journal*.	The Honorable Jim Shaw, Mayor, City of Rapid City, 300 Sixth Street, Rapid City, SD 57701.	March 29, 2007	465420
South Dakota: Pennington.	Unincorporated areas of Pennington County (06–08–B495P).	December 21, 2006; December 28, 2006; *Rapid City Journal*.	The Honorable Kenneth Davis, Chairperson, Pennington County Board of Commissioners, 315 Saint Joseph Street, Rapid City, SD 57701.	March 29, 2007	460064
Tennessee: Nashville and Davidson.	Metropolitan Government of Nashville and Davidson County (07–04–0583P).	December 21, 2006; December 28, 2006; *Nashville Record*.	The Honorable Bill Purcell, Mayor, Metropolitan Government of Nashville and Davidson County, 107 Metropolitan Courthouse, Nashville, TN 37201.	November 30, 2006	470040
Tennessee: Williamson.	Town of Nolensville (06–04–BX96P).	December 21, 2006; December 28, 2006; *Tennessean A.M. Section*.	The Honorable Tommy Dugger, Mayor, Town of Nolensville, 2260 Rolling Hills, Nolensville, TN 37135.	November 22, 2006	470425
Texas: Bexar	City of Live Oak (04–06–A273P).	November 30, 2006; December 7, 2006; *Daily Commercial Recorder*.	The Honorable Henry O. Edward, Jr., Mayor, City of Live Oak, 8001 Shin Oak Drive, Live Oak, TX 78233.	March 8, 2007	480043
Texas: Bexar	City of San Antonio (06–06–B191P).	November 30, 2006; December 7, 2006; *Daily Commercial Recorder*.	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	March 8, 2007	480045

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Texas: Bexar	City of San Antonio (06–06–BC37P).	November 30, 2006; December 7, 2006; *Daily Commercial Recorder*.	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	March 8, 2007	480045
Texas: Bexar	City of San Antonio (06–06–BD54P).	November 22, 2006; November 30, 2006; *Daily Commercial Recorder*.	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	March 1, 2007	480045
Texas: Bexar	City of San Antonio (06–06–BH85P).	January 11, 2007; January 18, 2007; *Daily Commercial Recorder*.	The Honorable Phil Hardberger, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	January 29, 2007	480045
Texas: Bexar	City of Shavano Park (06–06–BD54P).	November 22, 2006; November 30, 2006; *Daily Commercial Recorder*.	The Honorable Tommy Peyton, Mayor, City of Shavano Park, 900 Saddletree Court, San Antonio, TX 78231.	March 1, 2007	480047
Texas: Bexar	Unincorporated areas of Bexar County (04–06–A273P).	November 30, 2006; December 7, 2006; *Daily Commercial Recorder*.	The Honorable Nelson W. Wolff, County Judge, Bexar County Courthouse, 100 Dolorosa, Suite 1.20, San Antonio, TX 78205.	March 8, 2007	480035
Texas: Bexar	Unincorporated areas of Bexar County (05–06–A499P).	January 11, 2007; January 18, 2007; *Daily Commercial Recorder*.	The Honorable Nelson W. Wolff, Bexar County Judge, Bexar County Courthouse, 100 Dolorosa, Suite 1.20, San Antonio, TX 78205.	April 19, 2007	480035
Texas: Brazos	City of College Station (06–06–B753P).	December 21, 2006; December 28, 2006; *The Eagle*.	The Honorable Ron Silvia, Mayor, City of College Station, 1101 Texas Avenue, College Station, TX 77840.	March 29, 2007	480083
Texas: Collin	City of Allen (06–06–B685P).	December 21, 2006; December 28, 2006; *The Allen American*.	The Honorable Stephen Terrell, Mayor, City of Allen, 305 Century Parkway, Allen, TX 75013.	March 29, 2007	480131
Texas: Dallas	City of Dallas (06–06–BF15P).	January 11, 2007; January 18, 2007; *Daily Commercial Record*.	The Honorable Laura Miller, Mayor, City of Dallas, 1500 Marilla Drive, Dallas, TX 75201.	April 19, 2007	480171
Texas: Dallas	City of Grand Prairie (06–06–B413P).	December 21, 2006; December 28, 2006; *The Daily Commercial Record*.	The Honorable Charles England, Mayor, City of Grand Prairie, 317 College Street, Grand Prairie, TX 75050.	March 29, 2007	485472
Texas: Ellis	City of Waxahachie (06–06–BF64P).	November 9, 2006; November 16, 2006; *Waxahachie Daily Light*.	The Honorable Jay Barksdale, Mayor, City of Waxahachie, P.O. Box 757, Waxahachie, TX 75165.	February 15, 2007	480211
Texas: Galveston	City of Hitchcock (06–06–BK83P).	February 1, 2007; February 8, 2007; *The Galveston County Daily News*.	The Honorable Lee A. Sander, Mayor, City of Hitchcock, 7423 Highway 6, Hitchcock, TX 77563.	May 10, 2007	485479
Texas: Galveston	City of La Marque (06–06–BK38P).	February 1, 2007; February 8, 2007; *The Galveston County Daily News*.	The Honorable Larry Crow, Mayor, City of La Marque, 1111 Bayou Road, La Marque, TX 77568.	May 10, 2007	485486
Texas: Harris	Unincorporated areas of Harris County (06–06–B328P).	November 30, 2006; December 7, 2006; *Houston Chronicle*.	The Honorable Robert Eckels, Harris County Judge, 1001 Preston, Suite 911, Houston, TX 77002.	October 30, 2006	480287
Texas: Harris	Unincorporated areas of Harris County (06–06–B392P).	November 30, 2006; December 7, 2006; *Houston Chronicle*.	The Honorable Robert Eckels, Harris County Judge, 1001 Preston, Suite 911, Houston, TX 77002.	March 7, 2007	480287
Texas: Montgomery	Unincorporated areas of Montgomery County (06–06–BE46P).	December 20, 2006; December 27, 2006; *Conroe Courier*.	The Honorable Alan B. Sadler, Montgomery County Judge, 301 North Thompson, Suite 210, Conroe, TX 77301.	March 28, 2007	480483
Texas: Tarrant	City of Colleyville (06–06–BG05P).	December 21, 2006; December 28, 2006; *Fort Worth Star-Telegram*.	The Honorable David Kelly, Mayor, City of Colleyville, 100 Main Street, Colleyville, TX 76034.	March 29, 2007	480590
Texas: Tarrant	City of Fort Worth (06–06–B537P).	December 21, 2006; December 28, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	January 2, 2007	480596
Texas: Tarrant	City of Fort Worth (06–06–B717P).	November 9, 2006; November 16, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	February 15, 2007	480596
Texas: Tarrant	City of Fort Worth (06–06–BH46P).	December 21, 2006; December 28, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	November 27, 2006	480596
Texas: Tarrant	City of Fort Worth (06–06–BK70P).	November 9, 2006; November 16, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	February 15, 2007	480596
Texas: Tarrant	City of Fort Worth (06–06–BK71P).	December 21, 2006; December 28, 2006; *Fort Worth Star-Telegram*.	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	March 29, 2007	480596
Utah: Grand	City of Moab (06–08–B290P).	November 30, 2006; December 7, 2006; *The Times-Independent*.	The Honorable David Sakrison, Mayor, City of Moab, 217 East Center Street, Moab, UT 84532.	March 8, 2007	490072

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Utah: Grand	Unincorporated areas of Grand County (06–08–B290P).	November 30, 2006; December 7, 2006; *The Times-Independent*.	The Honorable Joette Langianese, Chair, Grand County Council, 125 East Center Street, Moab, UT 84532.	March 8, 2007	490232
Utah: Salt Lake	City of South Jordan (06–08–B511P).	December 21, 2006; December 28, 2006; *The Salt Lake Tribune*.	The Honorable William Kent Money, Mayor, City of South Jordan, 1600 West Towne Center Drive, South Jordan, UT 84095.	November 27, 2006	490107
Utah: Washington	City of St. George (05–08–0365P).	November 22, 2006; November 29, 2006; *St. George Spectrum*.	The Honorable Daniel D. McArthur, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	February 28, 2007	490177
Utah: Washington	Unincorporated areas of Washington County (05–08–0365P).	November 22, 2006; November 29, 2006; *St. George Spectrum*.	The Honorable James J. Eardley, Chairman, Washington County Board of Commissioners, 197 East Tabernacle Street, St. George, UT 84770.	February 28, 2007	490224
Virginia: Rockingham	Unincorporated areas of Rockingham County (07–03–0034P).	December 21, 2006; December 28, 2006; *Daily News-Record*.	Mr. Joseph S. Paxton, County Administrator, Rockingham County Administration Center, 20 East Gay Street, Harrisonburg, VA 22802.	March 29, 2007	510133
Wisconsin: Washington.	Village of Germantown (06–05–BH45P).	January 18, 2007; January 25, 2007; *West Bend Daily News*.	The Honorable Charles J. Hargan, President, Village of Germantown Board of Trustees, P.O. Box 337, Germantown, WI 53022.	April 26, 2007	550472

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: March 16, 2007.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7–5608 Filed 3–27–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1 % annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFEs determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p.376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama:					
Houston, (FEMA Docket No.: B–7467).	City of Dothan (05–04–A105P).	May 18, 2006; May 25, 2006; *Dothan Eagle*.	The Honorable Pat Thomas, Mayor, City of Dothan, P.O. Box 2128, Dothan, Alabama 36302.	August 24, 2006	010104
Jefferson, (FEMA Docket No.: B–7467).	City of Trussville (06–04–BI39P).	June 22, 2006; June 29, 2006; *Birmingham News*.	The Honorable Eugene A. Melton, Mayor, City of Trussville, Trussville City Hall, 131 Main Street, Trussville, Alabama 35173.	September 28, 2006	010133
Jefferson, (FEMA Docket No.: B–7467).	Unincorporated areas of Jefferson County (06–04–BI39P).	June 22, 2006; June 29, 2006; *Birmingham News*.	The Honorable Larry Langford, President, Jefferson County Commission, Jefferson County Courthouse, Room 240, 716 Richard Arrington Jr. Boulevard, North Birmingham, Alabama 35203.	September 28, 2006	010217
Jefferson, (FEMA Docket No.: B–7467).	Unincorporated areas of Jefferson County (06–04–B748P).	July 27, 2006; August 3, 2006; *Birmingham News*.	The Honorable Larry Langford, President, Jefferson County Commission, Jefferson County Courthouse, Room 240, 716 Richard Arrington Jr. Boulevard, North Birmingham, Alabama 35203.	June 30, 2006	010217
Madison, (FEMA Docket No.: B–7467).	City of Huntsville (06–04–B136P).	July 14, 2006; July 21, 2006; *Madison County Record*.	The Honorable Loretta Spencer, Mayor, City of Huntsville, P.O. Box 308, Huntsville, Alabama 35804.	June 26, 2006	010153
Mobile, (FEMA Docket No.: B–7467).	Unincorporated areas of Mobile County (06–04–A402P).	July 20, 2006; July 27, 2006; *Mobile Press Register*.	Mr. John Pafenbach, County Administrator, Mobile County, 205 Government Street, Mobile, Alabama 36644.	June 30, 2006	015008
Shelby, (FEMA Docket No.: B–7467).	City of Pelham (06–04–B342P).	July 12, 2006; July 19, 2006; *Shelby County Reporter*.	The Honorable Bobby Hayes, Mayor, City of Pelham, P.O. Box 1419, Pelham, Alabama 35124.	October 18, 2006	010193
Tuscaloosa, (FEMA Docket No.: B–7467).	City of Northport (05–04–1187P).	January 18, 2006; January 25, 2006; *The Northport Gazette*.	The Honorable Harvey Fretwell, Mayor, City of Northport, City Hall, 3500 McFarland Boulevard, Northport, Alabama 35476.	April 26, 2006	010202
Tuscaloosa, (FEMA Docket No.: B–7467).	City of Northport (05–04–A392P).	May 17, 2006; May 24, 2006; *The Northport Gazette*.	The Honorable Harvey Fretwell, Mayor, City of Northport, City Hall, 3500 McFarland Boulevard, Northport, Alabama 35476.	August 23, 2006	010202
Tuscaloosa, (FEMA Docket No.: B–7467).	City of Tuscaloosa (05–04–A392P).	May 17, 2006; May 24, 2006; *The Northport Gazette*.	The Honorable Walter Maddox, Mayor, City of Tuscaloosa, P.O. Box 2089, Tuscaloosa, Alabama 35403–2089.	August 23, 2006	010203
Tuscaloosa, (FEMA Docket No.: B–7467).	Unincorporated areas of Tuscaloosa County (05–04–1187P).	January, 18 2006; January 25, 2006; *The Northport Gazette*.	The Honorable W. Hardy McCollum, Chairman, Tuscaloosa County, Board of Commissioners, 714 Greensboro Avenue, Tuscaloosa, Alabama 35401.	April 26, 2006	010201
Tuscaloosa, (FEMA Docket No.: B–7467).	Unincorporated areas of Tuscaloosa County (05–04–A392P).	May 17, 2006; May 24, 2006; *The Northport Gazette*.	The Honorable W. Hardy McCollum, Chairman, Tuscaloosa County, Board of Commissioners, 714 Greensboro Avenue, Tuscaloosa, Alabama 35401.	August 23, 2006	010201
Arkansas:					
Benton, (FEMA Docket No.: B–7467).	City of Rogers (05–06–A559P).	August 30, 2006; September 6, 2006; *Arkansas Democrat Gazette Rogers Hometown News*.	The Honorable Steve Womack, Mayor, City of Rogers, 300 West Poplar Street, Rogers, Arkansas 72756.	July 28, 2006	050013
Arizona:					
Maricopa, (FEMA Docket No.: B–7467).	City of Chandler (04–09–1562P).	November 10, 2005; November 17, 2005; *Arizona Business Gazette*.	The Honorable Boyd W. Dunn, Mayor, City of Chandler, P.O. Box 4008, Mail Stop 603, Chandler, Arizona 85244–4008.	October 26, 2005	040040
Maricopa, (FEMA Docket No.: B–7467).	City of Avondale (06–09–B472P).	July 13, 2006; July 20, 2006; *Arizona Business Gazette*.	The Honorable Marie Lopez-Rogers, Mayor, City of Avondale, 525 North Central Avenue, Avondale, Arizona 85323.	June 30, 2006	040038
Maricopa, (FEMA Docket No.: B–7467).	Town of Paradise Valley (05–09–1284P).	December 8, 2005; December 15, 2005; *Arizona Business Gazette*.	The Honorable Ron Clarke, Mayor, Town of Paradise, 6401 East Lincoln Drive, Paradise Valley, Arizona 85253.	March 16, 2006	040049
Maricopa, (FEMA Docket No.: B–7467).	City of Phoenix (05–09–1284P).	December 8, 2005; December 15, 2005; *Arizona Business Gazette*.	The Honorable Phil Gordon, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, Arizona 85003–1611.	March 16, 2006	040051

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Pinal, (FEMA Docket No.: B–7467).	Unincorporated areas of Pinal County (05–09–A319P).	February 8, 2006; February 15, 2006; *Copper Basin News*.	The Honorable Sandie Smith, Chair, Pinal County Board of Supervisors, P.O. Box 827, Florence, Arizona 85232.	January 30, 2006	040077
Pinal, (FEMA Docket No.: B–7467).	Unincorporated areas of Pinal County (06–09–B339P).	April 19, 2006; April 26, 2006; *Copper Basin News*.	The Honorable Sandie Smith, Chair, Pinal County Board of Supervisors, P.O. Box 827, Florence, Arizona 85232.	March 31, 2006	040077
California: Alameda, (FEMA Docket No.: B–7474).	Unincorporated areas of Alameda County (06–09–B390P).	September 14, 2006; September 21, 2006; *Tri-Valley Herald*.	The Honorable Keith Carson, President, Alameda County Board of Supervisors 1221 Oak Street, Suite 536, Oakland, CA 94612.	August 18, 2006	060001
Delaware: New Castle, (FEMA Docket No.: B–7474).	Unincorporated areas of New Castle County (06–03–B140P).	October 5, 2006; October 12, 2006; *The News Journal*.	The Honorable Chris Coons, County Executive, New Castle County, 87 Read's Way, New Castle, DE 19720.	January 4, 2007	105085
Florida:					
Duval, (FEMA Docket No.: B–7467).	City of Jacksonville (05–04–1679P).	November 14, 2005; November 21, 2005; *Daily Record*,.	The Honorable John Peyton, Mayor, City of Jacksonville 117 West Duval Street, Jacksonville, Florida 32202–3731.	October 27, 2005	120077
Duval, (FEMA Docket No.: B–7467).	City of Jacksonville (05–04–A259P).	June 19, 2006; June 26, 2006; *Daily Record*.	The Honorable John Peyton, Mayor, City of Jacksonville, 117 West Duval Street, Jacksonville, Florida 32202–3731.	September 25, 2006	120077
Duval, (FEMA Docket No.: B–7467).	City of Jacksonville (05–04–A260P).	May 15, 2006; May 22, 2006; *Daily Record*.	The Honorable John Peyton, Mayor, City of Jacksonville, 117 West Duval Street, Jacksonville, Florida 32202–3731.	August 21, 2006	120077
Duval, (FEMA Docket No.: B–7467).	City of Jacksonville (06–04–A703P).	June 19, 2006; June 26, 2006; *Daily Record*.	The Honorable John Peyton, Mayor, City of Jacksonville, 117 West Duval Street, Jacksonville, Florida 32202–3731.	September 25, 2006	120077
Duval, (FEMA Docket No.: B–7467).	City of Jacksonville (06–04–B326P).	May 15, 2006; May 22, 2006; *Daily Record*,.	The Honorable John Peyton, Mayor, City of Jacksonville, 117 West Duval Street, Jacksonville, Florida 32202–3731.	April 27, 2006	120077
Duval, (FEMA Docket No.: B–7467).	City of Jacksonville (06–04–BF40P).	August 21, 2006; August 28, 2006; *Daily Record*.	The Honorable John Peyton, Mayor, City of Jacksonville, 117 West Duval Street, Jacksonville, Florida 32202–3731.	November 27, 2006	120077
Lake, (FEMA Docket No.: B–7467).	Unincorporated areas of Lake County (05–04–3652P).	June 16, 2006; June 23, 2006; *Daily Commercial*.	The Honorable Catherine C. Hanson, Chairman, Lake County Board of Commissioners, P.O. Box 7800, Tavares, Florida 32778.	May 23, 2006	120421
Lake, (FEMA Docket No.: B–7467).	City of Mount Dora (05–04–3654P).	June 15, 2006; June 22, 2006; *Daily Commercial*.	The Honorable James E. Yatsuk, Mayor, City of Mount Dora, P.O. Box 176, Mount Dora, Florida 32756.	May 23, 2006	120137
Manatee, (FEMA Docket No.: B–7467).	Unincorporated areas of Manatee County (05–04–0296P).	March 16, 2006; March 23, 2006; *Bradenton Herald*.	The Honorable Joe McClash, Chairman, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, Florida 34206–1000.	June 22, 2006	120153
Manatee, (FEMA Docket No.: B–7467).	Unincorporated areas of Manatee County (05–04–A393P).	May 18, 2006; May 25, 2006; *Bradenton Herald*.	The Honorable Joe McClash, Chairman, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, Florida 34206–1000.	April 28, 2006	120153
Marion, (FEMA Docket No.: B–7467).	Unincorporated areas of Marion County (05–04–A236P).	June 22, 2006; June 29, 2006; *Ocala Star Banner*.	The Honorable Patrick G. Howard, County Administrator, Marion County, 601 Southeast 25th Avenue, Ocala, Florida 34471.	September 28, 2006	120160
Miami-Dade, (FEMA Docket No.: B–7467).	City of Miami (06–04–BL20P).	July 20, 2006; July 27, 2006; *New Times*.	The Honorable Manuel A. Diaz, Mayor, City of Miami, Miami City Hall, 3500 Pan American Drive, Miami, Florida 33133.	June 30, 2006	120650
Putnam, (FEMA Docket No.: B–7467).	Unincorporated areas of Putnam County (06–04–B037P).	May 18, 2006; May 25, 2006; *Palatka Daily News*.	Mr. Rick Larry, County Administrator, Putnam County, P.O. Box 758, Palatka, Florida 32178.	August 24, 2006	120272
Georgia:					
Barrow, (FEMA Docket No.: B–7467).	Unincorporated areas of Barrow County (05–04–3757P).	April 5, 2006; April 12, 2006; *Barrow County News*.	The Honorable Douglas H. Garrison, Chairman, Barrow County Board of Commissioners, 233 East Broad Street, Winder, Georgia 30680.	September 13, 2006	130497
Bartow, (FEMA Docket No.: B–7467).	City of Cartersville (05–04–1806P).	June 22, 2006; June 29, 2006; *Daily Tribune News*.	The Honorable Michael G. Fields, Mayor, City of Cartersville, P.O. Box 1390, Cartersville, Georgia 30120.	September 28, 2006	130209
Bartow, (FEMA Docket No.: B–7467).	Unincorporated areas of Bartow County (05–04–1806P).	June 22, 2006; June 29, 2006; *Daily Tribune News*.	The Honorable Clarence Brown, Bartow County Commissioner, 135 West Cherokee Avenue, Suite 251, Cartersville, Georgia 30120.	September 28, 2006	130463
Cherokee, (FEMA Docket No.: B–7467).	Unincorporated areas of Cherokee County (05–04–A211P).	August 25, 2006; September 1, 2006; *Cherokee Tribune*.	The Honorable J. Michael Byrd, Chairman, Cherokee County, 90 North Street, Suite 310, Canton, Georgia 30114.	December 1, 2006	130424
Columbia, (FEMA Docket No.: B–7467).	Unincorporated Areas of Columbia County (05–04–2889P).	August 23, 2006; August 30, 2006; *Columbia County News-Times*.	The Honorable Ron C. Cross, Chairman, Board of Commissioners, Columbia County, 908 Nerium Trail, Evans, Georgia 30809.	November 29, 2006	130059

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Forsyth, (FEMA Docket No.: B–7467).	Unincorporated areas of Forsyth County (05–04–1738P).	May 24, 2006; May 31, 2006; *Forsyth County News*.	Mr. Jeff L. Quesenberry, County Manager, Forsyth County, 110 East Main Street, Suite 210, Cumming, Georgia 30040.	July 26, 2006	130312
Forsyth, (FEMA Docket No.: B–7467).	Unincorporated areas of Forsyth County (05–04–2202P).	April 12, 2006; April 19, 2006; *Forsyth County News*.	The Honorable Jack Conway, Commission Chairman, Forsyth County, 110 East Main Street, Suite 210, Cumming, Georgia 30040.	July 19, 2006	130312
Harris, (FEMA Docket No.: B–7467).	Unincorporated areas of Harris County (05–04–A568P).	June 15, 2006; June 22, 2006; *Harris County Journal*.	Mr. Kim W. Russell, Executive Director, Harris County, P.O. Box 426, Hamilton, Georgia 31811.	May 24, 2006	130338
Thomas, (FEMA Docket No.: B–7467).	City of Thomasville (06–04–B168P).	March 24, 2006; March 31, 2006; *Thomasville Times Enterprise*.	The Honorable David Lewis, Mayor, City of Thomasville, P.O. Box 1540, Thomasville, Georgia 31799.	March 6, 2006	130170
Iowa:					
Black Hawk, (FEMA Docket No.: B–7467).	City of Cedar Falls (04–07–A141P).	February 23, 2006; March 2, 2006; *Waterloo Courier*.	The Honorable Jon Crews, Mayor, City of Cedar Falls, 220 Clay Street, Cedar Falls, Iowa 50613.	February 6, 2006	190017
Linn, (FEMA Docket No.: B–7467).	Unincorporated areas of Linn County (05–07–0212P).	April 20, 2006; April 27, 2006; *Cedar Rapids Gazette*.	The Honorable Linda Langston, Chairperson, Linn County Board of Supervisors, 930 First Street Southwest, Cedar Rapids, Iowa 52404.	March 31, 2006	190829
Story, (FEMA Docket No.: B–7467).	City of Ames (04–07–A685P).	November 10, 2005; November 17, 2005; *The Tribune*.	The Honorable Ted Tedesco, Mayor, City of Ames, 515 Clark Avenue, Ames, Iowa 50010.	February 16, 2006	190254
Kansas:					
Cowley, (FEMA Docket No.: B–7467).	City of Arkansas City (04–07–A497P).	March 15, 2006; March 22, 2006; *Arkansas City Traveler*.	The Honorable Joel Hockenbury, Mayor, City of Arkansas City, 118 West Central Avenue, Arkansas City, Kansas 67005.	June 21, 2006	200070
Cowley, (FEMA Docket No.: B–7467).	Unincorporated areas of Cowley County, (04–07–A497P).	March 15, 2006; March 22, 2006; *Arkansas City Traveler*.	The Honorable Gary Wilson, Chairman, Cowley County Board of Commissioners, 311 East Ninth Avenue, Winfield, Kansas 67156.	June 21, 2006	200563
Harvey, (FEMA Docket No.: B–7467).	City of Sedgwick (04–07–A502P).	January 26, 2006; February 2, 2006; *The Newton Kansan*.	The Honorable Keith Dehaven, Mayor, City of Sedgwick, 511 North Commercial, Sedgwick, Kansas 67135.	May, 4 2006	200134
Harvey, (FEMA Docket No.: B–7467).	Unincorporated areas of Harvey County (04–07–A502P).	January 26, 2006; February 2, 2006; *The Newton Kansan*.	The Honorable Ron Krehbiel, Chairman, Harvey County, Board of Commissioners, P.O. Box 687, Newton, Kansas 67114.	May 4, 2006	200585
Johnson, (FEMA Docket No.: B–7467).	City of Overland Park (05–07–A066P).	February 9, 2006; February 16, 2006; *The Johnson County Sun*.	The Honorable Carl Gerlach, Mayor, City of Overland Park, 8500 Santa Fe Drive, Overland Park, Kansas 66212.	January 20, 2006	200174
Sedgwick, (FEMA Docket No.: B–7467).	Unincorporated areas Sedgwick County (05–07–0176P).	February 9, 2006; February 16, 2006; *Derby Reporter*.	The Honorable Dave Unruh, Chairman, Sedgwick County, Board of Commissioners, 525 North Main Street, Suite 320, Wichita, Kansas 67203.	May 18, 2006	200321
Sedgwick, (FEMA Docket No.: B–7467).	Unincorporated areas of Sedgwick County (05–07–B015P).	June 8, 2006; June 15, 2006; *Wichita Eagle*.	The Honorable Dave Unruh, Chairman, Sedgwick County, Board of Commissioners, 525 North Main Street, Suite 320, Wichita, Kansas 67203.	May 16, 2006	200321
Sedgwick, (FEMA Docket No.: B–7467).	City of Wichita (05–07–0752P).	May 18, 2006; May 25, 2006; *Wichita Eagle*.	The Honorable Carlos Mayans, Mayor, City of Wichita, 455 North Main, Wichita, Kansas 67202.	August 24, 2006	200328
Sedgwick (FEMA Docket No.: B–7467).	City of Wichita (06–07–B015P).	June 8, 2006; June 15, 2006; *Wichita Eagle*.	The Honorable Carlos Mayans, Mayor, City of Wichita, 455 North Main, Wichita, Kansas 67202.	May 16, 2006	200328
Wyandotte, (FEMA Docket No.: B–7467).	City of Kansas City (04–07–A556P).	May 25, 2006; June 1, 2006; *Kansas City Daily Record*.	The Honorable Joe Reardon, Mayor, Unified Government of Wyandotte County/Kansas City, 701 North Seventh Street, Kansas City, Kansas 66101.	August 31, 2006	200363
Maine:					
Cumberland, (FEMA Docket No.: B–7467).	Town of Standish (05–01–B168P).	August 31, 2006; September 7, 2006; *Portland Press Herald*.	Mr. Gordon F. Billington, Town Manager, Town of Standish, 175 Northeast Road, Standish, Maine 04084.	December 7, 2006	230207
Cumberland, (FEMA Docket No.: B–7467).	Town of Windham (06–01–B270P).	September 14, 2006; September 21, 2006; *Portland Press Herald*.	The Honorable John MacKinnon, Chairman, Windham Town Council, Eight School Road, Windham, Maine 04062.	December 21, 2006	230189
Minnesota:					
Ramsey (FEMA Docket No.: B7467).	City of Shoreview (04–05–B066P), (06–05–BD34X).	December 20, 2005; December 27, 2005; *The North Suburban Press*.	The Honorable Sandy Martin, Mayor, City of Shoreview, 4600 Victoria Street North, Shoreview, Minnesota 55126.	March 31, 2006	270384
Rice, (FEMA Docket No.: B7467).	City of Northfield (05–05–1343P).	November 16, 2005; November 23, 2005; *Northfield News*.	The Honorable Lee Lansing, Mayor, City of Northfield, City Hall, 801 Washington Street, Northfield, Minnesota 55057.	February 22, 2006	270406

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Rice, (FEMA Docket No.: B7467).	Unincorporated areas of Rice County (05–05–1343P).	November 16, 2005; November 23, 2005; *Northfield News*.	The Honorable Jim Brown, Chairperson, Rice County, Board of Commissioners, 320 Northwest Third Street, Faribault, Minnesota 55021.	February 22, 2006	270646
Missouri:					
Clay, Jackson, Platte (FEMA Docket No.: B7467).	City of Kansas City (05–07–0483P).	January 26, 2006; February 2, 2006; *Kansas City Daily Record*.	The Honorable Kay Barnes, Mayor, City of Kansas City, 414 East 12th Street, Kansas City, Missouri 64106.	May 4, 2006	290173
Clay, Jackson, Platte (FEMA Docket No.: B7467).	City of Kansas City (04–07–A556P).	May 25, 2006; June 1, 2006; *Kansas City Daily Record*.	The Honorable Kay Barnes, Mayor, City of Kansas City, 414 East 12th Street, Kansas City, Missouri 64106.	August 31, 2006	290173
Howell, (FEMA Docket No.: B7467).	City of West Plains (05–07–A513P).	May 19, 2006; May 25, 2006; *West Plains Daily Quill*.	The Honorable Joe Paul Evans, Mayor, City of West Plains, P.O. Box 710, West Plains, Missouri 65775–0710.	August 24, 2006	290166
Jackson, (FEMA Docket No.: B7467).	City of Grain Valley (04–07–A290P).	February 23, 2006; March 3, 2006; *The Independence Examiner*.	The Honorable David Halphin, Mayor, City of Grain Valley, 711 Main Street, Grain Valley, Missouri 64029.	June 1, 2006	290737
Jefferson, (FEMA Docket No.: B7467).	City of De Soto (06–07–B476P).	May 18, 2006; May 25, 2006; *Jefferson County Leader*.	The Honorable Werner Stichling, Mayor, City of De Soto, 411 Lueking Drive, De Soto, Missouri 63020.	April 27, 2006	295263
Pettis, (FEMA Docket No.: B7467).	City of Sedalia (05–07–0407P).	June 22, 2006; June 29, 2006; *Sedalia Democrat*.	The Honorable Bob Wasson, Mayor, City of Sedalia, P.O. Box 1707, Sedalia, Missouri 65301.	May 31, 2006	290283
Phelps, (FEMA Docket No.: B7467).	City of Rolla (05–07–0279P).	December 15, 2005; December 22, 2005; *Rolla Daily News*.	The Honorable Joseph E. Morgan, Mayor, City of Rolla, 102 West Ninth Street, Rolla, Missouri 65401.	November 22, 2005	290285
Platte, (FEMA Docket No.: B7467).	City of Northmoor (04–07–A556P).	May 25, 2006; June 1, 2006; *The Landmark*.	The Honorable Harlan Shaver, Jr., Mayor, City of Northmoor, 4907 Northwest Waukomis Drive, Northmoor, Missouri 64151.	August 31, 2006	290293
Platte, (FEMA Docket No.: B7467).	City of Parkville (04–07–A556P).	May 25, 2006; June 1, 2006; *The Landmark*.	The Honorable Kathy Dusenbery, Mayor, City of Parkville, 1201 East Street, Parkville, Missouri 64152.	August 31, 2006	290294
Platte, (FEMA Docket No.: B7467).	City of Riverside 04–07–A556P).	May 25, 2006; June 1, 2006; *The Landmark*.	The Honorable Kathy Rose, Mayor, City of Riverside, 2950 Northwest Vivion Road, Riverside, Missouri 64150.	August 31, 2006	290296
St. Charles, (FEMA Docket No.: B7467).	City of O'Fallon (04–07–A649P).	April 19, 2006; April 26, 2006; *St. Charles Journal*.	The Honorable Donna Morrow, Mayor, City of O'Fallon, 100 North Main Street, O'Fallon, Missouri 63366.	March 31, 2006	290316
St. Charles, (FEMA Docket No.: B7467).	Unincorporated areas of St. Charles County (04–07–A649P).	April 19, 2006; April 26, 2006; *St. Charles Journal*.	The Honorable Joe Ortwerth, County Executive, St. Charles County, Historic Courthouse, 100 North Third Street, St. Charles, Missouri 63301.	March 31, 2006	290315
St. Louis, (FEMA Docket No.: B7467).	City of Chesterfield (04–07–A535P) (06–07–B229X).	January 5, 2006; January 12, 2006; *St. Louis American*.	The Honorable John Nations, Mayor, City of Chesterfield, 690 Chesterfield Parkway West, Chesterfield, Missouri 63017–0670.	April 13, 2006 ..... April 14, 2006	290896
St. Louis, (FEMA Docket No.: B7467).	City of Eureka (06–07–B002P).	June 21, 2006; June 28, 2006; *St. Louis Daily Record*.	The Honorable Kevin M. Coffey, Mayor, City of Eureka, P.O. Box 125, Eureka, Missouri 63025.	May 31, 2006	290349
St. Louis, (FEMA Docket No.: B7467).	City of Maryland Heights (04–07–A535P) (06–07–B229X).	January 5, 2006; January 12, 2006; *St. Louis American*.	The Honorable Mike Moeller, Mayor, City of Maryland Heights, 212 Millwell Drive, Maryland Heights, Missouri 63043.	April 13, 2006 ..... April 14, 2006	290889
St. Louis, (FEMA Docket No.: B7467).	City of Valley Park (06–07–B081P).	April 19, 2006; April 26, 2006; *West County Suburban Journal*.	The Honorable Jeffery J. Whitteaker, Mayor, City of Valley Park, 320 Benton Street, Valley Park, Missouri 63088.	March 30, 2006	290391
St. Louis, (FEMA Docket No.: B7467).	City of Wildwood (06–07–B002P).	June 21, 2006; June 28, 2006; *St. Louis Daily Record*.	The Honorable Edward L. Marshall, Mayor, City of Wildwood, City Hall, 16962 Manchester Road, Wildwood, Missouri 63040.	May 31, 2006	290922
Nebraska:					
Burt, (FEMA Docket No.: B7466).	City of Tekamah (04–07–A619P).	March 15, 2006; March 22, 2006; *Midwest Messenger Burt County Plaindealer*.	The Honorable Bill Anderson, Mayor, City of Tekamah, 1315 K Street, Tekamah, Nebraska 68061–0143.	June 21, 2006	310024
Lincoln, (FEMA Docket No.: B7466).	City of North Platte (04–07–A439P).	January 27, 2006; February 2, 2006; *North Platte Telegraph*.	The Honorable G. Keith Richardson, Mayor, City of North Platte, 211 West Third Street, North Platte, Nebraska 69101.	May 4, 2006	310143
Sarpy, (FEMA Docket No.: B7466).	City of Bellevue (06–07–B016P).	July 19, 2006; July 26, 2006; *Bellevue Leader*.	The Honorable Jerry Ryan, Mayor, City of Bellevue, City Hall, 210 West Mission Avenue, Bellevue, Nebraska 68005.	June 30, 2006	310191
North Carolina:					

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Buncombe, (FEMA Docket No.: B–7466).	City of Asheville (05–04–2753P).	December 22, 2005; December 29, 2005; *Asheville Citizen-Times*.	Mr. Gary Jackson, City Manager, City of Asheville, P.O. Box 7148, Asheville, North Carolina 28802.	March 30, 2006	370032
Durham, (FEMA Docket No.: B–7466).	City of Chapel Hill (06–04–B144P).	January 27, 2006; January 30, 2006; *Chapel Hill Herald*.	The Honorable Kevin C. Foy, Mayor, Town Chapel Hill, 19 Oakwood Drive, Chapel Hill, North Carolina 27517.	May 1, 2006	370180
Durham, (FEMA Docket No.: B–7466).	City of Durham (06–04–0057P).	August 17, 2006; August 24, 2006; *Herald-Sun*.	The Honorable William V. Bell, Mayor, City of Durham, 101 City Hall Plaza, Durham, North Carolina 27701.	November 23, 2006	370086
Durham, (FEMA Docket No.: B–7466).	City of Durham (06–04–B046P).	June 15, 2006; June 22, 2006; *Herald-Sun*.	The Honorable William V. Bell, Mayor, City of Durham, 101 City Hall Plaza, Durham, North Carolina 27701.	September 21, 2006	370086
Durham, (FEMA Docket No.: B–7466).	City of Durham (06–04–B144P).	January 27, 2006; January 30, 2006; *Chapel Hill Herald*.	The Honorable William V. Bell, Mayor, City of Durham, 101 City Hall Plaza, Durham, North Carolina 27701.	May 1, 2006	370086
Durham, (FEMA Docket No.: B–7466).	Unincorporated areas of Durham County (06–04–0057P).	August 17, 2006; August 24, 2006; *Herald-Sun*.	Mr. Michael M. Ruffin, County Manager, Durham County, 200 East Main Street, Second Floor, Durham, North Carolina 27701.	November 23, 2006	370085
Durham, (FEMA Docket No.: B–7466).	Unincorporated areas of Durham County (06–04–B144P).	January 27, 2006; January 30, 2006; *Chapel Hill Herald*.	The Honorable Ellen W. Reckhow, Chairman, Durham County Board of Supervisors, 11 Pine Top Place, Durham, North Carolina 27705.	May 1, 2006	370085
Guilford, (FEMA Docket No.: B–7466).	City of High Point (05–04–3099P).	December 15, 2005; December 22, 2005; *High Point Enterprise*.	The Honorable Rebecca Rhodes-Smoothers, Mayor, City of High Point, 1843 Country Club Drive, High Point, North Carolina 27262.	March 23, 2006	370113
Mecklenburg, (FEMA Docket No.: B–7466).	City of Charlotte (05–04–A580P).	May 18, 2006; May 25, 2006; *Charlotte Observer*.	The Honorable Patrick McCrory, Mayor, City of Charlotte, 600 East Fourth Street, Charlotte, North Carolina 28202.	May 30, 2006	370159
Orange, (FEMA Docket No.: B–7466).	Town of Carrboro (05–04–3236P).	May 17, 2006; May 24, 2006; *Chapel Hill News*.	The Honorable Mark Chilton, Mayor, Town of Carrboro, 301 West Main Street, Carrboro, North Carolina 27510.	April 25, 2006	370275
Rowan, (FEMA Docket No.: B–7466).	Unincorporated areas of Rowan County (05–04–A505P).	March 23, 2006; March 30, 2006; *Salisbury Post*.	The Honorable Arnold Chamberlain, Chairman, Rowan County Commission, 130 West Innes Street, Salisbury, North Carolina 28144–4326.	June 29, 2006	370351
Wake, (FEMA Docket No.: B–7466).	Town of Cary (06–04–1527P).	July 20, 2006; July 27, 2006; *Wake Weekly*.	The Honorable Ernie McAlister, Mayor, Town of Cary, P.O. Box 8005, Cary, North Carolina 27512–8005.	June 30, 2006	370238
Wake, (FEMA Docket No.: B–7466).	Town of Cary (05–04–3129P).	August 24, 2006; August 31, 2006; *Wake Weekly*.	The Honorable Ernie McAlister, Mayor, Town of Cary, P.O. Box 8005, Cary, North Carolina 27512–8005.	November 30, 2006	370238
Wake, (FEMA Docket No.: B–7466).	Town of Cary (06–04–B143P).	January 27, 2006; January 30, 2006; *News and Observer*.	The Honorable Ernie McAlister, Mayor, Town of Cary, P.O. Box 8005, Cary, North Carolina 27512–8005.	May 1, 2006	370238
Wake, (FEMA Docket No.: B–7466).	Town of Morrisville (05–04–3129P).	August 24, 2006; August 31, 2006; *Wake Weekly*.	The Honorable Jan Faulkner, Mayor, Town of Morrisville, Morrisville Town Hall, 100 Town Hall Drive, Morrisville, North Carolina 27560.	November 30, 2006	370242

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: March 16, 2007.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7–5618 Filed 3–27–07; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency

Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

■ 1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

■ 2. The tables published under the authority of § 67.11 are amended as follows:

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Clayton County, Georgia and Incorporated Areas Docket No.: FEMA–B–7469			
Beaver Dam Creek	Approximately 1,500 feet upstream of the confluence with Flint River.	+797	Clayton County (Unincorporated Areas).
	Approximately 2,500 feet upstream of the confluence with Flint River.	+797	
East Tributary of Jester Creek	At the confluence with West Tributary Jester Creek	+933	City of Forest Park.
	Approximately 260 feet upstream of the confluence with West Tributary Jester Creek.	+933	
Flint River Tributary	Approximately 570 feet upstream of the confluence with Flint River.	+843	Clayton County (Unincorporated Areas).
	Approximately 1,250 feet upstream of the confluence with Flint River.	+844	City of Riverdale.
Hurricane Creek	Approximately 60 feet downstream of Turner Road	+784	Clayton County (Unincorporated Areas).
	Approximately 350 feet upstream of Turner Road	+784	
Jester Creek	Approximately 200 feet upstream of the confluence with Flint River.	+816	Clayton County (Unincorporated Areas).
	Approximately 60 feet upstream of Tara Boulevard/U.S. Highway 41/19/State Highway 3C.	+816	
Lake Spivey	Entire shoreline	+786	Clayton County (Unincorporated Areas).
Mud Creek	At confluence with Flint River	+838	Clayton County (Unincorporated Areas).
	Approximately 850 feet downstream of Ashmore Drive	+841	
Panther Creek	Approximately 3,660 feet downstream of State Highway 413/ Interstate Highway 675.	+750	Clayton County (Unincorporated Areas).
	Approximately 2,220 feet downstream of State Highway 413/ Interstate Highway 675.	+751	
Sullivan Creek	At the confluence with Flint River	+859	Clayton County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the confluence with Flint River.	+860	
Upton Creek	Approximately 50 feet upstream of Double Bridge Road	+803	Clayton County (Unincorporated Areas).
	Approximately 2,325 feet upstream of Double Bridge Road	+806	
West Tributary of Jester Creek	At the confluence with Jester Creek	+924	City of Forest Park.

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
	Approximately 320 feet upstream of confluence with Jester Creek.	+924	

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

Clayton County (Unincorporated Areas)

Maps are available for inspection at Clayton County Transportation and Development Department, 7960 North McDonourgh Street, Jonesboro, Georgia.

City of Forest Park

Maps are available for inspection at City of Forest Park Public Works Department, 5230 Jones Road, Forest Park, Georgia.

City of Riverdale

Maps are available for inspection at Riverdale Community Department, 971 Wilson Road, Riverdale, Georgia.

Muscogee County, Georgia (Consolidated Government)
Docket No.: FEMA–B–7469

Califon Creek	At the confluence with Lower Bull Creek	+228	City of Columbus—Muscogee County.
	Approximately 400 feet upstream of Benning Drive.	+228	(Consolidated Government).
Lindsey Creek	At the confluence with Lower Bull Creek	+242	City of Columbus—Muscogee County.
	Approximately 440 feet upstream of Morris Road	+242	(Consolidated Government).
Lower Bull Creek	At the confluence with Chattahoochee River	+228	City of Columbus—Muscogee County.
	Approximately 850 feet upstream of Cusseta Road	+228	(Consolidated Government).
Upper Bull Creek	Just upstream of Flood Control Dam No. 1	+404	City of Columbus—Muscogee County.
	Approximately 2,660 feet upstream Alternate U.S. Highway 27/State Highway 85.	+405	(Consolidated Government).
Weracoba Creek	At the confluence with Lower Bull Creek	+228	City of Columbus—Muscogee County.
	At U.S. Highway 27/Victory Drive	+228	(Consolidated Government).

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

City of Columbus

Maps are available for inspection at the Department of Engineering, 420 Tenth Street, Second Floor, Columbus, Georgia.

Newton County, Georgia and Incorporated Areas
Docket No.: FEMA–B–7469

Town Branch (Rogers Branch)	Approximately 200 feet upstream of confluence with Dried Indian Creek.	+662	City of Covington.
	Approximately 710 feet downstream of Rebecca Street.	+662	

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

City of Covington

Maps are available for inspection at 2194 Emory Street NW, Covington, Georgia.

Walker County, Georgia, and Incorporated Areas
Docket No.: FEMA–B–7473

Andrews Street Tributary	At confluence with Tributary to Chattanooga Creek	+690	City of Rossville.
	Approximately 35 feet upstream of confluence with Tributary to Chattanooga Creek.	+690	

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

City of Rossville, Walker County, Georgia

Flooding source(s)	Location of referenced elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground modified	Communities affected
Maps are available for inspection at Rossville City Government, 220 Ellis Road, Rossville, Georgia 30741.			
Kemper County, Mississippi, and Incorporated Areas Docket No.: FEMA–B–7471			
Hull Branch	Approximately 10,360 feet upstream of Old Jackson Road	+336	Kemper County (Unincorporated Areas).
	At the confluence of Snoody Creek	+383	
Okatibbe Creek	Approximately 2,340 feet upstream of Bull Swamp Road	+374	Kemper County (Unincorporated Areas).
	At the confluence with Houston Creek	+408	
Snoody Creek	At the confluence with Hull Branch	+327	Town of De Kalb.
	Approximately 2,290 feet downstream of State Road 39	+336	Kemper County (Unincorporated Areas).

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+North American Vertical Datum.

ADDRESSES

Kemper County (Unincorporated Areas)
Maps are available for inspection at Kemper County Courthouse, 100 Main Street, De Kalb, MS 39328.

Town of De Kalb
Maps are available for inspection at Kemper County Courthouse, 100 Main Street, De Kalb, MS 39328.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: March 16, 2007.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7–5613 Filed 3–27–07; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 07–1127; MB Docket No. 03–142; RM–10539]

Radio Broadcasting Services; Glen Arbor, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a Petition for Rule Making filed by WKJF Radio, Inc., licensee of Station WJZQ, Channel 225C, Cadillac, Michigan, this document deletes the Channel 227A allotment at Glen Arbor, Michigan, in order to permit WKJF Radio, Inc. to modify the Station WJZQ facilities as set forth in its pending application (File BMLH–20020517AAG). With this action, the proceeding is terminated.

DATES: Effective April 23, 2007.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Media Bureau (202) 418–2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Report and Order* in MB Docket No. 03–142, adopted March 7, 2007, and released March 9, 2007. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copying and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com*. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Michigan is amended by removing Channel 227A at Glen Arbor.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E7–5564 Filed 3–27–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 07–1132; MB Docket No. 06–65; RM–11320, RM–11335]

Radio Broadcasting Services; Alva, OK; Ashland, Greensburg, and Kinsley, KS; Medford, and Mustang, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule, dismissal of petition for reconsideration.

SUMMARY: This document dismisses a counterproposal, including the allotment of Channel 288C3 at Kinsley, Kansas, and a petition for reconsideration directed to the Report and Order in this proceeding, pursuant to Chisholm's Request for Withdrawal. Although the **Federal Register** Summary

added Channel 288C3 at Kinsley, it was never implemented. Nevertheless, we are formally removing Channel 288C3 at Kinsley, Kansas from the FM Table of Allotments because there is no longer any expression of interest in it.

FOR FURTHER INFORMATION CONTACT: Helen McLean, Media Bureau, (202) 418–2738.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MB Docket No. 06–65, adopted March 7, 2007, and released March 9, 2007. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.*

The Commission will send a copy of this *Memorandum Opinion and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E7–5567 Filed 3–27–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 07–1106; MB Docket No. 05–101; RM–11159]

Radio Broadcasting Services; Jackson, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division grants a Petition for Rule Making filed by Jackson Hole Community Radio, requesting the allotment of Channel *294C2 at Jackson, Wyoming, and reservation for noncommercial educational use. A staff engineering analysis determines that Channel *294C2 can be allotted at Jackson in compliance with the Commission's minimum distance spacing requirements at reference coordinates 43–28–42 NL and 110–45–42 WL. An objection filed by the University of Wyoming is dismissed.

DATES: Effective April 23, 2007.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Victoria M. McCauley, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 05–101, adopted March 7, 2007, and released March 9, 2007. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Jackson, Channel *294C2.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E7–5563 Filed 3–27–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 07–1130; MB Docket No. 03–91; RM–10693]

Radio Broadcasting Services; Wofford Heights, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants a petition filed by Dana J. Puopolo requesting the allotment of Channel 251A at Wofford Heights, California, as its first local aural transmission service. Channel 251A can be allotted consistent with the Commission's minimum spacing requirements, provided there is a site restriction of 12.8 kilometers (7.9 miles) west of Wofford Heights, using reference coordinates 35–43–28 NL and 118–35–42 WL. The site restriction is necessary to prevent short-spacings to the licensed sites of Station KRXV–FM, Channel 251B, Yermo, California and Station KDFO–FM, Channel 253B1, Delano, California.

DATES: Effective April 23, 2007.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, MB Docket No. 03–91, adopted March 7, 2007, and released March 9, 2007. The *Notice of Proposed Rule Making* proposed the allotment of Channel 251A at Wofford Heights, California. *See* 68 FR 18180, published April 15, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW., Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

■ As stated in the preamble, the Federal Communications Commission amends 47 CFR part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Wofford Heights, California, Channel 251A.

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E7–5565 Filed 3–27–07; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 061106290–7059–02, I.D. 101706C]

RIN 0648–AV01

List of Fisheries for 2007

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Final rule.

SUMMARY: The National Marine Fisheries Service (NMFS) is publishing its final List of Fisheries (LOF) for 2007, as required by the Marine Mammal Protection Act (MMPA). The final LOF for 2007 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must categorize each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of serious injury and mortality of marine mammals that occurs incidental to each fishery. The categorization of a fishery in the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

DATES: This final rule is effective April 27, 2007.

The Alaska Cook Inlet set gillnet fishery, Alaska Cook Inlet salmon purse seine fishery, Alaska Kodiak salmon purse seine fishery, California tuna purse seine fishery, Mid-Atlantic mid-water trawl (including pair trawl) fishery, and Mid-Atlantic flynet fishery are considered to be Category II fisheries on April 27, 2007, and are required to comply with all requirements of Category II fisheries (i.e., complying with applicable registration requirements, complying with applicable take reduction plan requirements, and carrying observers, if requested) on that date.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for a listing of all Regional offices.

Written comments regarding the burden-hour estimates or other aspects of the information collection requirements contained in this final rule may be submitted to NMFS, Attn: Patricia Lawson, fax: 301–427–2522 or *Patricia.Lawson@noaa.gov*, or the Office of Management and Budget, Attn: David Rostker, fax: 202–395–7285 or *David_Rostker@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Melissa Andersen, Office of Protected Resources, 301–713–2322; David Gouveia, Northeast Region, 978–281–9328; Nancy Young, Southeast Region, 727–551–5607; Elizabeth Petras, Southwest Region, 562–980–3238; Brent Norberg, Northwest Region, 206–526–6733; Bridget Mansfield, Alaska Region, 907–586–7642; Lisa Van Atta, Pacific Islands Region, 808–944–2257. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

Availability of Published Materials

Information regarding the LOF and the Marine Mammal Authorization Program, including registration procedures and forms, current and past LOFs, observer requirements, and marine mammal injury/mortality reporting forms and submittal procedures, may be obtained at: *http://www.nmfs.noaa.gov/pr/interactions/mmap*, or from any NMFS Regional Office at the addresses listed below.

Regional Offices

NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930–2298, Attn: Marcia Hobbs;

NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701, Attn: Teletha Mincey;

NMFS, Southwest Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, Attn: Lyle Enriquez;

NMFS, Northwest Region, 7600 Sand Point Way NE, Seattle, WA 98115, Attn: Permits Office;

NMFS, Alaska Region, Protected Resources, P.O. Box 22668, 709 West 9th Street, Juneau, AK 99802; or

NMFS, Pacific Islands Region, Protected Resources, 1601 Kapiolani Boulevard, Suite 1100, Honolulu, HI 96814–4700.

What is the List of Fisheries?

Section 118 of the MMPA requires NMFS to place all U.S. commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals occurring in each fishery (16 U.S.C. 1387(c)(1)). The categorization of a fishery in the LOF determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements. NMFS must reexamine the LOF annually, considering new information in the Stock Assessment Reports and other relevant sources and publish in the **Federal Register** any necessary changes to the LOF after notice and opportunity for public comment (16 U.S.C. 1387 (c)(1)(C)).

How Does NMFS Determine in which Category a Fishery is Placed?

The definitions for the fishery classification criteria can be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2). The criteria are also summarized here.

Fishery Classification Criteria

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock, and then addresses the impact of individual fisheries on each stock. This approach is based on consideration of the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals due to commercial fishing operations relative to the potential biological removal (PBR) level for each marine mammal stock. The MMPA (16 U.S.C. 1362 (20)) defines the PBR level as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. This definition can also be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2).

Tier 1: If the total annual mortality and serious injury of a marine mammal

stock, across all fisheries, is less than or equal to 10 percent of the PBR level of the stock, all fisheries interacting with the stock would be placed in Category III (unless those fisheries interact with other stock(s) in which total annual mortality and serious injury is greater than 10 percent of PBR). Otherwise, these fisheries are subject to the next tier (Tier 2) of analysis to determine their classification.

Tier 2, Category I: Annual mortality and serious injury of a stock in a given fishery is greater than or equal to 50 percent of the PBR level.

Tier 2, Category II: Annual mortality and serious injury of a stock in a given fishery is greater than 1 percent and less than 50 percent of the PBR level.

Tier 2, Category III: Annual mortality and serious injury of a stock in a given fishery is less than or equal to 1 percent of the PBR level.

While Tier 1 considers the cumulative fishery mortality and serious injury for a particular stock, Tier 2 considers fishery-specific mortality and serious injury for a particular stock. Additional details regarding how the categories were determined are provided in the preamble to the final rule implementing section 118 of the MMPA (60 FR 45086, August 30, 1995).

Since fisheries are categorized on a per-stock basis, a fishery may qualify as one Category for one marine mammal stock and another Category for a different marine mammal stock. A fishery is typically categorized on the LOF at its highest level of classification (e.g., a fishery qualifying for Category III for one marine mammal stock and for Category II for another marine mammal stock will be listed under Category II).

Other Criteria That May Be Considered

In the absence of reliable information indicating the frequency of incidental mortality and serious injury of marine mammals by a commercial fishery, NMFS will determine whether the incidental serious injury or mortality qualifies for Category II by evaluating other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fisher reports, stranding data, and the species and distribution of marine mammals in the area, or at the discretion of the Assistant Administrator for Fisheries (50 CFR 229.2).

How Does NMFS Determine which Species or Stocks are Included as Incidentally Killed or Seriously Injured in a Fishery?

The LOF includes a list of marine mammal species or stocks incidentally killed or seriously injured in each commercial fishery, based on the level of mortality or serious injury in each fishery relative to the PBR level for each stock. To determine which species or stocks are included as incidentally killed or seriously injured in a fishery, NMFS annually reviews the information presented in the current Marine Mammal Stock Assessment Reports (SARs). The SARs are based upon the best available scientific information and provide the most current and inclusive information on each stock's PBR level and level of mortality or serious injury incidental to commercial fishing operations. NMFS also reviews other sources of new information, including observer data, stranding data and fisher self-reports.

In the absence of reliable information on the level of mortality or serious injury of a marine mammal stock, or insufficient observer data, NMFS will determine whether a species or stock should be added to, or deleted from, the list by considering other factors such as: changes in gear types used, increases or decreases in fishing effort, increases or decreases in the level of observer coverage, and/or changes in fishery management that are expected to lead to decreases in interactions with a given marine mammal stock (such as a Fishery Management Plan or a Take Reduction Plan). NMFS will provide case specific justification in the LOF for changes to the list of species or stocks incidentally killed or seriously injured.

How do I Determine the Level of Observer Coverage in a Fishery?

Data obtained from observers and the level of observer coverage are important tools in estimating the level of marine mammal mortality and serious injury in commercial fishing operations. The best available information on the level of observer coverage, and the spatial and temporal distribution of observed marine mammal interactions, is presented in the SARs. Starting in 2005, each SAR includes an appendix with detailed descriptions of each Category I and II fishery on the LOF. The SARs generally do not provide detailed information on observer coverage in Category III fisheries because Category III fisheries are not required to accommodate observers aboard vessels due to the remote likelihood of mortality and serious injury of marine mammals. Information presented in the SARs' appendices include: level of observer coverage, target species, levels of fishing effort, spatial and temporal distribution of fishing effort, gear characteristics, management and regulations, and marine mammal interactions.

NMFS refers readers to the SARs for the most current information on the level of observer coverage for each fishery. Copies of the SARs are available on the NMFS Office of Protected Resource's web site at: *http://www.nmfs.noaa.gov/pr/sars/*. Additional information on observer coverage in commercial fisheries can be found on the National Observer Program's web site at: *http://www.st.nmfs.gov/st4/nop/*.

How Do I Find Out if a Specific Fishery is in Category I, II, or III?

This final rule includes two tables that list all U.S. commercial fisheries by LOF Category. Table 1 lists all of the fisheries in the Pacific Ocean (including Alaska). Table 2 lists all of the fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean.

Am I Required to Register Under the MMPA?

Owners of vessels or gear engaging in a Category I or II fishery are required under the MMPA (16 U.S.C. 1387(c)(2)), as described in 50 CFR 229.4, to register with NMFS and obtain a marine mammal authorization from NMFS in order to lawfully incidentally take a marine mammal in a commercial fishery. Owners of vessels or gear engaged in a Category III fishery are not required to register with NMFS or obtain a marine mammal authorization.

How Do I Register?

Vessel or gear owners must register with the Marine Mammal Authorization Program (MMAP) by contacting the relevant NMFS Regional Office (see **ADDRESSES**) unless they participate in a fishery that has an integrated registration program (described below). Upon receipt of a completed registration, NMFS will issue vessel or gear owners an authorization certificate. The authorization certificate, or a copy, must be on board the vessel while it is operating in a Category I or II fishery, or for non-vessel fisheries, in the possession of the person in charge of the fishing operation (50 CFR 229.4(e)).

What is the Process for Registering in an Integrated Fishery?

For some fisheries, NMFS has integrated the MMPA registration process with existing state and Federal

fishery license, registration, or permit systems. Participants in these fisheries are automatically registered under the MMPA and are not required to submit registration or renewal materials or pay the $25 registration fee. The following section indicates which fisheries are integrated fisheries and has a summary of the integration process for each Region. Vessel or gear owners who operate in an integrated fishery and have not received an authorization certificate by January 1 of each new year or with renewed state fishing licenses (as in Washington and Oregon) must contact their NMFS Regional Office (see **ADDRESSES**). Although efforts are made to limit the issuance of authorization certificates to only those vessel or gear owners that participate in Category I or II fisheries, not all state and Federal permit systems distinguish between fisheries as classified by the LOF. Therefore, some vessel or gear owners in Category III fisheries may receive authorization certificates even though they are not required for Category III fisheries. Individuals fishing in Category I and II fisheries for which no state or Federal permit is required must register with NMFS by contacting their appropriate Regional Office (see **ADDRESSES**).

Which Fisheries Have Integrated Registration Programs?

The following fisheries have integrated registration programs under the MMPA:

1. All Alaska Category II fisheries;
2. All Washington and Oregon Category II fisheries;
3. Northeast Regional fisheries for which a state or Federal permit is required;
4. All Southeast Regional fisheries for which a Federal permit is required, as well as fisheries permitted by the states of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas; and
5. The Hawaii Swordfish, Tuna, Billfish, Mahi Mahi, Wahoo,Oceanic Sharks Longline/Set line Fishery.

How Do I Renew My Registration Under the MMPA?

Vessel or gear owners that participate in fisheries that have integrated registration programs (described above) are automatically renewed and should receive an authorization certificate by January 1 of each new year, with the exception of Washington and Oregon Category II fisheries. Washington and Oregon fishers receive authorization with each renewed state fishing license, the timing of which varies based on target species. Vessel or gear owners who participate in an integrated fishery and have not received authorization certificates by January 1 or with renewed fishing licenses (Washington and Oregon) must contact the appropriate NMFS Regional Office (see **ADDRESSES**). Vessel or gear owners that participate in fisheries that do not have integrated registration programs and that have previously registered in a Category I or II fishery will receive a renewal packet from the appropriate NMFS Regional Office at least 30 days prior to January 1 of each new year. It is the responsibility of the vessel or gear owner in these fisheries to complete their renewal form and return it to the appropriate NMFS Regional Office at least 30 days in advance of fishing. Individuals who have not received a renewal packet by January 1 or are registering for the first time must request a registration form from the appropriate Regional Office (see **ADDRESSES**).

Am I Required to Submit Reports When I Injure or Kill a Marine Mammal During the Course of Commercial Fishing Operations?

In accordance with the MMPA (16 U.S.C. 1387(e)) and 50 CFR 229.6, any vessel owner or operator, or gear owner or operator (in the case of non-vessel fisheries), participating in a Category I, II, or III fishery must report to NMFS all incidental injuries and mortalities of marine mammals that occur during commercial fishing operations. ''Injury'' is defined in 50 CFR 229.2 as a wound or other physical harm. In addition, any animal that ingests fishing gear or any animal that is released with fishing gear entangling, trailing, or perforating any part of the body is considered injured, regardless of the presence of any wound or other evidence of injury, and must be reported. Injury/mortality report forms and instructions for submitting forms to NMFS can be downloaded from: *http://www.nmfs.noaa.gov/pr/pdfs/interactions/mmap__reporting__form.pdf*. Reporting requirements and procedures can be found in 50 CFR 229.6.

Am I Required to Take an Observer Aboard My Vessel?

Fishers participating in a Category I or II fishery are required to accommodate an observer aboard vessel(s) upon request. Observer requirements can be found in 50 CFR 229.7.

Am I Required to Comply With Any Take Reduction Plan Regulations?

Fishers participating in a Category I or II fishery are required to comply with any applicable take reduction plans. Take reduction plan requirements can be found at 50 CFR 229.30–34.

Sources of Information Reviewed for the Final 2007 LOF

NMFS reviewed the marine mammal incidental serious injury and mortality information presented in the SARs for all observed fisheries to determine whether changes in fishery classification were warranted. NMFS' SARs are based on the best scientific information available at the time of preparation, including the level of serious injury and mortality of marine mammals that occurs incidental to commercial fisheries and the PBR levels of marine mammal stocks. The information contained in the SARs is reviewed by regional Scientific Review Groups (SRGs) representing Alaska, the Pacific (including Hawaii), and the U.S. Atlantic, Gulf of Mexico, and Caribbean. The SRGs were created by the MMPA to review the science that informs the SARs, and to advise NMFS on population status and trends, stock structure, uncertainties in the science, research needs, and other issues.

NMFS also reviewed other sources of new information, including marine mammal stranding data, observer program data, fisher self-reports, and other information that may not be included in the SARs.

The LOF for 2007 was based, among other things, on information provided in the final SARs for 1996 (63 FR 60, January 2, 1998), the final SARs for 2001 (67 FR 10671, March 8, 2002), the final SARs for 2002 (68 FR 17920, April 14, 2003), the final SARs for 2003 (69 FR 54262, September 8, 2004), the final SARs for 2004 (70 FR 35397, June 20, 2005), the final SARs for 2005 (71 FR 26340, May 4, 2006), and the draft SARs for 2006 (71 FR 42815, July 28. 2006). All SARs are available at: *http://www.nmfs.noaa.gov/pr/sars/*.

Comments and Responses

NMFS received 9 comment letters on the proposed 2007 LOF (71 FR 70339, December 4, 2006) from environmental, commercial fishing, and Federal and state interests. Comments on issues outside the scope of the LOF were noted, but are not responded to in this final rule.

General Comments

Comment 1: One commenter recommended NMFS continue to support current research efforts, and support and engage in additional research, on depredation and associated fishery interactions. Research should focus on developing means of reducing or controlling depredation rates and

minimizing or mitigating any serious injuries or deaths of marine mammals from depredation-related interactions.

Response: NMFS has supported and will continue to support research efforts intended to better understand the nature of depredation-related interactions, to reduce the risk of serious injury and mortality to marine mammal stocks, and to investigate potential mitigation strategies.

Through the Take Reduction Team (TRT) process, NMFS has developed and implemented successful gear research components to several Take Reduction Plans (TRP). Specifically, NMFS has allocated research funding for several TRPs including the Atlantic Trawl Gear, Atlantic Large Whale, Pelagic Longline, and Bottlenose Dolphin TRPs. The research identified by the respective TRTs allows NMFS to better understand the behavior of several marine mammal species. The recommended research included techniques such as the use of video cameras to document marine mammal interactions with various gear types in hopes of gaining a better understanding of whether these interactions are a result of depredation of the target species by the marine mammals, or other behavioral factors. This knowledge will provide insights into what types of mitigation measures can be implemented in order to minimize the serious injuries and mortalities associated with depredation-related interactions. Various gear modifications are routinely researched to reduce the risk of interactions and serious injury and mortality of marine mammals should an entanglement occur.

NMFS also gathers information on marine mammal depredation in fisheries from various sources including, fishery observer records, vessel logbooks, data collected during dockside surveys, independent researchers, State agencies, and the general public. NMFS uses this information to monitor fisheries and evaluate whether action is needed to prevent or limit depredation in order to protect marine mammals. For example, in the past NMFS has participated in a program to conduct research in California, Oregon, and Washington examining pinniped depredation in various fisheries and develop methods to reduce or control the depredation. However, funding for this program was eliminated in 2005 and it is not known if funding will be re-instated in the future. Also, NMFS is currently reviewing the issues related to depredation by false killer whales in the Hawaii-based longline fishery and is supportive of research efforts to reduce false killer whale take. NMFS continues to seek ways to support and participate in research on depredation and the development of deterrent methods, within existing budget constraints.

Comment 2: One commenter recommended NMFS work with regional Fishery Management Councils to improve monitoring and mitigation of serious injury and mortality rates incidental to trap/pot fisheries. Interactions with trap/pot gear are known to occur. However, the frequency is difficult to quantify because traditional fishery observer programs are unlikely to observe entangled animals, particularly large whales that often carry entangling gear away. In absence of better monitoring, characterization of such problems is often based on anecdotal information.

Response: NMFS has been often unable to identify lines wrapped on entangled whales conclusively or determine to which specific fishery gear belongs, including whether it is a commercial or recreational fishery. This is particularly difficult for pot gear, when often just a single line or line with an unidentified buoy is found associated with an entangled whale. This information is critically important in assigning fisheries under the LOF, and NMFS will only assign a serious injury or mortality to a specific fishery when gear can be identified to that fishery with a high degree of certainty. NMFS is working to improve the ability to identify such gear found on entangled whales.

NMFS agrees that quantifying entanglement rates in the trap/pot fishery would be difficult through an observer program due to the low likelihood of observing an entanglement. However, other means of collecting information on entanglements of marine mammals are also available. For example, information regarding fishery interactions with marine mammals is included in reports by fishermen collected under the Marine Mammal Authorization Program (MMAP), under which all commercial vessel owners or operators, regardless of the category of fishery they participate in, must report all incidental injuries and mortalities of marine mammals. Stranding data is also used to collect information on entanglements.

Trap/pot fisheries are of interest based on available information concerning trap/pot gear interactions with large whales in the Atlantic, Pacific, and Alaska, and bottlenose dolphins in the Southeast Atlantic and Gulf of Mexico. In the Atlantic Ocean and Gulf of Mexico, NMFS has funded, and plans to continue to fund based on available resources, several research projects for mitigating blue crab trap/pot interactions with bottlenose dolphins in the Southeast Atlantic and Gulf of Mexico. Many of these projects have been incorporated into non-regulatory components of the Bottlenose Dolphin Take Reduction Plan. NMFS is considering folding trap/pot fisheries into the Atlantic Large Whale Take Reduction Plan (ALWTRP) in an upcoming action. The Atlantic Large Whale Take Reduction Team (ALWTRT) currently emphasizes the incorporation of the regional fishery management councils by asking council representatives to serve as team members. NMFS will raise this issue with council representatives at future meetings to further the discussion.

In the Pacific Ocean, NMFS plans to communicate with the Pacific Fisheries Management Council when considering current fishery descriptions for trap/pot fisheries, as well as when assessing potential changes to fishery descriptions to more accurately reflect differences in trap gear fisheries and the likelihood for interactions with marine mammals.

In Alaska, a high proportion of all humpback whale entanglements are thought to be from pot gear relative to other fishery sources, while in reality the proportion of entanglements resulting in known serious injuries and mortalities from known or assumed pot gear when compared to serious injury and mortalities from all entanglements is not as high. From 2001 through 2005 there were 40 humpback whale entanglements attributed to commercial or recreational fisheries, and 15 (37.5 percent) of those were thought to be from various pot gear, although that is not conclusive. Of those 40 humpback whale entanglements, 17 (42.5 percent) were serious injuries or mortalities, all attributed to commercial fisheries. Five of the 17 (29 percent) serious injuries or mortalities were thought to be from various pot gear. Therefore, from 2001–2005, 5 of the overall 40 humpback whale entanglements, or 12.5 percent, resulted in serious injuries or mortalities thought to be from various pot gear.

Determining whether an entanglement results in a serious injury (one that leads to mortality) is a challenge for NMFS, and an improved approach to this is needed, and the agency is working toward that end. In the Alaska region, NMFS is working to increase public awareness of the dangers to whales of vertical lines in the water column, and is asking for voluntary cooperation to minimize the amount of vertical line in the water column where possible and in marking personal and commercial gear.

Working with marine mammal researchers, the fishing industry, and NOAA Sea Grant over the past several years, the Alaska Stranding Program has increased community outreach. Cooperative, ongoing efforts include community meetings, informal working groups, increased disentanglement response training, developing a vessel wheelhouse guide on preventive measures and reporting information, investigating deterrent uses, improved reporting, and acquisition of additional response equipment, including adding a response vessel to the program, and satellite telemetry tags and buoys. Ultimately, the goal is entanglement reduction and prevention.

Comment 3: One commenter stated that the length of the public comment period (30 days) on the proposed rule does not allow appropriate time for formal review and comment by Fishery Management Councils, protected resources committees, industry advisors, and individuals.

Response: NMFS believes the 30–day comment period allowed for adequate review and comment on this proposed rule.

Comment 4: One commenter noted that the categorization of fisheries under the MMPA is not congruent with fishery management units defined under the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Congruency between the definitions under MSFCMA and the categorization of fisheries under the MMPA would facilitate the process of moving towards an ecosystem approach to management, i.e., for the management of fisheries resources and the conservation of marine mammal stocks.

Response: The MSFCMA defines fishery listings based on fish species and fish stocks, while the MMPA defines fishery listings based on marine mammal stocks and their interactions with fishing gear types. Since multiple fishing gear types are usually covered under each Fishery Management Plan (FMP), categorizing marine mammal interactions with fisheries on an FMP basis is usually not appropriate. To help minimize confusion associated with the different fishery definitions, the agency will continue, as appropriate, to make modest changes to facilitate cooperation with regional Fishery Management Councils (see responses to comments 2 and 3).

Comment 5: The proposed rule states that less than 360 small entities will be affected by the LOF due to the cost of permits and that no economic costs will be incurred by vessels requested to carry an observer. This evaluation fails to recognize the burden of carrying an observer, especially on smaller fishing vessels that may have to operate with one less crew member to accommodate the observer. This could lead to operational inefficiencies and loss of revenue.

Response: An Environmental Assessment (EA) was prepared for the Final 2006 LOF, which included a full Regulatory Impact Review (RIR). The effects on small entities were discussed and analyzed as part of the RIR. Impacts to small entities including the impacts associated with carrying an observer were adequately addressed. A full copy of the December 2005 EA can be obtained at: *http://www.nmfs.noaa.gov/pr/pdfs/interactions/lof_ea.pdf.*

In addition, under section 118(d)(6)(B) of the MMPA, NMFS is not required to place an observer on a Category I or II vessel if the facilities for housing the observer or for carrying out observer functions are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized (also stated in 50 CFR 229.7(c)(3)).

Comment 6: NMFS did not provide sufficient notice in the proposed rule to inform fishermen that their fishery is proposed for elevation and the associated more stringent regulations. Also, the holiday season falling within the comment period (December 4, 2006–January 3, 2007) made it difficult to find credible information and to contact agency staff to allow public involvement.

Response: See Comment Response 3 above.

Comment 7: One commenter viewed the LOF fishery classification system as inaccurate, under which NMFS is downplaying the highly destructive nature of commercial fisheries. NMFS does not sufficiently monitor these fisheries; therefore, many more fisheries should be classified higher on the LOF to allow for observer coverage.

Response: NMFS believes that the fishery classification system is accurate. The current fishery classification system, which continues to be widely accepted by the scientific community and the fishing industry, is based on a two-tiered, stock-specific approach that first addresses the total impacts of all fisheries on each marine mammal stock and then addresses the impacts of individual fisheries on each stock. Please see **SUPPLEMENTARY INFORMATION** for additional information on the classification criteria. NMFS implemented the classification criteria in the final regulations to implement the 1994 amendments to the MMPA (60 FR 45086, August 30, 1995) after ample consider of comments and suggestions from the public. NMFS also finalized an Environmental Assessment (EA) in August, 1995, to analyze the impacts of the regulations implementing the 1994 amendment on the environment and the public, and finalized a revised EA in December 2005 on the process of classifying U.S. commercial fisheries. To determine whether changes in fishery classification are warranted, NMFS reviews all marine mammal incidental injury and mortality information presented in the Stock Assessment Reports (SARs). NMFS' SARs are based on the best available scientific information available at the time of publication. The SARs are peer-reviewed by regional Scientific Review Groups (SRGs), created by the MMPA to review the science that informs the SARs.

NMFS regularly monitors commercial fisheries in the U.S. and reviews data gathered by the National Observer Program, fisher self-reports, stranding data, and other information when categorizing fisheries based on the level of interactions with marine mammals. Category I and II fisheries are required to register with NMFS, to carry NMFS observers if requested, and comply with all applicable take reduction plan regulations. In addition, all fishermen, regardless of the classification of the fishery in which they operate, are required by the MMPA to report, within 48 hours of returning to port, any injury or mortality that occurs incidental to commercial fishing operations. NMFS also reviews other sources of information, such as stranding data, to assess whether elevation of a Category III fishery is warranted, thereby requiring the fishery to carry observers, if requested.

Comment 8: One commenter reiterated previous letters on the 2005 and 2006 LOFs calling for the inclusion of observer coverage on the LOF. The SARs usually include estimates of observer coverage only for fisheries known to interact with marine mammals, while fisheries for which interactions have not been documented in recent years are not described. Without this information, it is not possible to determine whether a given fishery was adequately observed and no interactions documented, or whether the fishery was not adequately observed and interactions may occur. For this reason, NMFS should describe the level of observer coverage for each fishery on the LOF.

Response: Including detailed information on the level, or percentage, of observer coverage to each fishery on the LOF will be of limited use without also including the confidence associated

with mortality/serious injury estimates generated from observer data. Presenting the level of observer coverage in the LOF without the associated confidence information will likely lead to misinterpretation of the information provided. Information including details of the interaction data, and the Coefficient of Variance (CV) for stock-specific information, is reported in the SARs. Please also see NMFS' response to a similar comment in the final LOF for 2006 (see Response to Comment 4 in 60 FR 48802, August 22, 2006).

NMFS continues to refer readers to the SARs for the most current, peer-reviewed information on observer coverage. Since 2005 each SARs includes an Appendix with Category I and II fishery-specific information, including the level of observer coverage; therefore, this information does not need to be duplicated in the LOF. NMFS is continuing to work to build and improve the fisheries interaction information presented in order to provide a useful source of information for the reader. NMFS will consider this comment when considering improvements to the SARs appendices. The SARs can be accessed through the NMFS Office of Protected Resource's web site at: *http://www.nmfs.noaa.gov/pr.sars/*. Additional information can also be found on the National Observer Program web site at: *http://www.st.nmfs.gov/st4/nop/*.

Information beyond stating ''interactions have not been documented in recent years'' would be useful as further explanation and support for changes in fishery classifications or additions and deletions of stocks from the list of marine mammal species or stocks incidentally killed/injured in a fishery. For this reason, NMFS will present information associated with the level of observer coverage or lack of observer coverage, if available, as part of the justification for proposing changes in future LOFs.

Comment 9: One commenter reiterated a previous comment made on the 2004 LOF for inclusion of high seas fisheries on the LOF. Multiple high sea fisheries, in which U.S. flagged vessels operate, are known to interact or are likely to interact with marine mammals. Section 118 of the MMPA applies to ''commercial fishing operations by persons using vessels of the United States''. Therefore, NMFS failure to include these high seas fisheries is unlawful. Specific fisheries suggested as additions are the Cobb Seamount fishery, Pacific Pelagic Squid Jig fishery, South Pacific Tuna Purse Seine fishery, and fisheries in the area of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) including the Patagonian toothfish longline fishery and a trawl fishery for krill.

Response: NMFS is currently investigating available information on existing high seas fisheries in which U.S. nationals and flagged vessels participate, the estimated number of vessels/participants in these fisheries, and fishery interactions with marine mammal stocks on the high seas. NMFS will continue its investigation and consider the inclusion of high seas fisheries in future LOFs.

Comments on Fisheries in the Pacific Ocean

Comment 10: One commenter supported the elevation and addition of 3 Alaska fisheries, the AK Cook Inlet salmon set gillnet fishery, AK Cook Inlet salmon purse seine fishery, and AK Kodiak salmon purse seine fishery, to Category II.

Response: NMFS has added the AK Cook Inlet salmon set gillnet fishery as a Category II, and has elevated the AK Cook Inlet salmon purse seine fishery and the AK Kodiak salmon purse seine fishery to Category II, on the 2007 LOF.

Comment 11: One commenter stated that NMFS' proposed elevation or addition of 3 Alaska nearshore fisheries, the AK Cook Inlet salmon set gillnet fishery, AK Cook Inlet salmon purse seine fishery, and AK Kodiak salmon purse seine fishery, highlights the importance of monitoring interactions in state-managed fisheries. The Alaska Marine Mammal Observer Program (AMMOP) has not been funded sufficiently or consistently and does not provide an adequate basis for characterizing the full extent of such interactions. NMFS should increase and maintain funding for the AMMOP at levels sufficient for reasonable assessment of marine mammal take levels in AK state-managed fisheries or consider alternative means for assessing take levels and their population impacts.

Response: The cost of the Alaska Marine Mammal Observer Program is very high, relative to other observer programs around the country, due to the remote nature of the fisheries observed. To offset such high costs, NMFS is investigating alternatives to implementing full observer programs in these fisheries, such as observing focused portions of the fisheries.

Comment 12: Estimates of abundance and PBR level are not readily available for North Pacific sperm whales. NMFS should develop a scientifically sound estimate of this stock's abundance and PBR level that can be used to evaluate potential fishery impacts. For example, sperm whales are known to depredate on catch in the sablefish longline fishery and at least one serious injury of a sperm whale has been observed, with the current estimate of injury/mortality at 0.45 whales/year. This rate may increase if depredation becomes more widespread.

Response: At this time, resources are not available to assess the abundance of North Pacific sperm whales in order to calculate a PBR level.

Comment 13: One commenter recommended NMFS expedite analyses of humpback whale stock structure in the North Pacific and increase efforts to observe entangled and stranded whales in southeastern Alaska to obtain accurate estimates of interactions with trap/pot fisheries. These analyses will better assess the potential impact of fishery interactions on the southeastern AK feeding aggregation of Central North Pacific humpback whales (which NMFS is currently considering designating as a separate stock), considering recent reports of stranded/entangled whales suggest interactions with trap/pot fisheries in southeastern Alaska may be unsustainable.

Response: The Structure of Populations, Levels of Abundance, and Status of Humpbacks (SPLASH) project collected information on humpback whales throughout the North Pacific. This project has only recently concluded. At this time, NMFS anticipates that some preliminary results may begin to be published in 2008 and may be considered during the preparation of the draft List of Fisheries for 2009.

Comment 14: One commenter referenced the case of a humpback whale removed from a set gillnet by NMFS personnel in June 2005. Although they were not successful in removing all the webbing, the animal swam away. We are not aware of conclusive information that provides a determination that mortality resulted from this incidental take.

Response: The Marine Mammal Protection Act (MMPA) requires that serious injuries and mortalities be included in consideration of the classification of fisheries under the annual List of Fisheries. NMFS has defined serious injury in 50 CFR 229.2 as an injury that is likely to lead to mortality. The agency convened a workshop in April 1997 to develop guidelines for a consistent approach for determining which injuries may be considered serious injuries. Results from that workshop were published as a NOAA Technical Memorandum in 1998 (NMFS-OPR–13, Angliss, R.P., and

D.P. DeMaster) and have been incorporated into the annual process of fisheries classification.

Current guidelines for making serious injuries determinations for marine mammals injuries resulting from entanglement in fishing gear include consideration of whether the animal's locomotion or feeding is or could be impaired by the entanglement. Information for each humpback whale entanglement in Alaska is reviewed by members of the Alaska Scientific Review Group (SRG), a Congressionally mandated regional advisory board to NMFS made up of marine mammal scientists. The SRG forwards to NMFS recommendations for each entanglement on whether the entanglement is likely to result in a serious injury or not. NMFS makes the final determination for each entanglement, taking into account the SRG's recommendation and the proper application of the serious injury determination guidelines.

NMFS anticipates holding a follow-up serious injury workshop in 2007 to update and advance the current guidelines for making serious injury determinations.

Comment 15: One commenter stated that the population of the Central North Pacific humpback whale stock appears to be increasing. Therefore, the take in the Cook Inlet set gillnet fishery, which is calculated to be 1.55 percent of the stock's PBR, should not trigger changing this fisheries' classification from Category III to Category II.

Response: There is evidence that the central North Pacific stock of humpback whales is increasing in at least portions of its range, such as in Southeast Alaska. However, it is not clear that this is the case throughout the range of the stock. Further, the results of the recent study of North Pacific humpback whales may indicate that the existing stock structure is incorrect and that smaller stocks may be more appropriate. Given the uncertainty in the rate of increase and stock structure, NMFS will classify this fishery using the classification criteria without adjusting for possible changes in abundance.

Comment 16: One commenter stated that the area in which the humpback whale take in 2005 occurred in Cook Inlet is remote, and that portion of the fishery is not conducted in the same time, area or methodology as 95 percent of the set gillnet fishery within Cook Inlet. The productivity of this small portion of the fishery is only 1 percent of the targeted sockeye salmon species. There has been no documented incidence with humpback whales in the Central or Northern districts of Upper Cook Inlet through the previous observer program (1999–2000) or in the commercial fishery. Please consider listing Upper and Lower Cook Inlet set gillnet fisheries as separate fisheries on the List of Fisheries.

Response: NMFS organizes Alaska fisheries under the LOF by target, gear type, and geographic area. Separating the Upper and Lower Cook Inlet set gillnet fisheries into two fisheries on the LOF would not be consist with the scale of identification of other Alaska state and Federal fisheries on the LOF.

The Alaska Department of Fish and Game manages the state fisheries at the local scale to achieve the success that they have in maintaining sustainable fish population levels, because salmon fishery management is based in large part on achieving local escapement goals. However, NMFS manages marine mammals by stocks, which generally cover large geographic areas in Alaska. The fisheries within or across those areas are classified under the LOF in order to track the relative impacts of the fisheries on the marine mammal stocks. Because of the large scale of Alaska and the high number of small, local fisheries throughout the state, NMFS believes that the geographic areas and other variables used to identify fisheries under the LOF are comprehensive enough to detect potential concerns with marine mammal-fishery interactions, but not so large that the local source becomes unclear. Under circumstances outlined in the MMPA, when fishery-related serious injuries and mortalities reach a level which trigger the need to institute focused take reduction measures, a finer scale of review is instituted. In such cases, detailed differences in gear, area, timing, effort, and other variables would be taken into account to address specific sources of marine mammal incidental serious injuries and mortalities.

Comment 17: One commenter noted errors in the number of permits issued in, and management of, the WA/OR purse seine fishery. The proposed rule states that OR and WA issued 26 and 16 permits, respectively, for the 2004 fishery, when the correct number of permits was 20 and 21, respectively. At that time, the OR fishery was a developmental fishery and the WA fishery was an experimental fishery. In 2006 the OR fishery operated as a state run limited entry fishery and WA remained an experimental fishery.

Response: The commenter is correct. OR and WA issued 20 and 21 permits, respectively, for the WA/OR purse seine fishery in 2004. The figures provided in the proposed rule, 26 permits issued in OR and 16 in WA, were incorrectly associated with the fishery for 2004. In fact, 26 and 16 permits were issued for OR and WA, respectively in 2006. The commenter is also correct that OR become a limited entry fishery in 2006, while WA remained an emerging fishery.

Comment 18: Two commenters recommended elevating the CA lobster, prawn, shrimp, rock crab, fish pot fishery and the WA/OR/CA crab pot fishery to Category II based on interactions with humpback and gray whales. Interactions with humpback whales off the CA coast are likely to exceed 1 percent of PBR (PBR = 1.9). At least 14 large whales were documented entangled in this gear type from 2000–2005.

Response: NMFS is aware of interactions between humpback and gray whales and pot and trap gear. The 2005 Pacific SAR indicates that there were six Eastern North Pacific humpback whales observed killed or injured between 1999 and 2003 attributed to unidentified fisheries. This results in a mean annual take of more than 1.2 humpback whales per year, which is greater than 1 percent of this stock's PBR of 2.3. Based upon available data from the California Marine Mammal Stranding Network Database, which is currently being reviewed and updated, five humpbacks were observed entangled in pot or trap gear between 1999 and 2003. Thus NMFS has initiated a review of the trap/pot fisheries to determine whether recategorization of the CA lobster, prawn, shrimp, rock crab, fish pot fishery or the WA/OR/CA crab pot fishery is appropriate. At this time, NMFS has insufficient information on the spatial and temporal distribution on these various fisheries to determine which fisheries may be interacting with marine mammals, particularly humpback whales. Stranding reports from the stranding network are not necessarily a reliable identifier of fishing gear types as it is difficult to distinguish different pot and trap gears from surface observations of line and floats. Therefore, NMFS will work with the States of California, Oregon, and Washington to characterize the state and Federal fisheries that utilize these gear types, and review observed marine mammal entanglement from stranding reports and limited data from observer programs, to determine which pot and trap fisheries are most likely to interact with marine mammals. NMFS will also consider if the current fishery descriptions should be adjusted to more accurately reflect spatial and temporal differences in the various pot and trap gear fisheries, the regulatory authority for the fisheries, and the likelihood of

interactions with marine mammals. NMFS will work with the states and the Pacific Fisheries Management Council during this process and make recommendations on fishery recategorizations once sufficient information has been collected and analyzed.

Comment 19: One commenter recommended NMFS observe the category III CA halibut bottom trawl fishery and reevaluate classification once reliable information on interactions with marine mammals becomes available. This fishery is similar to the WA/OR/CA groundfish trawl fishery, also Category III, which is known to interact with several marine mammal species.

Response: NMFS is planning to place observers on the CA halibut bottom trawl fishery beginning in 2007. Because this fishery has not been previously observed, NMFS reviewed the bottom trawl groundfish observer data and classified the CA halibut bottom trawl fishery as a Category III fishery based upon the level of interactions with marine mammals and by analogy to the WA/OR/CA groundfish trawl fishery based upon fishing methods and gear used. As of 2006, the State of California requires a license for vessels participating in the previously open-access CA halibut bottom trawl fishery. Thus NMFS will be able to deploy observers in this fleet starting in January 2007. Once the data are collected and analyzed, NMFS will re-evaluate the CA halibut bottom trawl fishery to determine if recategorization on the LOF is appropriate.

Comment 20: One commenter recommended NMFS reclassify the category I HI swordfish, tuna, billfish, mahi mahi, wahoo, oceanic sharks longline/set line fishery as Category II, given the lack of evidence of geographic isolation or genetic distinction among ''stocklet'' populations of false killer whales in the U.S. Exclusive Economic Zone (EEZ) and false killer whales on the high seas, and given the genetic evidence of central and eastern Pacific stock overlap. Genetic samples taken by NMFS observers indicate substantial mixing and genetic overlap between central and eastern Pacific stocks. Therefore, false killer whales that interact with the Hawaii-based longline fisheries are not clearly identifiable as part of the HI EEZ or central Pacific stock. It inappropriate to charge all mortalities or serious injuries by HI-based longline fisheries against a HI EEZ stock when it is clear that some genetic samples of the injured or killed whales cannot be tracked to a genetically distinct HI population.

The commenter also noted errors and uncertainties in the false killer whale SARs, which underestimate false killer whale abundance and overestimate the seriousness of the HI longline fishery interactions with this species. NMFS improperly divides the central Pacific false killer whale stock into two stocklets, artificially reducing the abundance numbers against which HI longline fishery interactions are considered.

NMFS should also: (1) base final SAR and LOF decisions on a single, combined central Pacific stock of false killer whales across the HI and Palmyra Atoll EEZs and the central Pacific; (2) recognize the size of this single false killer whale stock is greater than the sum of the estimated populations of ''stocklets'' in the HI and Palmyra Atoll EEZs (i.e. ≤1813 animals); (3) derive values for minimum false killer whale population estimates and PBR levels based on the combined population numbers in the HI and Palmyra Atoll EEZs and the central Pacific; and (4) apportion mean annual take estimates attributable to the HI-based longline fisheries between a central and eastern false killer whale stock consistent with ongoing tissue sampling. This approach would result in an overall PBR for the single stock as 10.1 (2.4 for the HI EEZ + 7.7 for the Palmyra Atoll EEZ). With these changes HI-based longline fisheries would be well below 50 percent of PBR, qualifying the fishery for reclassification as a Category II. Also, a Category II classification would not affect the observer program requirements, which are a consequence of Endangered Species Act (ESA) consultation requirements.

Response: Genetic analyses of tissue samples collected within the Eastern North Pacific (ENP) indicate restricted gene flow between false killer whales sampled near the main Hawaiian Islands and false killer whales sampled in all other regions of the ENP (Chivers et al., 2006). False killer whales sampled at Palmyra Atoll appear more closely related to animals sampled in the waters of the pelagic ENP, Panama, and Mexico (Chivers et al., 2006). Thus, false killer whales occurring near Palmyra Atoll may be part of a larger stock covering a broad geographic area within the central and eastern North Pacific.

Since 2003, observers of the Hawaii-based longline fishery have also been collecting tissue samples of incidentally caught cetaceans for genetic analysis whenever possible. Four false killer whale samples, two collected outside the Hawaiian EEZ and two collected more than 100 nautical miles from the main Hawaiian Islands, were determined to have ENP-like haplotypes. This suggests that false killer whales within the Hawaiian EEZ belong to two stocks, with a boundary somewhere within the Hawaiian EEZ. Efforts are currently underway to obtain and analyze additional tissue samples of false killer whales for further studies of population structure in the North Pacific Ocean.

Therefore, for the MMPA SARs, there are currently two Pacific Island Region management stocks. One includes animals found within the U.S. EEZ of the Hawaiian Islands, the other includes false killer whales found with the U.S. EEZ of Palmyra Atoll. Estimates of abundance, PBR levels, and status determinations are analyzed separately. Abundance estimates are based upon established scientific methods have been peer-reviewed and accepted by the Pacific SRG. The marine mammal stock assessment process under the MMPA was specifically designed to allow for levels of uncertainty similar to those observed for false killer whales.

Furthermore, NMFS has previously responded to a similar comment in our List of Fisheries for 2004 (69 FR 48407, August 10, 2004). In our Response to Comment 17 (69 FR 48413), NMFS stated: ''The Hawaiian stock of false killer whales is considered a strategic stock under the MMPA because fishery related mortality and serious injury exceeds the PBR level for this stock (see 16 U.S.C. 1362(19)). Genetic analysis of samples from false killer whales in the North Pacific Ocean indicates population structure, but geographic boundaries of the various populations cannot yet be identified. However, the evidence for reproductive isolation and strong genetic differentiation of individuals sampled around Hawaii from individuals sampled in the ETP (Eastern Tropical Pacific) is solid. Furthermore, NMFS' current mortality and serious injury estimates are based only on takes within the U.S. EEZ and compared to PBR levels derived from abundance estimates for waters within the U.S. EEZ. In addition, even if the actual boundaries of the Hawaiian stock of false killer whales extended beyond the EEZ, the strategic status of the stock would not be changed. NMFS' guidelines for preparing marine mammal stock assessment reports contain specific instructions for calculating PBR of trans-boundary stocks. (The guidelines are available in electronic form at *http://nmml.afsc.noaa.gov/library/gammsrep/gammsrep.htm*). In cases such as false killer whales in the Hawaiian EEZ, where the stock could extend into international waters, the PBR would be

based on the abundance of animals within the EEZ. This guideline was established to prevent underestimating the effects of mortality and serious injury incidental to U.S. fisheries in international waters where unknown levels of additional human-caused mortality and serious injury (e.g., incidental to foreign fisheries in the same waters) may also be affecting the stock. NMFS does, however, plan to try to obtain additional genetic samples from a broader geographic range to help define stock boundaries.''

Comments on Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean

Comment 21: Two commenters supported reclassification of the mid-Atlantic mid-water trawl fishery from category I to category II and supported findings that this fishery does not pose a serious risk or contribute to the mortality or serious injury of common dolphins, Western North Atlantic (WNA) stock, and long- and short-finned pilot whales, WNA stock. One commenter encouraged NMFS to maintain adequate observer coverage to provide robust estimates of mortality and serious injury, particularly to inform the Atlantic Trawl Gear Take Reduction Team (ATGTRT).

Response: Based on a recommendation made by the ATGTRT (September 2006), NMFS re-evaluated the classification of the mid-Atlantic mid-water trawl fishery as a Category I fishery on the LOF. After conducting a tier analysis, NMFS determined that reclassification as a Category II fishery is warranted.

It should be noted that the MMPA establishes a requirement that the level of incidental mortality and serious injury of marine mammals be reduced to insignificant levels approaching a zero rate, commonly referred to as the Zero Mortality Rate Goal (ZMRG). NMFS has established a threshold level for mortality and serious injury to meet the insignificance threshold requirement. NMFS has defined the insignificance threshold as 10 percent of the PBR level for a stock of marine mammals (69 FR 43338, July 20, 2004). Since the mid-Atlantic mid-water trawl fishery is a Category II fishery and the annual mortality and serious injury level is above the insignificance threshold, it remains subject to future TRPs developed by the ATGTRT.

NMFS will continue to allocate observer coverage to the maximum extent possible to meet MMPA requirements. NMFS will also try to make the best use of available resources by using existing research programs, programs operated by states or other authorities, or alternative programs where statistically reliable information can be obtained.

Comment 22: One commenter requested further evidence of additional species being targeted with trap/pot gear in the mid-Atlantic region. It is unclear from the text in the proposed rule (71 FR 70339, December 4, 2006) which species are being added to the list of target species in the Atlantic mixed species trap/pot fishery.

Response: Clarification on which targeted species are being included in the expansion of species associated with the Atlantic mixed species trap/pot fishery can be found in the proposed 2007 LOF (71 FR 70346, December 4, 2006). NMFS added the category II Atlantic mixed species trap/pot fishery to the 2003 LOF to encompass the Northeast trap/pot fishery, the mid-Atlantic mixed species trap/pot fishery, the U.S. mid-Atlantic and Southeast U.S. Atlantic black sea bass trap/pot fisheries and any other trap/pot fisheries otherwise not identified in the LOF, based on the use of similar gear and the potential for marine mammal entanglements. NMFS has recently become aware of additional species being targeted in this fishery including but not limited to: hagfish, shrimp, conch/whelk, red crab, Jonah crab, rock crab, black sea bass, scup, tautog, cod, haddock, pollock, redfish (ocean perch), white hake, spot, skate, catfish and American eel (not included in the LOF's U.S. mid-Atlantic eel trap/pot fishery description) (71 FR 70346, December 4, 2006).

Evidence for this decision can be found in the Draft Environmental Impact Statement (DEIS) for Amending the Large Whale Take Reduction Plan (ALWTRP): Broad-Based Gear Modifications (February 2005), chapter 4 titled ''Affected Environment''. This chapter includes the reasoning for why the addition of these fisheries to the Atlantic mixed species trap/pot gear fishery is warranted.

Comment 23: NMFS used ''anecdotal'' data to help make a category determination for the Gulf of Maine Atlantic herring purse seine fishery (71 FR 70347, December 4, 2006). NMFS should present the objective criteria used to evaluate the legitimacy of anecdotal data and how such use satisfies the requirements of the Data Quality Act.

Response: In the 2007 proposed LOF, NMFS proposed to remove the Gulf of Maine/Bay of Fundy stock of harbor porpoises from the list of species or stocks incidentally killed or seriously injured in the Gulf of Maine Atlantic herring purse seine fishery. The rationale for the removal of the harbor porpoise from this list comes from the most recent SAR (2005) which highlights the most recent 5 years of data (from 1999 2003) as well as anecdotal or historical information, as records of interaction. According to the SAR, there is currently no evidence indicating that harbor porpoises are killed or seriously injured in the Gulf of Maine Atlantic herring purse seine fishery (71 FR 70347, December 4, 2006). The removal of harbor porpoises from the list of species or stocks incidentally killed or injured has not resulted in a change in the category determination for the Gulf of Maine herring purse seine fishery, which is currently classified as a Category III fishery.

In order for the agency to determine which species or stocks are included as incidentally killed or seriously injured in a fishery, NMFS reviews the marine mammal incidental serious injury and mortality information presented in the most recent SARs for commercial fishing operations. Historical and/or anecdotal information is presented in the SARs to inform readers about past interactions and takes not observed through the fishery observer program. This information is not factored into the incidental take information that is collected through observer data. SARs are based on the best scientific information available at the time of preparation. The information contained in the SARs is reviewed by regional SRGs who review the science that informs the SARs and advise NMFS on population status and trends, stock structure, uncertainties in the science, research needs, and other issues. NMFS also reviewed other sources of new information, including marine mammal stranding data, observer program data, fisher self-reports, and other information that may not be included in the SARs (71 FR 70342, December 4, 2006).

Information evaluated by NMFS that is disseminated to the public is required to comply with the Information Quality Act. The information used to classify fisheries for the 2007 LOF has undergone a predissemination review and is consistent with Information Quality Act requirements and NOAA guidelines. In the predissemination review, NMFS explains how the contents of the 2007 LOF meet the standards for utility, integrity, and objectivity established in the Information Quality Act and NOAA guidelines. The information in the 2007 LOF meets the standards for utility because it provides current, updated information on marine mammal

abundance and serious injury and mortality rates that is beneficial or serviceable to the public and affected fisheries. The information in the 2007 LOF is provided in a publicly accessible and broadly available document, published in the **Federal Register** and available through paper and electronic media, in which the updated information is an improvement over previously available information. The contents of the 2007 LOF meet the standards for integrity because the 2007 LOF adheres to the standards set out in the Computer Security Act and the Government Information Security Reform Act for electronic information disseminated by NOAA. The information in the 2007 LOF also meets the standards for objectivity. The LOF is categorized as a natural resource plan for purposes of Information Quality Act compliance, an information product that is prescribed by law and has content, structure, and public review processes based upon published standards. The 2007 LOF meets the standards for objectivity because it is published in compliance with the requirements of the MMPA, National Environmental Policy Act, Endangered Species Act, Coastal Zone Management Act, Administrative Procedures Act, Paperwork Reduction Act, and Executive Orders 13132 and 12866. The 2007 LOF is supported by the best available information, which has been reviewed by independent technically qualified individuals (i.e., SRG members) to ensure that the information is valid, complete, unbiased, and relevant. The peer review process of evaluating the SARs through the SRG allows the agency to maximize the objectivity and utility of the information the SARs promote.

Comment 24: One commenter supported the removal of superscript ([1]) from bottlenose dolphin (WNA) and minke whale (Canadian east coast) under the mid-Atlantic gillnet fishery.

Response: The superscript ([1]) next to the offshore bottlenose dolphins and minke whale stocks be removed under the mid-Atlantic gillnet fishery. The superscript ([1]) was defined to denote if a stock was responsible for a current fishery's classification (71 FR 70347, December 4, 2006). The tier analysis conducted in 1996 that drove classification of the mid-Atlantic gillnet fishery from category III to category II focused on the incidental mortality and serious injury for harbor porpoise, coastal bottlenose dolphin, and humpback whales (60 FR 67081, December 28, 1995). For reclassification to a category I fishery, the tier analysis was based on coastal bottlenose dolphins (68 FR 1422, January 10, 2003). Though offshore bottlenose dolphins and minke whales have the potential to interact with the mid-Atlantic gillnet fishery, these species have not influenced the fishery classification or its elevation; therefore, the superscript (1) has been removed.

Comment 25: Two commenters viewed the category I Mid-Atlantic gillnet fishery as too broad in classification. The definition encompasses a large range of mesh sizes, areas, and gear deployments (sink and anchored gillnet, drift net, stab net, etc). This fishery should be stratified, perhaps by mesh size or target species. Stratification would allow for more precise estimation of marine mammal interactions by gear type and species targeted.

One commenter specifically recommended separating the bluefish and croaker portions from the generic mid-Atlantic gillnet fishery and re-designating each as either Category II or III. These fisheries have developed into two separate and distinct directed fisheries that are proven to pose little or no threat to marine mammals. The commenter reiterated a previous request that NMFS perform a separate Tier Analysis for both the bluefish and croaker portions of the mid-Atlantic gillnet fishery.

Response: NMFS acknowledges the information provided by the commenters on the potential for subdivisions within this fishery. Typically NMFS has bundled different targeted species into groups based on similar fishery characteristics unless there is information on marine mammal interaction rates or fishery operation to warrant a separate listing (see response to comment 4). Based on the best available (peer reviewed) information, NMFS does not find it appropriate to subdivide the bluefish and/or croaker mid-Atlantic gillnet fisheries at this time. The information currently available on the composition and distribution of the mid-Atlantic gillnet fishery and its incidental take levels is insufficient to identify distinct subcomponents of this fishery based on mesh size, area, or type of gear deployment. NMFS will investigate whether or not evidence exists to separate the bluefish and croaker portions of the mid-Atlantic gillnet fishery based on the criteria addressed above. If a reclassification is warranted, NMFS will propose these changes in a future LOF.

Comment 26: One commenter supported the addition of the mid-Atlantic flynet fishery as a Category II and encouraged NMFS to place observers aboard vessels in this fishery to obtain the necessary information to assess the frequency of interactions.

Response: The mid-Atlantic flynet fishery has been observed opportunistically out of Wanchese, NC. During observed trips, no marine mammal takes were observed. Since this is a Category II fishery, NMFS may place observers in the fishery to further assess the frequency of marine mammal interactions; however, initiation of observer coverage is dependent on resources. NMFS also notes that self-reporting of injuries and mortalities of marine mammals by fishers is required by the MMPA. For this purpose, NMFS developed the MMAP Mortality/Injury Report Form, which is available at: *http://www.nmfs.noaa.gov/pr/pdfs/interactions/mmap__reportin__form.pdf*

Comment 27: One commenter requested further information and description of the specific gear types used to list the mid-Atlantic flynet fishery as a category II by analogy with other category II bottom trawl fisheries.

Response: The flynet fishery was listed as a Category II fishery because of its similarities to other Category II bottom trawl fisheries in terms of gear configuration, seasons and areas fished, and target species. As described in the proposed rule, flynets are high profile trawls similar to bottom otter trawls, except that they fish just off the bottom, rather than on the bottom. Fishermen use flynets to target summer flounder, croaker, and weakfish in waters off North Carolina from October through April. The flynet fishery is analogous to the Category II mid-Atlantic bottom trawl fishery, which, as defined in the LOF, includes any bottom trawl gear targeting a wide range of species, including, but not limited to, monkfish, summer flounder (fluke), winter flounder, silver hake (whiting), spiny dogfish, smooth dogfish, scup, black sea bass, bluefish, and croaker. This fishery operates year-round from Cape Cod, MA to Cape Hatteras, NC. Because of the similarities between these two fisheries, they present a similar risk of serious injury and mortality to marine mammals; therefore, the mid-Atlantic flynet fishery warrants a Category II classification.

Comment 28: One commenter stated that several fisheries in the Gulf of Mexico are known to injure and kill marine mammals, particularly bottlenose dolphins. The commenter raised concern in previous letters from 2003, 2004, 2005, and 2006, about the uncertainties of interactions with Gulf of Mexico fisheries (in particular the Gulf of Mexico blue crab trap/pot fishery and the Gulf of Mexico menhaden purse seine fishery) and the

unreliable information about bottlenose dolphin stock structure in the Gulf of Mexico. Since there is no evidence that research on bottlenose dolphin stock structure will take place in the near future, NMFS should expand its efforts to collect reliable information on interaction rates of marine mammals incidental to Gulf of Mexico fisheries, with priority given to an observer program for the Gulf of Mexico blue crab/trap pot fishery and the Gulf of Mexico menhaden purse seine fishery.

Response: Investigating bottlenose dolphin stock structure in the Gulf of Mexico is a high priority for NMFS, and efforts to update abundance estimates are underway. For northern Gulf of Mexico coastal stocks, aerial surveys began in January 2007 for the northern and eastern stocks from the mouth of the Mississippi River Delta to Key West, Florida. At least two abundance estimates per year are planned for the Bays, Sounds, and Estuarine stocks for the northern Gulf of Mexico. Additionally, a ship survey that will include the northern Gulf of Mexico continental shelf stock is being planned for the summer of 2007.

More information is needed on interactions rates with marine mammals in the Gulf of Mexico menhaden purse seine fishery. NMFS recently elevated this fishery to Category II based on documented serious injury and mortality to bottlenose dolphins. Because this is a Category II fishery, NMFS may place observers in the fishery to better assess the frequency of marine mammal interactions. While this fishery is a high priority for observer coverage, initiation of observer coverage is dependent on resources.

NMFS will continue to monitor blue crab fishing effort in the Gulf of Mexico and evaluate bottlenose dolphin strandings for evidence of trap/pot-related fishery interactions to determine the need for future reclassification of the fishery. NMFS has made efforts to train stranding responders in assessing and better documenting human interactions, and will continue efforts to work with the Gulf of Mexico Marine Fisheries Commission on outreach and derelict crab trap removals to reduce the risk of trap/pot interactions with marine mammals.

Comment 29: Two commenters recommended NMFS elevate the Gulf of Mexico blue crab trap/pot fishery to Category II based on the level of bottlenose dolphin mortality and serious injury obtained from available stranding data. The commenters also recommended NMFS elevate the Gulf of Mexico menhaden purse seine fishery to Category I. One commenter previously commented on the classification of these fisheries and the need for an observer program to obtain more reliable information about bottlenose stock structure and interactions with fisheries in the Gulf of Mexico in letters from 2003, 2004, 2005, and 2006.

Response: More information is needed on interaction rates with marine mammals in the Gulf of Mexico menhaden purse seine fishery, as well as an increased understanding of stock structure of bottlenose dolphins in this area. NMFS recently elevated this fishery to a Category II based on documented serious injury and mortality to bottlenose dolphins, thus, NMFS may place observers in the fishery to better assess the frequency of marine mammal interactions. At this time, NMFS believes that more information is needed prior to considering elevating this fishery to Category I.

Comment 30: One commenter recommended that NMFS elevate the Gulf of Mexico gillnet fishery to Category I.

Response: At this time, there is no evidence to support a Category I classification for the Gulf of Mexico gillnet fishery. This fishery is currently listed as a Category II based on analysis of bottlenose dolphin stranding data. NMFS will continue to monitor fishing effort and evaluate bottlenose dolphin strandings for evidence of gillnet-related fishery interactions in the Gulf of Mexico to determine the need for future reclassification of this fishery. As with other Gulf of Mexico fisheries interacting with bottlenose dolphins, this fishery is a high priority for observer coverage, but initiation of coverage is dependent on resources.

Comment 31: One commenter recommended NMFS elevate the Caribbean gillnet fishery to Category I because it is known to injure or kill Antillean manatees, a highly endangered species. Therefore, any mortality or serious injury results in levels above 50 percent of PBR.

Response: NMFS discussed this comment with the U.S. Fish and Wildlife Service (USFWS), the agency with responsibility for the Antillean manatee stock of the West Indian Manatee. The USFWS is unsure of the source of information used by the commenter to support the statement that the Caribbean gillnet fishery is ''known to injure or kill Antillean manatees''. The commenter may have referenced the USFWS SAR for the Antillean stock of the West Indian Manatee. This SAR expresses concern for the status of the Antillean manatee as it relates to local fisheries. This SAR was written in 1995 and was reflective of the best available information present at that time. The USFWS has not updated this SAR since it was originally written. Pursuant to publication of the USFWS' forthcoming ''Five-year Status Review of the West Indian Manatee'' in 2007, which indicates that the status of manatees within this region is improving, the USFWS plans to update and revise the SAR for this stock. The revised SAR will incorporate the best currently available information and should address concerns that may be expressed regarding the impact of this fishery on the Antillean manatee.

The USFWS reviewed its records pertaining to the Antillean manatee within its range in Puerto Rico and the U.S. Virgin Islands. The latest mortality information from the region indicates that no mortalities or injuries from a historical fishery for manatees have been observed since 1995. These records also document a single manatee death attributed to an incidental entanglement in a gillnet over the same period of time. Therefore, elevation of the Caribbean gillnet fishery is not warranted at this time based on the low level of fisheries-related interactions over the past 12 years, combined with recent information suggesting that the status of manatees within this region is improving.

Summary of Changes to the LOF for 2007

The following summarizes changes to the LOF for 2007 in fishery classification, fisheries listed on the LOF, the number of participants in a particular fishery, and the species and/or stocks that are incidentally killed or seriously injured in a particular fishery. The placement and definition of U.S. commercial fisheries for 2007 are identical to those provided in the LOF for 2006 with the following exceptions.

Commercial Fisheries in the Pacific Ocean

Fishery Classification

The ''AK Cook Inlet salmon set gillnet fishery'' is elevated

from Category III to Category II.

Addition of Fisheries to the LOF

The ''WA, OR sardine purse seine fishery'' is added to the LOF as a Category III fishery.

The ''CA halibut bottom trawl fishery'' is added to the LOF as a Category III fishery.

The ''CA tuna purse seine fishery'' is added to the LOF as a Category II fishery.

The ''AK Cook Inlet salmon purse seine fishery'' is added to the LOF as a Category II fishery.

The ''AK Kodiak salmon purse seine fishery'' is added to the LOF as a Category II fishery.

Removal of Fisheries from the LOF

The ''CA sardine purse seine fishery'' is removed from the LOF.

The ''CA herring purse seine fishery'' is removed from the LOF.

Fishery Name and Organizational Changes and Clarifications

The definition of superscript (1)in ''Table 1- List of Fisheries Commercial Fisheries in the Pacific Ocean'' is modified from ''...1...greater than 1 percent, but less than 50 percent of the stock's PBR'' to read ''...1...greater than 1 percent of the stock's PBR.''

The ''Hawaii gillnet fishery'' is renamed the ''Hawaii inshore gillnet fishery''.

The ''Hawaii purse seine fishery'' is renamed the ''Hawaii inshore purse seine fishery''.

The ''CA yellowtail, barracuda, white seabass, and tuna drift gillnet (mesh size >3.5 inches and <14 inches) fishery'' is renamed the ''CA yellowtail, barracuda, and white seabass drift gillnet (mesh size >3.5 inches and <14 inches) fishery''.

The ''CA anchovy, mackerel, tuna purse seine fishery'' and the ''CA sardine purse seine fishery'' are reorganized by switching the sardine and tuna portions of the fisheries. The end result is the ''CA anchovy, mackerel, sardine purse seine fishery'' and the ''CA tuna purse seine fishery''.

Number of Vessels/Persons

The estimated number of participants in the ''Commonwealth of Northern Mariana Islands tuna troll fishery'' is updated to 88.

The estimated number of participants in the ''Guam tuna troll fishery'' is updated to 401.

The estimated number of participants in the ''American Samoa longline fishery'' is updated to 60.

The estimated number of participants in the ''Guam bottomfish fishery'' is updated to 200.

The estimated number of participants in the ''HI Main Hawaiian Islands, Northwestern Hawaiian Islands deepsea bottomfish fishery'' is updated to 300. The waters surrounding the Northwestern Hawaiian Islands (NWHI), out to a distance of approximately 50 nmi from the islands, have been designated as part of the P pahanaumoku kea Marine National Monument by Proclamation 8031 (June 15, 2006). Proclamation 8031 limits the number of bottomfish fishery participants in the Monument to 8 commercial fishermen permitted at the time of designation to fish for certain species within particular zones in the Monument. These 8 permittees are authorized to continue fishing in the Monument until June 15, 2011.

List of Species That are Incidentally Killed or Injured

The CA/OR/WA stocks of Baird's beaked whale, Cuvier's beaked whale, Mesoplodont beaked whale, pygmy sperm whale, and striped dolphin, the CA/OR/WA offshore stock of bottlenose dolphin, the Eastern North Pacific offshore stock of killer whale, the San Miguel Island stock of northern fur seal, and the Eastern U.S. stock of Steller sea lion are removed from the list of marine mammal species and stocks incidentally killed or injured by the ''CA/OR swordfish/thresher shark drift gillnet fishery''. Also, the humpback whale stock from the list of marine mammal species and stocks incidentally injured or killed is changed from CA/OR/WA-Mexico to Eastern North Pacific.

The Eastern North Pacific stocks of humpback whale and gray whale, and the CA stock of harbor seal are added to the list of marine mammal species and stocks incidentally killed or injured in the ''CA lobster, prawn, shrimp, rock crab, fish pot fishery''.

The Eastern North Pacific stock of humpback whale is added to the list of marine mammal species and stocks incidentally killed or injured in the ''WA, OR, CA crab pot fishery''.

Technical Corrections

The proposed LOF for 2007 contained multiple errors in Table 1, ''List of Fisheries Commercial Fisheries in the Pacific Ocean'', due to technical difficulties in merging the proposed 2007 LOF document between computers for printing in the **Federal Register**. These errors have been corrected in this final rule. Errors corrected in Table 1, in addition to general formatting errors, include:

Addition of the ''AK Cook Inlet salmon purse seine fishery'' as Category II. The text of the proposed rule proposed to add this fishery, but the addition was not reflected in Table 1.

Correction to the number of participants in the ''American Samoa tuna troll fishery'' from >50 to <50. The 2007 LOF did not propose to change the number of participants in this fishery; therefore, the change in the table was incorrect.

Addition of the South Central Alaska stock of sea otters to the list of marine mammal species or stocks incidentally killed or injured in the ''AK Prince William Sound salmon drift gillnet fishery''. The deletion of this stock from Table 1 was incorrect. This stock remains a stock that is incidentally killed or injured in this fishery.

Deletion of common dolphin, stock unknown, from the list of marine mammal species or stocks incidentally killed or injured in the ''CA tuna purse seine fishery''. There are no documented takes of any marine mammal species or stocks in this fishery.

Correction to the name change of the ''CA anchovy, mackerel, sardine purse seine fishery''. This change was discussed in the text of the proposed rule but was not reflected in Table 1.

Correction of the number of participants in the ''CA anchovy, mackerel, sardine purse seine fishery''. Table 1 should read 100 participants, not 110 participants.

Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean

Fishery Classification

The ''Mid-Atlantic mid-water trawl (including pair trawl) fishery'' is recategorized from Category I to Category II.

Addition of Fisheries to the LOF

The ''Mid-Atlantic flynet fishery'' is added to the LOF as a Category II.

Fishery Name and Organizational Changes and Clarifications

The definition of superscript (1)in Table 2, ''List of Fisheries Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean'' is modified from ''...1...greater than 1 percent, but less than 50 percent of the stocks PBR'' to read ''...1...greater than 1 percent of the stock's PBR.''

The definition of the ''Southeastern U.S. Atlantic shark gillnet fishery'' is clarified to include fishermen using gillnets set in a sink, stab, set, strike, or drift fashion to target sharks.

The definition of the ''Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery'' is clarified to include fishermen using pelagic longlines to target or land dolphin and wahoo.

The language defining the ''Northeast sink gillnet fishery'', the ''Northeast anchored float gillnet fishery'', and the ''Northeast drift gillnet fishery'' is changed by removing ''...from the Maine/Canada border through the waters east of 72° 30′ W...'' (62 FR 33, January 2, 1997) from all three fisheries descriptions and replacing this with ''...from the U.S./Canada border to Long Island, NY, at 72° 30′ W. long. south to

36° 33.03′ N. lat. and east to the eastern edge of the EEZ...''.

The list of target species associated with the ''Northeast sink gillnet fishery'' is expanded to include, but not be limited to: all species defined in the Northeast Multispecies FMP (American plaice, Atlantic cod, Atlantic halibut, haddock, ocean pout, offshore hake, pollock, red hake [ling], redfish, silver hake [whiting], white hake, windowpane flounder, winter flounder, witch flounder and yellowtail flounder), spiny dogfish, monkfish, shad, skate and mackerel.

The list of target species associated with the ''Northeast anchored float gillnet fishery'' is expanded to include, but not be limited to: shad, herring, mackerel and menhaden.

The list of target species associated with the ''Northeast drift gillnet fishery'' is expanded to include, but not be limited to: shad, herring, mackerel and menhaden.

The list of target species associated with the ''Mid-Atlantic gillnet fishery'' is expanded to include, but not be limited to: Atlantic croaker, mackerel, black drum, bluefish, herring, menhaden, scup, shad, striped bass, weakfish, white perch, yellow perch, shark (large and small coastal shark, dogfish), and monkfish, spot, and skate. Spot and skate were inadvertently deleted from the list of targets species in the proposed 2007 LOF. Spot and skate are targets species in this fishery and are added to the list of target species in the final 2007 LOF.

The type of gear associated with the ''Mid-Atlantic gillnet fishery'' is expanded to include gillnets set in a sink, stab, set, strike, or drift fashion, and any residual large pelagic driftnet effort in the mid-Atlantic.

The language defining the ''Mid-Atlantic gillnet fishery'' is changed by removing ''...west of 72° 30′ W. and north of a line extending due east from the North Carolina/South Carolina border...'' (62 FR 33, January 2, 1997) and replacing this with ''...west of a line drawn at 72° 30′ W. long south to 36° 33.03′ N. lat. and east to the eastern edge of the EEZ and north of the North Carolina/South Carolina border...''.

NMFS clarifies in this final rule that the trap/pot effort targeting stone crab off Georgia is part of the Category II ''Atlantic Mixed Species Trap/Pot Fishery'', which includes all trap/pot operations for species other than American lobster and blue crab from the Maine/Canada border through the waters east of the fishery management demarcation line between the Atlantic Ocean and the Gulf of Mexico (50 CFR 600.105). After the comment period for the proposed 2007 LOF closed, NMFS became aware of emerging pot fishery for stone crab operating in an area off Georgia not previously known to sustain a directed stone crab fishery. Stone crab pot fishing off Georgia is not considered part of the Category III ''Southeastern US Atlantic, Gulf of Mexico Stone Crab Trap/Pot Fishery'' because that fishery is tied to the Gulf of Mexico Stone Crab FMP, which only includes south Atlantic waters as far north as Miami. Therefore, NMFS clarifies that the list of target species associated with the ''Atlantic mixed species trap/pot fishery'' is expanded to include, but not be limited to: hagfish, shrimp, conch/whelk, red crab, Jonah crab, rock crab, black sea bass, scup, tautog, cod, haddock, pollock, redfish (ocean perch), white hake, spot, skate, catfish and American eel (not included in the LOF's ''U.S. mid-Atlantic eel trap/pot fishery'' description), and stone crab.

Number of Vessels/Persons

The number of participants in the ''Southeastern U.S. Atlantic shark gillnet fishery'' is updated to 30.

The number of participants in the ''Mid-Atlantic gillnet fishery'' is updated to >670.

List of Species That are Incidentally Killed or Injured

The superscript ([1]) is removed from the Western North Atlantic stocks of common dolphins, long-finned pilot whales, and short-finned pilot whales under the ''Mid-Atlantic mid-water trawl (including pair trawl) fishery'' in Table 2.

The Western North Atlantic stock of Northern bottlenose whales is added to the list of species and stocks incidentally killed or injured in the ''Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery''.

The Gulf of Maine/Bay of Fundy stock of harbor porpoise is removed from the list of species or stocks incidentally killed or injured in the ''Mid-Atlantic haul/beach seine fishery''.

The Gulf of Maine/Bay of Fundy stock of harbor porpoise is removed from the list of species or stocks incidentally killed or injured in the ''Gulf of Maine Atlantic herring purse seine fishery''.

The superscript ([1]) is removed from the Western North Atlantic offshore stock of bottlenose dolphin and the Canadian east coast stock of minke whale under the ''Mid-Atlantic gillnet fishery'' in Table 2.

To correct a typographical error, the superscript (1) is

removed from the Western North Atlantic stock of harp seals under the ''Northeast bottom trawl fishery'' in Table 2.

Technical Corrections

The proposed LOF for 2007 contained multiple formatting errors and one substantive error in Table 2, ''List of Fisheries Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean'', due to technical difficulties in merging the proposed 2007 LOF document between computers for printing in the **Federal Register**. These errors have been corrected in Table 2 of this final rule. The substantive error corrected removed the superscript (1) from the Western North Atlantic stock of harp seal from the ''Northeast bottom trawl fishery'', which was discussed in the text of the proposed 2007 LOF but was not reflected in Table 2 of the proposed rule. The superscript (1) has been removed from Table 2 in this final rule.

List of Fisheries

The following two tables list U.S. commercial fisheries according to their assigned categories under section 118 of the MMPA. The estimated number of vessels/participants is expressed in terms of the number of active participants in the fishery, when possible. If this information is not available, the estimated number of vessels or persons licensed for a particular fishery is provided. If no recent information is available on the number of participants in a fishery, the number from the most recent LOF is used.

The tables also list the marine mammal species and stocks incidentally killed or injured in each fishery based on observer data, logbook data, stranding reports, and fisher reports. This list includes all species or stocks known to experience mortality or injury in a given fishery, but also includes species or stocks for which there are anecdotal records of interaction. Additionally, species identified by logbook entries may not be verified. Not all species or stocks identified are the reason for a fishery's placement in a given category. NMFS has designated those stocks that are responsible for a current fishery's classification by a ''[1]''.

There are several fisheries classified in Category II that have no recently documented interactions with marine mammals, or interactions that did not result in a serious injury or mortality. Justifications for placement of these fisheries, which are greater than 1 percent of a stock's PBR level, are by analogy to other gear types that are known to cause mortality or serious injury of marine mammals, as discussed

in the final LOF for 1996 (60 FR 67063, December 28, 1995), and according to factors listed in the definition of a ''Category II fishery'' in 50 CFR 229.2. NMFS has designated those fisheries originally listed by analogy in Tables 1 and 2 by a ''2'' after the fishery's name.

Table 1 lists commercial fisheries in the Pacific Ocean (including Alaska); Table 2 lists commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean.

TABLE 1 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE PACIFIC OCEAN

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Category I		
GILLNET FISHERIES:		
CA angel shark/halibut and other species set gillnet(> 3.5 in. mesh)	58	California sea lion, U.S. Harbor seal, CA Harbor porpoise, Central CA[1] Long-beaked common dolphin, CA Northern elephant seal, CA breeding Sea otter, CA Short-beaked common dolphin, CA/OR/WA
CA/OR thresher shark/swordfish drift gillnet (≥ 14 in. mesh)	85	California sea lion, U.S. Dall's porpoise, CA/OR/WA Fin whale, CA/OR/WA Gray whale, Eastern North Pacific Humpback whale, Eastern North Pacific Long-beaked common dolphin, CA Northern elephant seal, CA breeding Northern right-whale dolphin, CA/OR/WA Pacific white-sided dolphin, CA/OR/WA Risso's dolphin, CA/OR/WA Short-beaked common dolphin, CA/OR/WA Short-finned pilot whale, CA/OR/WA[1] Sperm whale, CA/OR/WA
LONGLINE/SET LINE FISHERIES:		
HI swordfish, tuna, billfish, mahi mahi, wahoo, oceanic sharks longline/set line	140	Blainville's beaked whale, HI Bottlenose dolphin, HI False killer whale, HI[1] Humpback whale, Central North Pacific Pantropical spotted dolphin, HI Risso's dolphin, HI Short-finned pilot whale, HI Spinner dolphin, HI Sperm whale, HI
Category II		
GILLNET FISHERIES:		
AK Bristol Bay salmon drift gillnet[2]	1,903	Beluga whale, Bristol Bay Gray whale, Eastern North Pacific Harbor seal, Bering Sea Northern fur seal, Eastern Pacific Pacific white-sided dolphin, North Pacific Spotted seal, AK Steller sea lion, Western U.S.[1]
AK Bristol Bay salmon set gillnet[2]	1,014	Beluga whale, Bristol Bay Gray whale, Eastern North Pacific Harbor seal, Bering Sea Northern fur seal, Eastern Pacific Spotted seal, AK

TABLE 1 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
AK Cook Inlet salmon set gillnet	745	Beluga whale, Cook Inlet Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Humpback whale, Central North Pacific[1] Steller sea lion, Western U.S.
AK Cook Inlet salmon drift gillnet	576	Beluga whale, Cook Inlet Dall's porpoise, AK Harbor porpoise, GOA[1] Harbor seal, GOA Steller sea lion, Western U.S.
AK Kodiak salmon set gillnet	188	Harbor porpoise, GOA[1] Harbor seal, GOA Sea otter, Southwest AK Steller sea lion, Western U.S.
AK Metlakatla/Annette Island salmon drift gillnet[2]	60	None documented
AK Peninsula/Aleutian Islands salmon drift gillnet[2]	164	Dall's porpoise, AK Harbor porpoise, GOA Harbor seal, GOA Northern fur seal, Eastern Pacific
AK Peninsula/Aleutian Islands salmon set gillnet[2]	116	Harbor porpoise, Bering Sea Steller sea lion, Western U.S.
AK Prince William Sound salmon drift gillnet	541	Dall's porpoise, AK Harbor porpoise, GOA[1] Harbor seal, GOA Northern fur seal, Eastern Pacific Pacific white-sided dolphin, North Pacific Sea Otter, South Central AK Steller sea lion, Western U.S.[1]
AK Southeast salmon drift gillnet	481	Dall's porpoise, AK Harbor porpoise, Southeast AK Harbor seal, Southeast AK Humpback whale, Central North Pacific[1] Pacific white-sided dolphin, North Pacific Steller sea lion, Eastern U.S.
AK Yakutat salmon set gillnet[2]	170	Gray whale, Eastern North Pacific Harbor seal, Southeast AK Humpback whale, Central North Pacific (Southeast AK)
CA yellowtail, barracuda, and white seabass drift gillnet fishery (mesh size > 3.5 inches and < 14 inches)[2]	24	California sea lion, U.S. Long-beaked common dolphin, CA Short-beaked common dolphin, CA/OR/WA
WA Puget Sound Region salmon drift gillnet (includes all inland waters south of US-Canada border and eastward of the Bonilla-Tatoosh line-Treaty Indian fishing is excluded)	210	Dall's porpoise, CA/OR/WA Harbor porpoise, inland WA[1] Harbor seal, WA inland
PURSE SEINE FISHERIES:		
AK Southeast salmon purse seine	416	Humpback whale, Central North Pacific[1]
AK Cook Inlet salmon purse seine	82	Humpback whale, Central North Pacific[1]
AK Kodiak salmon purse seine	370	Humpback whale, Central North Pacific[1]
CA anchovy, mackerel,sardine purse seine	100	Bottlenose dolphin, CA/OR/WA offshore[1] California sea lion, U.S. Harbor seal, CA

TABLE 1 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
CA squid purse seine	65	Common dolphin, unknown Short-finned pilot whale, CA/OR/WA[1]
CA tuna purse seine[2]		None documented
TRAWL FISHERIES:		
AK Bering Sea, Aleutian Islands flatfish trawl	26	Bearded seal, AK Harbor porpoise, Bering Sea Harbor seal, Bering Sea Killer whale, AK resident[1] Northern fur seal, Eastern North Pacific Spotted seal, AK Steller sea lion, Western U.S.[1] Walrus, AK
AK Bering Sea, Aleutian Islands pollock trawl	120	Dall's porpoise, AK Harbor seal, AK Humpback whale, Central North Pacific[1] Humpback whale, Western North Pacific[1] Killer whale, Eastern North Pacific, GOA, Aleutian Islands, and Bering Sea transient[1] Minke whale, AK Ribbon seal, AK Spotted seal, AK Steller sea lion, Western U.S.[1]
LONGLINE/SET LINE FISHERIES:		
AK Bering Sea, Aleutian Islands Pacific cod longline	114	Killer whale, AK resident[1] Killer whale, Eastern North Pacific, GOA, Aleutian Islands, and Bering Sea transient[1] Ribbon seal, AK Steller sea lion, Western U.S.
CA pelagic longline[2]	6	California sea lion, U.S. Risso's dolphin, CA/OR/WA
OR swordfish floating longline[2]	0	None documented
OR blue shark floating longline[2]	1	None documented
POT, RING NET, AND TRAP FISHERIES:		
AK Bering Sea sablefish pot	6	Humpback whale, Central North Pacific[1] Humpback whale, Western North Pacific[1]
Category III		
GILLNET FISHERIES:		
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet	1,922	Harbor porpoise, Bering Sea
AK miscellaneous finfish set gillnet	3	Steller sea lion, Western U.S.
AK Prince William Sound salmon set gillnet	30	Harbor seal, GOA Steller sea lion, Western U.S.
AK roe herring and food/bait herring gillnet	2,034	None documented
CA set and drift gillnet fisheries that use a stretched mesh size of 3.5 in or less	341	None documented
Hawaii inshore gillnet	35	Bottlenose dolphin, HI Spinner dolphin, HI

TABLE 1 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing)	24	Harbor seal, OR/WA coast
WA, OR herring, smelt, shad, sturgeon, bottom fish, mullet, perch, rockfish gillnet	913	None documented
WA, OR lower Columbia River (includes tributaries) drift gillnet	110	California sea lion, U.S. Harbor seal OR/WA coast
WA Willapa Bay drift gillnet	82	Harbor seal, OR/WA coast Northern elephant seal, CA breeding
PURSE SEINE, BEACH SEINE, ROUND HAUL AND THROW NET FISHERIES:		
AK Metlakatla salmon purse seine	10	None documented
AK miscellaneous finfish beach seine	1	None documented
AK miscellaneous finfish purse seine	3	None documented
AK octopus/squid purse seine	2	None documented
AK roe herring and food/bait herring beach seine	8	None documented
AK roe herring and food/bait herring purse seine	624	None documented
AK salmon beach seine	34	None documented
AK salmon purse seine (except Southeast Alaska, which is in Category II)	953	Harbor seal, GOA
WA, OR sardine purse seine	42	None documented
HI Kona crab loop net	42	None documented
HI opelu/akule net	12	None documented
HI inshore purse seine	23	None documented
HI throw net, cast net	14	None documented
WA (all species) beach seine or drag seine	235	None documented
WA, OR herring, smelt, squid purse seine or lampara	130	None documented
WA salmon purse seine	440	None documented
WA salmon reef net	53	None documented
DIP NET FISHERIES:		
CA squid dip net	115	None documented
WA, OR smelt, herring dip net	119	None documented
MARINE AQUACULTURE FISHERIES:		
CA marine shellfish aquaculture	unknown	None documented
CA salmon enhancement rearing pen	>1	None documented
CA white seabass enhancement net pens	13	California sea lion, U.S.
HI offshore pen culture	2	None documented
OR salmon ranch	1	None documented

TABLE 1 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
WA, OR salmon net pens	14	California sea lion, U.S. Harbor seal, WA inland waters
TROLL FISHERIES:		
AK North Pacific halibut, AK bottom fish, WA, OR, CA albacore, groundfish, bottom fish, CA halibut non-salmonid troll fisheries	1,530 (330 AK)	None documented
AK salmon troll	2,335	Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
American Samoa tuna troll	< 50	None documented
CA/OR/WA salmon troll	4,300	None documented
Commonwealth of the Northern Mariana Islands tuna troll	88	None documented
Guam tuna troll	401	None documented
HI trolling, rod and reel	1,321	None documented
LONGLINE/SET LINE FISHERIES:		
AK Bering Sea, Aleutian Islands Greenland turbot longline	12	Killer whale, AK resident Killer whale, Eastern North Pacific, GOA, Aleutian Islands, and Bering Sea transient
AK Bering Sea, Aleutian Islands rockfish longline	17	None documented
AK Bering Sea, Aleutian Islands sablefish longline	63	None documented
AK Gulf of Alaska halibut longline	1,302	None documented
AK Gulf of Alaska Pacific cod longline	440	None documented
AK Gulf of Alaska rockfish longline	421	None documented
AK Gulf of Alaska sablefish longline	412	Sperm whale, North Pacific Steller sea lion, Eastern U.S.
AK halibut longline/set line (State and Federal waters)	3,079	Steller sea lion, Western U.S.
AK octopus/squid longline	7	None documented
AK state-managed waters groundfish longline/setline (including sablefish, rockfish, and miscellaneous finfish)	731	None documented
American Samoa longline	60	None documented
WA, OR, CA groundfish, bottomfish longline/set line	367	None documented
WA, OR North Pacific halibut longline/set line	350	None documented
TRAWL FISHERIES:		
AK Bering Sea, Aleutian Islands Atka mackerel trawl	8	Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands Pacific cod trawl	87	Harbor seal, Bering Sea Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands rockfish trawl	9	None documented
AK Gulf of Alaska flatfish trawl	52	None documented
AK Gulf of Alaska Pacific cod trawl	101	Steller sea lion, Western U.S.

TABLE 1 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
AK Gulf of Alaska pollock trawl	83	Fin whale, Northeast Pacific Northern elephant seal, North Pacific Steller sea lion, Western U.S.
AK Gulf of Alaska rockfish trawl	45	None documented
AK food/bait herring trawl	3	None documented
AK miscellaneous finfish otter or beam trawl	6	None documented
AK shrimp otter trawl and beam trawl (statewide and Cook Inlet)	58	None documented
AK state-managed waters of Cook Inlet, Kachemak Bay, Prince William Sound, Southeast AK groundfish trawl	2	None documented
CA halibut bottom trawl	53	None documented
WA, OR, CA groundfish trawl	585	California sea lion, U.S. Dall's porpoise, CA/OR/WA Harbor seal, OR/WA coast Northern fur seal, Eastern Pacific Pacific white-sided dolphin, CA/OR/WA Steller sea lion, Eastern U.S.
WA, OR, CA shrimp trawl	300	None documented
POT, RING NET, AND TRAP FISHERIES:		
AK Aleutian Islands sablefish pot	8	None documented
AK Bering Sea, Aleutian Islands Pacific cod pot	76	None documented
AK Bering Sea, Aleutian Islands crab pot	329	None documented
AK Gulf of Alaska crab pot	unknown	None documented
AK Gulf of Alaska Pacific cod pot	154	Harbor seal, GOA
AK Southeast Alaska crab pot	unknown	Humpback whale, Central North Pacific (Southeast AK)
AK Southeast Alaska shrimp pot	unknown	Humpback whale, Central North Pacific (Southeast AK)
AK octopus/squid pot	72	None documented
AK snail pot	2	None documented
CA lobster, prawn, shrimp, rock crab, fish pot	608	Gray whale, Eastern North Pacific Harbor seal, CA Humpback whale, Eastern North Pacific Sea otter, CA
OR, CA hagfish pot or trap	25	None documented
WA, OR, CA crab pot	1,478	Humpback whale, Eastern North Pacific Gray whale, Eastern North Pacific
WA, OR, CA sablefish pot	176	None documented
WA, OR shrimp pot/trap	254	None documented
HI crab trap	22	None documented
HI fish trap	19	None documented
HI lobster trap	0	Hawaiian monk seal
HI shrimp trap	5	None documented

TABLE 1 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
HANDLINE AND JIG FISHERIES:		
AK miscellaneous finfish handline and mechanical jig	100	None documented
AK North Pacific halibut handline and mechanical jig	93	None documented
AK octopus/squid handline	2	None documented
American Samoa bottomfish	<50	None documented
Commonwealth of the Northern Mariana Islands bottomfish	<50	None documented
Guam bottomfish	200	None documented
HI aku boat, pole and line	4	None documented
HI Main Hawaiian Islands, Northwest Hawaiian Islands deep sea bottomfish	300	Hawaiian monk seal
HI inshore handline	307	None documented
HI tuna handline	298	Hawaiian monk seal
WA groundfish, bottomfish jig	679	None documented
Western Pacific squid jig	6	None documented
HARPOON FISHERIES:		
CA swordfish harpoon	30	None documented
POUND NET/WEIR FISHERIES:		
AK herring spawn on kelp pound net	452	None documented
AK Southeast herring roe/food/bait pound net	3	None documented
WA herring brush weir	1	None documented
BAIT PENS:		
WA/OR/CA bait pens	13	California sea lion, U.S.
DREDGE FISHERIES:		
Coastwide scallop dredge	108 (12 AK)	None documented
DIVE, HAND/MECHANICAL COLLECTION FISHERIES:		
AK abalone	1	None documented
AK clam	156	None documented
WA herring spawn on kelp	4	None documented
AK dungeness crab	3	None documented
AK herring spawn on kelp	363	None documented
AK urchin and other fish/shellfish	471	None documented
CA abalone	111	None documented
CA sea urchin	583	None documented
HI black coral diving	1	None documented
HI fish pond	N/A	None documented

TABLE 1 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
HI handpick	37	None documented
HI lobster diving	19	None documented
HI squiding, spear	91	None documented
WA, CA kelp	4	None documented
WA/OR sea urchin, other clam, octopus, oyster, sea cucumber, scallop, ghost shrimp hand, dive, or mechanical collection	637	None documented
WA shellfish aquaculture	684	None documented
COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:		
AK, WA, OR, CA commercial passenger fishing vessel	>7,000 (1,107 AK)	Killer whale, stock unknown Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
HI charter vessel	114	None documented
LIVE FINFISH/SHELLFISH FISHERIES:		
CA finfish and shellfish live trap/hook-and-line	93	None documented

List of Abbreviations and Symbols Used in Table 1: AK - Alaska; CA - California; GOA - Gulf of Alaska; HI - Hawaii; OR - Oregon; WA - Washington; [1] - Fishery classified based on serious injuries and mortalities of this stock are greater than 1 percent of the stock's PBR; [2] - Fishery classified by analogy.

TABLE 2 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Category I		
GILLNET FISHERIES:		
Mid-Atlantic gillnet	>670	Bottlenose dolphin, WNA coastal[1] Bottlenose dolphin, WNA offshore Common dolphin, WNA Gray seal, WNA Harbor porpoise, GME/BF[1] Harbor seal, WNA Harp seal, WNA Humpback whale, Gulf of Maine[1] Long-finned pilot whale, WNA Minke whale, Canadian east coast Short-finned pilot whale, WNA White-sided dolphin, WNA
Northeast sink gillnet	341	Bottlenose dolphin, WNA offshore Common dolphin, WNA Fin whale, WNA Gray seal, WNA Harbor porpoise, GME/BF[1] Harbor seal, WNA Harp seal, WNA Hooded seal, WNA Humpback whale, WNA[1] Minke whale, Canadian east coast[1] North Atlantic right whale, WNA[1] Risso's dolphin, WNA White-sided dolphin, WNA

TABLE 2 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
LONGLINE FISHERIES:		
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline	94	Atlantic spotted dolphin, Northern GMX Atlantic spotted dolphin, WNA Bottlenose dolphin, GMX outer continental shelf Bottlenose dolphin, GMX, continental shelf edge and slope Bottlenose dolphin, WNA offshore Common dolphin, WNA Cuvier's beaked whale, WNA Long-finned pilot whale, WNA[1] Mesoplodon beaked whale, WNA Northern bottlenose whale, WNA Pantropical spotted dolphin, Northern GMX Pantropical spotted dolphin, WNA Pygmy sperm whale, WNA[1] Risso's dolphin, Northern GMX Risso's dolphin, WNA Short-finned pilot whale, Northern GMX Short-finned pilot whale, WNA[1]
TRAP/POT FISHERIES:		
Northeast/Mid-Atlantic American lobster trap/pot	13,000	Fin whale, WNA Harbor seal, WNA Humpback whale, WNA[1] Minke whale, Canadian east coast[1] North Atlantic right whale, WNA[1]
Category II		
GILLNET FISHERIES:		
Chesapeake Bay inshore gillnet[2]	45	None documented
Gulf of Mexico gillnet[2]	724	Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, GMX bay, sound, and estuarine Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Western GMX coastal
North Carolina inshore gillnet	94	Bottlenose dolphin, WNA coastal[1]
Northeast anchored float gillnet[2]	133	Harbor seal, WNA Humpback whale, WNA White-sided dolphin, WNA
Northeast drift gillnet[2]	unknown	None documented
Southeast Atlantic gillnet[2]	779	Bottlenose dolphin, WNA coastal
Southeastern U.S. Atlantic shark gillnet	30	Atlantic spotted dolphin, WNA Bottlenose dolphin, WNA coastal[1] North Atlantic right whale, WNA
TRAWL FISHERIES:		
Mid-Atlantic mid-water trawl (including pair trawl)	620	Bottlenose dolphin, WNA offshore Common dolphin, WNA Long-finned pilot whale, WNA Risso's dolphin, WNA Short-finned pilot whale, WNA White-sided dolphin, WNA[1]
Mid-Atlantic bottom trawl	>1,000	Common dolphin, WNA[1] Long-finned pilot whale, WNA[1] Short-finned pilot whale, WNA[1]
Mid-Atlantic flynet[2]	21	None documented

TABLE 2 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Northeast mid-water trawl (including pair trawl)	17	Harbor seal, WNA Long-finned pilot whale, WNA[1] Short-finned pilot whale, WNA[1] White-sided dolphin, WNA
Northeast bottom trawl	1,052	Common dolphin, WNA Harbor porpoise, GME/BF Harp seal, WNA Long-finned pilot whale, WNA Short-finned pilot whale, WNA White-sided dolphin, WNA[1]
TRAP/POT FISHERIES:		
Atlantic blue crab trap/pot	>16,000	Bottlenose dolphin, WNA coastal[1] West Indian manatee, FL[1]
Atlantic mixed species trap/pot[2]	unknown	Fin whale, WNA Humpback whale, Gulf of Maine
PURSE SEINE FISHERIES:		
Gulf of Mexico menhaden purse seine	50	Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, GMX bay, sound, estuarine Bottlenose dolphin, Northern GMX coastal[1] Bottlenose dolphin, Western GMX coastal
Mid-Atlantic menhaden purse seine[2]	22	Bottlenose dolphin, WNA coastal
HAUL/BEACH SEINE FISHERIES:		
Mid-Atlantic haul/beach seine	25	Bottlenose dolphin, WNA coastal[1]
North Carolina long haul seine	33	Bottlenose dolphin, WNA coastal[1]
STOP NET FISHERIES:		
North Carolina roe mullet stop net	13	Bottlenose dolphin, WNA coastal[1]
POUND NET FISHERIES:		
Virginia pound net	187	Bottlenose dolphin, WNA coastal[1]
Category III		
GILLNET FISHERIES:		
Caribbean gillnet	>991	Dwarf sperm whale, WNA West Indian manatee, Antillean
Delaware River inshore gillnet	60	None documented
Long Island Sound inshore gillnet	20	None documented
Rhode Island, southern Massachusetts (to Monomoy Island), and New York Bight (Raritan and Lower New York Bays) inshore gillnet	32	None documented
Southeast Atlantic inshore gillnet	unknown	None documented
TRAWL FISHERIES:		
Atlantic shellfish bottom trawl	972	None documented
Gulf of Mexico butterfish trawl	2	Bottlenose dolphin, Northern GMX outer continental shelf Bottlenose dolphin, Northern GMX continental shelf edge and slope
Gulf of Mexico mixed species trawl	20	None documented

TABLE 2 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	>18,000	Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, Western GMX coastal Bottlenose dolphin, GMX bay, sound, estuarine West Indian Manatee, FL
MARINE AQUACULTURE FISHERIES:		
Finfish aquaculture	48	Harbor seal, WNA
Shellfish aquaculture	unknown	None documented
PURSE SEINE FISHERIES:		
Gulf of Maine Atlantic herring purse seine	30	Harbor seal, WNA Gray seal, WNA
Gulf of Maine menhaden purse seine	50	None documented
Florida west coast sardine purse seine	10	Bottlenose dolphin, Eastern GMX coastal
U.S. Atlantic tuna purse seine	5	Long-finned pilot whale, WNA Short-finned pilot whale, WNA
U.S. Mid-Atlantic hand seine	>250	None documented
LONGLINE/HOOK-AND-LINE FISHERIES:		
Northeast/Mid-Atlantic bottom longline/hook-and-line	46	None documented
Gulf of Maine, U.S. Mid-Atlantic tuna, shark swordfish hook-and-line/harpoon	26,223	Humpback whale, WNA
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean snapper-grouper and other reef fish bottom longline/hook-and-line	>5,000	None documented
Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line	<125	None documented
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and-line/harpoon	1,446	None documented
TRAP/POT FISHERIES		
Caribbean mixed species trap/pot	>501	None documented
Caribbean spiny lobster trap/pot	>197	None documented
Florida spiny lobster trap/pot	2,145	Bottlenose dolphin, Eastern GMX coastal
Gulf of Mexico blue crab trap/pot	4,113	Bottlenose dolphin, Western GMX coastal Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, GMX Bay, Sound, & Estuarine West Indian manatee, FL
Gulf of Mexico mixed species trap/pot	unknown	None documented
Southeastern U.S. Atlantic, Gulf of Mexico golden crab trap/pot	10	None documented
Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot	4,453	None documented
U.S. Mid-Atlantic eel trap/pot	>700	None documented
STOP SEINE/WEIR/POUND NET FISHERIES:		

TABLE 2 - LIST OF FISHERIES COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery Description	Estimated # of vessels/persons	Marine mammal species and stocks incidentally killed/injured
Gulf of Maine herring and Atlantic mackerel stop seine/weir	50	Gray seal, Northwest North Atlantic Harbor porpoise, GME/BF Harbor seal, WNA Minke whale, Canadian east coast White-sided dolphin, WNA
U.S. Mid-Atlantic crab stop seine/weir	2,600	None documented
U.S. Mid-Atlantic mixed species stop seine/weir/pound net (except the North Carolina roe mullet stop net)	751	None documented
DREDGE FISHERIES:		
Gulf of Maine mussel	>50	None documented
Gulf of Maine, U.S. Mid-Atlantic sea scallop dredge	233	None documented
U.S. Mid-Atlantic/Gulf of Mexico oyster	7,000	None documented
U.S. Mid-Atlantic offshore surf clam and quahog dredge	100	None documented
HAUL/BEACH SEINE FISHERIES:		
Caribbean haul/beach seine	15	West Indian manatee, Antillean
Gulf of Mexico haul/beach seine	unknown	None documented
Southeastern U.S. Atlantic, haul/beach seine	25	None documented
DIVE, HAND/MECHANICAL COLLECTION FISHERIES:		
Atlantic Ocean, Gulf of Mexico, Caribbean shellfish dive, hand/mechanical collection	20,000	None documented
Gulf of Maine urchin dive, hand/mechanical collection	>50	None documented
Gulf of Mexico, Southeast Atlantic, Mid-Atlantic, and Caribbean cast net	unknown	None documented
COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:		
Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel	4,000	Bottlenose dolphin, Eastern GMX coastal Bottlenose dolphin, Northern GMX coastal Bottlenose dolphin, Western GMX coastal Bottlenose dolphin, WNA coastal

List of Abbreviations and Symbols Used in Table 2: FL - Florida; GA - Georgia; GME/BF - Gulf of Maine/Bay of Fundy; GMX - Gulf of Mexico; NC - North Carolina; SC - South Carolina; TX - Texas; WNA - Western North Atlantic; [1] - Fishery classified based on serious injuries and mortalities of this stock are greater than 1 percent of the stock's PBR; [2] - Fishery classified by analogy.

Classification

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. For convenience, the factual basis leading to the certification is repeated below.

Under existing regulations, all fishers participating in Category I or II fisheries must register under the MMPA, obtain an Authorization Certificate, and pay a fee of $25 (with the exception of those in regions with a registration process integrated with existing state and Federal permitting processes). Additionally, fishers may be subject to a Take Reduction Plan (TRP) and requested to carry an observer. The Authorization Certificate authorizes the taking of marine mammals incidental to commercial fishing operations. NMFS has estimated that approximately 42,000 fishing vessels, most of which are small entities, operate in Category I or II fisheries, and therefore, are required to register. However, registration has been integrated with existing state or Federal registration programs for the majority of these fisheries so these fishers do not need to register separately under the MMPA. Currently, less than 360 fishers register directly with NMFS under the MMPA authorization program.

Though this final rule will affect approximately 360 small entities, the $25 registration fee, with respect to anticipated revenues, is not considered a significant economic impact. If a vessel is requested to carry an observer, fishers will not incur any economic costs associated with carrying that observer. As a result of this certification,

an initial regulatory flexibility analysis was not prepared. In the event that reclassification of a fishery to Category I or II results in a TRP, economic analyses of the effects of that plan will be summarized in subsequent rulemaking actions.

This final rule contains collection-of-information requirements subject to the Paperwork Reduction Act. The collection of information for the registration of fishers under the MMPA has been approved by the Office of Management and Budget (OMB) under OMB control number 0648–0293 (0.15 hours per report for new registrants and 0.09 hours per report for renewals). The requirement for reporting marine mammal injuries or mortalities has been approved by OMB under OMB control number 0648–0292 (0.15 hours per report). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing burden, to NMFS and OMB (see **ADDRESSES** and **SUPPLEMENTARY INFORMATION**).

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

This final rule has been determined to be not significant for the purposes of Executive Order 12866.

An environmental assessment (EA) was prepared under the National Environmental Policy Act (NEPA) for regulations to implement section 118 of the MMPA in June 1995. NMFS revised that EA relative to classifying U.S. commercial fisheries on the LOF in December 2005. Both the 1995 EA and the 2005 EA concluded that implementation of MMPA section 118 regulations would not have a significant impact on the human environment. This final rule would not make any significant change in the management of reclassified fisheries, and therefore, this final rule is not expected to change the analysis or conclusion of the 2005 EA. If NMFS takes a management action, for example, through the development of a TRP, NMFS will first prepare an environmental document, as required under NEPA, specific to that action.

This final rule will not affect species listed as threatened or endangered under the Endangered Species Act (ESA) or their associated critical habitat. The impacts of numerous fisheries have been analyzed in various biological opinions, and this rule will not affect the conclusions of those opinions. The classification of fisheries on the LOF is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, through the development of a TRP, NMFS would conduct consultation under ESA section 7 for that action.

This final rule will have no adverse impacts on marine mammals and may have a positive impact on marine mammals by improving knowledge of marine mammals and the fisheries interacting with marine mammals through information collected from observer programs, stranding and sighting data, or take reduction teams.

This final rule will not affect the land or water uses or natural resources of the coastal zone, as specified under section 307 of the Coastal Zone Management Act.

References

Angliss, R.P., and D.P. DeMaster. 1998. Differentiating Serious and Non-serious Injury of Marine Mammals Taken Incidental to Commercial Fishing Operations: Report of the Serious Injury Workshop 1–2 April 1997, Silver Spring, Maryland. NOAA Technical Memorandum NMFS-OPR–13.

Chivers, S. J., Baird, R.W., McSweeney, D.J., Webster, D., Hedrick, N.M. and Salinas, J.C. 2006. Genetic variation and evidence for population structure in eastern North Pacific false killer whales (*Pseudorca crassidens*). Submitted- Canadian Journal of Zoology.

Dated: March 22, 2007.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. E7–5709 Filed 3–27–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[I.D. 032107B]

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason retention limit adjustment.

SUMMARY: NMFS has determined that the daily Highly Migratory Species (HMS) Angling category retention limits for Atlantic bluefin tuna (BFT) should be adjusted to maximize the usefulness of the information obtained from catches for biological sampling. Vessels permitted in the HMS Angling and HMS Charter/Headboat categories are eligible to land BFT under the HMS Angling category quota. Therefore, NMFS adjusts the daily BFT retention limits for the HMS Angling category quota to allow landing of school BFT in North Carolina during the three-week period from March 24, 2007, through April 15, 2007, as specified in the **SUPPLEMENTARY INFORMATION** section of this document. This action is intended to provide scientific data that would enhance future recreational fishing opportunities for the HMS Angling and HMS Charter/Headboat categories, while minimizing the risk of an overharvest of the HMS Angling category BFT quota.

DATES: Effective from 12:01 a.m., March 24, 2007, through 11:59 p.m., April 15, 2007.

FOR FURTHER INFORMATION CONTACT: Dianne Stephan, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635.

The 2006 BFT fishing year began on June 1, 2006, and ends May 31, 2007. The final initial 2006 BFT specifications and effort controls were published on May 30, 2006 (71 FR 30619). These final specifications established retention limits for school BFT (measuring 27 inches (69 cm) to less than 47 inches (119 cm)) for the HMS Angling and HMS Charter/Headboat categories in accordance with the following: (1) International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation limiting the U.S. catch of school BFT to no more than 8 percent of total U.S. domestic landings calculated as a four-year average; (2) the Consolidated HMS Fishery Management Plan (FMP) (October 2, 2006, 71 FR 58058); and (3) the HMS FMP implementing regulations at 50 CFR 635.27.

The 2006 fishing year is the fourth year in the four-year accounting period established by the ICCAT recommendation that limits harvest of U.S. school BFT. The amount of quota available for the fourth year was limited to 49.2 metric tons (mt), and the final initial 2006 BFT specifications established a one school BFT retention limit for the HMS Angling and HMS Charter/Headboat categories from July 1 through July 21, 2006, in the area South of 39° 18′ N, and from August 25 through September 14, 2006, in the area North of 39° 18′ N. (In addition, these permit categories were subject to a retention limit of two BFT per vessel measuring 47 inches (119cm) to less than 73 inches (185 cm) CFL for the entire fishing year.) Preliminary draft estimates show that all the available school quota for 2006 has not been harvested, providing an opportunity for a limited re-opening for research purposes.

At the Spring 2005 and 2006 HMS Advisory Panel (AP) meetings, AP members discussed the BFT length to weight conversion ratios used in the Large Pelagic Survey (LPS) and other NMFS analyses, and expressed concern that the current ratios over-estimate recreational landings. In June 2006, NMFS published ''Evaluation of Length-Weight Keys Used to Convert Large Pelagics Survey Bluefin Tuna Landings Numbers to Weights,'' which concluded that additional research was necessary to determine the accuracy of the conversion factors in use. During the 2006 fishing year, NMFS expanded the LPS to collect additional data for use in re-analyzing length to weight conversion factors for BFT.

In collaboration with NMFS, the North Carolina Division of Marine Fisheries' (NCDMF) recreational BFT tagging program has been expanded to continue to collect these length and weight data during Spring 2007. Recreationally harvested school BFT landed and tagged at NCDMF weigh stations will be measured and weighed as a part of the NMFS length to weight conversion study. NMFS has recently been notified that school BFT are now available off North Carolina. Thus, NMFS is taking this action to allow retention of school BFT off North Carolina, and landing of school BFT in North Carolina ports to collect data for the NMFS length to weight conversion study.

Under § 635.23(b)(3), NMFS may increase or decrease the HMS Angling category daily retention limit based on the criteria provided in § 635.27 (a)(8). As discussed above, the determination to adjust the retention limit is primarily based on the usefulness of information obtained from catches in the HMS Angling and Charter/Headboat categories for biological sampling and monitoring of the status of the stock (§ 635.27 (a)(8)(i)) and the availability of school BFT on the fishing grounds § 635.27 (a)(8)(ix). In addition, this action would be consistent with the objectives of the consolidated HMS FMP, and the limited three-week duration is anticipated to provide sufficient data for the research program without over-harvesting the school BFT subquota.

Daily Retention Limits

Pursuant to this action and the final initial 2006 BFT specifications, noted above, the daily BFT retention limits for HMS Angling and HMS Charter/Headboat categories are as follows:

TABLE 1. EFFECTIVE DATES FOR RETENTION LIMIT ADJUSTMENTS

Permit Category	Effective Dates	Areas	BFT Size Class Limit
HMS Angling and HMS Charter/Headboat (while fishing recreationally)	June 1, 2006, through May 31, 2006, inclusive.	All	Two BFT per vessel per day/trip, measuring 47 inches (119 cm) curved fork length (CFL) to less than 73 inches CFL (185 cm).
	12:01 a.m., March 24, 2007, through 11:59 p.m., April 15, 2007.	Off North Carolina	One BFT per vessel per day/trip, measuring 27 inches (69 cm) CFL to less than 47 inches (119cm) CFL.

Monitoring and Reporting

NMFS selected the daily retention limits and their duration after examining current and previous fishing year catch and effort rates, taking into consideration public comment on the annual specifications and inseason management measures for the Angling category received during the 2006 BFT quota specifications rulemaking process, and analyzing the available quota for the 2006 fishing year. NMFS will continue to monitor the BFT fishery closely through dealer landing reports, the Automated Landings Reporting System, state harvest tagging programs in North Carolina and Maryland, and the Large Pelagics Survey. All school BFT must be landed in the state of North Carolina and reported and tagged at a state reporting station. Depending on the level of fishing effort, NMFS may determine that additional retention limit adjustments are necessary prior to May 31, 2007.

Closures or subsequent adjustments to the daily retention limits, if any, will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (888) 872–8862 or (978) 281–9260, or access the internet at www.hmspermits.gov, for updates on quota monitoring and retention limit adjustments.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

NMFS has recently become aware of increased availability of school BFT in close proximity to the shores of North Carolina, as provided by fishing reports and communication with NCDMF officials and recreational fishermen. This increase in abundance provides the potential to continue the NMFS length to weight conversion study, which is crucial to management of BFT fisheries. In addition to providing for scientific research, increasing the retention limit may also provide small positive social and economic benefits to fishermen and recreational fishing related businesses. The regulations implementing the HMS FMP provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds, the migratory nature of this species, and the regional variations in the BFT fishery.

Affording prior notice and opportunity for public comment to adjust this retention limit is impracticable as it would preclude

NMFS from acting promptly to allow harvest of BFT that are available on the fishing grounds. Analysis of available data shows that this increase to the school BFT retention limit, over a short time span (three weeks) and limited area, has minimal risk of exceeding the ICCAT allocated school BFT limit, as implemented in the 2006 final initial BFT specifications.

Delays in increasing the retention limit would be contrary to the public interest. Limited opportunities are available to sample recreationally harvested BFT for research purposes. Collaboration with the NCDMF recreational BFT tagging program is expected to provide a sufficient sample size upon which to base scientifically valid analyses of length to weight conversion factors. Accurate conversion factors are crucial for the estimation of recreational landings and other stock assessment analyses. Incorrect conversion factors could overestimate harvests, which would negatively impact U.S. fishermen both economically and socially, or underestimate harvests, which could negatively impact bluefin tuna stocks.

Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, there is good cause under 5 U.S.C. 553(d) to waive the 30–day delay in effectiveness. In addition, this action relieves a restriction (i.e., this action allows retention of more fish).

This action is being taken under 50 CFR 635.23(a)(4) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

March 22, 2007.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 07–1485 Filed 3–22–07; 3:23 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 59
Wednesday, March 28, 2007

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

8 CFR Part 1003

[EOIR No. 147I; AG Order No. 2876–2007]

RIN 1125–AA52

Jurisdiction and Venue in Removal Proceedings

AGENCY: Executive Office for Immigration Review, Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the Department of Justice (Department) regulations addressing jurisdiction and venue in removal proceedings. The amendment is necessary due to the increasing number of removal hearings being conducted by telephone and video conference. The proposed rule establishes that venue shall lie at the place of the hearing as identified on the charging document or initial hearing notice, unless an immigration judge has granted a change of venue to a different location. The hearing location is the same whether or not the immigration judge or a party to the proceeding appears at the hearing location in person or participates in the hearing by telephone or video conference. The proposed rule also establishes that removal proceedings shall be deemed to be completed at the location of the final hearing, regardless of whether all parties are physically present at that location. The Department also proposes to amend the regulations to state expressly that, when the Department of Homeland Security (DHS) files a charging document, jurisdiction vests with the Office of the Chief Immigration Judge (OCIJ) within the Executive Office for Immigration Review (EOIR).

DATES: Written comments must be submitted on or before April 27, 2007.

ADDRESSES: Please submit written comments to Kevin Chapman, Acting General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia, 22041. To ensure proper handling, please reference RIN No. 1125–AA52 or EOIR docket number 147I on your correspondence. You may view an electronic version of this proposed rule at *http://www.regulations.gov.* You may also comment via the Internet to the Executive Office for Immigration Review (EOIR) at *eoir.regs@usdoj.gov* or by using the *http://www.regulations.gov* comment form for this regulation. When submitting comments electronically, you must include RIN No. 1125–AA52 in the subject box.

FOR FURTHER INFORMATION CONTACT: Kevin Chapman, Acting General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia, 22041, telephone (703) 305–0470 (not a toll-free call).

SUPPLEMENTARY INFORMATION: This proposed venue rule would revise the existing regulations to clarify the particular location in which venue lies for proceedings before immigration judges. 8 CFR 1003.20(a) is amended to state that, in removal proceedings, venue lies at the hearing location as identified on the charging document as defined in 8 CFR 1003.13 or the initial hearing notice issued pursuant to 8 CFR 1003.18. The designated hearing location is also known as the location where a case is ''docketed for a hearing.''

The rule currently provides that venue shall lie at the immigration court where jurisdiction vests pursuant to 8 CFR 1003.14. As revised, the regulations would more clearly distinguish between (1) the jurisdiction of the immigration judges over proceedings initiated under section 240 of the Immigration and Nationality Act (INA), 8 U.S.C. 1229a, or other provisions of law, and (2) the proper venue or hearing location for particular cases.

In particular, the Department proposes to amend the venue rule to provide greater clarity and consistency of interpretation, in light of the increasing number of removal hearings conducted by telephone and video conference, as well as EOIR's use of administrative control courts for the creation and maintenance of records of proceedings as described in 8 CFR 1003.11. This rule makes clear that the use of telephone or video conferencing or the use of administrative control courts for maintaining records does not alter or affect the designated hearing location where the hearing itself takes place. In addition, in response to requests from federal courts, the Department is amending the rule to specify that, for purposes of judicial review of final orders of removal, pursuant to section 242(b)(2) of the INA, 8 U.S.C. 1252(b)(2), removal proceedings will be deemed to be completed at the location of the final hearing.

Congress has expressly authorized the immigration judges to conduct merits hearings in removal proceedings through telephone or video conference, although an evidentiary hearing may be conducted by telephone conference only if the alien consents, after being advised of the right to proceed in person or through video conference. See section 240(b)(2) of the INA; see also 8 CFR 1003.25(c). For more than 10 years, immigration judges have conducted hearings by video conference. More than one-half of the immigration courts in the United States are equipped with the technology to conduct video conferences.

Due to improved technology, and encouraged by the proven success of video conferencing, EOIR has established a Headquarters Immigration Court (HQIC) based at EOIR Headquarters in Falls Church, Virginia. The immigration judges assigned to the HQIC conduct hearings through video conference to assist various immigration courts throughout the United States by hearing cases on their dockets. The HQIC provides OCIJ with a flexible tool for responding to short-term resource needs that may arise.

Although a useful tool in docket management, the increased use of telephone and video conferencing to conduct hearings complicates questions regarding where venue properly lies and where proceedings are completed. When telephone and video conferencing are used to conduct hearings, the parties, representatives, and immigration judge need not gather in a single physical location. As a result, the hearing may involve persons in different places, and in some cases these multiple geographic locations may be in different judicial circuits.

OCIJ's use of administrative control courts also increases the number of

cases that involve more than one location. Administrative control courts are used to create and maintain records of proceedings for immigration courts within an assigned geographic area, including established immigration courts in different cities, as well as hearing locations in detail cities, in DHS detention facilities, or in federal, state, or local correctional facilities. See 8 CFR 1003.11; 1003.13.[1] All documents and correspondence in a particular case are filed with the administrative control court (sometimes called the ''base city court''), even if the hearings themselves are held at a different location within the assigned geographic area.

For instance, Dallas, Texas (in the Fifth Circuit), is currently the administrative control court for immigration cases being heard at the immigration court in Oklahoma City, Oklahoma (in the Tenth Circuit), and Arlington, Virginia (in the Fourth Circuit) is currently the administrative control court for immigration cases being heard at the detail location in Cleveland, Ohio (in the Sixth Circuit). When a hearing is held at a detention facility, documents related to the case may be filed with the immigration court having administrative control over that hearing location and not at the detention facility. Thus, one removal proceeding may involve more than one geographic location, with documents being filed in one place even though the hearings themselves are held at another place, often in a city or detention facility in a different state and sometimes in a different judicial circuit.

Due to the increased number of cases that involve more than one geographic location—both because of the use of telephone or video conferencing and because of the use of administrative control courts—the Department has concluded that it is essential to clarify the existing regulations relating to venue to provide more specific guidance. Under this rule, the designated hearing location remains unaffected even if an immigration judge from a different location is conducting the hearing by video conference, or if the records in the case are filed with, and maintained by, an administrative control court in a different city. An immigration judge from a different city who is conducting a hearing by telephone or video conference is deemed to be conducting the hearing at the designated hearing location, just as if the immigration judge had been assigned to conduct the hearing at that location in person.

This proposed rule is consistent with longstanding EOIR practice with respect to the use of administrative control courts, and is also consistent with previous guidance provided by OCIJ regarding hearings conducted by telephone or video conference. See Memorandum from Chief Immigration Judge Michael Creppy, Interim Operating Policies and Procedures Memorandum No. 04–06: Hearings Conducted through Telephone and Video Conference at 2 (Aug. 18, 2004) (''The immigration judge's participation in the hearing through video conference d[oes] not change the hearing location.'') (available on the EOIR Web site).

The following example illustrates the increased complexity of venue determinations and the operation of the new venue rule in a case involving multiple geographic locations. With respect to an alien being detained at the Nebraska Department of Corrections, DHS would institute removal proceedings against the alien by filing an NTA with the immigration court in Chicago, Illinois (the administrative control court or ''base city court''). The NTA or a subsequent hearing notice would identify the Nebraska Department of Corrections in Lincoln, Nebraska, as the hearing location. OCIJ may then decide to assign an immigration judge at the HQIC or in some other city to hear cases that are on the docket at that correctional facility, conducting the hearing by video conference rather than traveling to Nebraska to hear the case in person.

In the above scenario, under this rule, venue would lie in Lincoln, Nebraska, the designated hearing location, i.e., the place where the case was docketed to be heard, not in Chicago, Illinois, or in Falls Church, Virginia. The hearing location and thus venue would remain unchanged, even if other events occurred. For instance, Lincoln would remain the hearing location, even if an immigration judge in Chicago (or Denver, Colorado) is substituted to conduct the hearing by video conference instead of an immigration judge at the HQIC in Falls Church. Similarly, the hearing location and thus venue would remain unchanged even if one of the parties or representatives participated in the hearing by telephone or video conference (for example, the alien's attorney who is located in Cleveland, Ohio). Unless the immigration judge grants a party's motion for a change of venue, the hearing location would remain constant, in this case at Lincoln.

The regulations authorize an immigration judge to change venue only when one of the parties moves for a change of venue and the opposing party is given notice and the opportunity to respond. See 8 CFR 1003.20(b); see also *Jian* v. *INS*, 28 F.3d 256 (2nd Cir. 1994). The immigration judge may not sua sponte transfer venue.[2] Furthermore, in the case of a detained alien, venue does not automatically change when the DHS moves the alien to another detention facility. See *Jian* v. *INS*, supra. To secure a change of venue, DHS must make a motion before the immigration judge in the location where venue already lies. A notice of hearing is issued for all hearings, so if an immigration judge grants a motion for a change of venue, a new hearing notice will be issued that reflects the new hearing location.

The Department's proposed amendments to 8 CFR 1003.20(a) also respond to recent decisions issued by two United States Circuit Courts of Appeals. See *Georcely* v. *Ashcroft*, 375 F.3d 45 (1st Cir. 2004); *Ramos* v. *Ashcroft*, 371 F.3d 948 (7th Cir. 2004) (Ramos I). Each of these cases involved more than one geographic location, either because of the use of an administrative control court or the use of video conferencing.[3] These courts had to determine which court of appeals had authority for judicial review of the order of removal under section 242(b)(2) of the INA, which states that a petition for review shall be filed with the court of appeals for the judicial circuit in which the immigration judge ''completed the proceedings.'' Both courts noted that the proceedings could be deemed to have been completed in a variety of places, including the place where the immigration judge was physically located, where the alien was physically located, where the final order was issued, or where the final order was

[1] A list of administrative control courts with their assigned geographic areas is available to the public at any immigration court. See 8 CFR 1003.11.

[2] The only exception involves a ''clerical transfer,'' which occurs when two courts have administrative control over the same area. Typically, this sharing occurs when two courts—one a detention setting and the other a non-detained setting—are located in the same geographic area. A case may be transferred between the paired courts with an administrative notation. For example, if a detained alien who has a hearing scheduled at the DHS detention facility in Lancaster, California, is released from custody, the alien's case may be clerically transferred from the Lancaster Immigration Court to the Los Angeles Immigration Court. The public list of administrative control courts contains information about which courts are subject to clerical transfers. See *http://www.usdoj.gov/eoir/vll/pairedcourts.htm#NOTE.*

[3] In *Georcely*, the hearing was held in St. Thomas, U.S. Virgin Islands, within the jurisdiction of the Third Circuit, but the record of proceedings was maintained by the administrative control court in Puerto Rico, which is within the jurisdiction of the First Circuit. In *Ramos*, the hearing was held in Council Bluffs, Iowa, located within the Eighth Circuit, but an immigration judge physically located in Chicago presided over the Iowa hearing via video conference.

formally entered. Both courts found that they could review the cases, but suggested that the Department provide guidance for future cases involving multiple geographic locations. See also *Ramos* v. *Gonzales*, 414 F.3d 800, 803 (7th Cir. 2005) (Ramos II) (noting the instruction from the Chief Immigration Judge that venue is not determined by the physical location of an immigration judge who is conducting the hearing by teleconference, but adhering to the court's contrary conclusion in Ramos I as the law of the case).

In accord with the rule that venue lies at the location where the hearing is scheduled to occur, as identified in the NTA or a subsequent hearing notice (or as the immigration judge may change venue pursuant to a motion filed for that purpose), the Department is further amending the rule to state that a case is deemed to be completed at the final hearing location. The final hearing location can readily be identified as the place of the hearing identified on the notice for the final hearing. The ''final hearing'' is the last hearing for which a notice was issued. As previously stated, a hearing notice is issued for each hearing and identifies the hearing location. The hearing location remains unchanged throughout a proceeding, unless an immigration judge grants a change of venue. If venue has been changed, all hearing notices issued after the change of venue will correctly list the new hearing location. As a result, the hearing notice related to the final hearing in a case will identify the location where the hearing is completed. Even if an immigration judge reserves a decision rather than issuing a decision during the final hearing, the hearing will be deemed completed at the hearing location listed on the last hearing notice issued in the case.

The previous hypothetical involving the hearing location at the Nebraska Department of Corrections in Lincoln, Nebraska, illustrates the operation of the rule to determine the place where the immigration judge completed the proceedings for purposes of judicial review. The administrative control court where documents are filed is in Chicago, within the Seventh Circuit, and the immigration judge is based at the HQIC in Virginia, located in the Fourth Circuit, conducting the Lincoln hearing through video conferencing. In this scenario, venue would lie at the final hearing location, Lincoln, Nebraska. In turn, the immigration judge would be deemed to have completed the proceedings at the final hearing location in Lincoln, within the jurisdiction of the Eighth Circuit. The immigration judge, although physically located in Virginia, is deemed to be appearing and conducting the proceedings in Nebraska via video conference, as if assigned to conduct the hearing in person at the Nebraska location. Thus, for purposes of section 242(b)(2) of the INA, a petition for review should be filed in the Eighth Circuit, and not in the Seventh Circuit or the Fourth Circuit.

Finally, this proposed rule would amend the jurisdiction rule at 8 CFR 1003.14(a) to state that when DHS files an NTA and thereby institutes removal proceedings, jurisdiction over the proceedings vests with OCIJ within EOIR. This amendment is necessary to avoid any possible and unintended implication that jurisdiction over a case is limited to a particular immigration court. This amendment to the jurisdiction rule complements the revision to the venue rule, since it is the venue rule that determines the particular hearing location.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects individual aliens and does not affect small entities, as that term is defined in 5 U.S.C. 601(6).

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year and also will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

The Attorney General has determined that this rule is a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and, accordingly, this rule has been submitted to the Office of Management and Budget for review. This rule merely clarifies and restates preexisting principles relating to the venue of immigration proceedings and does not alter existing legal principles or impose new obligations on aliens, their representatives, or the Department of Homeland Security (which represents the government in removal proceedings).

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Executive Order 12988 Civil Justice Reform

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this rule because there are no new or revised record keeping or reporting requirements.

List of Subjects in 8 CFR Part 1003

Administrative practice and procedure, Aliens, Immigration, Legal Services, Organization and Function (Government Agencies).

Accordingly, chapter V of title 8 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1003—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

1. The authority citation for part 1003 is revised to read as follows:

Authority: 5 U.S.C. 301; 6 U.S.C. 521; 8 U.S.C. 1101, 1103, 1154, 1155, 1158, 1182, 1226, 1229, 1229a, 1229b, 1229c, 1231, 1254a, 1255, 1324d, 1330, 1361, 1362; 28 U.S.C. 509, 510, 1746; sec. 2 Reorg. Plan No. 2 of 1950; 3 CFR, 1949–1953 Comp., p. 1002; section 203 of Pub. L. 105–100, 111 Stat.

2196–200; sections 1506 and 1510 of Pub. L. 106–386, 114 Stat. 1527–29, 1531–32; section 1505 of Pub. L. 106–554, 114 Stat. 2763A–326 to –328.

2. Section 1003.14 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 1003.14 Jurisdiction and commencement of proceedings.

(a) When DHS files a charging document with an immigration court, proceedings commence and jurisdiction vests with the Office of the Chief Immigration Judge within the Executive Office for Immigration Review. * * *

* * * * *

3. The section heading and paragraph (a) of section 1003.20 are revised to read as follows:

§ 1003.20 Venue; change of venue.

(a) Venue lies at the designated place for the hearing as identified by the Department of Homeland Security on the charging document. If the charging document does not identify the place of the hearing, venue shall lie at the place of the hearing identified on the initial hearing notice, issued by the immigration court in accordance with § 1003.18(b).

(1) Venue remains at the designated hearing location unless an immigration judge has granted a motion for change of venue as provided in this section, except that the Office of the Chief Immigration Judge may provide for administrative transfers of proceedings from one hearing location to another hearing location in the same vicinity, with proper notice to the parties, if such a transfer is appropriate because the alien is released from custody, is taken into custody, or, upon release from a federal or state correctional facility, is transferred into DHS custody.

(2) Venue lies at the designated hearing location, even if the immigration judge or any party or representative is not physically present at the hearing location and participates in the hearing through telephone or video conference. In that circumstance, the immigration judge shall clearly identify on the record the hearing location and the location of the immigration judge and the parties or representatives, if different.

(3) The use and location of an administrative control court for the filing of documents and the creation and maintenance of records of proceedings, as described in § 1003.11, does not affect the venue of the case or the hearing location as provided in this section, nor does the venue of the case or the hearing location affect the use or location of the administrative control court.

(4) For purposes of judicial review of a final order of removal, as provided in section 242(b)(2) of the Act, the immigration judge is deemed to complete the proceedings at the final hearing location, without regard to whether the immigration judge, or any party, representative, witness or other person participates in the final hearing through telephone or video conference. For purposes of this provision, the final hearing location refers to the place of the hearing identified on the notice for the final hearing.

* * * * *

Dated: March 22, 2007.

Alberto R. Gonzales,

Attorney General.

[FR Doc. E7–5629 Filed 3–27–07; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27715; Directorate Identifier 2006–NM–140–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A330 and A340 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede an existing airworthiness directive (AD) that applies to all Airbus Model A330–200, A330–300, A340–200, and A340–300 series airplanes; and Model A340–541 and A340–642 airplanes. The existing AD currently requires operators to revise the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness (ICA) to incorporate new information. This information includes, for all affected airplanes, decreased life limit values for certain components; and for Model A330–200 and -300 series airplanes, new inspections, compliance times, and new repetitive intervals to detect fatigue cracking, accidental damage, or corrosion in certain structures. This proposed AD would revise the ALS, for all affected airplanes, by adding new Airworthiness Limitations Items (ALIs) to incorporate service life limits for certain items and inspections to detect fatigue cracking, accidental damage or corrosion in certain structures, in accordance with the revised ALS of the ICA. This proposed AD results from the issuance of new and more restrictive service life limits and structural inspections based on fatigue testing and in-service findings. We are proposing this AD to detect and correct fatigue cracking, accidental damage, or corrosion in principal structural elements, and to prevent failure of certain life-limited parts, which could result in reduced structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by April 27, 2007.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Contact Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France, for service information identified in this proposed AD.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer International Branch, ANM–116, FAA, International Branch, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2797; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''Docket No. FAA–2007–27715; Directorate Identifier 2006–NM–140–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://*

dms.dot.gov, including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*, or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

On April 20, 2006, we issued AD 2006–09–07, amendment 39–14577 (71 FR 25919, May 3, 2006), for all Airbus Model A330–200, A330–300, A340–200, and A340–300 series airplanes; and Model A340–541 and A340–642 airplanes. That AD requires operators to revise the Airworthiness Limitations section (ALS) of the Instructions for Continued Airworthiness to incorporate new information. This information includes, for all affected airplanes, decreased life limit values for certain components; and for Model A330–200 and –300 series airplanes, new inspections, compliance times, and new repetitive intervals to detect fatigue cracking, accidental damage, or corrosion in certain structures. That AD resulted from a revision to subsection 9–1 of the Airbus A330 and A340 Maintenance Planning Documents (MPD) for Life limits/Monitored parts, and subsection 9–2 of the Airbus A330 MPD for Airworthiness Limitations Items (ALIs). We issued that AD to detect and correct fatigue cracking, damage, or corrosion, which could result in reduced structural integrity of these airplanes.

Actions Since Existing AD Was Issued

Since we issued AD 2006–09–07, the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, notified us that an unsafe condition may exist on all Airbus Model A330–200, A330–300, A340–200, and A340–300 series airplanes; and Model A340–541 and A340–642 airplanes. The EASA advises that Airbus has issued new service life limits and structural inspections based upon fatigue testing and in-service findings. Fatigue cracking, accidental damage, or corrosion in principal structural elements and failure of certain life limited parts, if not corrected, could result in reduced structural integrity of the airplane.

The EASA also advises that Airbus has moved the service life limits from the A330/A340 MPDs into the applicable ALS Part 1. Airbus has also revised Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitations Items (ALIs),'' Issue 12, dated November 1, 2003, to Issue 14, dated October 10, 2005. The revision to the ALIs adds new tasks to those specified in Issue 12; therefore, the revision has been added to the new requirements in this AD. In addition, a new revision to the A340 ALS adds Airbus Document AI/SE–M4/95A.0051/97, ''A340 Airworthiness Limitations Items,'' Issue 9, dated January 17, 2006.

Incorporating these revisions into the ALS of the Instructions for Continued Airworthiness is intended to ensure the continued structural integrity of these airplanes.

Relevant Service Information

Airbus has issued A330 and A340 ALS Part 1—Safe Life Airworthiness Limitation Items, dated March 23, 2006, Sub-part 1–2 , ''Life Limits,'' and Sub-part 1–3, ''Demonstrated Fatigue Lives,'' of both ALS Part 1 documents to specify new and more restrictive service life limits for certain ALIs.

Airbus has also issued A330 and A340 ALS Part 2, Damage Tolerant Airworthiness Limitation Items, dated January 17, 2006. The ALS Part 2 document refers to Airbus Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitations Items,'' Issue 14, dated October 10, 2005; and Airbus Document AI/SE–M4/95A.0051/97, ''A340 Airworthiness Limitations Items,'' Issue 9, dated January 17, 2006 (both approved by the EASA on February 25, 2006). Part 2 references the ALI documents for damage tolerance inspections but does not contain them. The documents specify new and more restrictive inspections for structural items.

Accomplishment of the actions specified in these documents is intended to adequately address the unsafe condition. The EASA mandated these documents and issued EASA airworthiness directives 2006–0129 and 2006–0130, both dated May 22, 2006; and 2006–0307 and 2006–0308, both dated October 10, 2006; to ensure the continued airworthiness of these airplanes in the European Union.

Explanation of Change to Applicability

We have revised the applicability of the proposed AD to identify model designations as published in the EASA airworthiness directive for the affected models.

FAA's Determination and Requirements of the Proposed AD

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. As described in FAA Order 8100.14A, ''Interim Procedures for Working with the European Community on Airworthiness Certification and Continued Airworthiness,'' dated August 12, 2005, the EASA has kept the FAA informed of the situation described above. We have examined the EASA's findings, evaluated all pertinent information, and determined that AD action is necessary for airplanes of this type design that are certificated for operation in the United States.

This proposed AD would supersede AD 2006–09–07 and would retain the requirements of the existing AD. This proposed AD would also require revising the ALS, for all affected airplanes, by adding new ALIs to incorporate service life limits for certain items and inspections to detect fatigue cracking, accidental damage or corrosion in certain structures, in accordance with the revised ALS of the Instructions for Continued Airworthiness.

Costs of Compliance

This proposed AD would affect about 28 airplanes of U.S. registry. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Action	Work hour	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Revise the ALS, required by AD 2006–09–07 ...	1	$80	None	$80	20	$1,600
Revise the ALS, new proposed action	1	80	None	80	28	2,240

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The Federal Aviation Administration (FAA) amends § 39.13 by removing amendment 39–14577 (71 FR 25919, May 3, 2006) and adding the following new airworthiness directive (AD):

Airbus: Docket No. FAA–2007–27715; Directorate Identifier 2006–NM–140–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by April 27, 2007.

Affected ADs

(b) This AD supersedes AD 2006–09–07.

Applicability

(c) This AD applies to all Airbus Model A330 and A340 airplanes; certificated in any category.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j) of this AD. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected structure. The FAA has provided guidance for this determination in Advisory Circular (AC) 25–1529–1.

Unsafe Condition

(d) This AD results from the issuance of new and more restrictive service life limits and structural inspections based on fatigue testing and in-service findings. We are issuing this AD to detect and correct fatigue cracking, accidental damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

Restatement of Requirements of AD 2006–09–07

Airworthiness Limitations Revision

(f) Within 3 months after June 7, 2006 (the effective date of AD 2006–09–07): Revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness by incorporating into the ALS the documents in paragraphs (f)(1) and (f)(2) of this AD, as applicable.

(1) Airbus Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitations Items,'' Issue 12, dated November 1, 2003, as specified in Section 9–2 of the Airbus A330 Maintenance Planning Document (MPD).

(2) Section 9–1, ''Life limits/Monitored parts,'' Revision 05, dated April 7, 2005, of the Airbus A330 and A340 MPDs.

(g) Except as provided by paragraph (h) or (j) of this AD: After the actions in paragraph (f) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (f) of this AD.

New Requirements of This AD

ALS Revision

(h) Within 3 months after the effective date of this AD: Revise the ALS of the Instructions for Continued Airworthiness to incorporate the documents specified in paragraphs (h)(1) and (h)(2) of this AD, as applicable. Accomplishing the revision in this paragraph terminates the requirements in paragraph (f) of this AD.

(1) Airbus Document AI/SE–M4/95A.0089/97, ''A330 Airworthiness Limitation Items (ALI),'' Issue 14, dated October 10, 2005; or Airbus Document AI/SE–M4/95A.0051/97, ''A340 Airworthiness Limitations Items,'' Issue 9, dated January 17, 2006.

(2) Sub-part 1–2 ''Life Limits,'' and Sub-part 1–3 ''Demonstrated Fatigue Lives,'' of Airbus A330 or A340 ALS Part 1, ''Safe Life Airworthiness Limitation Items,'' dated March 23, 2006, as applicable.

(i) Except as provided by paragraph (j) of this AD: After the actions in paragraph (h) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (f) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Related Information

(k) European Aviation Safety Agency airworthiness directives 2006–0129 and 2006–0130, both dated May 22, 2006; and 2006–0307 and 2006–0308, both dated October 10, 2006; also address the subject of this AD.

Issued in Renton, Washington, on March 21, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–5656 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27714; Directorate Identifier 2006–NM–277–AD]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146–RJ Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

There are four ECS (environmental control system) grilles located in the flight deck side consoles. There have been occurrences where a grille has become detached during flight. There is a risk that a loose grille could foul the rudder pedals and interfere with rudder/brake control resulting in an unsafe condition.

The unsafe condition is a rudder pedal restriction or jam, which could result in reduced controllability of the airplane. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by April 27, 2007.

ADDRESSES: You may send comments by any of the following methods:

- *DOT Docket Web Site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Fax:* (202) 493–2251.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received and other information. The street address for the Docket Office (telephone (800) 647–5227) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Streamlined Issuance of AD

The FAA is implementing a new process for streamlining the issuance of ADs related to MCAI. This streamlined process will allow us to adopt MCAI safety requirements in a more efficient manner and will reduce safety risks to the public. This process continues to follow all FAA AD issuance processes to meet legal, economic, Administrative Procedure Act, and **Federal Register** requirements. We also continue to meet our technical decision-making responsibilities to identify and correct unsafe conditions on U.S.-certificated products.

This proposed AD references the MCAI and related service information that we considered in forming the engineering basis to correct the unsafe condition. The proposed AD contains text copied from the MCAI and for this reason might not follow our plain language principles.

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–27714; Directorate Identifier 2006–NM–277–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2006–0342, dated November 9, 2006 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

There are four ECS (environmental control system) grilles located in the flight deck side consoles. There have been occurrences where a grille has become detached during flight. There is a risk that a loose grille could foul the rudder pedals and interfere with rudder/brake control resulting in an unsafe condition.

The unsafe condition is a rudder pedal restriction or jam, which could result in reduced controllability of the airplane. The MCAI requires modifying the grilles. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

BAE Systems (Operations) Limited has issued Modification Service Bulletins SB.25–495–60730A, dated March 14, 2006; and Revision 1, dated May 9, 2006. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation

in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 10 products of U.S. registry. We also estimate that it would take about 3 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $6,893 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $71,330, or $7,133 per product.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. ''Subtitle VII: Aviation Programs,'' describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Docket No. FAA–2007–27714; Directorate Identifier 2006–NM–277–AD.

Comments Due Date

(a) We must receive comments by April 27, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to BAE Systems (Operations) Limited Model BAe 146–100A, –200A, and –300A series airplanes, and Model Avro 146–RJ70A, 146–RJ85A, and 146–RJ100A airplanes; certificated in any category; which have modification HCM00674A embodied.

Reason

(d) The mandatory continuing airworthiness information (MCAI) states:

There are four ECS (environmental control system) grilles located in the flight deck side consoles. There have been occurrences where a grille has become detached during flight. There is a risk that a loose grille could foul the rudder pedals and interfere with rudder/brake control resulting in an unsafe condition.

The unsafe condition is a rudder pedal restriction or jam, which could result in reduced controllability of the airplane. The MCAI requires modifying the grilles.

Subject

(e) Equipment/Furnishings.

Actions and Compliance

(f) Within 6 months after the effective date of this AD, unless already done, carry out the modification of the ECS grilles as described in BAE Systems (Operations) Limited Modification Service Bulletin SB.25–495–60730A, dated March 14, 2006; or Revision 1, dated May 9, 2006.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No Differences.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, 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: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 227–1175; (425) 227–1149. Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the information collection

requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to MCAI European Aviation Safety Agency Airworthiness Directive 2006–0342, dated November 9, 2006; and BAE Systems (Operations) Limited Modification Service Bulletin SB.25–495–60730A, dated March 14, 2006; or Revision 1, dated May 9, 2006; for related information.

Issued in Renton, Washington, on March 21, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–5650 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–R09–OAR–2006–AZ–0558; FRL–8292–7]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Boundary Redesignation; Finding of Attainment for Miami Particulate Matter of 10 Microns or Less (PM_{10}) Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve the State of Arizona's boundary redesignation of the Hayden/Miami PM_{10} nonattainment area into two separate PM_{10} nonattainment areas: Hayden and Miami. EPA is also proposing to find that the Miami PM_{10} nonattainment area is attaining the PM_{10} national ambient air quality standard, and, based on this attainment finding, EPA is proposing to determine that certain Clean Air Act requirements are not applicable for so long as the Miami area shows continued attainment of the standard based on current, publicly available, quality-assured monitoring data. EPA is taking this action consistent with obligations under the Clean Air Act to act on State redesignations. Lastly, EPA is proposing to correct two errors in previous rulemakings that involved the designations of PM_{10} areas within the State of Arizona.

DATES: Any comments on this proposal must arrive by April 27, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2006–AZ–0558 by one of the following methods:

- *Federal eRulemaking portal: http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *E-mail: tax.wienke@epa.gov*.
- *Fax:* (415) 947–3579 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Wienke Tax, Office of Air Planning, Environmental Protection Agency (EPA), Region 9, Mailcode AIR–2, 75 Hawthorne Street, San Francisco, California 94105–3901.
- *Hand Delivery:* Wienke Tax, Office of Air Planning, Environmental Protection Agency (EPA), Region 9, Mailcode AIR–2, 75 Hawthorne Street, San Francisco, California 94105–3901. Such deliveries are only accepted Monday through Friday, 8 a.m. to 4:55 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R09–OAR–2006–AZ–0558. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA, without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Office of Air Planning, Environmental Protection Agency (EPA), Region 9, Mailcode AIR–2, 75 Hawthorne Street, San Francisco, California 94105–3901. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Wienke Tax, Office of Air Planning, U.S. Environmental Protection Agency, Region 9, (520) 622–1622, e-mail: *tax.wienke@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

This proposal addresses EPA's approval of the State of Arizona's boundary redesignation of the Hayden/Miami PM_{10} nonattainment area into two separate PM_{10} nonattainment areas: Hayden and Miami. EPA is also proposing to find that the Miami PM_{10} nonattainment area is attaining the PM_{10} national ambient air quality standard, and, based on this attainment finding, EPA is proposing to determine that certain Clean Air Act requirements are not applicable for so long as the Miami area shows continued attainment of the standard based on current, publicly available, quality-assured monitoring data. EPA is taking this action consistent with obligations under the Clean Air Act to act on State redesignations. Lastly, EPA is proposing to correct two errors in previous rulemakings that involved the designations of PM_{10} areas within the State of Arizona.

In the Rules and Regulations section of this **Federal Register**, we are taking direct final action to take these actions because we believe that they are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. We do not plan to open

a second comment period, so anyone interested in commenting should do so at this time. If we do not receive comments, no further activity is planned.

For all the reasons set forth in the parallel direct final rule, we are proposing to approve the State of Arizona's boundary redesignation of the Hayden/Miami PM_{10} nonattainment area into two separate PM_{10} nonattainment areas: Hayden and Miami, and to determine that the Miami moderate PM_{10} nonattainment area in Arizona is attaining the PM_{10} national ambient air quality standard. A determination of attainment is not a redesignation to attainment under CAA section 107(d)(3) because we have not yet approved a maintenance plan as required under section 175A of the CAA or determined that the area has met the other CAA requirements for redesignation.

Also, for all the reasons set forth in the parallel direct final rule, we further propose to determine that, because the Miami area is attaining the PM_{10} NAAQS, certain attainment demonstration requirements, along with other related requirements of the CAA, are not applicable to the Miami area for so long as the area continues to attain. Lastly, EPA is proposing to correct two errors in previous rulemakings that involved the classification of PM_{10} nonattainment areas within the State of Arizona.

For further information on this proposal and the rationale underlying our proposed action, please see the direct final rule.

Dated: March 20, 2007.

Wayne Nastri,

Regional Administrator, Region 9.

[FR Doc. E7–5662 Filed 3–27–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket No. FEMA–B 7711]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFEs modifications for the communities listed below. The BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Division, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This proposed rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Gallatin County, Kentucky and Incorporated Areas				
Ohio River	Carroll County Line	*472	+471	City of Warsaw.
	Boone County Line	*480	+479	Gallatin County (Unincorporated Areas).

*National Geodetic Vertical Datum.
Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

City of Warsaw

Maps are available for inspection at 101 West Market Street, Warsaw, KY 41095.

Send comments to The Honorable E. Richard Wood, Mayor, City of Warsaw, 101 West Market Street, Warsaw, KY 41095.

Gallatin County (Unincorporated Areas)

Maps are available for inspection at 200 Washington Street, Warsaw, KY 41095.

Send comments to The Honorable Kenny R. French, Gallatin County Judge Executive, P.O. Box 144, Warsaw, KY 41095.

Phelps County, Missouri (Unincorporated Areas)				
Burger Branch	Approximately 900 ft downstream side of Brookridge Drive.	None	*967	Phelps County (Unincorporated Areas).
	About 2,200 ft upstream side of Old St. James Road	None	*1077	
Little Piney Creek	About 1500 ft downstream of the confluence with Newburg Branch.	None	*710	Phelps County (Unincorporated Areas).
	About 3000 ft upstream of MO State Highway T/Water Street..	None	*717	

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

Phelps County (Unincorporated Areas)

Maps are available for inspection at 200 North Main Street, 200 North Main Street, MO 65401.

Send comments to The Honorable Randy Verkamp, Presiding Commissioner, 200 North Main Street, Rolla, MO 65401.

Cleveland County, North Carolina and Incorporated Areas				
Adams Branch	At the confluence with Knob Creek (into First Broad River).	None	+890	Cleveland County (Unincorporated Areas), Town of Belwood.
	Approximately 50 feet upstream of Woodrow Hoyle Road (State Road 1624).	None	+1,018	
Tributary 1	At the confluence with Adams Branch	None	+904	Cleveland County (Unincorporated Areas).
	Approximately 1.2 miles upstream of the confluence of Adams Branch.	None	+983	
Ashworth Creek	At the confluence with Broad River	None	+669	Cleveland County (Unincorporated Areas).
	At the North Carolina/South Carolina State boundary	None	+788	
Tributary 5	At the confluence with Ashworth Creek	None	+763	Cleveland County (Unincorporated Areas).
	Approximately 600 feet upstream of Wood Road	None	+780	
Bald Knob Creek	At the confluence with Little Knob Creek	None	+946	Cleveland County (Unincorporated Areas).
	Approximately 100 feet upstream of Pruitt Road	None	+1,012	
Beams Lake	Approximately 275 feet upstream of the confluence with Hickory Creek (near Shelby).	None	+735	City of Shelby.
	Approximately 260 feet upstream of the Dam	None	+801	
Beason Creek	At the confluence with Buffalo Creek	+622	+621	Cleveland County (Unincorporated Areas), City of Kings Mountain.
	Approximately 1,540 feet upstream of Marion Street	None	+913	
Tributary 1	At the confluence of Beason Creek	None	+633	Cleveland County (Unincorporated Areas).
	Approximately 600 feet upstream of the confluence with Beason Creek.	None	+639	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 18	At the confluence with Beason Creek	None	+851	City of Kings Mountain.
	Approximately 955 feet upstream of the confluence with Beason Creek.	None	+864	
Beaverdam Creek (near Boiling Springs).	At the confluence with First Broad River	None	+642	Cleveland County (Unincorporated Areas), Town of Boiling Springs.
	Approximately 170 feet upstream of Railroad	None	+863	
Tributary 11	At the confluence with Beaverdam Creek (near Boiling Springs).	None	+729	Cleveland County (Unincorporated Areas), City of Shelby.
	Approximately 1,640 feet upstream of West Dixon Boulevard/U.S. Route 74.	None	+782	
Tributary 6	At the confluence with Beaverdam Creek (near Boiling Springs).	None	+700	Cleveland County (Unincorporated Areas), Town of Boiling Springs.
	Approximately 40 feet upstream of East Homestead Avenue.	None	+782	
Big Harris Creek	At the confluence with First Broad River	None	+754	Cleveland County (Unincorporated Areas).
	Approximately 410 feet upstream of Harris Road	None	+857	
Bowens River	At the North Carolina/South Carolina State boundary	None	+656	Cleveland County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Nickey Sharts Road	None	+726	
Broad River	At the North Carolina/South Carolina State boundary	None	+628	Cleveland County (Unincorporated Areas).
	At the confluence of Second Broad River	None	+680	
Brushy Creek	At the confluence with First Broad River	None	+699	Cleveland County (Unincorporated Areas), City of Shelby, Town of Kingstown.
	Approximately 0.5 mile upstream of the confluence of West Fork Brushy Creek.	None	+871	
Tributary 1 of Tributary 6.	At the confluence with Brushy Creek Tributary 6	None	+752	Cleveland County (Unincorporated Areas).
	Approximately 820 feet upstream of Barbee Road	None	+780	
Tributary 17	At the confluence with Brushy Creek	None	+822	Cleveland County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Brushy Creek.	None	+841	
Tributary 6	At the confluence with Brushy Creek	None	+744	Cleveland County (Unincorporated Areas), City of Shelby.
	Approximately 540 feet upstream of West Zion Church Road.	None	+841	
Buck Branch (into West Fork Sandy Run).	At the confluence with West Fork Sandy Run	None	+801	Cleveland County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the confluence with West Fork Sandy Run.	None	+803	
Buffalo Creek	Approximately 0.5 mile downstream of the North Carolina/South Carolina State boundary.	None	+595	Cleveland County (Unincorporated Areas), City of Kings Mountain, City of Shelby, Town of Belwood.
	Approximately 0.9 mile upstream of the confluence of Buffalo Creek Tributary 5.	None	+1,015	
Tributary 2	At the confluence with Buffalo Creek	+608	+607	Cleveland County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Buffalo Creek.	None	+631	
Tributary 3	At the confluence with Buffalo Creek	+610	+611	Cleveland County (Unincorporated Areas).
	Approximately 1.2 miles upstream of Roseborough Road.	None	+678	
Tributary 4	At the confluence with Buffalo Creek	+658	+662	Cleveland County (Unincorporated Areas).
	Approximately 80 feet upstream of Borders Road	None	+732	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Camp Creek	At the confluence with Broad River	None	+651	Cleveland County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Abes Mountain Road.	None	+707	
Church Branch	At the confluence with Sandy Run	None	+706	Cleveland County (Unincorporated Areas), Town of Boiling Springs.
	Approximately 0.7 mile upstream of Sandy Run	None	+717	
Cove Creek (into Wards Creek).	At the confluence with Ward Creek	None	+990	Cleveland County (Unincorporated Areas).
	Approximately 420 feet upstream of Brackett Hill Road	None	+1,063	
Cox Creek	At the confluence with Ward Creek	None	+947	Cleveland County (Unincorporated Areas).
	Approximately 0.9 mile upstream of the confluence with Ward Creek.	None	+993	
Crooked Run Creek	At the confluence with First Broad River	None	+816	Cleveland County (Unincorporated Areas), Town of Casar.
	Approximately 1.4 miles upstream of Grady McNeilly Road.	None	+1,077	
Dark Hollow Branch	At the confluence with Hinton Creek	None	+888	Cleveland County (Unincorporated Areas).
	Approximately 0.4 mile upstream of the confluence with Hinton Creek.	None	+894	
Dixon Branch	At the North Carolina/South Carolina State boundary	None	+687	Cleveland County (Unincorporated Areas).
	Approximately 1,110 feet upstream of Dixon School Road.	None	+720	
Duncans Creek	At the confluence with First Broad River	None	+882	Cleveland County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Brooks Chapel Road.	None	+914	
First Broad River	At the confluence with Broad River	None	+633	Cleveland County (Unincorporated Areas), City of Shelby, Town of Lawndale.
	Approximately 1.6 miles upstream of Moriah Church Road.	None	+933	
Tributary 19	At the confluence with First Broad River	None	+691	Cleveland County (Unincorporated Areas), City of Shelby.
	Approximately 90 feet downstream of West Dixon Boulevard/Bypass 74.	None	+799	
Tributary 20	At the confluence with First Broad River	None	+693	Cleveland County (Unincorporated Areas), City of Shelby.
	Approximately 0.5 mile upstream of the confluence with First Broad River.	None	+697	
Tributary 23	At the confluence with First Broad River	None	+705	City of Shelby.
	Approximately 240 feet upstream of Kingsbury Street	None	+767	
Tributary 30	At the confluence with First Broad River	None	+733	Cleveland County (Unincorporated Areas).
	Approximately 1,480 feet upstream of North Lafayette Street.	None	+733	
Tributary 5	At the confluence with First Broad River	None	+646	Cleveland County (Unincorporated Areas).
	Approximately 60 feet upstream of Red Road	None	+661	
Tributary of Tributary 19	At the confluence with First Broad River Tributary 19	None	+777	City of Shelby.
	Approximately 150 feet upstream of Gardner Street	None	+837	
Flint Hill Creek	At the confluence with Hinton Creek	None	+874	Cleveland County (Unincorporated Areas).
	Approximately 40 feet upstream of Hollis Road	None	+910	
Gilliam Creek	At the confluence with Muddy Fork	None	+783	Cleveland County (Unincorporated Areas).
	Approximately 150 feet downstream of Gilliam Creek Tributary 2.	None	+809	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Tributary 1	At the confluence with Gilliam Creek	None	+786	Cleveland County (Unincorporated Areas).
	Approximately 1,700 feet upstream of Old Post Road	None	+814	
Tributary 2	Approximately 600 feet upstream of the confluence with Gilliam Creek.	None	+811	Cleveland County (Unincorporated Areas).
	Approximately 780 feet upstream of Marys Grove Road	None	+818	
Glenn Creek	At the confluence with Buffalo Creek	None	+889	Cleveland County (Unincorporated Areas), Town of Bellwood.
	At the Lincoln/Cleveland County boundary	None	+898	
Grassy Branch	At the confluence with First Broad River	None	+819	Cleveland County (Unincorporated Areas), Town of Polkville.
	Approximately 270 feet downstream of Enid Street	None	+1,045	
Grog Creek	At the confluence with Sandy Run	None	+679	Cleveland County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Grog Creek Tributary 9.	None	+833	
Tributary 9	At the confluence with Grog Creek	None	+808	Cleveland County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Gantts Grove Church Road.	None	+840	
Grover Tributary	Approximately 0.3 mile upstream of the confluence with Buffalo Creek.	None	+620	Cleveland County (Unincorporated Areas), Town of Grover.
	Approximately 2.1 miles upstream of Bethlehem Church Road.	None	+930	
Hawkins Branch	At the confluence with Beaverdam Creek (near Boiling Springs).	None	+642	Cleveland County (Unincorporated Areas).
	Approximately 700 feet upstream of Beaverdam Creek (near Boiling Springs).	None	+642	
Hickory Creek (near Shelby)	At the confluence with First Broad River	None	+676	Cleveland County (Unincorporated Areas), City of Shelby.
	Approximately 0.4 mile upstream of Airport Road	None	+842	
Tributary 12	At the confluence with Hickory Creek (near Shelby)	+796	+795	City of Shelby.
	Approximately 560 feet upstream of Wendover Heights Drive.	None	+869	
Tributary 8	At the confluence with Hickory Creek (near Shelby)	+743	+741	City of Shelby.
	Approximately 1,100 feet upstream of Weathers Street	None	+848	
Tributary 9	At the confluence with Hickory Creek (near Shelby)	+748	+747	City of Shelby.
	Approximately 0.4 mile upstream of Country Club Circle	None	+784	
Tributary of Tributary 9	At the confluence with Hickory Creek (near Shelby) Tributary of Tributary 9.	None	+764	City of Shelby.
	Approximately 650 feet upstream of confluence with Hickory Creek (near Shelby) Tributary of Tributary 9.	None	+768	
Hinton Creek	At the confluence with First Broad River	None	+860	Cleveland County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Stroud Road	None	+979	
Tributary 8	At the confluence with Hinton Creek	None	+909	Cleveland County (Unincorporated Areas).
	Approximately 150 feet upstream of Tan Yard Road	None	+943	
Jolly Branch	At the confluence with Broad River	None	+646	Cleveland County (Unincorporated Areas).
	Approximately 0.6 mile upstream of the confluence with Broad River.	None	+669	
Kings Creek	Approximately 860 feet downstream of the North Carolina/South Carolina State boundary.	None	+689	Cleveland County (Unincorporated Areas), City of Kings Mountain.
	Approximately 600 feet upstream of Interstate 85	None	+788	
Tributary 6	At the confluence with Kings Creek	None	+748	Cleveland County (Unincorporated Areas), City of Kings Mountain.
	Approximately 890 feet upstream of Interstate 85	None	+841	
Kings Mountain Reservoir	Entire shoreline	+738	+740	Cleveland County (Unincorporated Areas), City of Kings Mountain.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Knob Creek (into First Broad River).	At the confluence with First Broad River	None	+806	Cleveland County (Unincorporated Areas), Town of Belwood.
	Approximately 590 feet upstream of the confluence of Knob Creek (into First Broad River) Tributary 5.	None	+1,002	
Tributary 3	At the confluence with Knob Creek (into First Broad River).	None	+945	Cleveland County (Unincorporated Areas).
	Approximately 760 feet upstream of the confluence with Knob Creek (into First Broad River).	None	+951	
Tributary 5	At the confluence with Knob Creek (into First Broad River).	None	+990	Cleveland County (Unincorporated Areas).
	Approximately 930 feet upstream of the confluence with Knob Creek (into First Broad River).	None	+1,005	
Lick Branch	At the confluence with Buffalo Creek	+606	+603	Cleveland County (Unincorporated Areas).
	Approximately 50 feet downstream of Watterson Road	None	+733	
Little Buffalo Creek	At the confluence with Buffalo Creek	None	+835	Cleveland County (Unincorporated Areas).
	Approximately 60 feet upstream of East Stage Coach Trail.	None	+854	
Little Creek	At the confluence with Glenn Creek	None	+891	Town of Belwood.
	At the Lincoln/Cleveland County boundary	None	+961	
Little Harris Creek	At the confluence with Big Harris Creek	None	+760	Cleveland County (Unincorporated Areas).
	Approximately 440 feet upstream of West Double Shoals Road.	None	+801	
Little Hickory Creek	At the confluence with Hickory Creek (near Shelby)	None	+711	Cleveland County (Unincorporated Areas), City of Shelby.
	Approximately 0.4 mile upstream of Duck Pond Road	None	+821	
Little Knob Creek	At the confluence with Knob Creek (into First Broad River).	None	+853	Cleveland County (Unincorporated Areas).
	At the confluence of Bald Knob Creek	None	+946	
Little Persimmon Creek	At the confluence with Persimmon Creek	None	+715	Cleveland County (Unincorporated Areas), City of Kings Mountain.
	Approximately 0.4 mile upstream of Brook Road	None	+872	
Logan Branch	At the confluence with Sulpher Springs Branch	None	+719	Cleveland County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Ellis Road	None	+743	
Long Branch (into Beason Creek).	At the confluence with Beason Creek	None	+656	Cleveland County (Unincorporated Areas), City of Kings Mountain.
	Approximately 2.4 miles upstream of Bethlehem Church Road.	None	+826	
Long Branch (into Buffalo Creek).	At the confluence with Buffalo Creek	None	+807	Cleveland County (Unincorporated Areas).
	Approximately 275 feet downstream of Jim Elliott Road	None	+834	
Long Creek	At the confluence with Buffalo Creek	None	+759	Cleveland County (Unincorporated Areas).
	Approximately 1.5 miles upstream of Arlee Drive	None	+937	
Mangess Creek	At the confluence with First Broad River	None	+766	Cleveland County (Unincorporated Areas).
	Approximately 240 feet upstream of Philadelphia Road	None	+832	
Tributary 3	At the confluence with Mangess Creek	None	+803	Cleveland County (Unincorporated Areas).
	Approximately 120 feet upstream of Selkirk Drive	None	+857	
Mayne Creek	At the confluence with Sandy Run	None	+778	Cleveland County (Unincorporated Areas).
	Approximately 900 feet upstream of Padgett Road	None	+821	
Tributary 3	At the confluence with Mayne Creek	None	+789	Cleveland County (Unincorporated Areas).
	Approximately 0.3 mile upstream of West Zion Church Road.	None	+855	
Tributary of Tributary 3	At the confluence with Mayne Creek Tributary 3	None	+797	Cleveland County (Unincorporated Areas).
	Approximately 350 feet downstream of West Zion Church Road.	None	+855	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Muddy Fork	At the confluence with Buffalo Creek	+656	+658	Cleveland County (Unincorporated Areas).
	At the Gaston/Cleveland County boundary	None	+828	
Tributary	At the confluence with Muddy Fork	+749	+746	Cleveland County (Unincorporated Areas).
	Approximately 100 feet upstream of Beattie Road	None	+877	
Tributary 5	At the confluence with Muddy Fork	None	+816	Cleveland County (Unincorporated Areas).
	Approximately 100 feet downstream of Docwehunt Road.	None	+818	
No Business Creek	At the confluence with First Broad River	None	+910	Cleveland County (Unincorporated Areas).
	Approximately 30 feet upstream of Moriah School Road	None	+1,032	
Persimmon Creek	At the confluence with Muddy Fork	+711	+708	Cleveland County (Unincorporated Areas).
	Approximately 60 feet upstream of Rollingbrook Road	None	+824	
Poplar Branch	At the confluence with Beaverdam Creek (near Boiling Springs).	None	+673	Cleveland County (Unincorporated Areas), Town of Boiling Springs.
	Approximately 260 feet upstream of Patrick Avenue	None	+745	
Potts Creek	At the confluence with Muddy Fork	+657	+659	Cleveland County (Unincorporated Areas), City of Kings Mountain.
	Approximately 1,100 feet upstream of Waco Road	None	+886	
Tributary 11	At the confluence with Potts Creek	None	+859	City of Kings Mountain.
	Approximately 0.4 mile upstream of the confluence with Potts Creek.	None	+881	
Tributary 6	At the confluence with Potts Creek	None	+737	Cleveland County (Unincorporated Areas), City of Kings Mountain.
	Approximately 500 feet upstream of the confluence with Potts Creek.	None	+739	
Poundingmill Creek	At the confluence with Knob Creek (into First Broad River).	None	+910	Cleveland County (Unincorporated Areas).
	Approximately 150 feet upstream of Boyles Road	None	+1,027	
Sandy Run	At the confluence with Broad River	None	+659	Cleveland County (Unincorporated Areas), Town of Boiling Springs, Town of Mooresboro.
	Approximately 0.5 mile upstream of Mooresboro Road	None	+835	
Tributary 12	At the confluence with Sandy Run	None	+726	Cleveland County (Unincorporated Areas), Town of Boiling Springs.
	Approximately 0.6 mile upstream of Sandy Run Church Road.	None	+792	
Tributary 2	At the confluence with Sandy Run	None	+668	Cleveland County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Sandy Run	None	+690	
Tributary 21	At the confluence with Sandy Run	None	+748	Cleveland County (Unincorporated Areas).
	Approximately 1,750 feet upstream of West Dixon Boulevard/U.S. Route 74.	None	+803	
Second Broad River	At the confluence with Broad River	None	+680	Cleveland County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the confluence with Broad River.	None	+681	
Shoal Creek (into First Broad River).	At the confluence with First Broad River	None	+649	Cleveland County (Unincorporated Areas).
	Approximately 0.4 mile upstream of Bear Creek Road	None	+741	
Sipe Creek	At the confluence with Kings Creek	None	+758	Cleveland County (Unincorporated Areas), City of Kings Mountain.
	Approximately 270 feet upstream of Horseshoe Lane	None	+782	
Stoney Run Creek	At the confluence with First Broad River	None	+834	Cleveland County (Unincorporated Areas).
	Approximately 1.0 mile upstream of the confluence with First Broad River.	None	+863	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
Suck Creek (into Broad River).	At the confluence with Broad River	None	+676	Cleveland County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Duke Power Road	None	+770	
Suck Creek (into Buffalo Creek).	At the confluence with Buffalo Creek	None	+768	Cleveland County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Sperling Road	None	+873	
Sulpher Springs Branch	At the confluence with Hickory Creek (near Shelby)	None	+676	Cleveland County (Unincorporated Areas), City of Shelby.
	Approximately 1,200 feet upstream of the confluence of Logan Branch.	None	+725	
Swainsville Creek	At the confluence with Beaverdam Creek (near Boiling Springs).	None	+704	Cleveland County (Unincorporated Areas), Town of Boiling Springs.
	Approximately 1.0 mile upstream of Beaver Dam Church Road.	None	+769	
Tim Creek	At the confluence with Ward Creek	None	+1,075	Cleveland County (Unincorporated Areas).
	Approximately 1,350 feet upstream of Wards Gap Road	None	+1,088	
UT between Shelby Raw Water Intakes.	At the confluence with First Broad River	None	+714	Cleveland County (Unincorporated Areas), City of Shelby.
	Approximately 0.5 mile upstream of Frederick Street	None	+881	
Ward Creek	At the confluence with First Broad River	None	+883	Cleveland County (Unincorporated Areas), Town of Casar.
	Approximately 0.4 mile upstream of South Valley Road	None	+1,101	
West Fork Brushy Creek	At the confluence with Brushy Creek	None	+861	Cleveland County (Unincorporated Areas).
	Approximately 1,350 feet upstream of Crowder Ridge Road.	None	+879	
West Fork Sandy Run	At the confluence with Sandy Run	None	+778	Cleveland County (Unincorporated Areas).
	Approximately 200 feet upstream of the confluence of Buck Branch (into West Fork Sandy Run).	None	+801	
Whiteoak Creek	At the confluence with Buffalo Creek	+738	+740	Cleveland County (Unincorporated Areas), City of Kings Mountain, Town of Waco.
	Approximately 0.5 mile upstream of State Route 150	None	+924	
Williams Creek	At the confluence with First Broad River	None	+721	Cleveland County (Unincorporated Areas), City of Shelby.
	Approximately 330 feet upstream of North Lafayette Street.	None	+744	
Yancey Creek	At the confluence with First Broad River	None	+633	Cleveland County (Unincorporated Areas), Town of Boiling Springs.
	Approximately 0.8 mile upstream of Keen Drive	None	+861	

* National Geodetic Vertical Datum.
*#Depth in feet above ground.
* +North American Vertical Datum.

ADDRESSES

Town of Belwood

Maps are available for inspection at the Belwood Town Hall, 916 Belwood-Lawndale Road, Lawndale, North Carolina.

Send comments to The Honorable Ben Privett, Mayor of the Town of Belwood, 1206 Belwood-Lawndale Road, Lawndale, North Carolina 28090.

Town of Boiling Springs

Maps are available for inspection at the Boiling Springs Town Hall, 145 South Main Street, Boiling Springs, North Carolina.

Send comments to The Honorable Max Hamrick, Mayor of the Town of Boiling Springs, P.O. Box 1014, Boiling Springs, North Carolina 28017.

Town of Casar

Maps are available for inspection at the Casar Town Hall, 137 Deviney Street, Casar, North Carolina.

Send comments to The Honorable Eddie Walker, Mayor of the Town of Casar, P.O. Box 1014, Shelby, North Carolina 28151.

Town of Grover

Maps are available for inspection at the Grover Town Hall, 207 Mulberry Road, Grover, North Carolina.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

Send comments to The Honorable Robert Sides, Mayor of the Town of Grover, P.O. Box 189, Grover, North Carolina 28073.

City of Kings Mountain

Maps are available for inspection at the Kings Mountain City Hall, 101 West Gold Street, Kings Mountain, North Carolina.

Send comments to The Honorable Rick Murphrey, Mayor of the City of Kings Mountain, P.O. Box 429, Kings Mountain, North Carolina 28086.

Town of Kingstown

Maps are available for inspection at the Kingstown Town Hall, 2014 Kingston Road, Kingstown, North Carolina.

Send comments to The Honorable Clarence S. Withrow, Mayor of the Town of Kingstown, 2014 Kingston Road, Kingstown, North Carolina 28150.

Town of Lawndale

Maps are available for inspection at the Lawndale Town Hall, 207 West Main Street, Lawndale, North Carolina.

Send comments to The Honorable Mike O'Brien, Mayor of the Town of Lawndale, P.O. Box 256, Lawndale, North Carolina 28090.

Town of Mooresboro

Maps are available for inspection at the Mooresboro Town Hall, 211 West Church Street, Mooresboro, North Carolina.

Send comments to The Honorable Bobby Watson, Mayor of the Town of Mooresboro, 211 West Church Street, Mooresboro, North Carolina 28114.

Town of Polkville

Maps are available for inspection at the Polkville Town Hall, 1234 Shytle Drive, Polkville, North Carolina.

Send comments to The Honorable Jack Shytle, Mayor of the Town of Polkville, P.O. Box 146, Polkville, North Carolina 28136.

City of Shelby

Maps are available for inspection at the City of Shelby Planning Department, 315 South Lafayette Street, Shelby, North Carolina.

Send comments to The Honorable W. Ted Alexander, Mayor of the City of Shelby, P.O. Box 207, Shelby, North Carolina 28151.

Town of Waco

Maps are available for inspection at the Waco Town Hall, 200 North Main Street, Waco, North Carolina.

Send comments to The Honorable Horace Lutz, Mayor of the Town of Waco, P.O. Box 249, Waco, North Carolina 28169.

Cleveland County (Unincorporated Areas)

Maps are available for inspection at the Cleveland County Planning Department, 311 East Marion Street, Shelby, North Carolina.

Send comments to Mr. David Dear, Cleveland County Manager, P.O. Box 1210, Shelby, North Carolina 28151.

Lorain County, Ohio and Incorporated Areas

Battenhouse Ditch	Approximately 115 feet downstream of Middle Ridge Road.	None	+714	Lorain County (Unincorporated Areas)
	Albrecht Road	None	+783	
Beaver Creek	Approximately 40 feet downstream of State Route 113	None	+752	Village of South Amherst.
	Approximately 1,000 feet upstream of Garfield Road	None	+799	Lorain County (Unincorporated Areas).
Brighton-Camden Main Ditch	Approximately 600 feet upstream of confluence with East Fork Vermilion River.	None	+871	Lorain County (Unincorporated Areas)
	State Route 18	None	+922	
Carpenter Ditch	Approximately 390 feet downstream of Avon Belden Road.	None	+786	Lorain County (Unincorporated Areas).
East Branch Beaver Creek	Northern City of Amherst corporate limits with the City of Lorain.	None	+591	City of Amherst.
	Eastern City of Amherst Corporate Limits with the City of Lorain.	None	+593	
Engle Ditch	Confluence with Battenhouse Ditch	None	+729	Lorain County (Unincorporated Areas).
	Stang Road	None	+742	
Fortune Ditch	Approximately 200 feet upstream of confluence with Willow Creek.	None	+757	City of North Ridgeville.
	Approximately 2,600 feet upstream of Avon Belden Road.	None	+774	Lorain County (Unincorporated Areas).
Gable Ditch	Approximately 400 feet upstream of the mouth at Lake Erie.	+583	+585	City of Avon Lake.
	Approximately 40 feet downstream of Walker Road	+623	+625	
Heider Ditch	Approximately 80 feet upstream of Lake Road	+583	+582	City of Avon Lake.
	Approximately 50 feet downstream of Walker Road	+626	+622	
	Norfolk and Southern Railroad	None	+631	
Tributary No. 1	Confluence with Heider Ditch	None	+620	City of Avon Lake.
	Norfolk and Southern Railroad	None	+628	
Lake Erie	Entire Lake Erie coastline from the western City of Avon Lake corporate limits to the confluence of Heider Ditch (USACE Reach S).	+589	+576	City of Avon Lake.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
	Entire Lake Erie coastline from the confluence of Heider Ditch to the eastern corporate limits (USACE Reach R).	+589	+576	
	Entire Lake Erie coastline from the western City of Sheffield Lake corporate limits to the eastern City of Sheffield Lake corporate limits (USACE Reach S).	+590	+576	
	Entire Lake Erie coastline from the confluence of Black River to the eastern City of Lorain corporate limits (USACE Reach S).	+577	+576	
	Entire Lake Erie coastline from the western City of Vermilion corporate limits to eastern corporate limits (USACE Reach T).	+576	+577	
Martins Run	Mouth at Lake Erie	+578	+576	City of Lorain.
	City of Lorain corporate limits	+722	+721	
Phelom Ditch	Approximately 160 feet upstream of confluece with Carpenter Ditch.	None	+777	City of North Ridgeville.
	Approximately 1,200 feet upstream of the City of North Ridgeville corporate limits.	None	+787	Lorain County (Unincorporated Areas).
Plum Creek	Approximately 80 feet downstream of Pyle-South Amherst Road.	None	+810	City of Oberlin Lorain County (Unincorporated Areas).
	US Route 20	None	830	
Plum Creek—East	Sprague Road	None	+782	Lorain County (Unincorporated Areas).
	Crocker Road	None	+826	
Powdermaker Ditch	Approximately 1,220 feet upstream of the culvert entrance at Lake Road.	+599	+598	City of Avon Lake.
	Approximately 2,320 feet upstream of the culvert entrance at Lake Road.	+604	+602	
Ridgeway Ditch	Approximately 50 feet downstream of Case Road	None	+696	City of North Ridgeville.
	Approximately 50 feet downstream of Bender Road	None	+739	
Schroeder Ditch	Approximately 100 feet downstream of State Route 20	None	+738	Lorain County (Unincorporated Areas).
	Approximately 4,100 feet upstream of Russia Road	None	+779	

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

City of Amherst

Maps are available for inspection at 480 Park Avenue, Amherst, OH 44001.

Send comments to Ron Konowal, Building Inspector, City of Amherst, 480 Park Avenue, Amherst, OH 44001.

City of Avon

Maps are available for inspection at 36080 Chester Road, Avon, OH 44011.
Send comments to Jim Piazza, City Engineer, City of Avon, 36080 Chester Road, Avon, OH 44011.

City of Avon Lake

Maps are available for inspection at City Hall, 150 Avon Belden Road, Avon Lake, OH 44012.

Send comments to Joseph Reitz, Assistant to City Engineer, City of Avon Lake, City Hall, 150 Avon Belden Road, Avon Lake, OH 44012.

City of Elyria

Maps are available for inspection at 131 Court Street, Elyria, OH 44035.
Send comments to Jon Hart, City Engineer, City of Elyria, 131 Court Street, Elyria, OH 44035.

Village of Grafton

Maps are available for inspection at 960 Main Street, Grafton, OH 44044.
Send comments to Richard Kowalski, Building Inspector, Village of Grafton, 960 Main Street, Grafton, OH 44044.

Village of Kipton

Maps are available for inspection at 299 State Street, Kipton, OH 44049.
Send comments to The Honorable Dennis L. Watson, Mayor, Village of Kipton, 299 State Street, PO Box 177, Kipton, OH 44049.

Town of La Grange

Maps are available for inspection at 355 South Center Street, LaGrange, OH 44050.
Send comments to Walt Sukey, Village Administrator, Village of LaGrange, 355 South Center Street, PO Box 597, LaGrange, OH 44050.

City of Lorain

Maps are available for inspection at Engineering Department, 4th Floor, 200 West Erie Avenue, Lorain, OH 44052.
Send comments to Dale Vandersommen, Civil Engineer III, City of Lorain, Engineering Department, 4th Floor, 200 West Erie Avenue, Lorain, OH 44052.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	

City of North Ridgeville

Maps are available for inspection at 7307 Avon Belden Road, North Ridgeville, OH 44039.
Send comments to Guy Fursden, Floodplain Administrator, City of North Ridgeville, 7307 Avon Belden Road, North Ridgeville, OH 44039.

City of Oberlin

Maps are available for inspection at 85 South Main Street, Oberlin, OH 44074.
Send comments to Marshall Whitehead, Code Administrator, 85 South Main Street, Oberlin, OH 44074.

Village of Rochester

Maps are available for inspection at 100 South Street, Rochester, OH 44090.
Send comments to The Honorable William Spicer, Mayor, Village of Rochester, 100 South Street, Rochester, OH 44090.

Village of Sheffield

Maps are available for inspection at 4480 Colorado Avenue, Sheffield Village, OH 44054.
Send comments to Ken Kaczay, Village Administrator, Village of Sheffield, 4480 Colorado Avenue, Sheffield Village, OH 44054.

City of Sheffield Lake

Maps are available for inspection at 4750 Richelieu Avenue, Sheffield Lake, OH 44054.
Send comments to Bill Gardner, Service Director, City of Sheffield Lake, 4750 Richelieu Avenue, Sheffield Lake, OH 44054.

Village of South Amherst

Maps are available for inspection at 103 West Main Street, South Amherst, OH 44001.
Send comments to Ken Kaczay, Village Administrator, Village of Sheffield, 4480 Colorado Avenue, Sheffield Village, OH 44054.

City of Vermilion

Maps are available for inspection at 5511 Liberty Avenue, Vermilion, OH 44089.
Send comments to Chris Howard, City of Vermilion, c/o Bramhill Engineering, 801 Moore Road, Avon, OH 44011.

Village of Wellington

Maps are available for inspection at 115 Willard Memorial Square, Wellington, OH 44090.
Send comments to Morris Furcron, Zoning Inspector, Village of Wellington, 115 Willard Memorial Square, Wellington, OH 44090.

Lorain County (Unincorporated Areas)

Maps are available for inspection at 226 Middle Avenue, Community Development Department, Elyria, OH 44035.
Send comments to Christin Brandon, NFIP Administrator, Lorain County, 226 Middle Avenue, Community Development Department, Elyria, OH 44035.

Village of Cambridge, New York

Cambridge Creek	Confluence with Owl Kill	None	+477	Village of Cambridge.
	Approximately 3,000 feet upstream of State Route 372	None	+508	
Owl Kill	Approximately 850 feet upstream of County Route 71	None	+466	Village of Cambridge.
	Approximately 1,000 feet upstream of N. Park Street	None	+493	
White Creek	Corporate limits of Village of Cambridge	None	+493	Village of Cambridge.
	Approximately 150 feet downstream of corporate limits of Village of Cambridge.	None	+523	Village of Cambridge.

* National Geodetic Vertical Datum.
# Depth in feet above ground.
+ North American Vertical Datum.

ADDRESSES

Village of Cambridge

Maps are available for inspection at 23 West Main Street, Cambridge, NY 12819.
Send comments to The Honorable Daniel Walsh, Mayor, Village of Cambridge, PO Box 271, Cambridge, NY 12816.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: March 16, 2007.

David I. Maurstad,

Director, Mitigation Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7–5611 Filed 3–27–07; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 07–1128; MB Docket No. 05–249; RM–10778, RM–11259]

Radio Broadcasting Services; Glenmora and Marksville, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: The Audio Division dismisses a Petition for Rule Making filed by Charles Crawford, requesting the allotment of Channel 292A at Glenmora, Louisiana, as its first local service. Charles Crawford, or no other party, filed comments supporting the allotment of Channel 292A at Glenmora, Louisiana. Additionally, a Petition for Rule Making filed by Goudeau, Inc., proposing the allotment of Channel 292A at Marksville, Louisiana, as its first local service is also dismissed.

Goudeau, Inc. or no other party, filed comments supporting the allotment of Channel 292A at Marksville, Louisiana. It is the Commission's policy to refrain from making a new allotment to a community absent an expression of interest. Moreover, the license of Station KIOC, Orange, Texas was reclassified to specify operation on Channel 291C0 in lieu of Channel 291C. *See* File No. BLH–20030303ACM.

ADDRESSES: Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MB Docket No. 05–249, adopted March 7, 2007, and released March 9, 2007. The *Notice of Proposed Rule Making* proposed the mutually exclusive allotments of Channel 292A at Glenmora, Louisiana and Channel 292A at Marksville, Louisiana. *See* 70 FR 48358, published August 17, 2005. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.* This document is not subject to the Congressional Review Act. (The Commission is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the proposed rule was dismissed.)

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. E7–5440 Filed 3–27–07; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 72, No. 59

Wednesday, March 28, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Volunteer Application for Natural Resources Agencies

AGENCY: Forest Service, USDA.

ACTION: Notice; Request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension of a currently approved information collection entitled, Volunteer Application for Natural Resources Agencies.

DATES: Comments must be received in writing on or before May 29, 2007 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Director, Senior, Youth & Volunteer Programs, Mailstop 1136, Forest Service, USDA, 1400 Independence Avenue, SW., Washington, DC 20250–1136. Comments also may be submitted via facsimile to (703) 605–5115 or by e-mail to: *abryant@fs.fed.us.*

The public may inspect comments received at USDA—Forest Service, 1621 N. Kent Street, Rosslyn Plaza East, Room 1010, Arlington, VA during normal business hours. Visitors are encouraged to call ahead to (703) 605–4831 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Arthur Bryant, Director, Senior, Youth, and Volunteer Programs, at (703) 605–4831. Individuals who use TDD may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Volunteer Application for Natural Resources Agencies.

OMB Number: 0596–0080.

Expiration Date of Approval: August 31, 2007.

Type of Request: Extension of a currently approved collection.

Abstract: The collected information is needed by participating natural resources agencies to manage agency volunteer programs. Information is collected from potential and selected volunteers of all ages. Those under the age of 18 years must have written consent from a parent or guardian.

Participating Agencies:

The volunteer programs of the following natural resource agencies are included:

Department of Agriculture: U.S. Forest Service, National Resources Conservation Service;

Department of the Interior: National Park Service, Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, U.S. Geological Survey;

Department of Defense: U.S. Army Corps of Engineers;

Forms:

OF–301—Volunteer Application: Individuals interested in volunteering may access the national Federal volunteer opportunities Web site (*http://www.volunteer.gov/gov/index.cfm*), individual agency Web sites, and/or contact agencies to request a Volunteer Application (OF–301). Applicants provide name, address, telephone number, age, preferred work categories, available dates, preferred location, description of physical limitations, and lodging preferences. Information collected using this form assists agency volunteer coordinators and other personnel in matching volunteers with agency opportunities appropriate for an applicant's skills and physical condition and availability. Signature of a parent or guardian is mandatory for applicants under 18 years of age.

OF–New—Volunteer Agreement: This form will be used by participating resource agencies to document agreements for volunteer services between a Federal agency and individual or group volunteers, including international volunteers. Signature of parent or guardian is mandatory for applicants under 18 years of age.

Forms unique to participating agencies: The forms listed below gather information necessary to reimburse volunteers for approved, miscellaneous expenses associated with volunteer assignments and record service time of volunteers.

U.S. Forest Service: FS–6500–299—Volunteers Request for Reimbursement.

U.S. Fish and Wildlife Service: Volunteer Time Sheet; SF–1164—Claim for Miscellaneous Expenses.

U.S. Geological Survey: Form 9–2080—USGS Individual Volunteer Agreement.

National Park Service: Form 10–67—Volunteer Claim for Reimbursement.

Estimate of Annual Burden: 15 minutes.

Type of Respondents: Individuals.

Estimated Annual Number of Respondents: 400,000.

Estimated Annual Number of Responses per Respondent: 5.

Estimated Total Annual Burden on Respondents: 500,000.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: March 21, 2007.

Hank Kashdan,

Deputy Chief.

[FR Doc. E7–5714 Filed 3–27–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Virginia State Technical Guide

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

ACTION: Notice of Availability of proposed changes in the Virginia NRCS State Technical Guide for review and comment.

SUMMARY: It has been determined by the NRCS State Conservationist for Virginia that changes must be made in the NRCS State Technical Guide specifically in practice standards: #647, Early Successional Habitat Development Management, #511, Forage Harvest Management, #655, Forest Trails and Landings and #512, Pasture and Hay Planting. These practices will be used to plan and install conservation practices on cropland, pastureland, woodland, and wildlife land.

DATES: Comments will be received for a 30-day period commencing with the date of this publication.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to John A. Bricker, State Conservationist, Natural Resources Conservation Service (NRCS), 1606 Santa Rosa Road, Suite 209, Richmond, Virginia 23229–5014; Telephone number (804) 287–1691; Fax number (804) 287–1737. Copies of the practice standards will be made available upon written request to the address shown above or on the Virginia NRCS Web site: *http://www.va.nrcs.usda.gov/technical/draftstandards.html.*

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Virginia will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Virginia regarding disposition of those comments and a final determination of change will be made to the subject standards.

Dated: March 26, 2007.

John A. Bricker,

State Conservationist, Natural Resources Conservation Service, Richmond, Virginia.

[FR Doc. E7–5719 Filed 3–27–07; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Order No. 1508

Grant of Authority for Subzone Status, Medline Industries, Inc., (Medical Supply Distribution), Lathrop, California

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

WHEREAS, the Foreign–Trade Zones Act provides for ''. . . the establishment . . . of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign–Trade Zones Board to grant to qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs ports of entry;

WHEREAS, the Board's regulations (15 CFR Part 400) provide for the establishment of special–purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

WHEREAS, the Port of Stockton (California), grantee of Foreign–Trade Zone 231, has made application for authority to establish special–purpose subzone status at the medical supply warehousing and distribution facility of Medline Industries, Inc., in Lathrop, California (Docket 26–2006, filed 6–15–2006);

WHEREAS, notice inviting public comment was given in the **Federal Register** (71 FR 35610, 6–21–2006); and,

WHEREAS, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

NOW, THEREFORE, the Board hereby grants authority for subzone status for activity related to medical supply warehousing and distribution at the Medline Industries, Inc., facility located in Lathrop, California (Subzone 231A), as described in the application and **Federal Register** notice, and subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 20th day of March 2007.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration,Alternate ChairmanForeign–Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–5715 Filed 3–27–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with February anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: March 28, 2007.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4697.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2004), for administrative reviews of various antidumping and countervailing duty orders and findings with February anniversary dates. With respect to the antidumping duty orders on Frozen Warmwater Shrimp from Brazil, Ecuador, India, Thailand, the People's Republic of China and the Socialist Republic of Vietnam, the initiation of the antidumping duty administrative review for these cases will be published in a separate initiation notice. The Department also received requests to continue the deferral of the 2005 administrative reviews of the antidumping and countervailing duty orders on low enriched uranium from France.[1]

[1] On April 5, 2006, in response to requests, the Department deferred the initiation of the 2005 antidumping and countervailing duty administrative reviews on imports of low enriched

Initiation of Reviews:

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than February 28, 2008.

Antidumping duty proceedings	Period to be reviewed
BRAZIL: Frozen Warmwater Shrimp [2].	
A–351–838	2/1/06–1/31/07
ECUADOR: Frozen Warmwater Shrimp [3].	
A–331–802	2/1/06–1/31/07
FRANCE: Low Enriched Uranium.	
A–427–818	2/1/06–1/31/07
Eurodif S.A./AREVA NC (formerly COGEMA).	
INDIA: Stainless Steel Bar.	
A–533–810	2/1/06–1/31/07
Chandan Steel, Ltd.	
D.H. Exports Pvt. Ltd.	
Sunflag Iron & Steel Co., Ltd.	
INDIA: Forged Stainless Steel Flanges.	
A–533–809	2/1/06–1/31/07
Hilton Metal Forging Ltd.	
Shree Ganesh Forgings, Ltd.	
Echjay Forgings Pvt. Ltd.	
Nakshatra Enterprises Pvt. Ltd.	
INDIA: Frozen Warmwater Shrimp [4].	
A–533–840	2/1/06–1/31/07
REPUBLIC OF KOREA: Certain Cut-to-Length Carbon–Quality Steel Plate.	
A–580–836	2/1/06–1/31/07
Dongkuk Steel Mill Co., Ltd.	
THAILAND: Frozen Warmwater Shrimp [5].	
A–549–822	2/1/06–1/31/07
THE PEOPLE'S REPUBLIC OF CHINA: Axes/Adzes [6].	
A–570–803	2/1/06–1/31/07
Truper Herramientas S.A. de C.V.	
THE PEOPLE'S REPUBLIC OF CHINA: Bars/Wedges*.	
A–570–803	2/1/05–1/31/06
Truper Herramientas S.A. de C.V.	
THE PEOPLE'S REPUBLIC OF CHINA: Frozen Warmwater Shrimp [7].	
A–570–893	2/1/06–1/31/07
THE PEOPLE'S REPUBLIC OF CHINA: Hammers/Sledges*.	
A–570–803	2/1/06–1/31/07
Truper Herramientas S.A. de C.V.	
THE PEOPLE'S REPUBLIC OF CHINA: Picks/Mattocks*.	
A–570–803	2/1/06–1/31/07
Truper Herramientas S.A. de C.V.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Preserved Mushrooms [8].	
A–570–851	2/1/06–1/31/07
China National Cereals, Oils, & Foodstuffs Import & Export Corporation.	
China Processed Food Import & Export Company.	
COFCO (Zhangzhou) Food Industrial Co., Ltd.	
Fujian Yu Xing Fruit and Vegetable Foodstuff Development Co.	
Xiamen Jiahua Import & Export Trading Co., Ltd..	
SOCIALIST REPUBLIC OF VIETNAM: Frozen Warmwater Shrimp [9].	
A–552–802	2/1/06–1/31/07
Countervailing Duty Proceedings:.	
FRANCE: Low Enriched Uranium.	
C–427–819	1/1/06–12/31/06
Eurodif S.A./AREVA NC (formerly COGEMA).	
REPUBLIC OF KOREA: Certain Cut-to-Length Carbon–Quality Steel Plate.	
C–580–837	1/1/06–12/31/06
Dongkuk Steel Mill Co., Ltd.	
TC Steel.	
DSEC; a subsidiary of Daewoo Shipbuilding & Marine Engineeering.	
Suspension Agreements:.	
None.	

[2] The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.
[3] The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.
[4] The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.
[5] The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.
[6] (*) If the one of the above-named companies does not qualify for a separate rate, all other exporters of Heavy Forged Hand Tools from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

uranium from France. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative Reviews*, 71 FR 17077 (April 5, 2006). These reviews are being deferred for another year based on submissions filed by all parties on February 1, 2007 and February 28, 2007.

[7] The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.
[8] If one of the above-named companies does not qualify for a separate rate, all other exporters of certain preserved mushrooms from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.
[9] The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia v.United States*, 291 F.3d 806 (Fed. Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: March 21, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–5689 Filed 3–27–07; 8:45 am]

Billing Code: 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–570–504

Petroleum Wax Candles From the People's Republic of China: Partial Termination of Circumvention Inquiry and Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Partial Termination and Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order: Petroleum Wax Candles from the People's Republic of China.

SUMMARY: On December 14, 2005, the Department of Commerce (the Department) received from the National Candle Association (NCA) an allegation of circumvention of the antidumping duty order on petroleum wax candles from the People's Republic of China (PRC). Pursuant to that allegation, the Department initiated an anticircumvention inquiry on May 11, 2006, with respect to four importers. We preliminarily determine that the importation by, or sale to, three U.S. importers (DECOR–WARE, Inc.; A&M Wholesalers, Inc.; and Albert E. Price) of wickless petroleum wax forms from the PRC, which subsequently undergo insertion of a wick and clip assembly in the United States, constitutes circumvention of the aforementioned order, within the meaning of section 781(a) of the Tariff Act of 1930, as amended (the Act). Because NCA withdrew its allegation with respect to the fourth importer, Northern Lights Enterprises, the Department is terminating the inquiry with respect to Northern Lights Enterprises.

EFFECTIVE DATE: March 28, 2007.

FOR FURTHER INFORMATION CONTACT: Steve Bezirganian or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone: 202–482–1131 and 202–482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 14, 2005, the NCA requested that the Department conduct an anticircumvention inquiry pursuant to section 781(a) of the Act to determine whether candles assembled in the United States from certain wax forms produced in the PRC are circumventing the antidumping duty order on petroleum wax candles from the PRC. *See Antidumping Duty Order: Petroleum Wax Candles From the People's Republic of China*, 51 FR 30686 (August 28, 1986) (Candles Order). NCA asserted that the molded or carved articles of wax from the PRC are essentially wickless wax candles, and that producers in the PRC are shipping these wickless wax forms to the United States, with or without a pre-drilled hole in the center, for final assembly of the candle through insertion of a wick and clip assembly. Such assembly in the United States, NCA stated, constitutes circumvention of the order on petroleum wax candles from the PRC. *See* Request for Determination of Circumvention - Wickless Wax Candles Petroleum Wax Candles from the People's Republic of China (A–570–504), dated December 14, 2005 (NCA Request).

On April 3 and 4, 2006, NCA supplemented the record with additional information. The April 3, 2006, submission contained a revised list of names of alleged PRC producers/exporters and alleged U.S. importers/assemblers of the wickless wax candles; the April 4, 2006, submission contained copies of Customs Tariff Classification Rulings that NCA had identified in its original December 14, 2005, request.

On May 11, 2006, the Department initiated the anticircumvention inquiry with respect to four importers. *See Petroleum Wax Candles from the People's Republic of China: Initiation of Anticircumvention Inquiry on Antidumping Duty Order*, 71 FR 28661 (May 17, 2006) (Notice of Initiation).

The Department issued questionnaires to each of the four importers: Northern Lights Enterprises (on June 20, 2006); A&M Wholesalers, Inc. (on June 20, 2006); DECOR–WARE, Inc. (on June 21, 2006); and Albert E. Price (on June 22, 2006). Responses to those questionnaires were originally due on July 11, 2006. Northern Lights Enterprises requested, and was granted, an extension for responding to the original questionnaire, and submitted its response on August 12, 2006. The remaining three importers (DECOR–WARE, Inc.; A&M Wholesalers, Inc.; and Albert E. Price) failed to respond by the deadline of July 11, 2006. Each of these remaining three importers was sent a letter on July 27, 2006, requesting each to respond to the questionnaire by July 31, 2006, and indicating that further delays or lack of response may result in the Department proceeding with results based on facts available including, where appropriate, facts adverse to the importer. All three failed to respond.

On May 17, 2006, the Department indicated to NCA that any request to add additional importers to the inquiry needed to be filed by July 5, 2006. *See* Memorandum from Robert James for the

File, dated June 30, 2006. NCA submitted a letter on July 5, 2006 requesting that the Department add to the inquiry an entity identified as Indulgence Candles and Home; however, the request did not contain sufficient evidence that the firm in question was importing wax forms for completion into finished candles in the United States. On September 11, 2006, NCA submitted a letter requesting that the Department add to the inquiry an entity identified as Deluxe in Commerce.[1]

On February 21, 2007, NCA submitted a letter withdrawing its request with respect to Northern Lights Enterprises. On March 2, 2007, the Department extended the deadline for the final determination to June 5, 2007. *See* Letter from Robert James to All Interested Parties, dated March 2, 2007.

Scope of the Order

The products covered by this order are certain scented or unscented petroleum wax candles made from petroleum wax and having fiber or paper–cored wicks. They are sold in the following shapes: tapers, spirals, and straight–sided dinner candles; rounds, columns, pillars, votives; and various wax–filled containers.

The products were classified in the original investigation under the Tariff Schedules of the United States item 755.25, Candles and Tapers. The products covered are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheading 3406.00.00. Although the HTSUS subheading is provided for convenience purposes, the written description remains dispositive.

In addition, the Department has determined that mixed–wax candles containing any amount of petroleum wax are later–developed merchandise and are within the scope of the *Candles Order. See Later–Developed Merchandise Anticircumvention Inquiry of the Antidumping Duty Order on Petroleum Wax Candles from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 71 FR 59075 (October 6, 2006).

Scope of the Anticircumvention Inquiry

The products covered by this inquiry are certain scented or unscented petroleum wax forms that do not incorporate a wick within the wax, whether or not having pre–drilled wick holes (wickless petroleum wax forms) that are imported into the United States and assembled into petroleum wax candles, and are currently classifiable under HTSUS subheading 9602.00.40. Wickless petroleum wax forms are sold in the following shapes: tapers, spirals, straight–sided wax forms; rounds, columns, pillars, votives; and various wax–filled containers. This inquiry only covers such products that are imported by, or sold to Northern Lights Enterprises, DECOR–WARE, Inc., A&M Wholesalers, Inc., or Albert E. Price.

Applicable Statute

Section 781 of the Act addresses circumvention of antidumping or countervailing duty orders. With respect to merchandise assembled or completed in the United States, section 781(a)(1) of the Act provides that if: (A) the merchandise sold in the United States is of the same class or kind as any other merchandise that is the subject of an antidumping duty order; (B) such merchandise sold in the United States is completed or assembled in the United States from parts or components produced in the foreign country with respect to which such order applies; (C) the process of assembly or completion in the United States is minor or insignificant; and (D) the value of the parts or components produced in the foreign country is a significant portion of the total value of the merchandise, then the Department may include within the scope of the order the imported parts or components produced in the foreign country used in the completion or assembly of the merchandise in the United States, after taking into account any advice provided by the United States International Trade Commission (ITC) under section 781(e) of the Act.

In determining whether the process of assembly or completion in the United States is minor or insignificant, section 781(a)(2) of the Act directs the Department to consider: (A) the level of investment; (B) the level of research and development; (C) the nature of the production process; (D) the extent of production facilities and (E) whether the value of processing performed in the United States represents a small proportion of the value of the merchandise sold in the United States.

Section 781(a)(3) sets forth the factors to consider in determining whether to include parts or components in an antidumping duty order. The Department shall take into account: (A) the pattern of trade, including sourcing patterns; (B) whether the manufacturer or exporter of the parts or components is affiliated with the person who assembles or completes the merchandise sold in the United States; and (C) whether imports into the United States of the parts or components produced in the foreign country have increased after the initiation of the investigation which resulted in the issuance of the order.

Partial Termination of the Anticircumvention Inquiry

As noted above, NCA withdrew its inquiry request with respect to Northern Lights Enterprises. Accordingly, we are terminating this inquiry with respect to Northern Lights Enterprises. Regarding the remaining three importers (DECOR–WARE, Inc.; A&M Wholesalers, Inc.; and Albert E. Price), see the Facts Available section below.

Affirmative Preliminary Determination of Circumvention

For the reasons described below, we preliminarily determine that circumvention of the antidumping duty order on petroleum wax candles from the PRC is occurring by reason of exports of wickless petroleum wax forms from the PRC imported by, or sold to, DECOR–WARE, Inc., A&M Wholesalers, Inc., and Albert E. Price, and which subsequently undergo insertion of a wick and clip assembly in the United States.

Facts Available

DECOR–WARE, Inc., A&M Wholesalers, Inc., and Albert E. Price failed to respond to the Department's requests for information. The questionnaires the Department issued to these importers were designed to elicit information for purposes of conducting both qualitative and quantitative analyses in accordance with the criteria enumerated in section 781(a) of the Act as outlined above. This approach is consistent with our analysis in previous anticircumvention inquiries. *See, e.g., Circumvention and Scope Inquiries on the Antidumping Duty Order on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Partial Affirmative Final Determination of Circumvention of the Antidumping Duty Order, Partial Final Termination of Circumvention Inquiry and Final Rescission of Scope Inquiry*, 71 FR 38608 (July 7, 2006); *Hot–Rolled Lead and Bismuth Carbon Steel Products from Germany and the United Kingdom; Negative Final Determinations of Circumvention of Antidumping and Countervailing Duty Orders*, 64 FR 40336 (July 26, 1999).

Without this information the Department has no choice but to resort to the use of facts available in making its determination pursuant to section 776(a)(2) of the Act. In selecting from among the facts available, the

[1] As this submission was untimely, the Department did not consider adding Deluxe in Commerce to this inquiry.

Department determined that an adverse inference is warranted, pursuant to section 776(b) of the Act, because these importers failed to comply with the Department's requests for information to the best of their ability.

Section 776(a) of the Act requires the Department to resort to facts otherwise available if necessary information is not available on the record or when an interested party or any other person fails to provide (requested) information by the deadlines for submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782. *See* sections 776(a)(1) and 776(a)(2)(B) of the Act. As provided in section 782(c)(1) of the Act, if an interested party, promptly after receiving a request from the Department for information, notifies the Department that such party is unable to submit the information requested in the requested form and manner, the Department may modify the requirements to avoid imposing an unreasonable burden on that party. However, neither DECOR–WARE, Inc., A&M Wholesalers, Inc., nor Albert E. Price notified the Department that they were unable to comply with the Department's requests. Consequently, because these importers failed to respond to the Department's questionnaire, we must base the preliminary determination in this inquiry on the facts otherwise available.

Section 776(b) of the Act permits the Department to use an inference that is adverse to the interests of an interested party if that party fails to cooperate by not acting to the best of its ability to comply with a request for information. Because DECOR–WARE, Inc., A&M Wholesalers, Inc., and Albert E. Price refused to comply with the Department's request for information, we find that these importers failed to cooperate by not acting to the best of their ability. The refusals by DECOR–WARE, Inc., A&M Wholesalers, Inc., and Albert E. Price to respond to our questionnaire precludes the Department from making an informed determination based on record evidence as to whether they are (or are not) circumventing the antidumping duty order. In addition, because these importers failed to provide the Department with any information, we are also unable to distinguish between their imports or purchase of wickless petroleum wax forms for purposes other than U.S. assembly into merchandise covered by the *Candles Order*. Accordingly, we are making an adverse inference pursuant to section 776(b) of the Act that wickless petroleum wax forms imported by, or sold to, DECOR–WARE, Inc., A&M Wholesalers, Inc., and Albert E. Price are completed or assembled in the United States by the insertion of a wick and clip assembly within the meaning of section 781(a) of the Act. Therefore, we preliminarily find that these wickless petroleum wax forms are subject merchandise.

Section 776(c) of the Act provides that, when the Department relies on secondary information rather than on information obtained in the course of an investigation or review, the Department shall, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The Statement of Administrative Action (SAA), which accompanied the Uruguay Round Agreements Act, H.R. Doc. No. 316, 103rd Congress, 2nd Session (1994), states that the independent sources may include published price lists, official import statistics and customs data, and information obtained from interested parties during the investigation or review. SAA at 870. The SAA also clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. *Id*. To the extent practicable, the Department will examine the reliability and relevance of the information used. *See, e.g., Circumvention and Scope Inquiries on the Antidumping Duty Order on Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Partial Affirmative Final Determination of Circumvention of the Antidumping Duty Order, Partial Final Termination of Circumvention Inquiry and Final Rescission of Scope Inquiry*, 71 FR 38608 (July 7, 2006) and accompanying decision memorandum, dated June 30, 2006 (at Comment 2B).

We reviewed all information on the record including NCA's December 14, 2005, application for this anticircumvention inquiry, its subsequent submissions, and the Department's initiation of this inquiry. *See Notice of Initiation*. NCA presented information demonstrating an increase in imports of wax forms that may be used in the assembly of finished candles within the United States. *Id*. NCA also provided evidence that the wick and clip assembly process in the United States is minor or insignificant. *Id*. Although NCA did not have direct and specific information from U.S. assemblers, it was able to provide information based on the actual experience of its constituent members, U.S. domestic candle producers, that provided significant information on wick and clip assembly in particular, and commercial candle production in general. *Id*. With respect to whether the value of the parts or components produced in the PRC (the wickless petroleum wax forms) is a significant portion of the total value of the candle, NCA was able to provide information from the domestic candle industry indicating the value of the wax form is typically a significant portion of the total value of the finished candle.[2] Thus, we conclude that NCA identified the elements required by 781(a) of the Act and supported its allegations with reliable and relevant information that continue to be of probative value.

Suspension Of Liquidation

Section 351.225(l)(2) of the Department's regulations states that, ''{i}f the Secretary issues a preliminary scope ruling under paragraph (f)(3)'' and ''{i}f liquidation has not been suspended, the Secretary will instruct the Customs Service to suspend liquidation and to require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the product entered, or withdrawn from warehouse, for consumption on or after the date of initiation of the scope inquiry.'' In accordance with section 351.225(l)(2) of the Department's regulations, we will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all wickless petroleum wax forms (as defined in the Scope of the Anticircumvention Inquiry section above) from the People's Republic of China imported by, or sold to DECOR–WARE, Inc., A&M Wholesalers, Inc., or Albert E. Price that were entered, or withdrawn from warehouse, for consumption on or after May 11, 2006, the date of initiation of this anticircumvention inquiry. *See Anti–circumvention Inquiry of the Antidumping Duty Order on Certain Pasta From Italy: Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order*, 63 FR 18364, 18366 (April 15, 1998); *Anti–Circumvention Inquiry of the Antidumping Duty Order on Certain Pasta From Italy: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 63 FR 54672, 54675–6 (October 13, 1998). CBP shall require cash deposits in accordance with those rates prevailing at the time of entry, depending upon the exporter in question.

[2] *Id*. NCA did acknowledge, in its February 21, 2007, letter withdrawing its request with respect to the importer Northern Lights Enterprises, that this importer ''does more than just drill a hole and insert a wick'' in the imported wickless petroleum wax forms.

Notification to the International Trade Commission

The Department, consistent with section 781(e) of the Act, is notifying the ITC of this affirmative preliminary determination to include the merchandise subject to this inquiry within the antidumping duty order on petroleum wax candles from the PRC. Pursuant to section 781(e) of the Act, the ITC may request consultations concerning the Department's proposed inclusion of the subject merchandise. These consultations must be concluded within 15 days after the date of the request. If, after consultations, the ITC believes that a significant injury issue is presented by the proposed inclusion, it will have 60 days to provide written advice to the Department.

Public Comment

Interested parties may request a hearing within 10 days from the date of publication of this notice. Comments from interested parties may be submitted no later than 20 days from the publication of this notice. Rebuttals limited to issues raised in the initial comments may be filed no later than 27 days after publication of this notice. Any hearing, if requested, will be held no later than 34 days after publication of this notice. The Department will publish the final determination with respect to this anticircumvention inquiry, including the results of its analysis of any written comments. The deadline for the final determination is currently June 5, 2007. *See* Letter from Robert James to All Interested Parties, dated March 2, 2007.

This affirmative preliminary circumvention determination is in accordance with section 781(a) of the Act and 19 CFR 351.225.

Dated: March 22, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–5691 Filed 3–27–07; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

A–570–504

Petroleum Wax Candles from the People's Republic of China: Initiation of New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 28, 2007.

SUMMARY: The Department of Commerce (the ''Department'') has determined that a request for a new shipper review of the antidumping duty order on petroleum wax candles from the People's Republic of China (''PRC''), received before February 28, 2007, meets the statutory and regulatory requirements for initiation. The period of review (''POR'') of this new shipper review is August 1, 2006, through January 31, 2007.

FOR FURTHER INFORMATION CONTACT: Nicole Bankhead, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–9068.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on petroleum wax candles from the PRC published in the **Federal Register** on August 28, 1986. *See Antidumping Duty Order: Petroleum Wax Candles From the People's Republic of China*, 51 FR 30686 (August 28, 1986).[1] On February 16, 2007, pursuant to 19 CFR 351.214(c), the Department received a new shipper review request from Hangzhou Fashion Living Co., Ltd (''Fashion Living''). On March 7, 2007, the Department requested that Fashion Living correct certain filing deficiencies. *See* the Department's letter dated March 7, 2007. On March 8, 2007, Fashion Living resubmitted its new shipper request. Fashion Living certified that it is both the producer and exporter of the subject merchandise upon which the request for a new shipper review is based.

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.214(b)(2)(i), Fashion Living certified that it did not export petroleum wax candles to the United States during the period of investigation (''POI''). In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Fashion Living certified that, since the initiation of the investigation, it has never been affiliated with any PRC exporter or producer who exported petroleum wax candles to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), Fashion Living also certified that its export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Fashion Living submitted documentation establishing the following: (1) the date on which Fashion Living first shipped petroleum wax candles for export to the United States and the date on which the petroleum wax candles were first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment;[2] and (3) the date of its first sale to an unaffiliated customer in the United States.

The Department conducted customs database queries to confirm that Fashion Living's shipment of subject merchandise had entered the United States for consumption and had been suspended for antidumping duties. We confirmed that Fashion Living's shipment had entered for consumption and been suspended for antidumping duties.

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that Fashion Living's request meets the threshold requirements for initiation of a new shipper review for the shipment of petroleum wax candles from the PRC it produced and exported. *See Memo to the File from Nicole Bankhead, Senior Case Analyst, through Alex Villanueva, Program Manager, Office 9: New Shipper Review Initiation Checklist*, dated March 19, 2007.

The POR for this new shipper review is August 1, 2006, through January 31, 2007. *See* 19 CFR 351.214(g)(1)(ii)(B). The Department intends to issue the preliminary results of this review no later than 180 days from the date of initiation, and final results of this review no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act.

Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

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[1] Therefore, a request for a new shipper review based on the semiannual anniversary month, February, was due to the Department by February 28, 2007. *See* 19 CFR 351.214(d)(2).

[2] Fashion Living made no subsequent shipments to the United States, which the Department corroborated using data from U.S. Customs and Border Protection.

Dated: March 19, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–5713 Filed 3–27–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

A–469–805

Stainless Steel Bar from Spain: Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from an interested party, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from Spain. The review covers one manufacturer/exporter, Sidenor Industrial SL (Sidenor). The period of review is March 1, 2005, through February 28, 2006.

We have preliminarily determined that Sidenor has made sales below normal value. If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries.

We invite interested parties to comment on these preliminary results. Parties who submit comments in this review are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: March 28, 2007

FOR FURTHER INFORMATION: Dmitry Vladamirov or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0665 and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 2, 1995, the Department published in the **Federal Register** the antidumping duty order on SSB from Spain. *See Amended Final Determination and Antidumping Duty Order: Stainless Steel Bar From Spain*, 60 FR 11656 (March 2, 1995) (SSB Order). On March 2, 2006, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on SSB from Spain. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 71 FR 10642 (March 2, 2006). On March 29, 2006, Sidenor requested that the Department conduct a review of its U.S. sales made during the period of review. On April 28, 2006, in accordance with 19 CFR 351.213(b), we published a notice of initiation of administrative review of this order. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 71 FR 25145 (April 28, 2006). On December 1, 2006, we published a notice announcing the extension of the due date for the completion of these preliminary results of review from December 1, 2006, to February 13, 2007. See *Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 69550 (December 1, 2006) (*Extension Notice*).[1] On February 6, 2007, we published a notice announcing a second extension of the due date for the completion of these preliminary results of review from February 13, 2007, to March 22, 2007. See *Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 5419 (February 6, 2007).

The Department is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The product covered by this order is SSB. SSB means articles of stainless steel in straight lengths that have been either hot–rolled, forged, turned, cold–drawn, cold–rolled or otherwise cold–finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons or other convex polygons. SSB includes cold–finished SSBs that are turned or ground in straight lengths, whether produced from hot–rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi–finished products, cut length flat–rolled products (*i.e.*, cut length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold–formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat–rolled products), and angles, shapes and sections.

The SSB subject to this order is currently classifiable under subheadings 7222.10.0005, 7222.10.0050, 7222.20.0005, 7222.20.0045, 7222.20.0075, and 7222.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Use of Adverse Facts Available

Section 776(a)(2) of the Act provides that, if an interested party withholds information requested by the administering authority, fails to provide such information by the deadlines for submission of the information and in the form or manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act, significantly impedes a proceeding under this title, or provides such information but the information cannot be verified as provided in section 782(i), the administering authority shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination. Section 782(d) of the Act provides that, if the administering authority determines that a response to a request for information does not comply with the request, the administering authority shall promptly inform the responding party and provide an opportunity to remedy the deficient submission. Section 782(e) of the Act further states that the Department shall not decline to consider submitted information if all of the following requirements are met: (1) the information is submitted by the established deadline; (2) the information can be verified; (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination; (4) the interested party has demonstrated that it acted to the best of its ability; and (5) the information can be used without undue difficulties.

The cost–of-production (COP) questionnaire responses submitted by

[1] In the *Extension Notice* we stated inadvertently that we were extending the time period for issuing the preliminary results of this review to February 13, 2006. On December 15, 2006, we published a correction notice announcing the extension of the due date for the completion of these preliminary results of review to February 13, 2007. See *Correction to Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 75503 (December 15, 2006).

Sidenor are incomplete and cannot be used to calculate an accurate dumping margin for Sidenor. The original antidumping questionnaire was issued on July 31, 2006. Since the issuance of the initial questionnaire to Sidenor, we have granted numerous extensions up to and including the submission of the third supplemental questionnaire response, which we received on January 24, 2007. Over a six-month period, we carefully and repeatedly identified numerous deficiencies and errors for which we needed more complete information in order to understand the reported information. Throughout this process, Sidenor demonstrated a consistent pattern of non–responsiveness, providing confusing, incomplete, and inconsistent information. As a result of these serious deficiencies, we are unable to determine adequately whether the COP information in its responses reflects reasonably and accurately the costs incurred by Sidenor to produce the merchandise under consideration. Without this information, we cannot calculate an accurate dumping margin for this company.

In accordance with section 776 of the Act, the Department preliminarily determines that the use of total adverse facts available (AFA) is warranted with respect to Sidenor. As discussed in the Memorandum from Mark Todd to Neal Halper, entitled ''Use of Adverse Facts Available for the Preliminary Determination,'' dated March 22, 2007 (AFA Memo), Sidenor did not provide the following information which we requested: (1) a consistent explanation for its product–cost calculation methodology that demonstrates the link between its reported costs and its normal books and records; (2) various reconciliation schedules (*i.e.*, quantity reconciliation, direct material cost reconciliation, and conversion cost reconciliation); and (3) requested supporting cost documentation from its normal books and records (*i.e.*, job cost sheets and cost of sales information). Without this information, the Department is unable to determine whether Sidenor accounted for all of its production costs relating to the merchandise under consideration. Thus, the Department is unable to rely on Sidenor's submitted costs. Because Sidenor has not provided the necessary information on the record, the use of facts available for the preliminary results of review is warranted pursuant to section 776(a)(1) of the Act. Furthermore, because Sidenor has withheld requested information, failed to provide such information in the form and manner required, impeded this review, and reported information that could not be verified, the use of facts available for the preliminary results is warranted pursuant to sections 776(a)(2)(A), (B), (C), and (D) of the Act. For further discussion, please refer to the AFA Memo.

Section 776(b) of the Act provides that, if the administering authority finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority, in reaching the applicable determination under this title, the administering authority may use an inference adverse to the interests of that party in selecting from among the facts otherwise available. See, *e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances in Part: Prestressed Concrete Steel Wire Strand From Mexico*, 68 FR 42378 (July 17, 2003), unchanged in the final determination (see *Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Prestressed Concrete Steel Wire Strand from Mexico*, 68 FR 68350 (December 8, 2003)).

Adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' See Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H. Doc. No. 103–316, at 870 (1994) (SAA). Furthermore, ''affirmative evidence of bad faith, or willfulness, on the part of a respondent is not required before the Department may make an adverse inference.'' See *Antidumping Duties, Countervailing Duties, Final Rule*, 62 FR 27296 (May 19, 1997).

Despite repeated requests for information concerning Sidenor's reported costs, including extensions of time granted to submit the necessary information, the company did not provide adequate cost data we could use in our calculations.[2] Sidenor submitted a series of supplemental questionnaire responses that were inadequate and lacked certain critical elements that address our evaluation of the accuracy and reliability of the reported cost information. Additionally, Sidenor failed to submit various reconciliation schedules and explanations that we requested in our supplemental questionnaires. Therefore, we find that Sidenor has failed to cooperate to the best of its ability because it continued to be non–responsive despite our repeated requests to provide critical information regarding Sidenor's reported costs. Consequently, the Department has preliminarily determined that, in selecting from among the facts otherwise available, an adverse inference is warranted. See section 776(b) of the Act; see also Notice of Final Determination of Sales at Less than Fair Value: Circular Seamless Stainless Steel Hollow Products from Japan, 65 FR 42985, 42986 (July 12, 2000), where the Department applied total AFA because the respondents failed to respond to the antidumping questionnaire; see also *Notice of Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances in Part: Certain Lined Paper Products From India*, 71 FR 19706 (April 17, 2006), unchanged in the final determination (see *Notice of Final Determination of Sales at Less Than Fair Value, and Negative Determination of Critical Circumstances: Certain Lined Paper Products from India*, 71 FR 45012, 45013 (August 8, 2006), where the Department applied total AFA because the respondent had failed to address the various deficiencies identified several times by the Department).

As total AFA, we have applied the highest rate determined by the Department in the less–than–fair–value investigation, which is 62.85 percent. See *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar From Spain*, 59 FR 66931 (December 28, 1994) (*Final LTFV*). In the LTFV investigation we applied this rate to Acenor S.A.

''In cases in which the respondent fails to provide Commerce with the most recent pricing data, it is within Commerce's discretion to presume that the highest prior margin reflects the current margins.'' See *Ta Chen Stainless Steel Pipe, Inc. v. United States*, 298 F.3d 1330, 1339 (Fed. Cir. 2002) (citing *Rhone Poulenc, Inc. v. United States*, 899 F.2d 1185, 1190 (Fed. Cir. 1990)). Further, as stated in *Shanghai Taoen Int'l Trading Co. v. United States*, 360 F. Supp. 2d 1339, 1348 (CIT 2005) (citing *D&L Supply Co. v. United States*, 113 F.3d 1220,1223 (Fed. Cir. 1997)), ''the purposes of using the highest prior antidumping duty rate are to offer assurance that the exporter will not benefit from refusing to provide information, and to produce an antidumping duty rate that bears some

[2] Because some of the information regarding Sidenor's costs is business proprietary, see the AFA Memo for further discussion.

relationship to past practices in the industry in question.''

Section 776(c) of the Act requires that the Department corroborate, to the extent practicable, secondary information from independent sources that are reasonably at its disposal. Secondary information is defined as ''information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise.'' See SAA at 870. The SAA clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. *Id*. Information from a prior segment of this proceeding, such as that used here, constitutes secondary information. See SAA at 870.

To corroborate secondary information, the Department will examine, to the extent practicable, the reliability and relevance of the information. The SAA emphasizes, however, that the Department need not prove that the selected facts available are the best alternative information. See SAA at 869. The SAA also states that independent sources used to corroborate such evidence may include, for example, published prices lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. See 19 CFR 351.308(d) and SAA at 870.

With respect to the reliability aspect of corroboration, the Department found the rate of 62.85 percent to be reliable in the investigation. See *LTFV*, 59 FR 66931. There, the Department assigned to Acenor S.A. the highest margin among the margins alleged in the petition, as recalculated by the Department. Because the information was supported by source documents, we preliminary determine that the information is still reliable.

In making a determination as to the relevance aspect of corroboration, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin. For example, in *Fresh Cut Flowers from Mexico: Final Results of Antidumping Duty Administrative Review*, 61 FR 6812 (February 22, 1996), the Department disregarded the highest margin as ''best information available'' (the predecessor to ''facts available'') because the margin was based on another company's uncharacteristic business expense that resulted in an unusually high dumping margin. Similarly, the Department does not apply a margin that has been discredited. See *D&L Supply Co. v. United States*, 113 F.3d 1220, 1224 (Fed. Cir. 1997) (the Department will not use a margin that has been judicially invalidated). None of these unusual circumstances is present here, and there is no evidence indicating that the margin used as facts available in this review is not appropriate. Further, in accordance with *F. LII De Cecco Di Filippo Fara S. Martino S.p.A v. United States*, 216 F. 3d. 1027, 1030 (Fed. Cir. June 16, 2000), we must also examine whether information on the record would support the selected rates as reasonable facts available. In the investigation, we determined that the calculation of 62.85 percent reflects commercial practices of the particular industry during the period of investigation and, as such, was relevant to mandatory respondents that failed to participate in the investigation. Because no information has been presented in the current review that calls into question the relevance of this information, we preliminarily determine that the adverse facts–available rate we corroborated in the investigation is relevant to Sidenor in this administrative review of the order.

Similar to our position in *Notice of Preliminary Results of Antidumping Duty Administrative Review: Polyethylene Retail Carrier Bags from Thailand*, 71 FR 53405 (September 11, 2006), because this is the first review of Sidenor (and because Acenor S.A. failed to participate in the investigation), there are no probative alternatives. Accordingly, by using information that was corroborated in the investigation and preliminarily determined to be relevant to Sidenor in this review, we have corroborated the adverse facts–available rate ''to the extent practicable.'' See section 776(c) of the Act, 19 CFR 351.308(d), and *NSK Ltd. v. United States*, 347 F. Supp. 2d 1312, 1336 (CIT 2004) (stating, ''pursuant to the 'to the extent practicable' language the corroboration requirement itself is not mandatory when not feasible'').

Preliminary Results of Review

As a result of this review, we preliminarily determine a dumping margin of 62.85 percent for Sidenor, based on adverse facts available, exists for the period March 1, 2005, through February 28, 2006.

Public Comment

Any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. See 19 CFR 351.310(c). If a hearing is requested, the Department will notify interested parties of the hearing schedule. Interested parties are invited to comment on the preliminary results of this review. The Department will consider case briefs filed by interested parties within 30 days after the date of publication of this notice. Also, interested parties may file rebuttal briefs, limited to issues raised in the case briefs. The Department will consider rebuttal briefs filed not later than five days after the time limit for filing case briefs. Parties who submit arguments are requested to submit with each argument: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities cited. Further, we request that parties submitting written comments provide the Department with a diskette containing an electronic copy of the public version of such comments.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**.

Assessment Rates

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Because we are relying on total adverse facts available to establish Sidenor's dumping margin, we preliminarily determine to instruct CBP to apply a dumping margin of 62.85 percent to all entries of subject merchandise during the period of review which were produced and/or exported by Sidenor. Within 15 days of publication of the final results of review, the Department will issue instructions to CBP.

Cash–Deposit Requirements

The following cash–deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash–deposit rate for Sidenor will be the rate established in the final results of this review (except that if the rate is *de minimis, i.e.*, less than 0.50 percent, no cash deposit will be required); (2) for previously investigated or reviewed companies not listed above, the cash–

deposit rate will continue to be the company–specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the LTFV investigation but the manufacturer is, the cash–deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) the cash–deposit rate for all other manufacturers or exporters will continue to be the ''all others'' rate of 25.77 percent, which is the ''all others'' rate established in the LTFV investigation. See *SSB Order*. These cash–deposit rates, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 22, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E7–5690 Filed 3–27–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.032107C]

Marine Mammals; File No. 1100–1849

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that Shane Moore, Moore & Moore Films, Box 2980, 1203 Melody Creek Lane, Jackson, Wyoming 83001 has been issued a permit to conduct commercial/educational photography.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713–2289; fax (301) 427–2521; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249.

FOR FURTHER INFORMATION CONTACT: Carrie Hubard or Kate Swails, (301) 713–2289.

SUPPLEMENTARY INFORMATION: On July 19, 2006 notice was published in the **Federal Register** (71 FR 40995) that a request for a commercial/educational photography permit to take killer whales (*Orcinus orca*), gray whales (*Eschrichtius robustus*), and minke whales (*Balaenoptera acutorostrata*) had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant will take 10 killer whales of the Eastern North Pacific Transient stock, 10 gray whales, and 10 minke whales annually by close approach for filming in the Gulf of Alaska and Bering Sea. The purpose of this project is to document the behavior of marine animals in the presence of the carcass of a gray or minke whale that was killed by killer whales. The applicant will fix a remotely operated video camera in an underwater housing to the sea floor approximately 15 feet from the carcass. The camera will be deployed after the killer whales have left the carcass and would be controlled from a boat approximately 100 yards away. In addition, if killer whales, gray whales, or minke whales pass near the boat, the applicant will submerge a small camera on a pole to take photographs of passing animals. This footage will be shared freely with the scientific community as it may reveal to what extent killer whales continue to feed on submerged kills, how they feed on these carcasses, and document what other animals may benefit from these carcasses as well. Filming activities will occur between April 1 and August 31 of each year. The permit will expire three years from the date of issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: March 23, 2007.

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–5680 Filed 3–27–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032307A]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting of the North Pacific Fishery Management Council's Halibut Charter Stakeholder Committee.

SUMMARY: The North Pacific Fishery Management Council (Council) Halibut Charter Stakeholder Committee will meet in Anchorage, AK at the North Pacific Research Board meeting room.

DATES: The meeting will be held on April 12, 2007, from 8:30 a.m. to 4:30 p.m. and on April 13, 2007, from 8:30 a.m. to 12 noon.

ADDRESSES: The meeting will be held at the North Pacific Research Board, 1007 West 3rd Avenue, Suite 100 Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Jane DiCosimo, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The agenda will include the following: report on status of Council actions; report on status of State actions; subcommittee report on finance mechanisms to compensate reallocation from commercial to charter sectors; continued revisions to permanent solution alternatives; separating allocation from permanent solution analysis; charter halibut bycatch mortality estimates; new proposals; other business.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: March 23, 2007.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E7–5636 Filed 3–27–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032007B]

National Artificial Reef Plan (as Amended): Guidelines for Siting, Construction, Development, and Assessment of Artificial Reefs

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of agency decision.

SUMMARY: The National Artificial Reef Plan (NOAA Technical Memorandum, NMFS OF–6) was originally published in November 1985, in fulfillment of a requirement under the National Fishing Enhancement Act of 1984. NMFS worked in partnership with the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission to update and revise this plan. A revised version has been completed, entitled the ''National Artificial Reef Plan (as Amended): Guidelines for siting, construction, development, and assessment of artificial reefs.'' This action is intended to promote the goals and objectives outlined in the National Fishing Enhancement Act.

DATES: The revised National Artificial Reef Plan (National Plan) was approved on March 7, 2007.

ADDRESSES: Copies of the ''National Artificial Reef Plan (as Amended): Guidelines for siting, construction, development, and assessment of artificial reefs'' are available from Christopher M. Moore, Director of the Partnerships and Communications Division, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, (301) 713–2379 ext. 165; fax (301) 713–0596.

SUPPLEMENTARY INFORMATION: The National Artificial Reef Plan of 1985 was developed by the Secretary of Commerce under direction of the National Fishing Enhancement Act of 1984. This Act directed the Secretary of Commerce to develop and publish a long-term National Artificial Reef Plan to promote and facilitate responsible and effective artificial reef use based on the best scientific information available.

The National Plan provided guidance on various aspects of artificial reef use, including types of construction materials, planning, siting, design, and management of artificial reefs. This document was general in its scope and provided a framework for regional, state, and local planners to develop more detailed, site-specific artificial reef plans to meet local needs and conditions. The National Plan was designed to be a dynamic working document that would be updated as new information became available.

Since 1985, new information and research on artificial reefs have become available. Accordingly, NMFS has updated and revised the National Plan, in cooperation with the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission. The National Plan was initially revised with input from state artificial reef programs and staff from the interstate marine fisheries commissions, the Minerals Management Service, and the National Marine Fisheries Service. The draft revision to the 1985 National Artificial Reef Plan was revised in response to comments that were provided through internal NOAA review and external review by the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission.

The interstate marine fisheries commissions have been involved in the development and review of this document due to their extensive involvement and experience with state artificial reef management programs. Most coastal states have coordinated their artificial reef activities through the respective interstate marine fisheries commissions, and most interstate commissions have established technical advisory committees for marine artificial reef development. These committees are composed of the coordinators of the state marine artificial reef programs within the respective state agencies responsible for marine and coastal resources management. Committee membership also includes representatives from the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Minerals Management Service, Environmental Protection Agency, and Regional Fishery Management Councils.

The revised National Plan provides information on the roles of federal, state, and local governments; interstate marine fisheries commissions; Regional Fishery Management Councils; and private citizens in artificial reef development. The document also provides guidelines for siting, materials, design, construction, and management of artificial reefs; and information on regulatory and permitting requirements, liability issues, and research needs. The revised National Plan also includes updated information on artificial reef activities and programs, and it references other useful sources of information for artificial reef development. The most significant changes occur in the section of the plan dealing with materials for artificial reef development. New language in the revised National Plan is consistent with the guidelines and recommendations of the interstate marine fisheries commissions and representatives of state artificial reef programs relative to artificial reef development.

Authority: 33 U.S.C. 2101 *et seq.*

Dated: March 22, 2007.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E7–5711 Filed 3–27–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 032207C]

Endangered and Threatened Species; Take of Anadromous Fish

AGENCY: National Marine Fisheries Service (NOAA Fisheries), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of applications for scientific research/enhancement permit; request for comment.

SUMMARY: Notice is hereby given that NMFS has received an application for a permit from Zachary Larson, Crescent City, CA (Permit 1606). This permit would affect Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*). This document serves to notify the public of the availability of the permit application for review and comment before a final approval or disapproval is made by NMFS.

DATES: Written comments on the permit application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Daylight Savings Time on April 27, 2007.

ADDRESSES: Written comments on this renewal and modification request

should be sent to the appropriate office as indicated below. Comments may also be sent via fax to the number indicated for the request. Comments will not be accepted if submitted via e-mail or the internet. The applications and related documents are available for review in the indicated office, by appointment: John Clancy, Protected Species Division, NOAA Fisheries, 1655 Heindon Road, Arcata, CA 95521 (ph: 707–825–5175, fax: 707–825–4840).

FOR FURTHER INFORMATION CONTACT: John Clancy at phone number (707–825–5175), or e-mail: *john.clancy@noaa.gov*

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NOAA Fisheries regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to the following threatened salmonid ESUs: Southern Oregon/Northern California Coast (SONCC) coho salmon (*Oncorhynchus kisutch*).

Permit Requests Received

Permit 1606

Zachary Larson has requested a Permit (#1606) for take of SONCC coho salmon associated with two studies. Study 1 would investigate juvenile salmonid presence, habitat use and timing in Smith River estuary throughout the year. Proposed capture methods are by beach seining, electrofishing (infrequent), snorkeling, baited minnow traps, and fence traps with provision for upstream-downstream movements. Study 2 would install a downstream migrant trap to be fished 4 days per week to document anadromous fish species use and abundance in Cedar Creek (tributary to the Smith River) before and after a barrier culvert is removed. Permit 1606 will expire August, 2011.

Dated: March 22, 2007.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–5679 Filed 3–27–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary

U.S. Court of Appeals for the Armed Forces Code Committee Meeting

ACTION: Notice of public meeting.

SUMMARY: This notice announces the forthcoming public meeting of the Code Committee established by Article 146(a), Uniform Code of Military Justice, 10 U.S.C. 946(a), to be held at the Courthouse of the United States Court of Appeals for the Armed Forces, 450 E Street, NW., Washington, DC 20442–0001, at 10 a.m. on Tuesday, May 15, 2007. The agenda for this meeting will include consideration of proposed changes to the Uniform Code of Military Justice and the Manual for Courts-Martial, United States, and other matters relating to the operation of the Uniform Code of Military Justice throughout the Armed Forces.

FOR FURTHER INFORMATION CONTACT: William A. DeCicco, Clerk of Court, United States Court of Appeals for the Armed Forces, 450 E Street, NW., Washington, DC 20442–0001, telephone (202) 761–1448.

Dated: March 20, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, DOD.

[FR Doc. 07–1496 Filed 3–27–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Advisory Council on Dependents' Education

AGENCY: Department of Defense Education Activity (DoDEA).

ACTION: Open Meeting Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Appendix 2 of title 5, United States Code, Public Law 92–463, notice is hereby given that a meeting of the Advisory Council on Dependents' Education (ACDE) is scheduled to be held on May 4, 2007, from 8 a.m. to 5 p.m. The meeting will be held at the InterContinental Hotel Frankfurt, Wilhelm-Leuschner Strasse 43, Frankfurt, Germany 60329. The purpose of the ACDE is to recommend to the Director, DoDEA, general policies for the operation of the Department of Defense Dependents Schools (DoDDS); to provide the Director with information about effective educational programs and practices that should be considered by DoDDS; and to perform other tasks as may be required by the Secretary of Defense. The meeting emphases will be the current operational qualities of schools and the institutionalized school improvement processes, as well as other educational matters. For further information contact Mr. Jim Jarrard at 703–588–3121, or at *James.Jarrard@hq.dodea.edu.*

Dated: March 20, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 07–1494 Filed 3–27–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the DOD Advisory Group on Electron Devices

AGENCY: Department of Defense, Advisory Group on Electron Devices.

ACTION: Notice.

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Monday, April 16, 2007.

ADDRESSES: The meeting will be held at ITS Noesis Business Unit, 4100 N. Fairfax Drive, Suite 800, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Ms. Vicki Schneider, ITS Noesis Business Unit, 4100 N. Fairfax Drive, Suite 800, Arlington, VA 22203, 703–741–0300.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition, Technology and Logistics, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Defense Advanced Research Projects

Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development efforts in electronics and photonics with a focus on benefits to national defense. These reviews may form the basis for research and development programs initiated by the Military Departments and Defense Agencies to be conducted by industry, universities or in government laboratories. The agenda for this meeting will include programs on molecular electronics, microelectronics, electro-optics, and electronic materials.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. 2), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1), and that accordingly, this meeting will be closed to the public.

Dated: March 20, 2007.

L.M. Bynum,

Alternate, OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 07–1492 Filed 3–27–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DOD–2007–OS–0027]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DOD.

ACTION: Notice To Alter a System of Records.

SUMMARY: The Defense Logistics Agency proposes to alter a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on April 27, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, *ATTN:* DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 767–5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system reports, as required by 5 U.S.C. 552a(r), of the Privacy Act of 1974, as amended, were submitted on March 13, 2007, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 14, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S352.10 DLA–KW

SYSTEM NAME:

Award, Recognition, and Suggestion File (November 16, 2004, 69 FR 67112).

CHANGES:

SYSTEM IDENTIFIER:

Delete ''DLA–KW'' from entry.

SYSTEM NAME:

Delete entry and replace with ''Suggestion Files''.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Individuals who have submitted suggestions to improve the economy, efficiency, or operation of the Defense Logistics Agency and the Federal Government.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''File contains individual's name, home address and telephone numbers, organization, background material, evaluations submitted in support of suggestion program, and award or recognition documents authorized for a suggestion.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1124, Cash awards for disclosures, suggestions, inventions, and scientific achievements; and DOD Manual 1400.25–M, DOD Civilian Personnel Manual, subchapter 451, Awards.''

PURPOSE(S):

Delete entry and replace with ''Information is maintained to evaluate suggestions, to process award or recognition documents, and to prepare reports''.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete second paragraph and replace with ''To Federal, state, and local agencies and private organizations to research and evaluate suggestions or to process award or recognition documents.''

* * * * *

RETRIEVABILITY:

Delete entry and replace with ''Records are retrieved by individual's name, and/or suggestion number.''

SAFEGUARDS:

Delete entry and replace with ''Access is limited to those individuals who require access to the records to perform official, assigned duties. Physical access is limited through the use of locks, guards, card swipe, and other administrative procedures. The electronic records deployed on accredited systems with access restricted by the use of login, password, and/or care swipe protocols. Employees are warned through screen log-on, protocols and period briefings of the consequences of improper access or use of the data. In addition, users are required to shutdown their workstations when leaving the work area. The web-based files are encrypted in accordance with approved information assurance protocols. During non-duty hours, records are secured in access-controlled buildings, offices, cabinets or computer systems. Individuals granted access to the system of records receives Information Assurance and Privacy training.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Records are destroyed 3 years after disapproval, completion of testing, or permanent implementation, as applicable.''

* * * * *

S352.10

SYSTEM NAME:

Suggestion Files.

SYSTEM LOCATION:

Headquarters, Defense Logistics Agency, *ATTN:* J–14, 8725 John J Kingman Road, Stop 6231, Fort Belvoir, VA 22060–6221, and the Defense Logistics Agency Field Activities.

Official mailing addresses are published as an appendix to DLA's compilation of records systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have submitted suggestions to improve the economy, efficiency, or operation of the Defense Logistics Agency and the Federal Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains individual's name, home address and telephone numbers, organization, background material and evaluations submitted in support of suggestion program, and award or recognition documents authorized for a suggestion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1124, Cash awards for disclosures, suggestions, inventions, and scientific achievements; and DOD Manual 1400.25–M, DOD Civilian Personnel Manual, subchapter 451, Awards.

PURPOSE(S):

Information is maintained to evaluate suggestions, to process award or recognition documents, and to prepare reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DOD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, state, and local agencies and private organizations to research and evaluate suggestions or to process award or recognition documents.

The DOD ''Blanket Routine Uses'' also apply to this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper and electronic storage media.

RETRIEVABILITY:

Records are retrieved by individual's name, and/or suggestion number.

SAFEGUARDS:

Access is limited to those individuals who require access to the records to perform official, assigned duties. Physical access is limited through the use of locks, guards, card swipe, and other administrative procedures. The electronic records deployed on accredited systems with access restricted by the use of login, password, and/or card swipe protocols. Employees are warned through screen log-on, protocols and period briefings of the consequences of improper access or use of the data. In addition, users are required to shutdown their workstations when leaving the work area. The web-based files are encrypted in accordance with approved information assurance protocols. During non-duty hours, records are secured in access-controlled buildings, offices, cabinets or computer systems. Individuals granted access to the system of records receives Information Assurance and Privacy training.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after disapproval, completion of testing, or permanent implementation, as applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Staff Director, Human Resources Policy and Information, *ATTN:* J–14, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6221.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, *ATTN:* DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

Individual must provide their name, suggestion description, and activity at which nomination or suggestion was submitted.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Privacy Act Officer, Headquarters, Defense Logistics Agency, *ATTN:* DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

Individual must provide their name, suggestion description, and activity at which nomination or suggestion was submitted.

CONTESTING RECORD PROCEDURES:

The DLA rules for accessing records, for contesting contents and appealing initial agency determinations are contained in 32 CFR part 323, or may be obtained from the Privacy Act Officer, Headquarters, Defense Logistics Agency, *ATTN:* DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

RECORD SOURCE CATEGORIES:

Record subject, DLA supervisors, and individuals who evaluate the suggestions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 07–1376 Filed 3–27–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Privacy Act of 1974; System of Records

AGENCY: Defense Finance and Accounting Service, DoD.

ACTION: Notice of deletion of system of records.

SUMMARY: The Defense Finance and Accounting Service proposes to delete system of records from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The action will be effective on April 27, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, Defense Finance and Accounting Service, 6760 E. Irvington Place, Denver, CO 80279–8000.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 676–6045.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 21, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion:

T5010

SYSTEM NAME:

DFAS Quarterly Pay Newsletter E-mail System (November 18, 2004, 69 FR 67548).

REASON:

This system is covered by T7336, MyPay System, published on June 16, 2006 with the **Federal Register** number of 71 FR 34898.

With the MyPay System being an Internet (WEB) based system it has eliminated the requirement for a separate quarterly newsletter e-mail system. The MyPay system will directly inform the DFAS customer of current pay information and updates, unless the customer opts out from receiving the quarterly newsletter.

[FR Doc. 07–1495 Filed 3–27–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to Amend Four Systems of Records.

SUMMARY: The Office of the Secretary of Defense is amending four system of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on April 27, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the OSD Privacy Act Coordinator, Records Management Section, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Ms. Juanita Irvin at (703) 696–4940.

SUPPLEMENTARY INFORMATION : The Office of the Secretary of Defense systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record systems being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

L.M. Bynum

Alternative OSD Federal Register Liaison Officer, Department of Defense.

DFOISR 05

Freedom of Information Act Case Files (November 29, 2002, 67 FR 71147) .

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with ''DWHS E02.''

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155''.

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155. Written requests should include the individual's name.

For personal visits to examine records, the individual should provide a form of picture identification, i.e., a driver's license.''

* * * * *

DWHS E02

SYSTEM NAME:

Freedom of Information Act Case Files.

SYSTEM LOCATION:

Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who submit Freedom of Information Act (FOIA) requests and administrative appeals to the Office of the Secretary of Defense, the Joint Staff, and other activities receiving administrative FOIA support from Washington Headquarters Services (WHS); individuals whose FOIA requests and/or records have been referred by other Federal agencies to the WHS for release to the requester; attorneys representing individuals submitting such requests and appeals; individuals who are the subjects of such requests and appeals; and/or the WHS personnel assigned to handle such requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records created or compiled in response to FOIA requests and administrative appeals, i.e., original requests and administrative appeals; responses to such requests and administrative appeals; all related memoranda, correspondence, notes and other related or supporting documentation; and copies of requested records and records under administrative appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 D.S.C. 552, The Freedom of Information Act, as amended; and DoD 5400.7–R, DoD Freedom of Information Act Program.

PURPOSE(S):

Information is being collected and maintained for the purpose of processing FOIA requests and administrative appeals; for participating in litigation regarding agency action on such requests and appeals; and for assisting the Department of Defense in carrying out any other responsibilities under the FOIA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records

or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folder and electronic storage media.

RETRIEVABILITY:

Retrieved by name, subject matter, date of document, and request number.

SAFEGUARDS:

Paper records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties. Computer databases are password protected and accessed by individuals who have a need-to-know.

RETENTION AND DISPOSAL:

Paper records that are granted are destroyed 2 years after the date of reply. Paper records that are denied in whole or part, no records responses, responses to requesters who do not adequately describe records being sought, or do not state a willingness to pay fees, and records which are appealed or litigated are destroyed 6 years after final action. Electronic records are deleted when no longer needed to support Directorate business needs.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name.

For personal visits to examine records, the individual should provide a form of picture identification, i.e., a driver's license.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Those individuals who submit initial requests and administrative appeals pursuant to the FOIA; the agency records searched in the process of responding to such requests and appeals; Department of Defense personnel assigned to handle such requests and appeals; other agencies or entities that have referred to the Department of Defense requests concerning Department of Defense records or that have consulted with the Department of Defense regarding the handling of particular requests; submitters of records; and information that have provided assistance to the Department of Defense in making FOIA access determinations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of a FOIA action, exempt materials from other systems of records may in turn become part of the case records in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into this FOIA case record, Washington Headquarters Services hereby claims the same exemptions for the records from those 'other' systems that are entered into this system, as claimed for the original primary systems of records of which they are a part.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 311. For additional information contact the system manager.

* * * * *

DFOISR 06

SYSTEM NAME:

Security Review Index File (August 7, 2002, 67 FR 51235).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with ''DWHS E03.''

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper records in file folders and electronic storage media.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name and organizational affiliation of the individual.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name and organizational affiliation of the individual.

For personal visits to examine records, the individual should provide identification such as a driver's license or other form of picture identification.''

* * * * *

DWHS E03

SYSTEM NAME:

Security Review Index File.

SYSTEM LOCATION:

Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense officials, who present statements, testify, or who furnish information to the Congress of the United States. Department of Defense officials and citizens or organizations outside the Defense Department who submit documents, such as but not limited to, speeches and articles, for clearance prior to public release.

CATEGORIES OF RECORDS IN THE SYSTEM:

Names, organizational affiliations, addresses, and other contact information of individuals submitting material for security review. The material submitted for review is also maintained with a database link to information about the submitting official and the action officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations.

PURPOSE(S):

To manage the security review process for documents or materials before they are released outside of the Department of Defense. The documents and materials of completed security reviews are maintained for historical reference to ensure subsequent reviews, which may be similar in content, are handled consistently.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b) (3) as follows:

The DoD 'Blanket Routine Uses'' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Retrieved by submitting official or action officer's name and/or organization, Security Review Case Number, or subject of submitted material.

SAFEGUARDS:

Paper files are maintained in security containers with access only to officials in accordance with assigned duties. Computer databases are password protected and accessed by individuals who have a need-to-know.

RETENTION AND DISPOSAL:

Security review initial files are destroyed 2 years after clearance without amendment and 6 years after record was cleared with amendment or denied clearance. Security review appeal files which are cleared are destroyed 2 years after clearance and 6 years after record was cleared with amendment or denied.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name and organizational affiliation of the individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name and organizational affiliation of the individual.

For personal visits to examine records, the individual should provide identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Submitted documents and materials with requests for security review from organizations and individuals and comments and recommendations returned by subject matter specialists.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

* * * * *

DFOISR 10

SYSTEM NAME:

Privacy Act Case Files (November 29, 2002, 67 FR 71147).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with ''DWHS E04.''

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.''

* * * * *

DWHS E04

SYSTEM NAME:

Privacy Act Case Files.

SYSTEM LOCATION:

Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who submit Privacy Act requests and administrative appeals

to the Washington Headquarters Services (WHS), the Joint Staff, and other activities receiving administrative support from WHS; individuals whose requests and/or records have been referred by other Federal agencies to WHS for release to the requester; attorneys representing individuals submitting such requests and appeals; individuals who are the subjects of such requests and appeals; and WHS personnel assigned to handle such requests and appeals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records created or compiled in response to Privacy Act requests and administrative appeals, i.e.; original requests and administrative appeals; responses to such requests and administrative appeals; all related memoranda, correspondence, notes, and other related or supporting documentation; and copies of requested records and records under administrative appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552a, The Privacy Act of 1974, as amended; DoD 5400.11–R, Department of Defense Privacy Program; Administrative Instruction 81, Privacy Program; and E.O. 9397 (SSN) .

PURPOSE(S):

Information is being collected and maintained for the purpose of processing Privacy Act requests and administrative appeals; for participating in litigation regarding agency action on such requests and appeals; and for assisting the Department of Defense in carrying out any other responsibilities under the Privacy Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Filed chronologically by request number and retrieved by name and/or request number.

SAFEGUARDS:

Records are maintained in security containers with access only to officials whose access is based on requirements of assigned duties. Computer databases are password protected and accessed by individuals who have a need-to-know.

RETENTION AND DISPOSAL:

Paper records that are granted are destroyed 2 years after the date of reply. Paper records that are denied in whole or part, no record responses, responses to requesters who do not adequately describe records being sought and records that are appealed or litigated are destroyed 6 years after final action. Electronic records are deleted when no longer needed to support Directorate business needs.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Director, Freedom of Information and Security Review, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name.

For personal visits to examine records, the individual should provide a form of picture identification, i.e., a driver's license.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Those individuals who submit initial requests and administrative appeals pursuant to the Privacy Act; the agency records searched in the process of responding to such requests and appeals; Department of Defense personnel assigned to handle such requests and appeals; other agencies or entities that have referred to the Department of Defense requests concerning Department of Defense records, or that have consulted with the Department of Defense regarding the handling of particular requests; and submitters or subjects of records or information that have provided assistance to the Department of Defense in making access or amendment determinations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of a Privacy Act (PA) action, exempt materials from other systems of records may become part of the case records in this system of records. To the extent that copies of exempt records from those 'other' systems of records are entered into these PA case records, Washington Headquarters Services hereby claims the same exemptions for the records as they have in the original primary systems of records which they are a part.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c), and (e) and published in 32 CFR part 311. For additional information contact the system manager.

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DFOISR 11

SYSTEM NAME:

Mandator Declassification Review Files (December 30, 2003, 68 FR 75220).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with ''DWHS E05.''

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Chief, Records and Declassification Division, Executive Services Directorate, 1155 Defense Pentagon, Washington, DC 20301–1155.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Chief, Records and Declassification Division, Executive Services Directorate, 1155 Defense Pentagon, Washington, DC 20301–1155.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, Records and Declassification Division, Executive Services Directorate, 1155 Defense Pentagon, Washington, DC 20301–1155.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.''

* * * * *

DWHS E05

SYSTEM NAME:

Mandatory Declassification Review Files (December 30, 2003, 68 FR 75220).

SYSTEM LOCATION:

Chief, Records and Declassification Division, Executive Services Directorate, 1155 Defense Pentagon, Washington, DC 20301–1155.

CATEGORIES OF NDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request Mandatory Declassification Review (MDR) or appeal an MDR determination of a classified document for the purpose of releasing declassified material to the public, as provided for under the applicable Executive Order(s) governing classified National Security Information. Other individuals in the system are action officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of person making MDR request or appeal, identification of records requested, dates and summaries of action taken, and documentation for establishing and processing collectable fees. Names, titles, and/or positions of security specialists and/or officials responsible for an initial or final denial on appeal of a request for declassification of a record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 12958, Classified National Security Information, or other applicable Executive Order(s) governing classified National Security Information.

PURPOSE(S):

To manage requests and/or appeals from individuals for the mandatory review of classified documents for the purposes of releasing declassified material to the public; and to provide a research resource of historical, data on release of records so as to facilitate conformity in subsequent actions. Data developed from this system is used for the annual report required by the applicable Executive Order(s) governing classified National Security Information. This data also serves management needs, by providing information about the number of requests; the type or category of records requested; and the average processing time.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Retrieved by name of requester and other pertinent information, such as organization or address, subject material describing the MDR item (including date), MDR request number using computer indices, referring agency, or any combination of fields.

SAFEGUARDS:

Paper records are maintained in security containers with access limited to officials having a need-to-know based on their assigned duties. Computer systems require user passwords and users are limited according to their assigned duties to appropriate access on a need-to-know basis.

RETENTION AND DISPOSAL:

Files that grant access to records are held in current status for two years after the end of the calendar year in which created, then destroyed. Files pertaining to denials of requests are destroyed 5 years after final determination. Appeals are retained for 3 years after final determination.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Records and Declassification Division, Executive Services Directorate, 1155 Defense Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to Chief, Records and Declassification Division, Executive Services Directorate, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name and organizational affiliation of the individual at the time the record would have been created.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Chief, Freedom of Information Division, Executive Services Directorate, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Written requests should include the individual's name and organizational affiliation of the individual at the time the record would have been created.

For personal visits to examine records, the individual should provide identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Requests from individuals for Mandatory Declassification Review and subsequent release of records and information provided by form and memorandum by officials who hold the requested records, act upon the request, or who are involved in legal action stemming from the action taken.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 07–1497 Filed 3–27–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Army

[USA–2007–0009]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The Department of the Army is proposing to alter a system of records in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on April 27, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Department of the Army, Freedom of Information/Privacy Division, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Dickerson at (703) 428–6513.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 13, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 14, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0025–2c SAIS DoD

SYSTEM NAME:

Department of Defense Detainee Biometric Information Systems. (September 28, 2005, 70 FR 56645).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Individuals in the custody of the Department of Defense as result of military operations overseas or due to maritime intercepts that have been determined to be U.S. citizens or alien lawfully admitted for permanent residence.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with 10 U.S.C. 113, Secretary of Defense; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; Public Law 106–246, Section 112, Emergency Supplemental Act; Department of Defense Directive 8500.1, Information Assurance (IA); DoD Instruction 8500.2, Information Assurance Implementation; Army Regulation 25–2, Information Assurance; Deputy Secretary of Defense Memorandum, ''Executive Agent for the Department of Defense (DoD) Biometrics Project''; Deputy Secretary of Defense Memorandum, ''Collection of Biometric Data from Certain U.S. Persons in USCENTCOM AOR''; and E.O.9397(SSN).

PURPOSE(S):

Delete entry and replace with ''To identify an individual or to verify/authenticate the identity of an individual, who is detained due to overseas military operations and maritime interceptions, by using a biometric (i.e., measurable physiological or behavioral characteristic). Information is used for purposes of protecting U.S./Coalition/allied government and/or U.S./Coalition/allied national security areas of responsibility and information.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add ''To Federal, State, tribal, local, or foreign agencies for the purposes of law enforcement, counterterrorism, immigration management and control, and homeland security as authorized by U.S. Law or Executive Order, or for the purpose of protecting the territory, people, and interests of the United States of America against breaches of security related to DoD controlled information or facilities, and against terrorist activity.''

* * * * *

RETRIEVABILITY:

Add to entry ''subject, application program key.''

SAFEGUARDS:

Delete entry and replace with ''Computerized records maintained in a controlled area are accessible only to authorized personnel. Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need therefore in the performance of official duties and who are properly screened and cleared for need-to-know.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Data is destroyed when superseded or when no longer needed for operational purposes, whichever is later.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''From the individual, DoD security offices, system managers, computer facility managers, automated interfaces for user codes on file at Department of Defense sites.''

* * * * *

A0025–2c SAIS DoD

SYSTEM NAME:

Department of Defense Detainee Biometric Information System.

SYSTEM LOCATION:

Department of Defense Biometrics Fusion Center, 347 West Main Street, Clarksburg, WV 26306–2947.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals in the custody of the Department of Defense as result of

military operations overseas or due to maritime intercepts that have been determined to be U.S. citizens or alien lawfully admitted for permanent residence.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number (SSN), biometrics templates, biometric images, supporting documents, and biographic information including, but not limited to, date of birth, place of birth, height, weight, eye color, hair color, race, gender, and similar relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113, Secretary of Defense; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; Public Law 106–246, Section 112, Emergency Supplemental Act; Department of Defense Directive 8500.1, Information Assurance (IA); DoD Instruction 8500.2, Information Assurance Implementation; Army Regulation 25–2, Information Assurance; Deputy Secretary of Defense Memorandum, ''Executive Agent for the Department of Defense (DoD) Biometrics Project''; Deputy Secretary of Defense Memorandum, ''Collection of Biometric Data from Certain U.S. Persons in USCENTCOM AOR''; and E.O.9397(SSN).

PURPOSE(S):

To identify an individual or to verify/authenticate the identity of an individual, who is detained due to overseas military operations and maritime interceptions, by using a biometric (i.e., measurable physiological or behavioral characteristic). Information is used for purposes of protecting U.S./Coalition/allied government and/or U.S./Coalition/allied national security areas of responsibility and information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, State, tribal, local, or foreign agencies for the purposes of law enforcement, counterterrorism, immigration management and control, and homeland security as authorized by U.S. Law or Executive Order, or for the purpose of protecting the territory, people, and interests of the United States of America against breaches of security related to DoD controlled information or facilities, and against terrorist activity.''

The DoD ''Blanket Routine Uses'' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Name, Social Security Number (SSN), subject, application program key, biometric template, and other biometric data.

SAFEGUARDS:

Computerized records maintained in a controlled area are accessible only to authorized personnel. Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need therefore in the performance of official duties and who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Data is destroyed when superseded or when no longer needed for operational purposes, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, DoD security offices, system managers, computer facility managers, automated interfaces for user codes on file at Department of Defense sites.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 07–1377 Filed 3–27–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[USA–2007–0010]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to Add a System of Records.

SUMMARY: The Department of the Army is proposing to add a system of records to its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on April 27, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Department of the Army, Freedom of Information / Privacy Division, U.S. Army Records Management and Declassification Agency, *ATTN:* AHRC–PDD–FPZ, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Dickerson at (703) 428–6513.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 13, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I

to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 14, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0680–31 DSC G–1

SYSTEM NAME:

Economic and Manpower Analysis (OEMA) Data Base.

SYSTEM LOCATION:

United States Military Academy, 607 Cullum Road, Washington Hall (BLDG 745), West Point, NY 10996–1798.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals serving in the DoD Active Component as a commissioned officer, warrant officer, or enlisted soldier from fiscal year 1985 and after;

Individuals serving in the Reserve Component as a commissioned officer, warrant officer, or enlisted soldier from fiscal year 1990 and after;

Individuals serving in the National Guard as a commissioned officer, warrant officer, or enlisted soldier from fiscal year 1990 and after;

Individuals employed by the Department of the Army as DA Civilian Employees, Non-Appropriated Funds Employees, or Foreign National Employees from fiscal year 1991 and after;

Individuals retired from the Active Component, Reserve Component, or National Guard from fiscal year 1999 and after;

Individuals separated from the Active Component from fiscal year 1968 and after;

Individuals retired from service as a DA Civilian from fiscal year 1997 and after;

Dependents of member of Active Component, Reserve Component, or National Guard from fiscal year 1998 and after;

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Service Number, Selective Service Number, Social Security Number (SSN), citizenship data, compensation data, demographic information such as home town, age, sex, race, date of birth, number of family members of sponsor, and educational level; reasons given for leaving military service; training and job specialty information, work schedule (full time, part time, intermittent), annual salary rate, occupational series, position occupied, agency identifier, geographic location of duty station, metropolitan statistical area, and personnel office identifier; military personnel information such as rank, assignment/deployment, length of service, military occupation, aptitude and performance scores, and training; participation in various in-service education and training programs; home and work addresses; Medicare eligibility and enrollment data, dental care eligibility codes, disability payment records, and education benefit records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 2358, Research and Development Projects; and E.O. 9397 (SSN).

PURPOSE(S):

To facilitate the conduct of manpower and personnel studies for the DoD and DA senior leadership.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a (b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a (b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media.

RETRIEVABILITY:

Name, Social Security Number (SSN), and other information maintained in the system specific to an individual.

SAFEGUARDS:

All records are maintained in a controlled area accessible only to authorized personnel. Entry to these areas is restricted to those personnel with a valid requirement and authorization to enter. Physical entry is restricted by the use of locks, guards, and administrative procedures. Access to personal information is restricted to those who require the records in the performance of their official duties. Access to personal information is further restricted by the use of user identification codes and passwords, which are changed periodically.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration has approved retention and disposition of these records, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Economic and Manpower Analysis (OEMA), Washington Hall (BLDG 745), United States Military Academy, West Point, NY, 10996–1798.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Office of Economic and Manpower Analysis (OEMA), Washington Hall (BLDG 745), United States Military Academy, West Point, NY, 10996–1798.

Requests should contain individual's full name, Social Security Number (SSN), current address and telephone number, and other personal identifying data that would assist in locating the records. The request must be signed.

RECORDS ACCESS PROCEDURE:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Office of Economic and Manpower Analysis (OEMA), Washington Hall (BLDG 745), United States Military Academy, West Point, NY, 10996–1798.

Requests should contain individual's full name, Social Security Number (SSN), current address and telephone number, and other personal identifying data that would assist in locating the records. The request must be signed.

CONTESTING RECORDS PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From official DoD systems such as: Total Army Personnel Database, Active Officers (TAPDB–AO); Total Army Personnel Database, Active Enlisted (TAPDB-AE); Total Army Personnel Database, Reserve (TAPDB–R); Total Army Personnel Database; National Guard (TAPDB–G); and Defense Manpower Data Center(DMDC).

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 07–1378 Filed 3–27–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[USA–2007–0011]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The Department of the Army is proposing to alter a system of records in its existing inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The proposed action will be effective on April 27, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Department of the Army, Freedom of Information/Privacy Office, U.S. Army Records Management and Declassification Agency, 7701 Telegraph Road, Casey Building, Suite 144, Alexandria, VA 22325–3905.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Dickerson at (703) 428–6513.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on March 13, 2007, to the House Committee on Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: March 14, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0025–2 SAIS

SYSTEM NAME:

Information Assurance for Automated Information Systems (AIS) and Department of Defense Biometric Information Systems (February 25, 2005, 70 FR 9287).

CHANGES:

* * * * *

SYSTEM IDENTIFIER:

Add to entry ''DoD.''

SYSTEM NAME:

Delete entry and replace with ''Department of Defense Biometric Information Systems and Information Assurance for Automated Information Systems (AIS).''

SYSTEM LOCATION:

Delete entry and replace with ''Department of Defense Biometrics Fusion Center, 347 West Main Street, Clarksburg, WV 26306–2947 and at any Department of Defense activity that receives, compares, retains, accesses, or uses biometric technology to recognize the identity or to verify the claimed identity of an individual.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Individuals covered include, but are not limited to, members of the U.S. Armed Forces, DoD civilian and contractor personnel, military reserve personnel, Army and Air National Guard personnel, and other individuals (who are U.S. citizens or aliens lawfully admitted for permanent residence) requiring or requesting access to DoD or DoD controlled information systems and/or DoD or DoD contractor operated, controlled, or secured facilities.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete ''Operator's/user's name'' replace with ''Individual's name.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 113, Secretary of Defense; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; Public Law 106–246, Section 112, Emergency Supplemental Act; Department of Defense Directive 8500.1, Information Assurance (IA); DoD Instruction 8500.2, Information Assurance Implementation; Army Regulation 25–2, Information Assurance;; Deputy Secretary of Defense Memorandum, ''Executive Agent for the Department of Defense (DoD) Biometrics Project''; Deputy Secretary of Defense Memorandum, ''Collection of Biometric Data from Certain U.S. Persons in USCENTCOM AOR''; and E.O. 9397 (SSN).

PURPOSE(S):

Delete entry and replace with ''To control logical and physical access to DoD and DoD controlled information systems and DoD or DoD contractor operated, controlled, or secured facilities and to support the DoD physical and logical security, force protection, identity management, and information assurance programs, by identifying an individual or verifying/authenticating the identity of an individual through the use of biometrics (i.e., measurable physiological or behavioral characteristics) for purposes of protecting U.S./Coalition/allied government and/or U.S./Coalition/allied national security areas of responsibility and information.

Information assurance purposes include the administration of passwords and identification numbers for operators/users of data in automated media; identifying data processing and communication customers authorized access to or disclosure from data residing in information processing and/or communication activities; and determining the propriety of individual access into the physical data residing in automated media.''

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add ''Information may be disclosed to Federal, State, tribal, local, or foreign agencies for the purposes of law enforcement, counterterrorism, immigration management and control, and homeland security, or for purposes of protecting the territory, people, and interests of the United States of America against breaches of security related to DoD controlled information or facilities, and against terrorist activity.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Computerized records maintained in a controlled area are accessible only to authorized personnel. Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need therefore in the performance of official duties and who are properly screened and cleared for need-to-know''.

RETENTION AND DISPOSAL:

Delete entry and replace with ''Data is destroyed when superseded or when no longer needed for operational purposes, whichever is later.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with ''From the individual, DoD security offices, system managers, computer facility managers, automated interfaces for user codes on file at Department of Defense sites.''

* * * * *

A0025–2 SAIS DoD

SYSTEM NAME:

Department of Defense Biometric Information Systems and Information Assurance for Automated Information Systems (AIS).

SYSTEM LOCATION:

Department of Defense Biometrics Fusion Center, 347 West Main Street, Clarksburg, WV 26306–2947 and at any Department of Defense activity that receives, compares, retains, accesses, or uses biometric technology to recognize the identity or to verify the claimed identity of an individual.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered include, but are not limited to, members of the U.S. Armed Forces, DoD civilian and contractor personnel, military reserve personnel, Army and Air National Guard personnel, and other individuals (who are U.S. citizens or aliens lawfully admitted for permanent residence) requiring or requesting access to DoD or DoD controlled information systems and/or DoD or DoD contractor operated, controlled, or secured facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number (SSN); organization name, telephone number, and office symbol; security clearance; level of access; subject interest code; user identification code; data files retained by users; assigned password; magnetic tape reel identification; abstracts of computer programs and names and phone numbers of contributors; biometrics templates, biometric images, supporting documents; biographic information including, but not limited to, name, date and place of birth, height, weight, eye color, hair color, race and gender, and similar relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 113, Secretary of Defense; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; Public Law 106–246, Section 112, Emergency Supplemental Act; Department of Defense Directive 8500.1, Information Assurance (IA); DoD Instruction 8500.2, Information Assurance Implementation; Army Regulation 25–2, Information Assurance; Deputy Secretary of Defense Memorandum, ''Executive Agent for the Department of Defense (DoD) Biometrics Project''; Deputy Secretary of Defense Memorandum, ''Collection of Biometric Data from Certain U.S. Persons in USCENTCOM AOR''; and E.O.937(SSN).

PURPOSE(S):

To control logical and physical access to DoD and DoD controlled information systems and DoD or DoD contractor operated, controlled, or secured facilities and to support the DoD physical and logical security, force protection, identity management, and information assurance programs, by identifying an individual or verifying/authenticating the identity of an individual through the use of biometrics (i.e., measurable physiological or behavioral characteristics) for purposes of protecting U.S./Coalition/allied government and/or U.S./Coalition/allied national security areas of responsibility and information.

Information assurance purposes include the administration of passwords and identification numbers for operators/users of data in automated media; identifying data processing and communication customers authorized access to or disclosure from data residing in information processing and/or communication activities; and determining the propriety of individual access into the physical data residing in automated media.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, State, tribal, local, or foreign agencies for the purposes of law enforcement, counterterrorism, immigration management and control, and homeland security, or for purposes of protecting the territory, people, and interests of the United States of America against breaches of security related to DoD controlled information or facilities, and against terrorist activity.

The DoD Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Name, Social Security Number, subject, application program key, biometric template, and other biometric data.

SAFEGUARDS:

Computerized records maintained in a controlled area are accessible only to authorized personnel. Records are maintained in a controlled facility. Physical entry is restricted by the use of locks, guards, and is accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need therefore in the performance of official duties and who are properly screened and cleared for need-to-know.

RETENTION AND DISPOSAL:

Data is destroyed when superseded or when no longer needed for operational purposes, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director of Operations, Department of Defense Biometrics Task Force, 2530 Crystal Drive, Arlington, VA 22202–3934.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, DoD security offices, system managers, computer facility managers, automated interfaces for user codes on file at Department of Defense sites.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 07–1379 Filed 3–27–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 27, 2007.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 21, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: New.

Title: Assessing the Needs of State Vocational Rehabilitation Agencies and State Rehabilitation Councils for Technical Assistance.

Frequency: One time.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Individuals or household.

Reporting and Recordkeeping Hour Burden:

Responses:
479.

Burden Hours: 399.

Abstract: This submission is for the collection of data for the project ''Assessing the Needs of State Vocational Rehabilitation Agencies and State Rehabilitation Councils for Technical Assistance.'' The data collection to be approved includes two needs assessment forms, one for State VR agencies and one for State Rehabilitation Councils. The project's central purpose is to identify technical assistance needs and preferred methods for receiving that assistance in order to improve the performance of the State VR programs, the effectiveness of SRCs, and ultimately, the outcomes of individuals with disabilities served by the VR program.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3256. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–5596 Filed 3–27–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 27, 2007.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting

comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 21, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Extension.

Title: The Leveraging Educational Assistance and Partnership (LEAP).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 112.

Abstract: The LEAP and SLEAP programs use matching Federal and State funds to provide a nationwide system of grants to assist postsecondary educational students with substantial financial need. On this application the states provide information the Department requires to obligate funds and for program management. The signed assurances legally bind the states to administer the programs according to regulatory and statutory requirements. With the clearance of this collection, the Department is seeking to automate the application for web-based applying for both the LEAP Program and the subprogram, SLEAP. There are no significant changes to the current LEAP form data elements. There are, however, some additional items pertaining to the SLEAP Program which combines the application into one form for both programs.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3261. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to I*CDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–5598 Filed 3–27–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 27, 2007.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, *e.g.*, ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 22, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: Revision.

Title: National Assessment of Educational Progress 2008–2010 Operational and Pilot Surveys System Clearance.

Frequency: One-time.

Affected Public: Individuals or household; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 522,534.

Burden Hours: 139,823.

Abstract: This clearance package contains descriptions, supporting statements, and burden information for the 2008–2010 NAEP assessments. This is a System Clearance request for which a three-year clearance is requested for background materials for students, teachers, and schools.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3254. When you access the information collection, click on ''Download Attachments '' to

view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–5720 Filed 3–27–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 27, 2007.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, *e.g.*, ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 23, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: New.

Title: Study of the Program for Infant Toddler Care.

Frequency: Annually.

Affected Public: Not-for-profit institutions; Individuals or household; Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden:

Responses: 2,667.

Burden Hours: 2,298.

Abstract: The current OMB package requests clearance for data collection instruments to be used in the Study of the Program for Infant Toddler Care (PITC). This study is one of the rigorous research studies of REL West (the Regional Educational Laboratory—West) and will measure the impact of the PITC on child care quality and children's development. The evaluation will be conducted by Berkeley Policy Associates in partnership with the University of Texas at Austin and SRM Boulder. Evaluation measures include baseline and follow-up questionnaires for parents, programs, and caregivers; baseline and follow-up program observations; and two rounds of child observations/interviews to measure children's language, social and cognitive development. Baseline data collection will take place 2007; follow-up data collection will take place in 2008 and 2009.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3222. When you access the information collection, click on ''Download Attachments '' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–5721 Filed 3–27–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Advisory Committee on Student Financial Assistance: Hearing

AGENCY: Advisory Committee on Student Financial Assistance, Education.

ACTION: Notice of Upcoming Hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming hearing of the Advisory Committee on Student Financial Assistance (The Advisory Committee). Individuals who will need accommodations for a disability in order to attend the hearing (i.e., interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Thursday, April 5, 2007, by contacting Ms. Hope Gray at (202) 219–2099 or via e-mail at *Hope.Gray@ed.gov.* We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The hearing site is accessible to individuals with disabilities. This notice also describes the functions of the Advisory Committee. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATE AND TIME: Friday, April 13, 2007, beginning at 8:30 a.m. and ending at approximately 3 p.m.

ADDRESSES: Portaland State University, Smith Memorial Student Union, Rooms 327–329, 1825 SW Broadway Avenue, Portland, Oregon 97207.

FOR FURTHER INFORMATION CONTACT: Ms. Erin B. Renner, Director of Government

Relations or Ms. Julie J. Johnson, Assistant Director, Advisory Committee or Student Financial Assistance, Capitol Place, 80 F Street, NW., Suite 413, Washington, DC 20202–7582, (202) 219–2099.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Student Financial Assistance is established under Section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee serves as an independent source of advice and counsel to the Congress and the Secretary of Education on student financial aid policy. Since its inception, the congressional mandate requires the Advisory Committee to conduct objective, nonpartisan, and independent analyses on important aspects of the student assistance programs under Title IV of the Higher Education Act, and to make recommendations that will result in the maintenance of access to postsecondary education for low- and middle-income students. In addition, Congress expanded the Advisory Committee's mission in the Higher Education Amendments of 1998 to include several important areas: access, Title IV modernization, distance education, and early information and needs assessment. Specifically, the Advisory Committee is to review, monitor and evaluate the Department of Education's progress in these areas and report recommended improvements to Congress and the Secretary.

The Advisory Committee has scheduled the hearing on Friday, April 13 in Portland, Oregon to conduct activities related to its congressionally requested study to make textbooks more affordable (Textbook Study). This one-year study, which was requested by the U.S. House of Representative Committee on Education and Labor (formerly Education and the Workforce), will investigate further the problem of rising textbook prices; determine the impact of rising textbook prices on students' ability to afford a postsecondary education; and make recommendations to Congress, the Secretary, and other stakeholders on what can be done to make textbooks more affordable for students. Over the course of the study, the Committee will conduct three field hearings that will include testimony from stakeholders around the country who are currently working to make textbooks more affordable for students.

The proposed agenda includes expert testimony and discussions by prominent higher education community leaders, state representatives, and institutions that will share what they are doing to make textbooks more affordable for students. The Advisory Committee will also conduct a public comment and discussion session.

The Advisory Committee invites the public to submit written comments on the Textbook Study to the following e-mail address: *ACSFA@ed.gov*. Information regarding the Textbook Study will also be available on the Advisory Committee's Web site, *http://www.ed.gov/ACSFA*. To be included in the hearing materials, we must receive your comments on or before Thursday, April 5, 2007; additional comments should be provided to the Committee no later than May 7, 2007.

Space for the hearing is limited and you are encouraged to register early if you plan to attend. You may register by sending an e-mail to the following address: *ACSFA@ed.gov* or *Tracy.Deanna.Jones@ed.gov*. Please include your name, title, affiliation, complete address (including Internet and e-mail address, if available), and telephone and fax numbers. If you are unable to register electronically, you may fax your registration information to the Advisory Committee staff office at (202) 219–3032. You may also contact the Advisory Committee staff directly at (202) 219–2099. The registration deadline is Friday, April 6, 2007.

Records are kept for Advisory Committee proceedings, and are available for inspection at the Office of the Advisory Committee on Student Financial Assistance, Capitol Place, 80 F Street, NW.,—Suite 413, Washington, DC from the hours of 9 a.m. to 5:30 p.m. Monday through Friday, except Federal holidays. Information regarding the Advisory Committee is available on the Committee's Web site, *http://www.ed.gov/ACSFA*.

Dated: March 22, 2007.

Dr. William J. Goggin,

Executive Director, Advisory Committee on Student Financial Assistance.

[FR Doc. 07–1490 Filed 3–27–07; 8:45 am]

BILLING CODE 4001–01–M

DEPARTMENT OF ENERGY

Notice of Intent To Prepare a Supplemental Environmental Impact Statement for Surplus Plutonium Disposition at the Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of Intent.

SUMMARY: The U.S. Department of Energy (DOE) intends to prepare a Supplemental Environmental Impact Statement (SEIS) to evaluate the potential environmental impacts of plutonium disposition capabilities that would be constructed and operated at the Savannah River Site (SRS) near Aiken, South Carolina. DOE completed the *Surplus Plutonium Disposition (SPD) EIS* (DOE/EIS–0283) in November 1999, and on January 11, 2000, published a Record of Decision (ROD) in the **Federal Register** (65 FR 1608). DOE decided to dispose of approximately 17 metric tons of plutonium surplus to the nation's defense needs using an immobilization process and up to 33 metric tons by using the surplus plutonium as feedstock in the fabrication of mixed oxide (MOX) fuel to be irradiated in commercial reactors. DOE selected the SRS as the site for all surplus plutonium disposition facilities. Subsequently, DOE cancelled the immobilization portion of its disposition strategy due to budgetary constraints (ROD, 67 FR 19432, April 19, 2002). The selection of the SRS as the location for disposition facilities for up to 50 metric tons of surplus plutonium remains unchanged. Site preparation for the MOX Fuel Fabrication Facility at the SRS began in November 2005.

The 2002 decision left DOE with about 13 metric tons of surplus plutonium that does not have a defined path to disposition (about 4 metric tons of the 17 metric tons originally considered for immobilization has been designated for programmatic use). DOE has been investigating alternative disposition technologies and will now prepare an *SEIS for Surplus Plutonium Disposition at the SRS* (DOE/EIS–0283–S2) to evaluate the potential environmental impacts of those alternatives. DOE's preferred alternative is to construct and operate a vitrification facility within an existing building at the SRS. This facility would immobilize plutonium within a lanthanide borosilicate glass inside stainless steel cans. The cans then would be placed within larger canisters to be filled with vitrified high-level radioactive waste in the Defense Waste Processing Facility (DWPF) at the SRS. The canisters would be suitable for disposal in a geologic repository. DOE also would prepare some of the surplus plutonium for disposal by processing it in the H-Canyon at the SRS, then sending it to the high-level waste tanks and DWPF. DOE seeks to take this action to reduce the threat of nuclear weapons proliferation worldwide by disposing of surplus plutonium in the United States in a safe and environmentally sound manner. The preferred vitrification technology, along with processing in H-Canyon, would fulfill this need for

disposition of surplus plutonium materials that are not planned for disposition via fabrication into MOX fuel.

DATES: DOE invites Federal agencies, state and local governments, Native American tribes, industry, other organizations, and members of the public to submit comments to assist in identifying environmental issues and in determining the appropriate scope of the SEIS. The public scoping period starts with the publication of this notice in the **Federal Register** and will continue until May 29, 2007. Comments received after this date will be considered to the extent practicable. Also, DOE requests Federal, State, and local agencies that desire to be designated as cooperating agencies on the SEIS to contact the NEPA Document Manager at the addresses listed under **ADDRESSES** by the end of the scoping period. DOE will hold two public scoping meetings:

- April 17, 2007 (5:30 p.m.–10 p.m.) at Newberry Hall, 117 Newberry Street, SW., Aiken, SC.
- April 19, 2007 (5:30 p.m.–10 p.m.) at the Columbia Marriott Hotel, 1200 Hampton Street, Columbia, SC.

DOE officials will be available to answer questions about plutonium disposition and the proposed alternatives at both locations beginning at 5:30 p.m. DOE will provide a brief presentation on the SEIS, then, beginning about 6:30 p.m., accept public comments on the scope of the SEIS.

ADDRESSES: Comments or questions regarding the scoping process, requests to be placed on the SEIS distribution list, and comments on the scope of the SEIS should be addressed to Mr. Andrew R. Grainger, NEPA Document Manager, Savannah River Operations Office, P.O. Box B, Aiken, SC 29802; toll-free telephone 1–800–881–7292; fax 803–952–7065; or e-mail *drew.grainger@srs.gov*.

For general information concerning the DOE NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0103; telephone 202–586–4600, or leave a message at 1–800–472–2756; fax 202–586–7031; or send an e-mail to *askNEPA@eh.doe.gov*. This NOI will be available on the Internet at *http://www.eh.doe.gov/nepa*.

SUPPLEMENTARY INFORMATION:

Background

After the end of the Cold War, the United States declared 50 metric tons of plutonium surplus to the defense needs of the nation. At that time, plutonium materials were in various forms and various stages of the material manufacturing and weapons fabrication processes and were located at several weapons complex sites that DOE had operated in the preceding decades. DOE began the process of placing these materials in safe, stable configurations for storage until disposition strategies could be developed and implemented.

In the *Storage and Disposition of Weapons-Usable Fissile Materials Programmatic EIS* (Storage and Disposition PEIS, DOE/EIS–0229, December 1996), DOE evaluated six candidate sites for siting plutonium disposition facilities and three categories of disposition technologies that would convert surplus plutonium into a form that would meet the Spent Fuel Standard.[1] The three categories were: Deep Borehole Category (two options); Immobilization Category (three options: vitrification, ceramic immobilization, electrometallurgical treatment); and Reactor Category (four options). DOE also analyzed a No Action Alternative. DOE selected a dual-path strategy for disposition involving immobilization of surplus plutonium in glass or ceramic material for disposal in a geologic repository, and burning other surplus plutonium as MOX fuel in existing domestic commercial reactor(s) with subsequent disposal of the spent fuel in a geologic repository (ROD, 62 FR 3014, January 21, 1997). DOE also decided that an immobilization facility would be located at Hanford in Washington or at the SRS.

In November 1999, DOE issued the *Surplus Plutonium Disposition EIS.* The SPD EIS tiered from the Storage and Disposition PEIS and included an analysis of alternative technologies and sites to implement the dual-path plutonium disposition strategy. In January 2000, DOE decided to construct and operate a MOX Fuel Fabrication Facility at the SRS to use up to 33 metric tons of surplus plutonium to fabricate MOX fuel and to construct and operate a new immobilization facility at the SRS (referred to as the Plutonium Immobilization Plant) using the ceramic can-in-canister technology allowing for the immobilization of approximately 17 metric tons of surplus plutonium (ROD, 65 FR 1608, January 11, 2000). Using this technology, DOE would immobilize plutonium in a ceramic form, seal it in cans, and place the cans in canisters filled with borosilicate glass containing intensely radioactive high-level waste at the existing DWPF. DOE stated that the can-in-canister approach would complement existing site missions, take advantage of existing infrastructure and staff expertise, and enable DOE to use an existing facility, DWPF.

In 2002, DOE cancelled the immobilization portion of the plutonium disposition strategy (ROD, 67 FR 19432, April 19, 2002). The selection of the SRS as the location for disposition facilities for up to 50 metric tons of surplus plutonium remains unchanged. In November 2005, DOE began site preparation at SRS for the MOX Fuel Fabrication Facility.

For purposes of this NEPA analysis, DOE will assume that the surplus plutonium to be disposed of will include some of the plutonium already stored at the SRS and some that DOE could move to the SRS from other sites (e.g., Hanford in Washington, Los Alamos National Laboratory in New Mexico, and Lawrence Livermore National Laboratory in California). DOE previously evaluated the transfer and storage of surplus plutonium from other sites in the Storage and Disposition PEIS and the SPD EIS. In addition, DOE will analyze the potential environmental impacts of these proposed shipments to, and subsequent storage in, the K-Area at the SRS in a supplement analysis (pursuant to 10 CFR 1021.314(c)). Upon completion of the supplement analysis, DOE will determine whether to issue an Amended ROD or conduct additional NEPA review, as appropriate. As explained in a prior ROD, ''in addition to achieving the ultimate goal of permanent disposition of surplus plutonium materials, DOE independently needs to improve the configuration of the storage system for these materials, pending disposition'' (67 FR 19433, April 19, 2002).

In addition to completing appropriate environmental reviews in compliance with NEPA, prior to shipping surplus weapons-usable plutonium to the SRS that would have been disposed of in the Plutonium Immobilization Plant, DOE must comply with Section 3155, Disposition of Defense Plutonium at the Savannah River Site, of Public Law 107–107, National Defense Authorization Act for Fiscal Year 2002. Section 3155(d) of this law requires that DOE prepare a plan that identifies a disposition path for such surplus plutonium.

Purpose and Need for Action

DOE's purpose and need for proposing this immobilization process has not changed since the SPD EIS was prepared. DOE needs to reduce the threat of nuclear weapons proliferation

[1] Under that standard, the surplus weapons-usable plutonium should be made as inaccessible and unattractive for weapons use as the much larger and growing quantity of plutonium that exists in spent nuclear fuel from commercial power reactors.

worldwide by disposing of surplus plutonium in the United States in a safe and environmentally sound manner. As stated in the ROD for the SPD EIS, DOE needs to ensure that plutonium produced for nuclear weapons and declared surplus to national security needs, now and in the future, is never again used for nuclear weapons. In addition, because of the cancellation of the immobilization portion of the disposition strategy in 2002, DOE is responsible for approximately 13 metric tons of declared surplus plutonium that does not have a defined disposition path. This situation needs to be addressed in light of DOE's ongoing responsibility to ensure the safe disposition of surplus plutonium.

Potential Range of Alternatives

In September 2005, DOE approved the Mission Need for a Plutonium Disposition Project at the SRS to address up to approximately 13 metric tons of surplus plutonium without an identified disposition path. The Mission Need is the first step in DOE's project management process, in accordance with DOE Order 413.3A, Program and Project Management for the Acquisition of Capital Assets.

DOE completed a technical review of alternative technologies in May 2006, which identified four potentially viable alternatives for completing the disposition of surplus plutonium. Three of these four alternatives will be evaluated in the SEIS.

- A glass can-in-canister approach installed in K-Area at the SRS. Plutonium would be vitrified within small cans, which would be placed in a rack inside a DWPF canister and surrounded with vitrified high-level waste. This alternative is similar to one evaluated in the SPD EIS, except that the capability would be installed in an existing rather than a new facility. Also, the currently proposed facility would be designed to immobilize approximately 13 metric tons of surplus plutonium rather than 17 metric tons as evaluated in the SPD EIS. (This is DOE's Preferred Alternative.)
- A ceramic can-in-canister approach installed in K-Area at the SRS. Plutonium would be incorporated in a ceramic material and placed in small cans, which would be placed in a rack inside a DWPF canister and surrounded with vitrified high-level waste. This alternative is similar to that initially selected by DOE following analysis in the SPD EIS. As with the glass can-in-canister approach, the two primary differences are that the SEIS will evaluate installing the capability in an existing rather than a new facility, and the SEIS will assume the disposition of approximately 13 metric tons of surplus plutonium, rather than 17 metric tons.
- Disposition using the MOX Fuel Fabrication Facility. This alternative would rely on facilities to be constructed at the SRS for disposition by using the surplus plutonium as feedstock in the fabrication of MOX fuel to be irradiated in commercial reactors. DOE anticipates that less than a third of the 13 metric tons of surplus plutonium that are the subject of this SEIS would meet the specifications for use as MOX Fuel Fabrication Facility feedstock.

Under each of the three alternatives, DOE would process some surplus plutonium for disposal using the H-Canyon. Plutonium materials would be dissolved, and the resulting plutonium-bearing solutions would be sent to the SRS liquid radioactive waste tanks then to DWPF for vitrification. DOE is evaluating the continued use of H-Canyon for uranium processing in a separate NEPA document—a supplement analysis scheduled for completion in 2007. Decisions regarding future operations of H-Canyon have a bearing on the availability of the facility to process surplus plutonium (i.e., processing for plutonium disposition would occur while H-Canyon is operating primarily for uranium processing).

The SEIS also will evaluate a No Action alternative of continued storage of the surplus plutonium.

DOE has determined that the fourth alternative identified in the May 2006 technical review is not reasonable, and thus, it will not be evaluated in detail in the SEIS. This alternative involved disposing of the entire 13 metric tons of surplus plutonium through H-Canyon and DWPF. Disposing of the entire 13 metric tons of surplus plutonium by using the H-Canyon facilities would result in extending operation of those facilities many years beyond the estimated 2019 date for completion of its currently approved mission of preparing spent nuclear fuel and highly-enriched uranium materials for disposition, and would also extend the planned operation of DWPF and the high-level waste system. Furthermore, implementation of this alternative would require security upgrades to make H-Canyon a Category I nuclear facility, which is inconsistent with the Department's plans to enhance security and reduce costs throughout the complex by reducing the number of such facilities. The additional cost of these security upgrades and extended operations are estimated to be several billion dollars.

Invitation to Comment

DOE invites Federal agencies, state and local governments, Native American tribes, industry, other organizations, and members of the public to provide comments on the proposed scope, alternatives, and environmental issues to be analyzed in the *Supplemental EIS for Surplus Plutonium Disposition at the SRS.* DOE will consider all such comments and other relevant information in defining the scope and analyses for the SEIS. Comments should be submitted as described under **DATES** and **ADDRESSES** above.

Potential Environmental Issues for Analysis

DOE has tentatively identified the following environmental issues for analysis in the *Supplemental EIS for Surplus Plutonium Disposition at the SRS.* The list is presented to facilitate comment on the scope of the SEIS and is not intended to be comprehensive nor to predetermine the alternatives to be analyzed or their potential impacts.

- Impacts to the general population and workers from radiological and nonradiological releases.
- Worker health and safety, including impacts from the use of chemicals.
- Long-term health and environmental impacts.
- Impacts of emissions on air and water quality.
- Impacts on ecological systems and threatened and endangered species.
- Impacts from waste management activities.
- Impacts from the transportation of radioactive materials and waste.
- Impacts of postulated accidents and from terrorist actions and sabotage.
- Potential disproportionately high and adverse effects on low-income and minority populations (environmental justice).
- Short-term and long-term land use impacts.

NEPA Process

Following the scoping period announced in this Notice of Intent, and after consideration of comments received during scoping, DOE will prepare a Draft *SEIS for Surplus Plutonium Disposition at the SRS.* DOE will announce the availability of the Draft SEIS in the **Federal Register** and local media outlets. DOE plans to issue the Draft SEIS by January 2008. Comments received on the Draft SEIS will be considered and addressed in the Final SEIS, which DOE anticipates issuing by July 2008. DOE will issue a ROD no sooner than 30 days after

publication by the Environmental Protection Agency of a Notice of Availability of the Final SEIS.

Issued in Washington, DC, on March 21, 2007.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. E7–5591 Filed 3–27–07; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[AMS–FRL–8292–8]

California State Nonroad Engine and Vehicle Pollution Control Standards; Authorization of Marine Outboard, Personal Watercraft and Tier One Inboard/Sterndrive Engine Standards, Notice of Decision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Decision for Authorization of California Marine Outboard, Personal Watercraft and Tier One Inboard/Sterndrive Engine Emission Standards.

SUMMARY: EPA today, pursuant to section 209(e) of the Clean Air Act (Act), 42 U.S.C. 7543(e), is granting California its requests for authorization of its Marine Spark-Ignition Engines regulations for outboard and personal watercraft engines in their entirety, and for the first tier of regulations affecting inboard and sterndrive engines. EPA is deferring an authorization decision on the second tier of inboard and sterndrive standards pending the completion of testing currently underway to evaluate the technological feasibility of both the California inboard and sterndrive standards and Federal inboard and sterndrive standards which are expected to be proposed regulations in 2007.

ADDRESSES: The Agency's Decision Document, containing an explanation of the Assistant Administrator's decision, as well as all documents relied upon in making that decision, including those submitted to EPA by California, are available for public inspection in EPA Air and Radiation Docket and Information Center (Air Docket). Materials relevant to this decision are contained in Docket OAR–2004–0403 at the following location: EPA Air Docket, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20460. The EPA Docket Center Public Reading Room is open from 8 a.m. to 5:30 p.m. Monday through Friday, except on government holidays. The Air Docket telephone number is (202) 566–1742, and the facsimile number is (202) 566–1741. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR part 2.

FOR FURTHER INFORMATION CONTACT: Robert M. Doyle, Attorney-Advisor, Office of Transportation and Air Quality, (6403J), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (U.S. mail), 1310 L Street, NW., Washington, DC 20005 (courier mail). *Telephone:* (202) 343–9258, *Fax:* (202) 343–2804, *E-Mail: doyle.robert@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Electronic Copies of Documents

EPA makes available an electronic copy of this Notice on the Office of Transportation and Air Quality (OTAQ) homepage (*http://www.epa.gov/OTAQ*). Users can find this document by accessing the OTAQ homepage and looking at the path entitled **"Federal Register Notices"**. This service is free of charge, except any cost you already incur for Internet connectivity. Users can also get the official **Federal Register** version of the Notice on the day of publication on the primary Web site: (*http://www.epa.gov/docs/fedrgstr/EPA-AIR/*) Please note that due to differences between the software used to develop the documents and the software into which the documents may be downloaded, changes in format, page length, etc., may occur.

Additionally, an electronic version of the public docket is available through the Federal government's electronic public docket and comment system. You may access EPA dockets at *http://www.regulations.gov*. After opening the *http://www.regulations.gov* Web site, select "Environmental Protection Agency" from the pull-down Agency list, then scroll to Docket ID EPA–HQ–OAR–2004–0403 to view documents in the record of this Marine Authorization Request docket. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

II. Background

(A) Nonroad Authorizations

Section 209(e)(1) of the Act addresses the permanent preemption of any State, or political subdivision thereof, from adopting or attempting to enforce any standard or other requirement relating to the control of emissions for certain new nonroad engines or vehicles.[1] Section 209(e)(2) of the Act allows the Administrator to grant California authorization to enforce state standards for new nonroad engines or vehicles which are not listed under section 209(e)(1), subject to certain restrictions. On July 20, 1994, EPA promulgated a regulation that sets forth, among other things, the criteria, as found in section 209(e)(2), by which EPA must consider any California authorization requests for new nonroad engines or vehicle emission standards (section 209(e) rules).[2]

Section 209(e)(2) requires the Administrator, after notice and opportunity for public hearing, to authorize California to enforce standards and other requirements relating to emissions control of new engines not listed under section 209(e)(1).[3] The section 209(e) rule and its codified regulations[4] formally set forth the criteria, located in section 209(e)(2) of the Act, by which EPA must grant California authorization to enforce its new nonroad emission standards:

40 CFR part 85, Subpart Q, § 85.1605 provides:

(a) The Administrator shall grant the authorization if California determines that its standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards.

(b) The authorization shall not be granted if the Administrator finds that:

(1) The determination of California is arbitrary and capricious;

(2) California does not need such California standards to meet compelling and extraordinary conditions; or

(3) California standards and accompanying enforcement procedures are not consistent with section 209.

As stated in the preamble to the section 209(e) rule, EPA has interpreted the requirement that EPA cannot find "California standards and accompanying enforcement procedures are not consistent with section 209" to mean that California standards and

[1] Section 209(e)(1) of the Act provides:

No State or any political subdivision thereof shall adopt or attempt to enforce any standard or other requirement relating to the control of emissions from either of the following new nonroad engines or nonroad vehicles subject to regulation under this Act—

(A) New engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower.

(B) New locomotives or new engines used in locomotives. Subsection (b) shall not apply for purposes of this paragraph.

[2] *See* 59 FR 36969 (July 20, 1994), and regulations set forth therein, 40 CFR part 85, Subpart Q, §§ 85.1601–85.1606.

[3] As discussed above, states are permanently preempted from adopting or enforcing standards relating to the control of emissions from new engines listed in section 209(e)(1).

[4] *See* 40 CFR part 85, Subpart Q, § 85.1605.

accompanying enforcement procedures must be consistent with section 209(a), section 209(e)(1), and section 209(b)(1)(C), as EPA has interpreted that subsection in the context of motor vehicle waivers.[5] In order to be consistent with section 209(a), California's nonroad standards and enforcement procedures must not apply to new motor vehicles or new motor vehicle engines. Secondly, California's nonroad standards and enforcement procedures must be consistent with section 209(e)(1), which identifies the categories permanently preempted from state regulation.[6] California's nonroad standards and enforcement procedures would be considered inconsistent with section 209 if they applied to the categories of engines or vehicles identified and preempted from State regulation in section 209(e)(1).

Finally, because California's nonroad standards and enforcement procedures must be consistent with section 209(b)(1)(C), EPA will review nonroad authorization requests under the same ''consistency'' criteria that are applied to motor vehicle waiver requests. Under section 209(b)(1)(C), the Administrator shall not grant California a motor vehicle waiver if he finds that California ''standards and accompanying enforcement procedures are not consistent with section 202(a)'' of the Act. Previous decisions granting waivers of Federal preemption for motor vehicles have stated that State standards are inconsistent with section 202(a) if there is inadequate lead time to permit the development of the necessary technology giving appropriate consideration to the cost of compliance within that time period or if the Federal and State test procedures impose inconsistent certification requirements.[7]

With regard to enforcement procedures accompanying standards, EPA must grant the requested authorization unless it finds that these procedures may cause the California standards, in the aggregate, to be less protective of public health and welfare than the applicable Federal standards promulgated pursuant to section 213(a), or unless the Federal and California certification test procedures are inconsistent.[8]

Once California has received an authorization for its standards and enforcement procedures for a certain group or class of nonroad equipment engines or vehicles, it may adopt other conditions precedent to the initial retail sale, titling or registration of these engines or vehicles without the necessity of receiving an additional authorization.[9]

If California acts to amend a previously authorized standard or accompanying enforcement procedure, the amendment may be considered within the scope of a previously granted authorization provided that it does not undermine California's determination that its standards in the aggregate are as protective of public health and welfare as applicable Federal standards, does not affect the consistency with section 209 of the Act, and raises no new issues affecting EPA's previous authorization determination.[10]

(B) Summary of Background Requests

The California Air Resources Board (CARB) submitted to EPA three separate but related requests to authorize various marine spark ignition engine regulations. EPA examined all three submissions together in our review of the requests to enforce CARB's marine SI engine emissions regulation program. These requests are summarized in order below.

(1) By letter dated April 4, 2000, CARB requested EPA authorization to enforce California's marine SI regulations affecting outboard (OB) marine engines. The CARB regulations set emission standards for these marine engines commencing with model year 2001 for both certification and in-use standards. The first tier of the CARB regulations basically adopted the standards equivalent to the EPA 2006 marine SI engines. CARB also adopted a second tier of outboard engine regulations, commencing in model year 2004 requiring emissions at levels approximately 80% of the EPA 2006 standards, and a third tier, commencing in 2008, requiring emissions at levels approximately 35% of the EPA 2006 standard. Manufacturers are permitted to meet the standards directly or on a corporate average basis, where some engine families may emit more than the emission standard if they are offset by engines which emit sufficiently less than the standard. To accompany the new standards, CARB also adopted regulations requiring manufacturer production line testing (along with CARB authority to conduct Selective Enforcement Audits), manufacturer demonstration of in-use compliance, emission warranties, permanent emission certification labels for covered engines, and special ''hang tags'' for consumer/environmental awareness of clean technology engines.[11]

(2) By letter dated June 5, 2002, CARB extended the earlier authorization request to include regulations for marine SI engines in personal watercraft (PWC)[12] for model year 2002 and beyond. The PWCs are subject to the same emission standards and requirements as the marine outboard SI engines discussed above. The CARB marine regulations had included both outboards and PWCs from the outset, but PWCs had not been included in the original CARB request because of technical issues raised by PWC manufacturers related to compliance with the CARB standards for model year 2001. The June 5, 2002 CARB request stated that those issues had been

[5] *See* 59 FR 36969, 36983 (July 20, 1994).

[6] Section 209(e)(1) of the Act has been implemented, *See* 40 CFR part 85, Subpart Q §§ 85.1602, 85.1603.

§ 85.1603 provides in applicable part:

(a) For equipment that is used in applications in addition to farming or construction activities, if the equipment is primarily used as farm and/or construction equipment or vehicles, as defined in this subpart, it is considered farm or construction equipment or vehicles. (b) States are preempted from adopting or enforcing standards or other requirements relating to the control of emissions from new engines smaller than 175 horsepower, that are primarily used in farm or construction equipment or vehicles, as defined in this subpart.

§ 85.1602 provides definitions of terms used in § 85.1603 and states in applicable part:

Construction equipment or vehicle means any internal combustion engine-powered machine primarily used in construction and located on commercial construction sites.

Farm Equipment or Vehicle means any internal combustion engine-powered machine primarily used in the commercial production and/or commercial harvesting of food, fiber, wood, or commercial organic products or for the processing of such products for further use on the farm.

primarily used means used 51 percent or more.

[7] To be consistent, the California certification procedures need not be identical to the Federal certification procedures. California procedures would be inconsistent, however, if manufacturers would be unable to meet both the state and the Federal requirement with the same test vehicle in the course of the same test. *See*, *e.g.*, 43 FR 32182 (July 25, 1978).

[8] *See*, *e.g.*, *Motor and Equipment Manufacturers Association, Inc.* v. *EPA*, 627 F.2d 1095, 1111–14 (D.C. Cir. 1979), *cert. denied*, 446 U.S. 952 (1980) (*MEMA I*); 43 FR 25729 (June 14, 1978).

While inconsistency with section 202(a) includes technological feasibility, lead time, and cost, these aspects are typically relevant only with regard to standards. The aspect of consistency with 202(a) which is of primary applicability to enforcement procedures (especially test procedures) is test procedure consistency.

[9] *See* 43 FR 36679, 36680 (August 18, 1978).

[10] Decision Document for California Nonroad Engine Regulations Amendments, Dockets A–2000–05 to 08, entry V–B, p. 28.

[11] At the time this request was presented to EPA, the California Office of Administrative Law had not approved the section of the regulations dealing with these hang tags because of problems it found with the applicability date of the hang tag requirement. These problems were resolved and the hang tag requirement was included as part of the CARB June 5, 2002 request described below.

[12] Personal watercraft are small watercraft on which the rider sits or stands during operation, such as jet skis and wave runners. CARB Staff Report, October 23, 1998, at p. 9, Docket OAR–2004–0403.

resolved, so CARB submitted this extension. In addition, CARB submitted for authorization the marine engine consumer hang tag regulations because the earlier model year applicability issue had been resolved.

(3) By letter dated March 2, 2004, CARB extended the earlier requests by requesting authorization to enforce California's marine SI regulations affecting inboard and sterndrive (IB/SD) engines for model years 2003 and beyond.[13] The first tier of regulations, for model year 2003 through 2008, sets a cap reflecting average emission levels of 16.0 grams per kilowatt hour (g/kW-hr) HC plus NO_X which manufacturers can meet directly by engine family or by corporate average. The second tier of standards sets a level of 5.0 g/kW-hr HC plus NO_X and will phase in beginning with 45% of manufacturers' sales in 2007, 75% in 2008 and 100% in 2009 and beyond. For 2007 and 2008, all engines subject to the standard must comply directly with the standard, with no option for sales weighted-averaging. Besides these new standards, other regulations establish requirements for certification, emission test procedures, emissions warranty, and emission certification labels and consumer/environmental awareness hang tag labels. In addition, the IB/SD regulations require on-board diagnostics for these engines. Finally, as part of the IB/SD rulemaking, CARB adopted some minor amendments to the OB and PWC regulations to clarify some definitions and labeling requirements made necessary by the adoption of the regulations for IB/SD marine engines.

As required by the Act, EPA offered the opportunity for a public hearing and requested public comments on these new standards by publication of a **Federal Register** notice to such effect on January 12, 2005.[14] EPA received a request for a hearing from the National Marine Manufacturers Association,[15] and a hearing was held on February 28, 2005.[16] In addition, EPA received post-hearing written comments for the Docket of this proceeding from the U.S. Coast Guard, the Manufacturers of Emissions Controls Association, the National Marine Manufacturers Association, several marine engine manufacturers, Senator Herb Kohl (D–WI), and Senator James Inhofe (R–OK), and a supplemental submission from CARB responding to matters raised at the public hearing.[17] Accordingly, EPA has made this authorization decision based on the information submitted by CARB in its requests, and the information presented to the Agency at the public hearing and in the comments received after the hearing.

(C) Authorization Decision

After review of the information submitted by CARB and other parties to the record of this Docket, EPA finds that no party has presented information to the Agency which would demonstrate that California did not meet the burden of satisfying the statutory criteria of section 209(e). For this reason, EPA is granting authorization for the CARB Marine Spark-Ignition Engines regulations for OB and PWC engines in their entirety. With respect to the regulations affecting IB/SD engines, EPA grants authorization for CARB to enforce the first tier of these regulations for model year 2003 through 2008, which set a cap reflecting average emission levels of 16.0 grams per kilowatt hour (g/kW-hr) HC plus NO_X which manufacturers can meet directly by engine family or by corporate average. EPA is deferring an authorization decision on the second tier of standards which set a level of 5.0 g/kW-hr HC plus NO_X and will phase in beginning with 45% of manufacturers' sales in 2007, 75% in 2008 and 100% in 2009 and beyond. There is testing currently underway, performed as a joint program by CARB, EPA, the U.S. Coast Guard and the industry, to evaluate the technological feasibility of both the CARB IB/SD standards and Federal IB/SD standards which are expected to be proposed regulations in 2007. At the conclusion of this testing, EPA will issue its authorization decision for the second tier (i.e., for 2007 and beyond) CARB IB/SD standards.

My decision will affect not only persons in California but also the manufacturers outside the State who must comply with California's requirements in order to produce nonroad engines and vehicles for sale in California. For this reason, I hereby determine and find that this is a final action of national applicability.

Under section 307(b)(1) of the Act, judicial review of this final action may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for review must be filed by May 29, 2007. Under section 307(b)(2) of the Act, judicial review of this final action may not be obtained in subsequent enforcement proceedings.

As with past authorization decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3).

Finally, the Administrator has delegated the authority to make determinations regarding authorizations under section 209(e) of the Act to the Assistant Administrator for Air and Radiation.

Dated: March 22, 2007.

William L. Wehrum,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. E7–5665 Filed 3–27–07; 8:45 am]

BILLING CODE 6560–50–P

[13] Inboard engines include a propeller shaft that penetrates the hull of the marine vessel, while the engine and the remainder of the drive unit are internal to the hull of the marine watercraft. In sterndrive engines, the drive unit is external to the hull of the marine watercraft, while the engine is internal to the hull of the marine watercraft. CARB Staff Report, June 8, 2002, at p. 4, Docket OAR–2004–0403.

[14] 70 FR 2151 (January 12, 2005).

[15] See Letter from John McKnight, National Marine Manufacturers Association, to Robert M. Doyle, USEPA, dated January 27, 2005, Docket Entry 2004–0403–0030.

[16] Written Statements presented at this hearing and the hearing transcript appear in the Docket as Docket Entries 2004–0403–0031 through 2004–0403–0036.

[17] These comments appear in the Docket as Docket Entries 2004–0403–0037 through 2004–0403–0047.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0037; FRL–8118-3]

Pesticide Registration Review; New Dockets Opened for Review and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established registration review dockets for the pesticides listed in the table in Unit III.A. With this document, EPA is opening the public comment period for these registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that

is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment. This document also announces the Agency's intent not to open a registration review docket for pyridate. This pesticide does not currently have any active federally registered pesticide products and is not, therefore, scheduled for review under the registration review program.

DATES: Comments must be received on or before June 26, 2007..

ADDRESSES: Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., by one of the following methods:

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

Mail. Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

Delivery. OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305–5805.

Instructions. Direct your comments to the docket ID numbers listed in the Table below for the pesticides you are commenting on. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket. All documents in the docket are listed in the docket index available at regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov web site to view the docket index or access available documents. Although, listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically at *http://www.regulations.gov* , or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: For information about the pesticides included in this notice, contact the specific Chemical Review Managers for these pesticides as identified in the table to this document.

For general questions on the registration review program, contact Kennan Garvey, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7106; fax number: (703) 308–8090; e-mail address: *garvey.kennan@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Authority

EPA is initiating its reviews of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review published on August 9, 2006, and effective on October 10, 2006 (71 FR 45719) (FRL–8080–4), also at *http://www.epa.gov/fedrgstr/EPA-PEST/2006/August/Day-09/p12904.htm*. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be periodically reviewed. The goal is a review of a pesticide's registration every 15 years. Under section 3(a) of FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What Action is the Agency Taking?

As directed by FIFRA section 3(g), EPA is periodically reviewing pesticide registrations to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. The implementing regulations establishing the procedures for registration review appear at 40 CFR part 155. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE—REGISTRATION REVIEW DOCKETS OPENING

Registration Review Case Name and Number	Pesticide Docket ID Number	Chemical Review Manager Name, Phone Number, E-mail Address
Paclobutrazol (7002)	EPA–HQ–OPP–2006–0109	Nathan Mottl (703) 305-0208 mottl.nathan@epa.gov
Cyromazine (7439)	EPA–HQ–OPP–2006–0108	James Parker (703) 306-0469 parker.james@epa.gov
Fenarimol (7001)	EPA–HQ–OPP–2006–0241	Katherine St. Clair (703) 347-8778 stclair.katherine@epa.gov
Triflumizole (7003)	EPA–HQ–OPP–2006–0115	Mark T. Howard (703) 308-8172 howard.markt@epa.gov
Formesafen (7211)	EPA–HQ–OPP–2006–0239	Wilhelmena Livingston (703) 308-8025 livingston.wilhelmena@epa.gov
Clofentezine (7602)	EPA–HQ–OPP–2006–0240	Joy Schnackenbeck (703) 308-8072 schnackenbeck.joy@epa.gov

EPA is also announcing that it will not be opening a docket for pyridate because this pesticide is not included in any products actively registered under section 3 of FIFRA. Tough 3.75 EC was officially cancelled in 2002 for failure to pay the required annual maintenance fee. Pryridate Technical and Tough 5EC were subsequently cancelled in 2004 (October 27, 2004; 69 FR 62666; FRL–7683–7). The Agency will take separate action to cancel any remaining section 24(c) Special Local Needs registrations with this active ingredient and to propose revocation of any affected tolerances that are not supported for import purposes only.

B. Docket Content

1. *Review dockets*. The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

- An overview of the registration review case status.
- A list of current product registrations and registrants.
- FR Notices regarding any pending registration actions.
- FR Notices regarding current or pending tolerances.
- Risk assessments.
- Bibliographies concerning current registrations.
- Summaries of incident data.
- Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information*. More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's website at *http://www.epa.gov/oppsrrd1/registration_review/schedule.htm*. Information on the Agency's registration review program and its implementing regulation may be seen at *http://www.epa.gov/oppsrrd1/registration_review/*.

3. *Information submission requirements*. Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.

The data or information submitted must be presented in legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.

Submitters must clearly identify the source of any submitted data or information.

Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR part 155, subpart C, § 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 14, 2007.

James B. Gulliford,

Assistant Administrator, Office of Prevention, Pesticides, and Toxic Substances.

[FR Doc. E7–5574 Filed 3–27–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2005–0145; FRL–8119–4]

Boscalid; Pesticide Tolerances; Availability of Objections and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document announces the availability of objections filed with respect to the establishment of two boscalid tolerances under section 408 of the Federal Food, Drug, and Cosmetic Act. The objections were filed on February 20, 2007 by the Natural Resources Defense Council (''NRDC''). NRDC's objections assert that EPA unlawfully removed the additional 10X safety factor for the protection of infants and children. Additionally NRDC claims that EPA's action was arbitrary and capricious for failing to provide an adequate explanation for the decision on the children's safety factor. This document seeks comment on the NRDC objections.

DATES: Comments must be received on or before May 29, 2007.

ADDRESSES: Submit your comments, identified by docket identification (ID) number(s) EPA–HQ–OPP–2005–0145, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number(s) EPA–HQ–OPP–2005–0145. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2005–0145. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov web site to view the docket index or access available documents. All documents in the docket are listed in the docket index available in regulations.gov. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The Docket Facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Barbara Madden, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington,

DC 20460-0001; telephone number: (703) 305-6463; fax number: (703) 605-0781; e-mail address: *madden.barbara@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket (ID) number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A. What Action is the Agency Taking?

On February 20, 2007, the Natural Resources Defense Council (''NRDC'') filed objections to a final rule establishing tolerances for the pesticide boscalid on two crop subgroups in the leafy vegetables crop group. (December 20, 2006 (71 FR 76185; FRL–8107–8)). Pesticide tolerances are established under section 408 of the Federal Food, Drug, and Cosmetic Act (''FFDCA''). (21 U.S.C. 346a). The new tolerances were for Crop Subgroup 4A, leafy greens except head and leaf lettuce, and Crop Subgroup 4B, leafy petioles.

NRDC's objections assert that it was unlawful for EPA to remove the additional 10X safety factor for the protection of infants and children in assessing the risk of boscalid because the evidence shows that juveniles are more sensitive to boscalid than adults. NRDC claims that if the 10X children's safety factor is retained, the boscalid tolerances do not meet the safety standard for establishing tolerances under FFDCA section 408. Additionally, NRDC argues that EPA's action was arbitrary and capricious for failing to provide an adequate explanation for the decision on the children's safety factor.

Because the issues raised by NRDC concern matters of great interest not just to NRDC but to growers, food distributors and processors, and pesticide manufacturers as well as members of the public, EPA believes it decision-making will be enhanced by obtaining the views of all affected parties. For that reason, EPA is publishing this notice of availability of NRDC's objections and requesting comment on the objections. The objections are available in the docket for the tolerance rule in question, i.e., Docket EPA–HQ–OPP–2005–0145. See the ''**ADDRESSES**'' section of this document for information accessing the docket.

B. What is the Agency's Authority for Taking this Action?

Under section 408(g)(2)(A) of the FFDCA, any person may file objections with EPA within 60 days of issuance of a final tolerance regulation. (21 U.S.C. 346a(g)(2)). Such person may also request a public evidentiary hearing on the objections; however, NRDC has not requested such a hearing. Under EPA regulations, EPA must publish an order setting forth its determination on each of NRDC's objections. (40 CFR 178.37(a)). Such order must contain EPA's reasons for its determination. (40 CFR 178.37(b)). If based on the objections EPA determines that the tolerance regulation should be modified or revoked, EPA will publish by order any revisions to the regulation. (21 U.S.C. 346a(g)(2)(C); 40 CFR 178.35).

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 14, 2007.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E7–5576 Filed 3–27–07; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8292–5]

Proposed CERCLA Administrative Agreement for Recovery of Response Costs; Denova Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act (''CERCLA''), 42 U.S.C. 9622(i), notice is hereby given of a proposed Agreement for Recovery of Response Costs (''Agreement,'' Region 9 Docket No. 9–2006–0025) pursuant to Section 122(h) of CERCLA concerning the Denova Superfund Site, (the ''Site''), located in Rialto, California. The settling parties are Northrup Grumman, Lockheed Martin, the Boeing Company, Georgia Pacific, BNSF Railway Company, Royal Caribbean Cruises, JBL Inc., the Marquardt Company, Davis Wire Corp., Aerojet-General Corp., the Department of Energy (Lawrence Livermore National Laboratory), the Department of Energy (Sandia National Laboratory), NASA, the Department of the Interior and the Navy.

The Agreement compensates EPA and the County of San Bernardino

Consolidated Fire District for past response costs related to the removal action taken at the Site. The Agreement provides for a total recovery of $1,246,160. The Agreement also provides the settling parties with contribution protection under CERCLA section 113(f)(2) for response cost paid under the Agreement.

For thirty (30) days following the date of publication of this Notice, the Agency will receive written comments relating to the proposed Agreement. The Agency's response to any comments will be available for public inspection at the Agency's Region IX offices, located at 75 Hawthorne Street, San Francisco, California 94105.

DATES: Comments must be submitted on or before April 27, 2007.

ADDRESSES: The proposed Agreement may be obtained from Judith Winchell, Docket Clerk, telephone (415) 972–3124. Comments regarding the proposed Agreement should be addressed to Judith Winchell (SFD–7) at United States EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105, and should reference the Denova Superfund Site, Rialto, California, and USEPA Docket No. 9–2006–0025.

FOR FURTHER INFORMATION CONTACT: Michele Benson, Office of Regional Counsel, telephone (415) 972–3918, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105.

Dated: March 13, 2007.

Keith A. Takata,

Director, Superfund Division.

[FR Doc. E7–5664 Filed 3–27–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

March 21, 2007.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments by May 29, 2007. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Allison E. Zaleski, Office of Management and Budget (OMB), Room 10236 NEOB, Washington, DC 20503, (202) 395–6466, or via fax at 202–395–5167, or via the Internet at *Allison_E._Zaleski@omb.eop.gov.* and to *Judith-B.Herman@fcc.gov*, Federal Communications Commission (FCC), Room 1–B441, 445 12th Street, SW., Washington, DC 20554. To submit your comments by e-mail send them to: *PRA@fcc.gov.* If you would like to obtain or view a copy of this information collection after the 60 day comment period, you may do so by visiting the FCC PRA Web page at: *http://www.fcc.gov/omd/pra.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Judith B. Herman at 202–418–0214.

SUPPLEMENTARY INFORMATION: *OMB Control No.:* 3060–0691.

Title: Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside of the Designated Filing Areas in the 896–901 MHz Bands Allotted to the Specialized Mobile Radio Pool, 2nd Order on Reconsideration and 7th Report and Order for the 900 MHz Specialized Mobile Radio Service.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 135 respondents; 135 responses.

Estimated Time per Response: 2.5 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 220 hours.

Annual Cost Burden: 34,000.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: This collection will be submitted as an extension (no change in reporting, recordkeeping or third party disclosure requirements) after this 60 day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance. This information collection contains the following reporting, recordkeeping, and third party requirements on auction winners or licensees: (1) Auction winners claiming status as a small business to submit detailed ownership and gross revenue information necessary to determine whether they qualify as a small business pursuant to Commission rules; (2) licensees who transfer licenses within three years to maintain a file of all documents and contracts pertaining to the transfer; and (3) licensees to submit information to verify that they meet the coverage requirements required by 47 CFR 90.665 at the three-year coverage benchmark and the five-year construction deadline. License winners are required to maintain certain information to ensure compliance with Commission rules. Specifically, (1) small business license winners are required to maintain a file over the license term containing ownership and gross revenue information necessary to determine their eligibility as a small business; and (2) licensees who transfer licenses within three years are to maintain a file of all documents and contracts pertaining to the transfer. Furthermore, in case a licensee defaults or loses its license, the Commission retains the discretion to re-auction those licenses. If licenses are re-auctioned, the new license winners would be required at the close of the re-auction to: (1) Submit and maintain detailed ownership and gross revenue information necessary to determine whether they qualify as a small business pursuant to Commission rules; (2) disclose the term of any joint bidding agreements, if any, with other auction participants in order to ensure the integrity of the market structure; (3) for licensees who transfer licenses within three years, maintain a file of all documents and contracts pertaining to the transfer; and (4) submit information

to verify that they meet the coverage requirements required by 47 CFR 90.665.

OBM Control No.: 3060–0281.

Title: Section 90.651. Supplemental Reports Required of Licensees Authorized under this Subpart.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 4,947 respondents; 4,947 responses.

Estimated Time per Response: 10 minutes.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits.

Total Annual Burden: 1,649 hours.

Annual Cost Burden: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: This collection will be submitted as an extension (no change in reporting, recordkeeping or third party disclosure requirements) after this 60-day comment period to Office of Management and Budget (OMB) in order to obtain the full three year clearance. The radio facilities addressed in this subpart of the rules are allocated on and governed by regulations designed to award facilities on a need basis determined by the number of mobile units served by each base station. This is necessary to avoid frequency hoarding by applicants. Further, the Commission licensing personnel use the information to maintain an accurate database of frequency users, and both the Commission and the public use the database information in spectrum planning, interference resolution and licensing activities.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 07–1499 Filed 3–27–07; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Radio Broadcasting Services; AM or FM Proposals to Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The following applicants filed AM or FM proposals to change the community of license: Alexandria Communications, INC, BP–20070223AGP, Station KUJ, Facility ID 35718, From Walla Walla, WA, To Finley, WA; Appaloosa Broadcasting Company, INC., BPH–20070131ADT, Station KIMX, Facility ID 82007, From Laramie, WY, To Nunn, CO; Bartholomew, Steven R, BNPH–20070226AAN, Station NEW, Facility ID 169897, From Outlook, MT, To South Heart, ND; Cameron Broadcasting CO, BPH–20070301ABS, Station KNVR, Facility ID 84381, From Cameron, TX, To Thrall, TX; Deer Creek Broadcasting, LLC, BPH–20070126ADB, Station KHHZ, Facility ID 50709, From Oroville, CA, To Gridley, CA; Educational Media Foundation, BNPH–20070221AAP, Station NEW, Facility ID 170184, From Meyersdale, PA, To Confluence, PA; Flinn Jr., George S, BNPH–20070201BQE, Station NEW, Facility ID 170182, From Cedar Key, FL, To Homosassa, FL; Huron Broadcasting, LLC, BPH–20070214ABU, Station KZLA, Facility ID 86866, From Huron, CA, To Riverdale, CA; Indiana Community Radio Corporation, BPH–20070212AAX, Station WRFM, Facility ID 122333, From Wadesville, IN, To Smith Mills, KY; James Falcon, BNPH–20050103ABC, Station NEW, Facility ID 164190, From EDEN, TX, To Grape Creek, TX; MTD, INC, BPH–20070228AAG, Station KNMB, Facility ID 87766, From Cloudcroft, NM, To Capitan, NM; Oregon Eagle, Inc., BPH–20070125ADO, Station KTIL–FM, Facility ID 82538, From Tillamook, OR, To Government Camp, OR; Radio Layne, LLC, BMPH–20070305AAG, Station NEW, Facility ID 164234, From King Salmon, AK, To Port Lions, AK; Results Radio Of Chico Licensee, LLC, BPH–20070126ACY, Station KMJE, Facility ID 52516, From Gridley, CA, To Woodland, CA; Shamrock Communications, INC., BNPH–20070226AER, Station NEW, Facility ID 170180, From Tecopa, CA, To Amargosa Valley, NV; Sheila Callahan And Friends, INC., BMPH–20061204AEU, Station KDXT, Facility ID 166089, From Victor, MT, To Lolo, MT; Sierra Broadcasting Corporation, BPH–20070226ABI, Station KJDX, Facility ID 60300, From Susanville, CA, To Pollock Pines, CA; Ssr Communications, INC., BPH–20070222ABD, Station WYAB, Facility ID 77646, From Benton, MS, To FLORA, MS; Summit Media Broadcasting, LLC, BPH–20070226AAM, Station WKQV, Facility ID 164254, From Richwood, WV, To Cowen, WV; Tower Investment Trust, INC., BNPH–20070223AHO, Station NEW, Facility ID 170178, From Ocracoke, NC, To Pine Knoll Shores, NC.

DATES: Comments may be filed through May 29, 2007.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tung Bui, 202–418–2700.

SUPPLEMENTARY INFORMATION: The full text of these applications are available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW., Washington, DC 20554 or electronically via Media Bureau's Consolidated Data Base System, *http://svartifoss2.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm*. A copy of this application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 1–800–378–3160 or *http://www.BCPIWEB.com.*

Federal Communications Commission.

James D. Bradshaw,

Deputy Chief, Audio Division, Media Bureau.

[FR Doc. E7–5441 Filed 3–27–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 02–39; DA 07–1071]

Review of the Equal Access and Nondiscrimination Obligations Applicable to Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission invites interested parties to update the record pertaining to issues raised in the Commission's equal access and nondiscrimination proceeding in light of marketplace and industry developments.

DATES: Interested parties may file comments on or before May 29, 2007, and reply comments on or before June 26, 2007.

ADDRESSES: You may submit comments, identified by CC Docket No. 02–39, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web Site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *E-mail:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/*

cgb/ecfs/ or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the Web site for submitting comments.

• For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov*, and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.

• *Mail:* Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW., Washington, DC 20554.

• *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty).

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Janice Myles of the Competition Policy Division, Wireline Competition Bureau at (202) 418–1577 or e-mail *Janice.Myles@fcc.gov.*

SUPPLEMENTARY INFORMATION: In February 2002, the Commission issued a Notice of Inquiry, 67 FR 10919, March 11, 2002, to examine whether there was a continued need for the equal access and nondiscrimination obligations contained in antitrust decrees and carried forward by section 251(g) of the Communications Act of 1934, as amended (Act), or contained in the Commission's rules. Since the Commission's Notice of Inquiry was released in 2002, there have been a number of intervening developments that may have rendered the record developed in this proceeding stale. In particular, the market appears to be shifting from competition between stand-alone long distance services to competition between service bundles including both local exchange and long distance services. The industry structure has also changed with the mergers of local and long distance providers. For these reasons, the Wireline Competition Bureau requests that parties update the record with any new information or arguments they believe to be relevant to issues raised in the Notice of Inquiry. This will enable the Commission to undertake appropriate and expedited review of the equal access and nondiscrimination requirements.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. Parties should also send a copy of their filings to Janice Myles, Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, Room 5–C140, 445 12th Street, SW., Washington, DC 20554, or by e-mail to *Janice.Myles@fcc.gov.* Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, (202) 488–5300, or via e-mail to *fcc@bcpiweb.com.*

Documents in CC Docket No. 02–39 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488–5300, facsimile (202) 488–5563, TTY (202) 488–5562, e-mail *fcc@bcpiweb.com.* These documents may also be viewed on the Commission's Web site at *http://www.fcc.gov/cgb/ecfs.*

Federal Communications Commission.

Thomas J. Navin,

Chief, Wireline Competition Bureau.

[FR Doc. E7–5561 Filed 3–27–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[AU Docket No. 06–214; Report No. AUC–07–72–B (Auction No. 72); DA 07–514]

Auction of Phase II 220 MHz Service Spectrum Scheduled for June 20, 2007; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedures for Auction No. 72

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the procedures and minimum opening bids for the upcoming auction of certain Phase II 220 MHz Service Spectrum (Auction No. 72). This document is intended to familiarize prospective bidders with the procedures and minimum opening bids for this auction.

DATES: Applications to participate in Phase II 220 MHz Service Spectrum Auction No. 72 must be filed before 6 p.m. ET on April 20, 2007. Bidding for Auction No. 72 is scheduled to begin on June 20, 2007.

FOR FURTHER INFORMATION CONTACT: Wireless Telecommunications Bureau, Auctions Spectrum and Access Division: For legal questions: Howard Davenport at (202) 418–0660. For general auction questions: Debbie Smith or Barbara Sibert at (717) 338–2868.

Mobility Division: For service rule questions: Allen Barna (legal) or Gary Devlin (technical) at (202) 418–0620. To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, send an e-mail to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 or (202) 418–0432 (TTY).

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction No. 72 Procedures Public Notice* released on February 26, 2007. The complete text of the *Auction No. 72 Procedures Public Notice,* including attachments, as well as related Commission documents are available for public inspection and copying from 8 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8 a.m. to 11:30 a.m. on Friday at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The Auction No. 72 Procedures Public Notice and related Commission documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC, 20554, telephone 202–488–5300, facsimile 202–488–5563, or Web site: *http://www.BCPIWEB.com.* When ordering documents from BCPI, please provide the appropriate FCC document number, for example, DA 07–30 for the *Auction No. 72 Procedures Public Notice.* The *Auction No. 72 Procedures Public Notice* and related documents are also available on the Internet at the Commission's Web site: *http://wireless.fcc.gov/auctions/72/.*

I. General Information

A. Introduction

1. The Commission announces the procedures and minimum opening bid amounts for the upcoming auction of Phase II 220 MHz Service licenses in the paired 220–222 MHz band scheduled to begin on June 20, 2007 (Auction No. 72). On December 12, 2006, in accordance with Section 309(j)(3) of the Communications Act of 1934, as amended, the Wireless Telecommunications Bureau (Bureau) released a public notice seeking comment on reserve prices or minimum opening bid amounts and the procedures to be used in Auction No. 72. The Bureau received one comment and no reply comments in response to the *Auction No. 72 Comment Public Notice,* 71 FR 76332, December 20, 2006.

2. In the *Auction No. 72 Comment Public Notice,* the Bureau proposed to include all 94 Phase II 220 MHz Service licenses in a single auction using the Commission's standard simultaneous multiple-round (SMR) auction format. The Bureau sought comment on the feasibility and desirability of allocating the Phase II 220 MHz Service licenses using the Commission's package bidding format (SMR–PB). Based on the record and the particular circumstances of the auction of Phase II 220 MHz Service licenses, the Bureau will include all 94 Phase II 220 MHz Service licenses in a single auction using the Commission's standard SMR format, as proposed. Package bidding will not be used in Auction No. 72.

3. The Bureau also sought comment in the *Auction No. 72 Comment Public Notice* on whether to implement procedures that would limit the disclosure of certain information on bidder interests, and identities prior to the close of bidding. The Bureau asked commenters to indicate what factors weigh for or against limiting disclosure of bidder interests and identities, and whether the Commission should condition the use of any disclosure limits on a measure of competition in the auction.

4. For Auction No. 72, the Bureau will determine the information procedures based primarily on the eligibility ratio, a measure of likely competition in the auction. The eligibility ratio is defined as the total number of bidding units of eligibility purchased by bidders through their upfront payments, divided by the total number of bidding units for the licenses in the auction. Specifically, if the eligibility ratio equals or exceeds three, the Bureau will not use the limited information procedures, since with sufficient likely competition, the anti-competitive behavior that limited information procedures aim to deter is unlikely to be successful. If the eligibility ratio is less than three, in general the Bureau will withhold certain information on bidder interests and bidder identities. However, if the eligibility ratio is less than three, the Commission reserves the discretion not to limit information on bidder interests and identities if circumstances indicate that limited information procedures would not be an effective tool for deterring anti-competitive behavior. Such circumstances would occur, for example, if only two applicants became qualified to participate in the bidding, since limited information procedures would be ineffective in preventing bidders from knowing the identity of the competing bidder.

5. In the event that the conditions described above result in the use of procedures under which certain information is withheld, the Bureau will release: (1) Each bidder's eligibility and upfront payment made prior to the start of the auction; and (2) the amounts of all gross bids including the losing bids for each license after each round, but not the identities of the bidders placing the bids. The Bureau believes this provides bidders with information regarding license valuations without compromising the goal of reducing the potential for anti-competitive outcomes.

6. Pursuant to these procedures, information on the license selections of auction applicants will be withheld at least until the upfront payment deadline has passed and the Commission determines the information procedures that will be used for the auction. Therefore, to enable applicants to comply with the Commission's anti-collusion rules, once the Bureau has conducted its initial review of applications to participate in Auction No. 72, each applicant will receive a letter that lists the other applicants in Auction No. 72 that have applied for licenses in any of the same geographic areas as the applicant.

i. Background of Proceeding

7. Licenses in the Phase II 220 MHz spectrum to be auctioned in Auction No. 72 have been offered previously in other auctions but were returned to the Commission as a result of license cancellation or termination. In March 1997, the Commission restructured the licensing framework that governs the 220 MHz Service. Site-specific licensing, used in the Phase I 220 MHz Service, was replaced with a geographic-based system in the Phase II 220 MHz Service. This geographic-based licensing methodology is similar to that used in other commercial mobile radio services (CMRS). The Commission developed three types of geographic area licenses for the Phase II 220 MHz Service. The first type of license was based upon Economic Areas (EAs), developed by the Bureau of Economic Analysis of the U.S. Department of Commerce. In addition, the Commission created three EA-type license areas to cover the following United States territories: American Samoa; the U.S. Virgin Islands and Puerto Rico; and Guam and the Northern Mariana Islands. The second type of license, known as Economic Area Groupings (EAGs), included 6 groups of EAs, which collectively encompassed all of the EA and EA-type licenses. Finally, the Commission designed three nationwide licenses, each of which encompassed all six EAGs. Service and operational requirements for the Phase II 220 MHz Service are contained primarily in part 90 of the Commission's Rules, 47 CFR part 90.

ii. Licenses To Be Auctioned

8. Auction No. 72 will offer 94 licenses: 93 Economic Area (EA) licenses and one Economic Area Grouping (EAG) license.

9. Certain licenses for Phase II 220 MHz Service in Auction No. 72 are

available for only part of a market. In addition, one license available for only part of a market also covers less bandwidth. The licenses available in this auction are listed in Attachment A of the *Auction No. 72 Procedures Public Notice.* The Phase II 220 MHz spectrum covered by this auction is only available to non-Government applicants.

B. Rules and Disclaimers

i. Relevant Authority

10. Prospective applicants must familiarize themselves thoroughly with the Commission's general competitive bidding rules set forth in Title 47 CFR including recent amendments and clarifications; rules relating to the Phase II 220 MHz Service contained in Title 47, part 90 and rules relating to applications, practice and procedure contained in Title 47, part 1. Prospective applicants must also be thoroughly familiar with the procedures, terms and conditions (collectively, terms) contained in the *Auction No. 72 Procedures Public Notice* and the Commission's decisions in proceedings regarding competitive bidding procedures, application requirements, and obligations of Commission licensees.

11. The terms contained in the Commission's rules, relevant orders, and public notices are not negotiable. The Commission may amend or supplement the information contained in its public notices at any time, and will issue public notices to convey any new or supplemental information to applicants. It is the responsibility of all applicants to remain current with all Commission rules and with all public notices pertaining to this auction.

ii. Prohibition of Collusion; Compliance With Antitrust Laws

12. To ensure the competitiveness of the auction process § 1.2105(c) of the Commission's rules prohibit applicants competing for licenses in any of the same geographic license areas from communicating with each other about bids, bidding strategies, or settlements unless such applicants have identified each other on their short-form applications (FCC Forms 175) as parties with whom they have entered into agreements pursuant to § 1.2105(a)(2)(viii). In Auction No. 72, the rule would apply to any applicants for licenses in the same EA or EAG. The rule would also apply to applicants for licenses in overlapping EAs and the EAG. For example, assume that one applicant applies for an EAG license and a second applicant applies for an EA license covering any area within that EAG. The two entities will have applied for licenses covering the same geographic areas and would be precluded from communicating with each other under the rule. In addition, the rule would preclude applicants that apply to bid for all licenses from communicating with all other applicants. Thus, applicants that have applied for licenses covering the same markets (unless they have identified each other on their FCC Form 175 applications as parties with whom they have entered into agreements under § 1.2105(a)(2)(viii)) must affirmatively avoid all communications with or disclosures to each other that affect or have the potential to affect bids or bidding strategy, which may include communications regarding the post-auction market structure. This prohibition begins at the short-form application filing deadline and ends at the downpayment deadline after the auction. This prohibition applies to all applicants regardless of whether such applicants become qualified bidders or actually bid. Information concerning applicants' license selections will not be made public at least until the upfront payment deadline has passed and the Commission determines the information procedures that will be used for the auction. Therefore, the Commission will inform each applicant by letter of the identity of each of the other applicants that has applied for licenses covering any of the same geographic areas as the licenses that it has selected in its short-form application.

13. For purposes of this prohibition § 1.2105(c)(7)(i) defines applicant as including all officers and directors of the entity submitting a short-form application to participate in the auction, all controlling interests of that entity, as well as all holders of partnership and other ownership interests and any stock interest amounting to 10 percent or more of the entity, or outstanding stock, or outstanding voting stock of the entity submitting a short-form application.

14. Applicants for licenses for any of the same geographic license areas must not communicate directly or indirectly about bids or bidding strategy. Accordingly, such applicants are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between such applicants. Also, if the authorized bidders are different individuals employed by the same organization (*e.g.*, law firm or engineering firm or consulting firm), a violation similarly could occur. In such a case, at a minimum, applicants should certify on their applications that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule. A violation of the anti-collusion rule could occur in other contexts, such as an individual serving as an officer for two or more applicants. Moreover, the Commission has found a violation of the anti-collusion rule where a bidder used the Commission's bidding system to disclose its bidding strategy in a manner that explicitly invited other auction participants to cooperate and collaborate in specific markets, and has placed auction participants on notice that the use of its bidding system to disclose market information to competitors will not be tolerated and will subject bidders to sanctions. Bidders are cautioned that the Commission remains vigilant about prohibited communications taking place in other situations. For example, the Commission has warned that prohibited communications concerning bids and bidding strategies may include communications regarding capital calls or requests for additional funds in support of bids or bidding strategies to the extent such communications convey information concerning the bids and bidding strategies directly or indirectly. Applicants are hereby placed on notice that public disclosure of information relating to bidder interests and bidder identities that—although revealed prior to and during other Commission auctions—is confidential in this auction at the time of disclosure may violate the anti-collusion rule. Bidders should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become a conduit for the communication of prohibited bidding information.

15. The Commission's rules do not prohibit applicants from entering into otherwise lawful bidding agreements before filing their short-form applications, as long as they disclose the existence of the agreement(s) in their short-form application. If parties agree in principle on all material terms prior to the short-form filing deadline, each party to the agreement must identify the other party or parties to the agreement on its short-form application under § 1.2105(c), even if the agreement has not been reduced to writing. If the parties have not agreed in principle by the short-form filing deadline, they should not include the names of parties

to discussions on their applications, and they may not continue negotiations, discussions or communications with any other applicants after the short-form filing deadline.

16. By electronically submitting its short-form application following the electronic filing procedures set forth in Attachment C to the *Auction No. 72 Procedures Public Notice,* each applicant certifies its compliance with § 1.2105(c). However, the Bureau cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred, nor will it preclude the initiation of an investigation when warranted. The Commission has stated that it intends to scrutinize carefully any instances in which bidding patterns suggest that collusion may be occurring. Any applicant found to have violated the anti-collusion rule may be subject to sanctions.

17. Applicants are also reminded that, regardless of compliance with the Commission's rules, they remain subject to the antitrust laws, which are designed to prevent anticompetitive behavior in the marketplace. Compliance with the disclosure requirements of the Commission's anti-collusion rule will not insulate a party from enforcement of the antitrust laws. For instance, a violation of the antitrust laws could arise out of actions taking place well before any party submits a short form application. The Commission has cited a number of examples of potentially anticompetitive actions that would be prohibited under antitrust laws: for example, actual or potential competitors may not agree to divide territories horizontally in order to minimize competition, regardless of whether they split a market in which they both do business, or whether they merely reserve one market for one and another for the other. Similarly, the Bureau has long reminded potential applicants and others that even where the applicant discloses parties with whom it has reached an agreement on the short-form application, thereby permitting discussions with those parties, the applicant is nevertheless subject to existing antitrust laws. To the extent the Commission becomes aware of specific allegations that may give rise to violations of the federal antitrust laws, the Commission may refer such allegations to the United States Department of Justice for investigation. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture of its upfront payment, down payment, or full bid amount and may be prohibited from participating in future auctions, among other sanctions.

18. Section 1.65 of the Commission's rules requires an applicant to maintain the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application. Thus § 1.65 requires an auction applicant to notify the Commission of any substantial change to the information or certifications included in its pending short-form application. Applicants are therefore required by § 1.65 to report to the Commission any communications they have made to or received from another applicant after the short-form filing deadline that affect or have the potential to affect bids or bidding strategy unless such communications are made to or received from parties to agreements identified under § 1.2105(a)(2)(viii). In addition § 1.2105(c)(6) provides that any applicant that makes or receives a communication prohibited by § 1.2105(c) must report such communication to the Commission in writing immediately, and in no case later than five business days after the communication occurs.

19. Applicants that are winning bidders will be required to disclose in their long-form applications the specific terms, conditions, and parties involved in any bidding consortia, joint ventures, partnerships, and other arrangements entered into relating to the competitive bidding process.

20. A summary listing of documents issued by the Commission and the Bureau addressing the application of the anti-collusion rule may be found in Attachment F of the *Auction No. 72 Procedures Public Notice.*

iii. Protection of Incumbent Operations

21. Potential applicants are advised that there are a number of incumbent Phase I 220 MHz Service licensees already licensed and operating on frequencies between 220 and 222 MHz. Such Phase I incumbents must be protected from harmful interference by Phase II 220 MHz Service licensees in accordance with the Commission's rules. These limitations may restrict the ability of Phase II geographic area licensees to use certain portions of the electromagnetic spectrum or provide service to certain areas in their geographic license areas.

a. International Coordination

22. Potential bidders seeking licenses for geographic areas that are near the Canadian or Mexican borders should be aware that the use of some or all of the channels they acquire in the auction could be restricted by agreements with Canada or Mexico on the use of 220–222 MHz spectrum in the border area.

b. Quiet Zones

23. Phase II 220 MHz Service licensees must protect the radio quiet zones set forth in the Commission's rules. Licensees are cautioned that they must receive the appropriate approvals directly from the relevant quiet zone entity prior to operating within the areas described in the Commission's rules.

iv. Due Diligence

24. The Bureau cautions potential applicants formulating their bidding strategies to investigate and consider the extent to which Phase II 220 MHz frequencies are occupied. Applicants and their investors should also understand that Commission rules and requirements place limitations on the ability of Phase II 220 MHz Service licensees to use this spectrum. Incumbent Phase I 220 MHz Service operations in the 220–222 MHz band must be protected. These limitations may restrict the ability of Phase II 220 MHz Service geographic area licensees to use certain portions of the electromagnetic spectrum or provide service to certain areas in their geographic license areas. Bidders should become familiar with the status of these operations, applicable Commission rules, orders and any pending proceedings related to the service, in order to make reasoned, appropriate decisions about their participation in Auction No. 72 and their bidding strategy.

25. Potential bidders are reminded that they are solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the Phase II 220 MHz Service licenses in this auction. The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee in the Phase II 220 MHz Service subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular service, technology, or product, nor does an FCC license constitute a guarantee of business success. Applicants should perform

their individual due diligence before proceeding as they would with any new business venture.

26. Potential bidders are strongly encouraged to conduct their own research prior to the beginning of bidding in Auction No. 72 in order to determine the existence of any pending administrative or judicial proceedings that might affect their decision regarding participation in the auction. Participants in Auction No. 72 are strongly encouraged to continue such research throughout the auction. In addition, potential bidders should perform technical analyses sufficient to assure themselves that, should they prevail in competitive bidding for a specific license, they will be able to build and operate facilities that will fully comply with the Commission's technical and legal requirements as well as other applicable federal, state and local laws.

27. Applicants should also be aware that certain pending and future proceedings, including applications, including those for modification, petitions for rulemaking, requests for special temporary authority, waiver requests, petitions to deny, petitions for reconsideration, informal oppositions, and applications for review, before the Commission may relate to particular applicants or incumbent licensees or the licenses available in Auction No. 72. In addition, pending and future judicial proceedings may relate to particular applicants or incumbent licensees, or the licenses available in Auction No. 72. Prospective bidders are responsible for assessing the likelihood of the various possible outcomes, and considering their potential impact on spectrum licenses available in this auction.

28. Applicants should perform due diligence to identify and consider all proceedings that may affect the spectrum licenses being auctioned and that could have an impact on the availability of spectrum for Auction No. 72. In addition, although the Commission may continue to act on various pending applications, informal objections, petitions, and other requests for Commission relief, some of these matters may not be resolved by the beginning of bidding in the auction.

29. Applicants are solely responsible for identifying associated risks and for investigating and evaluating the degree to which such matters may affect their ability to bid on, otherwise acquire, or make use of licenses available in Auction No. 72.

30. Applicants may use the Bureau's licensing databases at *http://wireless.fcc.gov/uls* to obtain information about incumbent licenses that may affect the availability of the spectrum for which licenses are offered in Auction No. 72.

31. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third party databases, including, for example, court docketing systems. To the extent the Commission's databases may not include all information deemed necessary or desirable by an applicant, applicants may obtain or verify such information from independent sources or assume the risk of any incompleteness or inaccuracy in said databases. Furthermore, the Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into its databases.

32. Potential applicants are strongly encouraged to physically inspect any prospective sites located in, or near, the service area for which they plan to bid, and also to familiarize themselves with the environmental review obligations.

v. Use of Integrated Spectrum Auction System

33. The Commission will make available a browser-based bidding system to allow bidders to participate in Auction No. 72 over the Internet using the Commission's Integrated Spectrum Auction System (ISAS or FCC Auction System). The Commission makes no warranty whatsoever with respect to the FCC Auction System. In no event shall the Commission, or any of its officers, employees or agents, be liable for any damages whatsoever (including, but not limited to, loss of business profits, business interruption, loss of business information, or any other loss) arising out of or relating to the existence, furnishing, functioning or use of the FCC Auction System that is accessible to qualified bidders in connection with this auction. Moreover, no obligation or liability will arise out of the Commission's technical, programming or other advice or service provided in connection with the FCC Auction System.

vi. Bidder Alerts

34. As is the case with many business investment opportunities, some unscrupulous entrepreneurs may attempt to use Auction No. 72 to deceive and defraud unsuspecting investors. Information about deceptive telemarketing investment schemes is available from the Commission as well as the FTC and SEC. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center.

vii. Environmental Review Requirements

35. Licensees must comply with the Commission's rules regarding implementation of the National Environmental Policy Act and other federal environmental statutes. The construction of a wireless antenna facility is a federal action and the licensee must comply with the Commission's environmental rules for each such facility. The Commission's environmental rules require, among other things, that the licensee consult with expert agencies having environmental responsibilities, including the U.S. Fish and Wildlife Service, the State Historic Preservation Office, the Army Corps of Engineers and the Federal Emergency Management Agency (through the local authority with jurisdiction over floodplains). In assessing the effect of facilities construction on historic properties, the licensee must follow the provisions of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process. The licensee must prepare environmental assessments for facilities that may have a significant impact in or on wilderness areas, wildlife preserves, threatened or endangered species or designated critical habitats, historical or archaeological sites, Indian religious sites, floodplains, and surface features. The licensee also must prepare environmental assessments for facilities that include high intensity white lights in residential neighborhoods or excessive radio frequency emission.

C. Auction Specifics

i. Auction Date

36. Bidding in Auction No. 72 will begin on Wednesday, June 20, 2007, as announced in the *Auction No. 72 Comment Public Notice.*

37. In response to the *Auction No. 72 Comment Public Notice*, a commenter seeks a delay of several months in the start of Auction No. 72. The Bureau does not believe that it would be in the public interest to do so. The commenter argues for a delay to enable the Commission to complete the processing of applications for the assignment of certain 220 MHz licenses to an affiliate of the commenter. Generally, the Commission has held that the existence of related pending proceedings is not a sufficient reason to delay an auction. Similarly, the Commission has observed that Section 309(j)(3)(E)(ii)'s statutory

requirement to provide prospective bidders with time to develop business plans and evaluate the availability of equipment does not require the Commission to postpone an auction until every external factor that might influence a bidder's business plan is resolved with absolute certainty. Further, the Bureau notes that the application identified by the commenter has been acted upon. The commenter provides no legal or policy reason, other than its concern about the processing of the identified assignment application, in support of its request for postponement. In furtherance of the statutory objectives underlying the Commission's auctions process, including promoting the rapid deployment of new technologies and services to the public, and enhancing economic opportunity and competition, the Bureau determined that the public interest would be served by proceeding with the auction as scheduled. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction.

38. Unless otherwise announced, bidding on all licenses will be conducted on each business day until bidding has stopped on all licenses.

ii. Auction Title

39. Auction No. 72—Phase II 220 MHz.

iii. Bidding Methodology

40. The bidding methodology for Auction No. 72 will be simultaneous multiple round bidding. The Commission will conduct this auction over the Internet using the FCC Auction System, and telephonic bidding will be available as well. Qualified bidders are permitted to bid electronically via the Internet or by telephone. All telephone calls are recorded.

iv. Pre-Auction Dates and Deadlines

41. Dates and Deadlines

Auction Seminar: April 11, 2007.
Short-Form Application (FCC Form 175) Filing Window Opens: April 11, 2007; 12 noon ET.
Short-Form Application (FCC Form 175) Filing Window Deadline: April 20, 2007; prior to 6 p.m. ET.
Upfront Payments (via wire transfer): May 21, 2007; 6 p.m. ET.
Mock Auction: June 18, 2007.
Auction Begins: June 20, 2007.

v. Requirements for Participation

42. Those wishing to participate in the auction must: (1) Submit a short-form application (FCC Form 175) electronically prior to 6 p.m. Eastern Time (ET), April 20, 2007, following the electronic filing procedures set forth in Attachment C to the *Auction No. 72 Procedures Public Notice*; (2) submit a sufficient upfront payment and an FCC Remittance Advice Form (FCC Form 159) by 6 p.m. ET, May 21, 2007, following the procedures and instructions set forth in Attachment D to the *Auction No. 72 Procedures Public Notice*; and (3) comply with all provisions outlined in the *Auction No. 72 Procedures Public Notice* and applicable Commission rules. For example, the Phase II 220 MHz spectrum covered by this auction is only available to non-Government applicants under § 90.721(b) of those rules, 47 CFR 90.721(b).

II. Short-Form Application (FCC Form 175) Requirements

43. Entities seeking licenses available in Auction No. 72 must file a short-form application electronically via the FCC Auction System prior to 6 p.m. ET on April 20, 2007, following the procedures prescribed in Attachment C to the *Auction No. 72 Procedures Public Notice.* If an applicant claims eligibility for a bidding credit, the information provided in its FCC Form 175 will be used in determining whether the applicant is eligible for the claimed bidding credit. Applicants bear full responsibility for submitting accurate, complete and timely short-form applications. All applicants must certify on their short-form applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license. Applicants should read the instructions set forth in Attachment C to the *Auction No. 72 Procedures Public Notice* carefully and should consult the Commission's rules to ensure that, in addition to the materials all the information that is required under the Commission's rules is included with their short-form applications.

44. An entity may not submit more than one short-form application for a single auction. In the event that a party submits multiple short-form applications, only one application will be accepted for filing.

45. Applicants also should note that submission of a short-form application and any amendments thereto constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, that he or she has read the form's instructions and certifications, and that the contents of the application, its certifications, and any attachments are true and correct. Applicants are not permitted to make major modifications to their applications; such impermissible changes include a change of the certifying official to the application. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

A. Preferences for Small Businesses and Others

i. Size Standards for Bidding Credits

46. A bidding credit represents the amount by which a bidder's winning bid will be discounted. For Auction No. 72, bidding credits will be available to small businesses and very small businesses, and consortia thereof, as follows: (1) A bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (small business) will receive a 25 percent discount on its winning bid and (2) a bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (very small business) will receive a 35 percent discount on its winning bid.

47. Bidding credits are not cumulative; a qualifying applicant receives either the 25 percent or 35 percent bidding credit on its winning bid, but not both.

48. Every applicant that claims eligibility for a bidding credit as either a small business or a very small business, or a consortium of small businesses or very small businesses, will be required to provide information regarding revenues attributable to the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests on its FCC Form 175 short-form application to establish that it satisfies the applicable eligibility requirement. Applicants claiming eligibility as a designated entity in Auction No. 72 should review carefully the *CSEA/Part 1 Designated Entity FNPRM*, 71 FR 6992, February 10, 2006, and the *Designated Entity Second Report and Order*, 71 FR 26245, May 5, 2006. In that connection, the Commission adopted rules governing eligibility for designated entity benefits in the *Designated Entity Second Report and Order.* The Commission's new rules regarding applicants seeking eligibility for designated entity benefits requires the disclosure of a list of all parties with which the applicant has entered into arrangements for the lease or resale including wholesale agreements of any of the capacity of any of the applicant's spectrum; and a list, separately and in the aggregate, of the gross revenues of entities with which the applicant has an

attributable material relationship, as defined in § 1.2110(b)(3)(iv)(B).

49. The Commission has adopted a narrow exemption from the attribution rule for the officers and directors of a rural telephone cooperative pursuant to which the gross revenues of the affiliates of the cooperative's officers and directors are not attributed to the applicant. An applicant (or controlling interest) seeking to claim this exemption must include in its short-form application a certification that it is validly organized under the most closely applicable organizing statute for a cooperative, and that such organization is reflected in its articles of incorporation, by-laws, and/or other relevant organic documents. Applicants seeking to claim this exemption must meet all of the conditions specified in § 1.2110(b)(3)(iii) of the Commission's rules. Additional guidance on completing the FCC Form 175 to claim this exemption may be found in Attachment C to the *Auctions No. 72 Procedures Public Notice.*

ii. Tribal Lands Bidding Credit

50. To encourage the growth of wireless services in federally recognized tribal lands, the Commission has implemented a tribal lands bidding credit.

iii. Installment Payments

51. Installment payment plans will not be available in Auction No. 72.

B. License Selection

52. In Auction No. 72, applicants must select the licenses on which they want to bid from the Eligible Licenses list. In Auction No. 72, FCC Form 175 will include a filtering mechanism that allows an applicant to filter the available licenses. The applicant will make selections for one or more of the filter criteria and the system will produce a list of licenses satisfying the specified criteria. The applicant may select all the licenses in the customized list or select individual licenses from the list. Applicants also will be able to select licenses from one customized list and then create additional customized lists to select additional licenses. There will be no opportunity to change license selection after the short-form filing deadline. It is critically important that an applicant confirm its license selections before submitting its short-form application because the FCC Auction System will not accept bids on licenses that an applicant has not selected on its FCC Form 175.

C. Disclosure of Bidding Arrangements

53. Applicants will be required to identify in their short-form applications all parties with whom they have entered into any agreements, arrangements, or understandings of any kind relating to the licenses being auctioned, including any agreements relating to post-auction market structure. Applicants also will be required to certify under penalty of perjury in their short-form applications that they have not entered and will not enter into any explicit or implicit agreements, arrangements or understandings of any kind with any parties, other than those identified in the application, regarding the amount of their bids, bidding strategies, or the particular licenses on which they will or will not bid. If an applicant has had discussions, but has not reached a joint bidding agreement by the short-form application filing deadline, it would not include the names of parties to the discussions on its application and may not continue such discussions with any applicants after the deadline.

54. After the filing of short-form applications, the Commission's rules do not prohibit a party holding a non-controlling, attributable interest in one applicant from acquiring an ownership interest in or entering into a joint bidding arrangement with other applicants provided that (i) the attributable interest holder certifies that it has not and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has entered into a joint bidding arrangement; and (ii) the arrangements do not result in a change in control of any of the applicants. While the anti-collusion rules do not prohibit non-auction-related business negotiations among auction applicants, applicants are reminded that certain discussions or exchanges could touch upon impermissible subject matters because they may convey pricing information and bidding strategies. Further, as discussed above, compliance with the disclosure requirements of the Commission's anti-collusion rule will not insulate a party from enforcement of the antitrust laws.

D. Ownership Disclosure Requirements

55. All applicants must comply with the uniform part 1 ownership disclosure standards and provide information required by §§ 1.2105 and 1.2112 of the Commission's rules. Specifically, in completing the short-form application, applicants will be required to fully disclose information on the real party or parties-in-interest and ownership structure of the applicant. The ownership disclosure standards for the short form are prescribed in §§ 1.2105 and 1.2112 of the Commission's rules. Each applicant is responsible for information submitted in its short-form application being complete and accurate.

56. An applicant's most current ownership information on file with the Commission, if in an electronic format compatible with the short-form application (FCC Form 175) (such as information submitted in an on-line FCC Form 602 or in an FCC Form 175 filed for a previous auction using ISAS) will automatically be entered into the applicant's short-form application. Applicants are responsible for ensuring that the information submitted in their FCC Form 175 for Auction No. 72 is complete and accurate. Accordingly, applicants should carefully review any information automatically entered to confirm that it is complete and accurate as of the deadline for filing the short-form application. Applicants can update any information that was entered automatically and needs to be changed directly in the short-form application.

E. Bidding Credit Revenue Disclosures

57. To determine which applicants qualify for bidding credits as small businesses or very small businesses, the Commission considers the gross revenues of the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests. Therefore, entities applying to bid as small businesses or very small businesses (or consortia of small businesses or very small businesses) will be required to disclose on their FCC Form 175 short-form applications the gross revenues of each of the following for the preceding three years: (1) The applicant, (2) its affiliates, (3) its controlling interests, and (4) the affiliates of its controlling interests. Certification that the average annual gross revenues of such entities and individuals for the preceding three years do not exceed the applicable limit is not sufficient. In order to comply with the Commission's disclosure requirements for bidding credit eligibility, an applicant must provide separately for itself, its affiliates, its controlling interests, and the affiliates of its controlling interests, the gross revenues for each of the preceding three years. If the applicant is applying as a consortium of small businesses or very small businesses, this information must be provided for each consortium member.

58. Controlling interests of an applicant include individuals and entities with either *de facto* or *de jure* control of the applicant. Typically, ownership of at least 50.1 percent of an entity's voting stock evidences *de jure* control. *De facto* control is determined on a case-by-case basis. The following are some common indicia of *de facto* control: (1) The entity constitutes or appoints more than 50 percent of the board of directors or management committee; (2) the entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee and (3) the entity plays an integral role in management decisions.

59. Officers and directors of an applicant are also considered to have controlling interest in the applicant. The Commission does not impose specific equity requirements on controlling interest holders. Once the principals or entities with a controlling interest are determined, only the revenues of those principals or entities, the affiliates of those principals or entities, and the applicant and its affiliates will be counted in determining small business eligibility.

60. In recent years the Commission has made modifications to its rules governing the attribution of gross revenues for purposes of determining small business eligibility. These changes include exempting the gross revenues of the affiliates of a rural telephone cooperative's officers and directors from attribution to the applicant if certain specified conditions are met. The Commission has also clarified that, in calculating an applicant's gross revenues under the controlling interest standard, it will not attribute the personal net worth, including personal income, of its officers and directors to the applicant.

61. A consortium of small businesses or very small businesses is a conglomerate organization composed of two or more entities, each of which individually satisfies the definition of a small business or very small business as those terms are defined in the service-specific rules. Thus, each member of a consortium of small or very small businesses that applies to participate in Auction No. 72 must individually meet the definition of small business or very small business adopted by the Commission for the Phase II 220 MHz Service. Each consortium member must disclose its gross revenues along with those of its affiliates, its controlling interests, and the affiliates of its controlling interests. Although the gross revenues of the consortium members will not be aggregated for purposes of determining the consortium's eligibility as a small business or very small business, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

F. Provisions Regarding Former and Current Defaulters

62. Each applicant must state under penalty of perjury on its short-form application whether or not the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests, as defined by § 1.2110, have ever been in default on any Commission licenses or have ever been delinquent on any non-tax debt owed to any Federal agency. In addition, each applicant must certify under penalty of perjury on its short-form application that as of the short-form filing deadline, the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests, as defined by § 1.2110, are not in default on any payment for Commission licenses including down payments and that they are not delinquent on any non-tax debt owed to any Federal agency. Prospective applicants are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

63. Former defaulters—*i.e.*, applicants, including any of their affiliates, any of their controlling interests, or any of the affiliates of their controlling interests, that in the past have defaulted on any Commission licenses or been delinquent on any non-tax debt owed to any Federal agency, but that have since remedied all such defaults and cured all of their outstanding non-tax delinquencies—are eligible to bid in Auction No. 72, provided that they are otherwise qualified. However, former defaulters are required to pay upfront payments that are fifty percent more than the normal upfront payment amounts.

64. Current defaulters—*i.e.*, applicants, including any of their affiliates, any of their controlling interests, or any of the affiliates of their controlling interests, that are in default on any payment for any Commission licenses including down payments or are delinquent on any non-tax debt owed to any Federal agency as of the filing deadline for applications to participate in this auction—are not eligible to bid in Auction No. 72.

65. Applicants are encouraged to review the Bureau's previous guidance on default and delinquency disclosure requirements in the context of the short-form application process. For example, it has been determined that to the extent that Commission rules permit late payment of regulatory or application fees accompanied by late fees, such debts will become delinquent for purposes of §§ 1.2105(a) and 1.2106(a) only after the expiration of a final payment deadline. Therefore, with respect to regulatory or application fees, the provisions of §§ 1.2105(a) and 1.2106(a) regarding default and delinquency in connection with competitive bidding are limited to circumstances in which the relevant party has not complied with a final Commission payment deadline.

66. The Commission considers outstanding debts owed to the United States Government, in any amount, to be a serious matter. The Commission adopted rules, including a provision referred to as the red light rule, that implement the Commission's obligations under the *Debt Collection Improvement Act of 1996,* which governs the collection of claims owed to the United States. Under the red light rule, the Commission will not process applications and other requests for benefits filed by parties that have outstanding debts owed to the Commission. In the same rulemaking order, the Commission explicitly declared, however, that the Commission's competitive bidding rules are not affected by the red light rule. As a consequence, the Commission's adoption of the red light rule does not alter the applicability of any of the Commission's competitive bidding rules, including the provisions and certifications of §§ 1.2105 and 1.2106, with regard to current and former defaults or delinquencies. Applicants are reminded, however, that the Commission's Red Light Display System, which provides information regarding debts owed to the Commission, may not be determinative of an auction applicant's ability to comply with the default and delinquency disclosure requirements of § 1.2105. Thus, while the red light rule ultimately may prevent the processing of long-form applications by auction winners, an auction applicant's red light status is not necessarily determinative of its eligibility to participate in this auction or of its upfront payment obligation.

67. Prospective applicants in Auction No. 72 should note that any long-form applications filed after the close of competitive bidding will be reviewed

for compliance with the Commission's red light rule, and such review may result in the dismissal of a winning bidder's long-form application.

G. Other Information

68. Applicants owned by member of minority groups and/or women, as defined in § 1.2110(c)(3), may identify themselves in filling out their short-form applications regarding this status. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of designated entities in its auctions.

H. Minor Modifications to Short-Form Applications (FCC Form 175)

69. As of the deadline for filing short-form applications (FCC Forms 175) prior to 6 p.m. ET on April 20, 2007, applicants are permitted to make only minor changes to their applications. Applicants are not permitted to make major modifications to their applications (*e.g.*, change their license selections, change control of the applicant, change the certifying official, or change their size to claim eligibility for a higher bidding credit). Permissible minor changes include, for example, deletion and addition of authorized bidders (to a maximum of three) and revision of addresses and telephone numbers of the applicants and their contact persons.

70. An applicant must make permissible minor changes to its short-form application, as such changes are defined by § 1.2105(b), electronically using the FCC Auction System. Applicants must click on the SUBMIT button in the FCC Auction System for the changes to be submitted and considered by the Commission. After the revised application has been submitted, a confirmation page will be displayed that states the submission time and date, along with a unique file number.

71. In addition, during those periods outside of the initial and resubmission filing windows (*i.e.*, when you cannot electronically update your FCC Form 175), an applicant should submit a letter briefly summarizing the changes and subsequently update their short-form applications in ISAS as soon as possible. Note: After the filing window has closed, the auction system will not permit applicants to make certain changes, such as legal classification and bidding credit. Any letter describing changes to an applicant's short-form application should be submitted by electronic mail to the following address: *auction72@fcc.gov*

72. Applicants must not submit application-specific material through the Commission's Electronic Comment Filing System (ECFS).

I. Maintaining Current Information in Short-Form Applications (FCC Form 175)

73. Section 1.65 of the Commission's rules requires an applicant to maintain the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application. Changes that cause a loss of or reduction in eligibility for a bidding credit must be reported immediately. If an amendment reporting substantial changes is a major amendment as defined by § 1.2105, the major amendment will not be accepted and may result in the dismissal of the short-form application.

74. After the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications, for example, deletion and addition of authorized bidders (to a maximum of three). Applicants must click on the SUBMIT button in the FCC Auction System for the changes to be submitted and considered by the Commission. In addition, applicants must submit a letter, briefly summarizing the changes, by electronic mail at the following address: *auction72@fcc.gov.*

75. Applicants must not submit application-specific material through ECFS into the record of the proceeding concerning Auction No. 72 procedures.

III. Pre-Auction Procedures

A. Auction Seminar—April 11, 2007

76. On Wednesday, April 11, 2007, the FCC will sponsor a free seminar for parties interested in participating in Auction No. 72 at the FCC headquarters, located at 445 12th Street, SW., Washington, DC. The seminar will provide attendees with information about pre-auction procedures, completing FCC Form 175, auction conduct, the FCC Auction System, auction rules, and the Phase II 220 MHz Service rules. The seminar will also provide an opportunity for prospective bidders to ask questions of FCC staff concerning the auction, auction procedures, filing requirements and other matters related to this auction.

77. To register, please provide the information listed on Attachment B of the *Auction No. 72 Procedures Public Notice* by fax, e-mail or telephone to the FCC by Monday, April 9, 2007. The seminar is free of charge and for individuals who are unable to attend, an Audio/Video webcast of this seminar will be available from the FCC's Auction No. 72 web page at *http://wireless.fcc.gov/auctions/72/.*

B. Short-Form Application (FCC Form 175)—Due Prior to 6 p.m. ET on April 20, 2007

78. In order to be eligible to bid in this auction, applicants must first follow the procedures set forth in Attachment C to the *Auction No. 72 Procedures Public Notice* to submit an FCC Form 175 application electronically via the FCC Auction System. This application must be received at the Commission prior to 6 p.m. ET on April 20, 2007. Late applications will not be accepted. There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment.

79. Applications may generally be filed at any time beginning at noon ET on April 11, 2007, and the filing window will close prior to 6 p.m. ET on April 20, 2007. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for filing their applications. Applicants may update or amend their applications multiple times until the filing deadline on April 20, 2007.

80. Applicants must always click on the SUBMIT button on the Certify & Submit screen of the electronic form to successfully submit or modify their FCC Form 175. Any form that is not submitted will not be reviewed by the FCC. Additional information about accessing, completing, and viewing the FCC Form 175 is included in Attachment C of the *Auction No. 72 Procedures Public Notice.* FCC Auction Technical Support is available at (877) 480–3201, option nine; (202) 414–1250; or (202) 414–1255 (text telephone (TTY)); hours of service are Monday through Friday, from 8 a.m. to 6 p.m. E.T. In order to provide better service to the public, all calls to Technical Support are recorded.

C. Application Processing and Minor Corrections

81. After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (1) Those applications accepted for filing; (2) those applications rejected; and (3) those applications which have minor defects that may be corrected, and the deadline for resubmitting corrected applications.

82. After the April 20, 2007, short-form filing deadline, applicants may make only minor corrections to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.*, change their license selections, change control of the applicant, change certifying official, or change their size to claim eligibility for a higher bidding credit).

D. Upfront Payments—Due May 21, 2007

83. In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). After completing the FCC Form 175, filers will have access to an electronic version of the FCC Form 159 that can be printed and sent by facsimile to Mellon Bank in Pittsburgh, PA. All upfront payments must be received in the proper account at Mellon Bank by 6 p.m. ET on May 21, 2007.

i. Making Auction Payments by Wire Transfer

84. Wire transfer payments must be received by 6 p.m. ET on May 21, 2007. *No other payment method is acceptable* for this auction. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline.

85. At least one hour before placing the order for the wire transfer (but on the same business day), applicants must send by facsimile a completed FCC Form 159 (Revised 2/03) to Mellon Bank at (412) 209–6045. On the cover sheet of the facsimile, write Wire Transfer—Auction Payment for Auction No. 72. In order to meet the Commission's upfront payment deadline, an applicant's payment must be credited to the Commission's account before the deadline. Applicants are responsible for obtaining confirmation from their financial institution that Mellon Bank has timely received their upfront payment and deposited it in the proper account.

86. Please note that: (1) All payments must be made in U.S. dollars; (2) all payments must be made by wire transfer; (3) upfront payments for Auction No. 72 go to a lockbox number different from the lockboxes used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments; and (4) failure to deliver the upfront payment as instructed by the May 21, 2007, deadline, will result in dismissal of the application and disqualification from participation in the auction.

ii. FCC Form 159

87. A completed FCC Remittance Advice Form (FCC Form 159, Revised 2/03) must be sent by facsimile to Mellon Bank to accompany each upfront payment. Proper completion of FCC Form 159 (Revised 2/03) is critical to ensuring correct crediting of upfront payments. Detailed instructions for completion of FCC Form 159 are included in Attachment D of the *Auction No. 72 Procedures Public Notice.* An electronic pre-filled version of the FCC Form 159 is available after submitting the FCC Form 175. Payors using a pre-filled FCC Form 159 are responsible for ensuring that all of the information on the form, including payment amounts, is accurate. The FCC Form 159 can be completed electronically, but must be filed with Mellon Bank via facsimile.

iii. Upfront Payments and Bidding Eligibility

88. In the *Auction No. 72 Comment Public Notice,* the Bureau proposed that the amount of the upfront payment would determine a bidder's initial bidding eligibility, the maximum number of bidding units on which a bidder may place bids. In order to bid on a license, otherwise qualified bidders that selected that license on Form 175 must have a current eligibility level that meets or exceeds the number of bidding units assigned to that license. At a minimum, therefore, an applicant's total upfront payment must be enough to establish eligibility to bid on at least one of the licenses selected on its Form 175, or else the applicant will not be eligible to participate in the auction. An applicant does not have to make an upfront payment to cover all licenses the applicant selected on its Form 175, but rather to cover the maximum number of bidding units that are associated with licenses on which the bidder wishes to place bids and hold provisionally winning bids at any given time.

89. In the Auction *No. 72 Comment Public Notice,* the Bureau proposed to calculate upfront payments for Auction No. 72 on a license-by-license basis using the following formulas:

EA Licenses: $500 per license.
EAG License: $0.01 * 0.15 MHz * License Area Population.

The Bureau set forth the specific upfront payments and bidding units for each license in Attachment A of the *Auction No. 72 Comment Public Notice* and sought comment on this proposal. The Bureau received no comments in response to the proposed upfront payments. The specific upfront payments and bidding units for each license are set forth in Attachment A of the *Auction No. 72 Procedures Public Notice.*

90. Applicants must make upfront payments sufficient to obtain bidding eligibility on the licenses on which they will bid.

91. In calculating its upfront payment amount, an applicant should determine the maximum number of bidding units on which it may wish to be active (bid on or hold provisionally winning bids on) in any single round, and submit an upfront payment amount covering that number of bidding units. In order to make this calculation, an applicant should add together the upfront payments for all licenses on which it seeks to be active in any given round. Applicants should check their calculations carefully, as there is no provision for increasing a bidder's eligibility after the upfront payment deadline.

92. Former defaulters should calculate their upfront payment for all licenses by multiplying the number of bidding units on which they wish to be active by 1.5. In order to calculate the number of bidding units to assign to former defaulters, the Commission will divide the upfront payment received by 1.5 and round the result up to the nearest bidding unit.

iv. Applicant's Wire Transfer Information for Purposes of Refunds of Upfront Payments

93. To ensure that refunds of upfront payments are processed in an expeditious manner, the Commission is requesting that all pertinent information be supplied to the FCC. All refunds will be returned to the payer of record as identified on the FCC Form 159 unless the payer submits written authorization instructing otherwise.

E. Auction Registration

94. Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and have timely submitted upfront payments sufficient to make them eligible to bid.

95. All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by overnight mail. The mailing will be sent only to the contact person at the contact

address listed in the FCC Form 175 and will include the SecurID® tokens that will be required to place bids, the Integrated Spectrum Auction System (ISAS) Bidder's Guide, and the Auction Bidder Line phone number.

96. Qualified bidders that do not receive this registration mailing will not be able to submit bids. Therefore, any qualified bidder that has not received this mailing by noon on Thursday, June 14, 2007, should call (717) 338–2868. Receipt of this registration mailing is critical to participating in the auction, and each applicant is responsible for ensuring it has received all of the registration material.

97. In the event that SecurID® tokens are lost or damaged, only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-form application may request replacement registration material.

F. Remote Electronic Bidding

98. The Commission will conduct this auction over the Internet, and telephonic bidding will be available as well. Qualified bidders are permitted to bid electronically and telephonically. Each applicant should indicate its bidding preference—electronic or telephonic—on the FCC Form 175. In either case, each authorized bidder must have its own SecurID® token, which the FCC will provide at no charge. Each applicant with one authorized bidder will be issued two SecurID® tokens, while applicants with two or three authorized bidders will be issued three tokens. For security purposes, the SecurID® tokens, the telephonic bidding telephone number, and the Integrated Spectrum Auction System (ISAS) Bidder's Guide are only mailed to the contact person at the contact address listed on the FCC Form 175.

G. Mock Auction—June 18, 2007

99. All qualified bidders will be eligible to participate in a mock auction on Monday, June 18, 2007. The mock auction will enable applicants to become familiar with the FCC Auction System prior to the auction. Participation by all bidders is strongly recommended. Details will be announced by public notice.

IV. Auction Event

100. The first round of bidding for Auction No. 72 will begin on Wednesday, June 20, 2007. The initial bidding schedule will be announced in a public notice listing the qualified bidders, which is to be released approximately 10 days before the start of the auction.

A. Auction Structure

i. Simultaneous Multiple Round Auction

101. In the *Auction No. 72 Comment Public Notice,* the Bureau proposed to auction all Phase II 220 MHz Service licenses in a single auction using the Commission's standard simultaneous multiple-round (SMR) auction format. This type of auction offers every license for bid at the same time and consists of successive bidding rounds in which eligible bidders may place bids on individual licenses. A bidder may bid on, and potentially win, any number of licenses. Typically, bidding remains open on all licenses until bidding stops on every license, unless a modified stopping rule is invoked.

102. The Bureau also sought comment on using a simultaneous multiple-round with package bidding (SMR–PB) format for Auction No. 72. The Bureau does not believe that a package bidding format would significantly enhance the ability of bidders to create efficient aggregations of licenses in Auction No. 72. Therefore, the Bureau will not use an SMR–PB format for Auction No. 72.

103. The Bureau concludes that the Bureau's standard SMR auction format will meet the needs of bidders in Auction No. 72, and the Bureau adopts the proposal to use a simultaneous multiple-round auction format without package bidding. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction until bidding stops on every license. This approach, the Bureau believes, allows bidders to take advantage of synergies that exist among licenses.

ii. Information Available to Bidders Before and During the Auction

104. In the *Auction No. 72 Comment Public Notice,* the Bureau sought comment on whether to implement procedures that prior to and during the auction would limit the disclosure of information on bidder interests and identities. The Bureau received no comments on this issue.

105. For Auction No. 72, the Bureau will use limited information procedures if it appears likely that the competitiveness of the auction will be low, and if the Bureau believes that limited information procedures will be effective in making anti-competitive behavior less likely to be successful. Alternatively, if the Bureau determines that the auction is likely to be sufficiently competitive, and therefore, that the risk of successful collusion is low, the Bureau will not implement procedures that would limit the disclosure of information on bidder interests and identities before the close of bidding.

106. Specifically, the Bureau will estimate the likely level of competition in the auction by considering the eligibility ratio, defined as the total number of bidding units of eligibility purchased by bidders through their upfront payments divided by the total number of bidding units for the licenses in the auction. If the eligibility ratio equals or exceeds three, the Bureau will not use limited information procedures. If the eligibility ratio is less than three, in general the Bureau will withhold certain information on bidder interests and bidder identities prior to and during the auction.

107. However, if the eligibility ratio is less than three, the Bureau reserves the discretion not to use limited information procedures if circumstances indicate that limited information procedures would not be an effective tool for deterring anti-competitive behavior. For example, if only two applicants become qualified to participate in the bidding, limited information procedures would be ineffective in preventing bidders from knowing the identity of the competing bidder and, therefore, limited information procedures would not serve to deter attempts at signaling and retaliatory bidding behavior. The Bureau anticipates announcing the information disclosure procedures to be used at or about the time that the Bureau releases a public notice announcing the applicants that are qualified to participate in the bidding.

108. If the Commission determines that limited information procedures will be used, it will make available prior to the auction the total eligibility level for the auction as well as the eligibility of each bidder but will not identify bidders' license selections. After each round of bidding, the amounts of each bid placed will be made available, but not the identities of the bidders. This information will give bidders an indication of demand for the licenses, so that bidders and their investors will be able to assess whether their bids are likely to be consistent with the valuations of other bidders, allowing them to bid more confidently. In addition, after each round bidders logged in to the FCC Auction System will be able to see whether their own bids are provisionally winning.

109. *Other Issues.* The Bureau does not believe that the information disclosure procedures established for this auction will interfere with the administration of or compliance with the Commission's anti-collusion rule. Section 1.2105(c)(1) of the

Commission's rules provides that after the short-form application filing deadline, all applicants for licenses in any of the same geographic license areas are prohibited from disclosing to each other in any manner the substance of bids or bidding strategies until after the down payment deadline, subject to specified exceptions. When limited information procedures are not in effect for a particular auction, each applicant's selection of licenses has been publicly available through the Commission's on-line short-form application database. In Auction No. 72, however, the Commission will not disclose information regarding license selection at least until the upfront payment deadline has passed and the Commission determines the information disclosure procedures to be used for the auction. As in the past, the Commission will disclose the other portions of applicants' short-form applications, through its on-line database and certain application-based information through public notices. Thus, even without information regarding license selection, applicants would be able to comply with § 1.2105(c) by not disclosing bids or bidding strategies to any other applicants in the auction. This approach, however, could inhibit otherwise lawful communications with applicants for licenses in other geographic license areas, which the Commission's rule permits. Consequently, the Bureau will notify separately each applicant with short-form applications to participate in a pending auction whether applicants in Auction No. 72 have applied for licenses in any of the same geographic areas as that applicant. Specifically, after the Bureau conducts its initial review of applications to participate in Auction No. 72, each applicant with a pending short-form application will receive a letter that lists the applicants in Auction No. 72 that have applied for licenses in any of the same geographic areas as the applicant. The list will identify the Auction No. 72 applicant(s) by name but will not list the license selections of the Auction No. 72 applicant(s). As in past auctions, additional information regarding applicants in Auction No. 72 that is needed to comply with § 1.2105(c), e.g., the identities of controlling interest in the applicant and ownership interests greater than ten percent, will be available through the publicly accessible on-line short-form application database.

iii. Eligibility and Activity Rules

110. In the *Auction No. 72 Comment Public Notice,* the Bureau proposed that the amount of the upfront payment submitted by a bidder would determine the initial (maximum) eligibility (as measured in bidding units) for each bidder. The Bureau received no comments on this issue.

111. The Commission will use upfront payments to determine initial (maximum) eligibility (as measured in bidding units) for Auction No. 72. The amount of the upfront payment submitted by a bidder determines initial bidding eligibility, the maximum number of bidding units on which a bidder may be active. As noted earlier, each license is assigned a specific number of bidding units listed in Attachment A of the *Auction No. 72 Procedures Public Notice.* Bidding units for a given license do not change as prices rise during the auction. A bidder's upfront payment is not attributed to specific licenses. Rather, a bidder may place bids on any of the licenses selected on its FCC Form 175 as long as the total number of bidding units associated with those licenses does not exceed its current eligibility. Eligibility cannot be increased during the auction; it can only remain the same or decrease. Thus, in calculating its upfront payment amount, an applicant must determine the maximum number of bidding units it may wish to bid on or hold provisionally winning bids on in any single round, and submit an upfront payment amount covering that total number of bidding units. The total upfront payment does not affect the total dollar amount a bidder may bid on any given license.

112. In order to ensure that an auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. Bidders are required to be active on a specific percentage of their current bidding eligibility during each round of the auction.

113. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. A bidder is considered active on a license in the current round if it is either the provisionally winning bidder at the end of the previous bidding round and does not withdraw the provisionally winning bid in the current round, or if it submits a bid in the current round. The minimum required activity is expressed as a percentage of the bidder's current eligibility, and increases by stage as the auction progresses. Because these procedures have proven successful in maintaining the pace of previous auctions, the Commission adopts them for Auction No. 72. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place bids in the auction.

iv. Auction Stages

114. In the *Auction No. 72 Comment Public Notice,* the Bureau proposed to conduct the auction in two stages and employ an activity rule. The Bureau further proposed that, in each round of Stage One, a bidder desiring to maintain its current bidding eligibility would be required to be active on licenses representing at least 80 percent of its current bidding eligibility. Finally, the Bureau proposed that in each round of Stage Two, a bidder desiring to maintain its current bidding eligibility would be required to be active on at least 95 percent of its current bidding eligibility. The Bureau received no comments on this proposal.

115. The Commission adopts the Bureau's proposals for the activity rules and stages. The Bureau reserves the discretion to further alter the activity percentages before and/or during the auction.

116. *Stage One:* During the first stage of the auction, a bidder desiring to maintain its current bidding eligibility will be required to be active on licenses representing at least 80 percent of its current bidding eligibility in each bidding round. Failure to maintain the required activity level will result in the use of an activity rule waiver or, if the bidder has no activity rule waivers remaining, a reduction in the bidder's bidding eligibility in the next round. During Stage One, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by five-fourths ($5/4$).

117. *Stage Two:* During the second stage of the auction, a bidder desiring to maintain its current bidding eligibility is required to be active on 95 percent of its current bidding eligibility. Failure to maintain the required activity level will result in the use of an activity rule waiver or, if the bidder has no activity rule waivers remaining, a reduction in the bidder's bidding eligibility in the next round. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the bidder's current round activity (the sum of bidding units of the bidder's provisionally winning bids and bids during the current round) by twenty-nineteenths ($20/19$).

118. CAUTION: Since activity requirements increase in Stage Two, bidders must carefully check their activity during the first round following a stage transition to ensure that they are meeting the increased activity requirement. This is especially critical for bidders that have provisionally winning bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not re-verify their activity status at stage transitions. Bidders may check their activity against the required activity level by logging into the FCC Auction System.

119. Because the foregoing procedures have proven successful in maintaining the proper pace in previous auctions, the Bureau adopts them for Auction No. 72.

v. Stage Transitions

120. In the *Auction No. 72 Comment Public Notice,* the Bureau proposed that the auction would generally advance to the next stage (*i.e.*, from Stage One to Stage Two) when the auction activity level, as measured by the percentage of bidding units receiving new provisionally winning bids, is approximately 20 percent or lower for three consecutive rounds of bidding. The Bureau further proposed that the Bureau would retain the discretion to change stages unilaterally by announcement during the auction. This determination, the Bureau proposed, would be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. The Bureau received no comments on this issue.

121. The Bureau adopts this proposal. Thus, the auction will start in Stage One and will generally advance to Stage Two when, in each of three consecutive rounds of bidding, the provisionally winning bids have been placed on 20 percent or less of the licenses being auctioned (as measured in bidding units). In addition, the Bureau will retain the discretion to regulate the pace of the auction by announcement. This determination will be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. The Bureau believes that these stage transition rules, having proven successful in prior auctions, are appropriate for use in Auction No. 72.

vi. Activity Rule Waivers

122. In the *Auction No. 72 Comment Public Notice,* the Bureau proposed that each bidder in the auction be provided with three activity rule waivers. The Bureau received no comments on this issue. Therefore, the Bureau adopts the proposal that each bidder be provided three activity rule waivers. The Bureau is satisfied that providing three waivers over the course of the auction will give bidders a sufficient number of waivers and flexibility, while also safeguarding the integrity of the auction.

123. Bidders may use an activity rule waiver in any round during the course of the auction. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum activity level. An activity rule waiver applies to an entire round of bidding and not to a particular license. Activity rule waivers can be either applied proactively by the bidder (a proactive waiver) or applied automatically by the FCC Auction System (an automatic waiver) and are principally a mechanism for auction participants to avoid the loss of bidding eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

124. The FCC Auction System assumes that bidders with insufficient activity would prefer to apply an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round where a bidder's activity level is below the minimum required unless: (1) There are no activity rule waivers available; or (2) the bidder overrides the automatic application of a waiver by reducing eligibility. If a bidder has no waivers remaining and does not satisfy the activity requirement, the FCC Auction System will permanently reduce the bidder's eligibility, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction.

125. A bidder with insufficient activity that wants to reduce its bidding eligibility rather than use an activity rule waiver must affirmatively override the automatic waiver mechanism during the bidding round by using the reduce eligibility function in the FCC Auction System. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility even if the round has not yet closed.

126. Finally, a bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity waiver (using the apply waiver function in the FCC Auction System) during a bidding round in which no bids are placed or withdrawn, the auction will remain open and the bidder's eligibility will be preserved. However, an automatic waiver applied by the FCC Auction System in a round in which there are no new bids, withdrawals, or proactive waivers will not keep the auction open. A bidder cannot submit a proactive waiver after submitting a bid in a round, and submitting a proactive waiver will preclude a bidder from placing any bids in that round. Note: Applying a waiver is irreversible; once a proactive waiver is submitted that waiver cannot be unsubmitted, even if the round has not yet closed.

vii. Auction Stopping Rules

127. For Auction No. 72, the Bureau proposed to employ a simultaneous stopping rule approach. A simultaneous stopping rule means that all licenses remain available for bidding until bidding closes simultaneously on all licenses. More specifically, bidding will close simultaneously on all licenses after the first round in which no bidder submits any new bids, applies a proactive waiver, or withdraws any provisionally winning bids.

128. The Bureau also sought comment on a modified version of the simultaneous stopping rule (modified stopping rule). The modified stopping rule would close the auction for all licenses after the first round in which no bidder applies a proactive waiver, withdraws a provisionally winning bid, or places any new bids on any license on which it is not the provisionally winning bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule.

129. The Bureau further proposed retaining the discretion to keep the auction open even if no bidder places any new bids, applies a proactive waiver, or withdraws any provisionally winning bids in a round. In this event, the effect will be the same as if a bidder had applied a waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either use an activity rule waiver (if it has any left) or lose bidding eligibility.

130. In addition, the Bureau proposed that the Bureau reserve the right to declare that the auction will end after a specified number of additional rounds (special stopping rule). If the Bureau invokes this special stopping rule, it will accept bids in the specified final round(s) and the auction will close.

131. The Bureau proposed to exercise these options only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity or where it appears likely that the auction will not close within a reasonable period of time. The Bureau noted that before exercising these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or changing the minimum acceptable bids.

132. The Bureau believes that the proposed stopping rules are appropriate for Auction No. 72 because our experience in prior auctions demonstrates that these stopping rules balance interests of administrative efficiency and maximum bidder participation. The Bureau received no comments concerning the auction stopping rules. Therefore the Bureau adopts the proposals made in the *Auction No. 72 Comment Public Notice*. Auction No. 72 will begin under the simultaneous stopping rule approach, and the Bureau will retain the discretion to employ the other versions of the stopping rule. Moreover, the Bureau will retain the discretion to use the modified stopping rule with or without prior announcement during the auction.

viii. Auction Delay, Suspension, or Cancellation

133. In the *Auction No. 72 Comment Public Notice,* the Bureau proposed that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. The Bureau received no comment on this issue.

134. Because the Bureau's approach to notification of delay during an auction has proven effective in resolving exigent circumstances in previous auctions, the Bureau adopts the Bureau's proposed rules regarding auction delay, suspension, or cancellation. By public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. The Bureau emphasizes that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers.

B. Bidding Procedures

i. Round Structure

135. The initial schedule of bidding rounds will be announced in the public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction. Each bidding round is followed by the release of round results. Multiple bidding rounds may be conducted in a given day. Details regarding round results formats and locations will also be included in the qualified bidders public notice.

136. The Bureau has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds, the amount of time between rounds, or the number of rounds per day, depending upon bidding activity and other factors.

ii. Reserve Price and Minimum Opening Bids

137. Section 309(j) of the Communications Act of 1934, as amended, calls upon the Commission to prescribe methods by which a reasonable reserve price will be required or a minimum opening bid established when applications for FCC licenses are subject to auction (*i.e.*, because they are mutually exclusive), unless the Commission determines that a reserve price or minimum opening bid is not in the public interest. Consistent with this mandate, the Commission directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction. Among other factors, the Bureau must consider the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, the extent of interference with other spectrum bands, and any other relevant factors that could have an impact on the spectrum being auctioned. The Commission concluded that the Bureau should have the discretion to employ either or both of these mechanisms for future auctions.

138. The Bureau proposed in the *Auction No. 72 Comment Public Notice* to establish minimum opening bids for each license, while retaining discretion to lower the minimum opening bids. Specifically, for Auction No. 72, the Bureau proposed the following formulas for calculating license-by-license minimum opening bids:

EA Licenses: $500 per license.
EAG License: $0.01 * 0.15 MHz * License Area Population.

139. The Bureau sought comment on this proposal and, in the alternative, whether, consistent with the Section 309(j), the public interest would be served by having no minimum opening bids. A commenter filed comments in which it sought a reduction in the minimum opening bids by 50 percent. The commenter argues that lowering minimum opening bids will increase the likelihood that these licenses will be sold at auction. The commenter notes that the auction will make available spectrum that licensees will seek to aggregate in order to satisfy a particular viable market opportunity. The commenter also contends that the licenses being offered in Auction No. 72 have low market value, and asserts that it does not know of market indications of higher values, or developments in the near term that would cause higher values.

140. The Bureau continues to believe that the minimum opening bid amounts proposed in the *Auction No. 72 Comment Public Notice* are appropriate. The proposed minimum opening bid amounts better enable the Commission to meet the statutory objective of recovering for the public a portion of the value of the spectrum resource made available for commercial use. Moreover, the Bureau observed in the *Auction No. 72 Comment Public Notice* that the proposed minimum opening bid of $500 will not impede any party willing and able to offer wireless service to the public. The commenter offers little support for its contention that the licenses being offered have low market value.

141. The Bureau believes that the minimum opening bids for this auction are reasonable. Accordingly, the Bureau will adopt the proposed minimum opening bid amounts and set the

minimum opening bids using the proposed formulas.

142. The Commission did not receive any comments addressing its proposal that the Bureau retain the discretion to reduce minimum opening bid amounts. The Bureau adopts this proposal. The minimum opening bid amounts the Bureau adopts for Auction No. 72 are reducible at the discretion of the Bureau. The Bureau emphasizes, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.*, before bidders lose all activity waivers. During the course of the auction, the Bureau will not entertain requests to reduce the minimum opening bid amount on specific licenses. The Bureau notes that effectively the minimum opening bids operate as reserve prices.

143. The specific minimum opening bid amounts for each license available in Auction No. 72 calculated pursuant to the procedure are set forth in Attachment A of the *Auction No. 72 Procedures Public Notice*.

iii. Bid Amounts

144. In the *Auction No. 72 Comment Public Notice,* the Bureau proposed that in each round, eligible bidders be able to place a bid on a given license in any of nine different amounts. Under the proposal, the FCC Auction System interface will list the acceptable bid amounts for each license. The Bureau received no comment on this issue. Based on the Bureau's experience in prior auctions, the Bureau adopts its proposals for Auction No. 72.

145. The first of the acceptable bid amounts is called the minimum acceptable bid amount. The minimum acceptable bid amount for a license will be equal to its minimum opening bid amount until there is a provisionally winning bid for the license. After there is a provisionally winning bid for a license, the minimum acceptable bid amount for that license will be equal to the amount of the provisionally winning bid plus a percentage of that bid amount calculated using the formula. In general, the percentage will be higher for a license receiving many bids than for a license receiving few bids. In the case of a license for which the provisionally winning bid has been withdrawn, the minimum acceptable bid amount will equal the second highest bid received for the license.

146. The percentage of the provisionally winning bid used to establish the minimum acceptable bid amount (the additional percentage) is calculated at the end of each round, based on an activity index which is a weighted average of the number of bids in that round and the activity index from the prior round. Specifically, the activity index is equal to a weighting factor times the number of bids on the license in the most recent bidding round plus one minus the weighting factor times the activity index from the prior round. The additional percentage is determined as one plus the activity index times a minimum percentage amount, with the result not to exceed a given maximum. The additional percentage is then multiplied by the provisionally winning bid amount to obtain the minimum acceptable bid for the next round. The Commission will initially set the weighting factor at 0.5, the minimum percentage at 0.1 (10%), and the maximum percentage at 0.2 (20%). Hence, at these initial settings, the minimum acceptable bid for a license will be between 10% and 20% higher than the provisionally winning bid, depending upon the bidding activity for the license. Equations and examples are shown in Attachment E of the *Auction No. 72 Procedures Public Notice.*

147. The additional bid amounts are calculated using the minimum acceptable bid amount and a bid increment percentage. The first additional acceptable bid amount equals the minimum acceptable bid amount times one plus the bid increment percentage, rounded. If, for example, the bid increment percentage is ten percent, the calculation is (minimum acceptable bid amount) * (1 + 0.1), rounded, or (minimum acceptable bid amount) * 1.1, rounded; the second additional acceptable bid amount equals the minimum acceptable bid amount times one plus two times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.2, rounded; the third additional acceptable bid amount equals the minimum acceptable bid amount times one plus three times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.3, rounded; etc. The Bureau will round the results of these calculations, as well as the calculations to determine the minimum acceptable bid amounts, using our standard rounding procedures. For Auction No. 72, the Bureau proposed to use a bid increment percentage of ten percent to calculate the additional acceptable bid amounts. The Bureau received no comment on this issue and will begin the auction with a bid increment percentage of ten percent and eight additional bid amounts.

148. The Bureau did not receive any comments on its proposal. The Bureau retains the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid formula parameters, the bid increment percentage, and the number of acceptable bid amounts if it determines that circumstances so dictate. The Bureau will do so by announcement in the FCC Auction System during the auction if circumstances warrant.

iv. Provisionally Winning Bids

149. At the end of each bidding round, a provisionally winning bid will be determined based on the highest bid amount received for each license. A provisionally winning bid will remain the provisionally winning bid until there is a higher bid on the same license at the close of a subsequent round. Provisionally winning bids at the end of the auction become the winning bids. Bidders are reminded that provisionally winning bids count toward activity for purposes of the activity rule.

150. In the *Auction No. 72 Comment Public Notice*, the Bureau proposed to use a random number generator to select a single provisionally winning bid in the event of identical high bid amounts being submitted on a license in a given round (*i.e.*, tied bids). No comments were received on this proposal. Therefore, the Bureau adopts its proposal. A pseudo-random number generator based on the L'Ecuyer algorithms will be used to assign a random number to each bid. The tied bid with the highest random number wins the tiebreaker, and becomes the provisionally winning bid. The remaining eligible bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. However, if the auction were to end with no other bids being placed, the winning bidder would be the one that placed the selected provisionally winning bid.

151. During a round, a bidder may submit bids for as many licenses as it wishes (providing that it is eligible to bid), withdraw provisionally winning bids from previous rounds, remove bids placed in the current bidding round, or permanently reduce eligibility. Bidders also have the option of submitting and removing multiple bids and withdrawing multiple provisionally winning bids during a round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round. Bidders should note that the bidding units associated with licenses for which the bidder has removed or withdrawn its bid do not count towards the bidder's current activity.

152. All bidding will take place remotely either through the FCC

Auction System or by telephonic bidding. There will be no on-site bidding during Auction No. 72. Note that telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. The length of a call to place a telephonic bid may vary; please allow a minimum of ten minutes.

153. A bidder's ability to bid on specific licenses is determined by two factors: (1) The licenses selected on the bidder's FCC Form 175 and (2) the bidder's eligibility. The bid submission screens will allow bidders to submit bids on only those licenses the bidder selected on its FCC Form 175.

154. In order to access the bidding function of the FCC Auction System, bidders must be logged in during the bidding round using the passcode generated by the SecurID® token and a personal identification number (PIN) created by the bidder. Bidders are strongly encouraged to print a round summary for each round after they have completed all of their activity for that round.

155. In each round, eligible bidders will be able to place bids on a given license in any of nine different amounts. For each license, the FCC Auction System will list the nine acceptable bid amounts in a drop-down box. Bidders use the drop-down box to select from among the acceptable bid amounts. The FCC Auction System also includes an upload function that allows bidders to upload text files containing bid information.

156. Until a bid has been placed on a license, the minimum acceptable bid amount for that license will be equal to its minimum opening bid amount. Once there are bids on a license, minimum acceptable bids for a license will be determined.

157. Finally, bidders are cautioned to select their bid amounts carefully because, as explained below, bidders that withdraw a provisionally winning bid from a previous round, even if the bid was mistakenly or erroneously made, are subject to bid withdrawal payments.

v. Bid Removal and Bid Withdrawal

158. In the *Auction No. 72 Comment Public Notice*, the Commission proposed bid removal and bid withdrawal procedures. With respect to bid withdrawals, the Commission proposed limiting each bidder to withdrawals in no more than two rounds during the course of the auction. The round in which withdrawals are used would be at each bidder's discretion. The Bureau received no comments on this issue. In previous auctions, the Bureau has detected bidder conduct that, arguably, may have constituted anti-competitive behavior through the use of bid withdrawals. While the Bureau continues to recognize the important role that bid withdrawals may play in an auction, *i.e.*, reducing risk associated with efforts to secure various licenses in combination, the Bureau concludes that, for Auction No. 72, adoption of a limit on the use of withdrawals to two rounds per bidder is appropriate. By doing so the Bureau strikes a reasonable compromise that will allow bidders to use withdrawals. The Bureau based its decision on its experience with bid withdrawals in prior auctions, including PCS D, E and F block, 800 MHz SMR, and other auctions. The Bureau will therefore limit the number of rounds in which bidders may place withdrawals to two rounds, as previously proposed.

159. *Procedures.* Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the remove bids function in the FCC Auction System, a bidder may effectively unsubmit any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed, *i.e.*, a bid that is removed does not count toward bidding activity. These procedures will enhance bidder flexibility during the auction, and therefore the Bureau adopts them for Auction No. 72.

160. Once a round closes, a bidder may no longer remove a bid. However, in later rounds, a bidder may withdraw provisionally winning bids from previous rounds using the withdraw bids function in the FCC Auction System (assuming that the bidder has not already withdrawn bids in two previous rounds). A provisionally winning bidder that withdraws its provisionally winning bid from a previous round during the auction is subject to the bid withdrawal payments specified in 47 CFR .2104(g). Note: Once a withdrawal is submitted during a round, that withdrawal cannot be unsubmitted even if the round has not yet ended.

161. The rounds in which a bidder may withdraw its bids will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals during the auction will be subject to the bid withdrawal payments specified in § 1.2104(g). Bidders should note that evidence of abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market.

162. If a provisionally winning bid is withdrawn, the minimum acceptable bid amount will equal the amount of the second highest bid received for the license, which may be less than, or in the case of tied bids, equal to, the amount of the withdrawn bid. To set the additional bid amounts, the second highest bid amount also will be used in place of the provisionally winning bid in the formula used to calculate additional bid amounts. The Commission will serve as a place holder provisionally winning bidder on the license until a new bid is submitted on that license.

163. *Calculation of Bid Withdrawal Payment.* Generally, the Commission imposes payments on bidders that withdraw high bids during the course of an auction. If a bidder withdraws its bid and there is no higher bid in the same or subsequent auction(s), the bidder that withdrew its bid is responsible for the difference between its withdrawn bid and the provisionally winning bid in the same or subsequent auction(s). In the case of multiple bid withdrawals on a single license, within the same or subsequent auctions(s), the payment for each bid withdrawal will be calculated based on the sequence of bid withdrawals and the amounts withdrawn. No withdrawal payment will be assessed for a withdrawn bid if either the subsequent winning bid or any subsequent intervening withdrawn bid, in either the same or subsequent auctions(s), equals or exceeds that withdrawn bid. Thus, a bidder that withdraws a bid will not be responsible for any withdrawal payments if there is a subsequent higher bid in the same or subsequent auction(s). This policy allows bidders most efficiently to allocate their resources as well as to evaluate their bidding strategies and business plans during an auction while, at the same time, maintaining the integrity of the auction process. The Bureau retains the discretion to scrutinize multiple bid withdrawals on a single license for evidence of anti-competitive strategic behavior and take appropriate action when deemed necessary.

164. Section 1.2104(g)(1) of the rules sets forth the payment obligations of a bidder that withdraws a high bid on a license during the course of an auction, and provides for the assessment of interim bid withdrawal payments. In the *Auction No. 72 Comment Public Notice*, the Bureau proposed to establish the percentage at ten percent (10%) for the

Phase II 220 MHz Service auction and sought comment on the proposal.

165. The Bureau received no comments on this issue and adopts its proposal. The Commission will assess an interim withdrawal payment equal to ten percent (10%) of the amount of the withdrawn bids. The ten percent (10%) interim payment will be applied toward any final bid withdrawal payment that will be assessed after subsequent auction of the license. Assessing an interim bid withdrawal payment ensures that the Commission receives a minimal withdrawal payment pending assessment of any final withdrawal payment. Section 1.2104(g) provides specific examples showing application of the bid withdrawal payment rule.

vi. Round Results

166. If limited information procedures described above are in effect, limited information about the results of a round will be made public after the conclusion of the round. Specifically, after a round closes, the Bureau will make available for each license, its current provisionally winning bid amount, the minimum acceptable bid amount for the following round, the amounts of all bids placed on the license during the round, and whether the license is FCC held. The reports will be publicly accessible. Moreover, after the auction, the Bureau will make available complete reports of all bids placed during each round of the auction, including bidder identities.

167. If, however, limited information procedures are not used, more information will be provided after each round in the auction. Bids placed during a round, including bidder identities, will be made public at the conclusion of that round. Specifically, after a round closes, the Bureau will compile reports of all bids placed and which bidders made them, current provisionally winning bids, new minimum acceptable bid amounts, and bidder eligibility status (bidding eligibility and activity rule waivers) and will post the reports for public access.

vii. Auction Announcements

168. The Commission will use auction announcements to announce items such as schedule changes and stage transitions. All auction announcements will be available by clicking a link in the FCC Auction System.

V. Post-Auction Procedures

A. Down Payments

169. After bidding has ended, the Commission will issue a public notice declaring the auction closed and identifying winning bidders, down payments and final payments due.

170. Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission for Auction No. 72 to 20 percent of the net amount of its winning bids (gross bids less any applicable small business or very small business bidding credits).

B. Final Payments

171. Each winning bidder will be required to submit the balance of the net amount of its winning bids within 10 business days after the deadline for submitting down payments.

C. Long-Form Application (FCC Form 601)

172. Within ten business days after release of the auction closing notice, winning bidders must electronically submit a properly completed long-form application (FCC Form 601) for each license won through Auction No. 72. Winning bidders that are small businesses or very small businesses must demonstrate their eligibility for a small business or very small business bidding credit. Further filing instructions will be provided to auction winners at the close of the auction.

173. The *CSEA/Part 1 Report and Order* modifies the procedure by which a consortium that is a winning bidder in Auction No. 72 will apply for a license. In particular, (a) each member or group of members of a winning consortium seeking separate licenses will be required to file a separate long-form application for its respective license(s) and, in the case of a license to be partitioned or disaggregated, the member or group filing the applicable long-form application shall provide the parties' partitioning or disaggregation agreement in its long-form application; (b) two or more consortium members seeking to be licensed together shall first form a legal business entity; and (c) any such entity must meet the applicable eligibility requirements in our rules for small business status. Applicants applying as consortia should review the *CSEA/Part 1 Report and Order* in detail and monitor any relevant future proceedings to understand how the members of the consortia will apply for a license in the event they are winning bidders.

D. Ownership Disclosure Information Report (FCC Form 602)

174. At the time it submits its long-form application (FCC Form 601), each winning bidder also must comply with the ownership reporting requirements as set forth in §§ 1.913, 1.919, and 1.2112 of the Commission's rules. Further instructions will be provided to winning bidders at the close of the auction.

E. Tribal Lands Bidding Credit

175. A winning bidder that intends to use its license(s) to deploy facilities and provide services to federally recognized tribal lands that are unserved by any telecommunications carrier or that have a wireline penetration rate equal to or below 85 percent is eligible to receive a tribal lands bidding credit as set forth in 47 CFR 1.2107 and 1.2110(f). A tribal land bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

176. Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the tribal lands bidding credit after winning the auction when it files its long-form application (FCC Form 601). When initially filing the long-form application, the winning bidder will be required to advise the Commission whether it intends to seek a tribal lands bidding credit, for each license won in the auction, by checking the designated box(es). After stating its intent to seek a tribal lands bidding credit, the applicant will have 180 days from the close of the long-form filing window to amend its application to select the specific tribal lands to be served and provide the required tribal government certifications. Licensees receiving a tribal lands bidding credit are subject to performance criteria as set forth in § 1.2110(f)(3)(vi).

177. For additional information on the tribal lands bidding credit, including how the amount of the credit is calculated, applicants should review the Commission's rule making proceeding regarding tribal lands bidding credits and related public notices.

F. Default and Disqualification

178. Any winning bidder that defaults or is disqualified after the close of the auction (*i.e.*, fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in § 1.2104(g)(2). The payments include both a deficiency payment, equal to the difference between the amount of the bidder's bid and the amount of the winning bid the next time a license covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever

is less. Pursuant to recent modifications to the rule governing default payments, the percentage of the applicable bid to be assessed as an additional payment for defaults in a particular auction is established in advance of the auction. Accordingly, in the *Auction No. 72 Comment Public Notice*, the Bureau proposed to set the additional default payment for the auction of Phase II 220 MHz Service licenses at ten percent of the applicable bid. The Bureau sought comment on its proposal and no comments were received on this issue. The Bureau therefore adopts its proposal and sets the additional default payment for the auction of Phase II 220 MHz spectrum licenses at ten percent of the applicable bid.

179. Finally, the Bureau notes that in the event of a default, the Commission may re-auction the license or offer it to the next highest bidder (in descending order) at its final bid amount. In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant.

G. Refund of Remaining Upfront Payment Balance

180. All applicants that submit upfront payments but after the close of the auction are not winning bidders for a license in Auction No. 72 may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. All refunds will be returned to the payer of record, as identified on the FCC Form 159, unless the payer submits written authorization instructing otherwise.

181. Bidders that drop out of the auction completely may be eligible for a refund of their upfront payments before the close of the auction.

182. Following the close of the auction, the Commission may refund upfront monies on deposit that exceed the required total payments owned by the winning bidders. Such refunds will be made to the payer of record as identified on the FCC Form 159, provided the necessary refund request and wire transfer instructions have been received.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. E7–5639 Filed 3–27–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of agreements are available through the Commission's Office of Agreements (202–523–5793 or *tradeanalysis@fmc.gov*).

Agreement No.: 011324–019.

Title: Transpacific Space Utilization Agreement.

Parties: American President Lines Ltd./APL Co. Pte Ltd.; Evergreen Marine Corporation; Hanjin Shipping Co., Ltd.; Hapag-Lloyd AG; Hyundai Merchant Marine Co., Ltd.; Kawasaki Kisen Kaisha Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Orient Overseas Container Line Limited; Westwood Shipping Lines; and Yangming Marine Transport Corp.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment would delete Evergreen Marine Corporation and add Evergreen Line Joint Service Agreement, FMC No. 011982, as a party.

Agreement No.: 011325–038.

Title: Westbound Transpacific Stabilization Agreement.

Parties: American President Lines, Ltd./APL Co. Pte Ltd.; COSCO Container Lines Company Limited; COSCO Container Lines (Hong Kong) Co., Limited; Evergreen Marine Corporation (Taiwan), Ltd.; Hanjin Shipping Co., Ltd.; Hapag-Lloyd AG; Hyundai Merchant Marine Co. Ltd.; Kawasaki Kisen Kaisha, Ltd.; Nippon Yusen Kaisha Line; Orient Overseas Container Line Limited; and Yangming Marine Transport Corp.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell, LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment would delete Evergreen Marine Corporation (Taiwan) Ltd. and add Evergreen Line Joint Service Agreement, FMC No. 011982, as a party. It would also delete COSCO Container Lines (Hong Kong) Co., Limited and the accompanying note and add COSCO Container Lines Company Limited.

Agreement No.: 011353–033.

Title: The Credit Agreement.

Parties: APL Co. PTE Ltd.; A.P. Moller-Maersk A/S; Caribbean General Maritime, Ltd.; Crowley Liner Services, Inc.; Dole Ocean Cargo Express; Evergreen Marine Corporation (Taiwan) Ltd.; King Ocean Services de Venezuela/King Ocean Services Limited; Seaboard Marine of Florida, Inc.; and Seaboard Marine Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment updates A.P. Moller-Maersk A/S' trade name. It also would delete Evergreen Marine Corporation (Taiwan) Ltd. and add Evergreen Line Joint Service Agreement, FMC Agreement No. 011982, as a party.

Agreement No.: 011409–015.

Title: Transpacific Carrier Services Inc. Agreement.

Parties: American President Lines, Ltd./APL Co. Pte Ltd.; CMA CGM, S.A.; China Shipping Container Lines Co., Ltd.; COSCO Container Lines Co., Ltd.; Evergreen Marine Corporation; Hanjin Shipping Co., Ltd.; Hapag-Lloyd AG; Hyundai Merchant Marine Co., Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha, Ltd.; Orient Overseas Container Line Limited; and Yang Ming Marine Transport Corp.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment would delete Evergreen Marine Corporation and add Evergreen Line Joint Service Agreement, FMC No. 011982, as a party. It would also delete COSCO Container Lines (Hong Kong) Co., Limited and the accompanying note.

Agreement No.: 011679–008.

Title: ASF/SERC Agreement.

Parties: American President Lines, Ltd./APL Co. Pte Ltd.; ANL Singapore Pte Ltd.; China Shipping (Group) Company/China Shipping Container Lines, Co. Ltd.; COSCO Container Lines Company, Ltd.; COSCO Container Lines (Hong Kong) Co., Limited; Evergreen Marine Corp. (Taiwan) Ltd.; Hanjin Shipping Co., Ltd.; Hyundai Merchant Marine Co., Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Orient Overseas Container Line Ltd.; Sinotrans Container Lines Co., Ltd.; Wan Hai Lines Ltd.; and Yang Ming Marine Transport Corp.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment would delete Evergreen Marine Corp. (Taiwan) Ltd. and add Evergreen Line Joint Service Agreement, FMC Agreement No. 011982, as a party. It would also delete COSCO Container Lines (Hong Kong) Co., Limited and the accompanying note.

Agreement No.: 011870–004.

Title: Indian Subcontinent Discussion Agreement.

Parties: CMA CGM S.A.; Emirates Shipping Line FZE; Evergreen Marine Corp. (Taiwan) Ltd.; Hapag-Lloyd AG; MacAndrews & Company Limited; Nippon Yusen Kaisha; Shipping Corporation of India; United Arab Shipping Company (S.A.G.); and Zim Integrated Shipping Services, Ltd.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The amendment would delete Evergreen Marine Corp. (Taiwan) Ltd. and add Evergreen Line Joint Service Agreement, FMC No. 011982, as a party.

Agreement No.: 011991.

Title: CSAV/NYK Chile Space Charter Agreement.

Parties: Compania Sud Americana de Vapores S.A. and Nippon Yusen Kaisha.

Filing Party: Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

Synopsis: The agreement authorizes CSAV to charter space to NYK for the carriage of motor vehicles on car carriers from Newark, NJ, to ports in Chile.

Dated: March 23, 2007.

By Order of the Federal Maritime Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E7–5683 Filed 3–27–07; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Revocations

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. chapter 409) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515, effective on the corresponding date shown below:

License Number: 002357F.
Name: AAA Freight Forwarding Company, Inc.
Address: P.O. Box 399, Millbrae, CA 94030–0399.
Date Revoke: December 28, 2006.
Reason: Surrendered license voluntarily.

License Number: 008657N.
Name: AACCO.
Address: 841 Pioneer Avenue, Wilmington, CA 90744.
Date Revoke: February 25, 2007.
Reason: Failed to maintain a valid bond.

License Number: 003244F.
Name: Condor Overseas, Inc.
Address: P.O. Box 527405, Miami, FL 33152–7405.
Date Revoke: February 20, 2007.
Reason: Surrendered license voluntarily.

License Number: 018248N.
Name: ECAC, Incorporated.
Address: 1350 Ralph Avenue, Brooklyn, NY 11236.
Date Revoke: February 28, 2007.
Reason: Failed to maintain a valid bond.

License Number: 018368F.
Name: Fox Freight Forwarders, Inc.
Address: 5313 Collins Avenue, Suite 606, Miami, FL 33140.
Date Revoke: February 20, 2007.
Reason: Surrendered license voluntarily.

License Number: 007638N.
Name: Harbour-Link International, Inc.
Address: 11788 W. Sample Road, Suite 105, Coral Springs, FL 33065.
Date Revoke: February 20, 2007.
Reason: Surrendered license voluntarily.

License Number: 003937NF.
Name: International Transportation Experts Limited.
Address: 1801–H Crossbeam Dr., Charlotte, NC 28217.
Date Revoke: March 15, 2007.
Reason: Surrendered license voluntarily.

License Number: 020035NF.
Name: Latek Logistics USA Inc.
Address: One Cross Island Plaza, Ste. 229C, Rosedale, NY 11422.
Date Revoke: March 3, 2007.
Reason: Failed to maintain valid bonds.

License Number: 018483N.
Name: Laufer Air, Inc.
Address: 20 Vesey Street, Ste. 601, New York, NY 10007–2913.
Date Revoke: January 3, 2007.
Reason: Surrendered license voluntarily.

License Number: 003735F.
Name: Macro Trans Corporation.
Address: 7 Dey Street, Suite 1003, New York, NY 10007.
Date Revoke: February 20, 2007.
Reason: Surrendered license voluntarily.

License Number: 003950F.
Name: Ocean-5 Express Line, Inc.
Address: 520 E. Carson Plaza Court, Ste. 206, Carson, CA 90746.
Date Revoke: March 3, 2007.
Reason: Filed to maintain a valid bond.

License Number: 004445NF.
Name: Pacific Shipping Company.
Address: P.O. Box 94271, Seattle, WA 98124.
Date Revoke: December 26, 2006.
Reason: Surrendered license voluntarily.

License Number: 004589NF.
Name: Project Logistics International, Inc.
Address: 10251 S. Glasgow Place, Los Angeles, CA 90045.
Date Revoke: March 6, 2007.
Reason: Surrendered license voluntarily.

License Number: 018112N.
Name: Seamair Global Logistics, Inc.
Address: 2153 NW. 79th Avenue, Miami, FL 33122.
Date Revoke: March 4, 2007.
Reason: Failed to maintain a valid bond.

License Number: 018123F.
Name: Susie Gonzalez, Inc. dba F.R.I.E.N.D.S. Cargo Int'l.
Address: 8367 NW. 74th Street, Miami, FL 33166.
Date Revoke: March 2, 2007.
Reason: Failed to maintain a valid bond.

License Number: 015346N.
Name: United Cargo Service Inc.
Address: 182–09 149th Road, 2nd Floor, Jamaica, NY 11413.
Date Revoke: March 4, 2007.
Reason: Failed to maintain a valid bond.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. E7–5686 Filed 3–27–07; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel—Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR part 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

Non-Vessel—Operating Common Carrier Ocean Transportation Intermediary Applicants

Continental Services & Carrier, Inc., 5579 NW 72 Avenue, Miami, FL

33166. *Officers:* Rodolfo Luciani, Vice President (Qualifying Individual), Mirtha Lopez, Director.

Transco Shipping Corporation, 18–05 215th Street, Suite PHD, Bayside, NY 11360. *Officer:* Lihuang Liu, President (Qualifying Individual).

GET ONE LATER, Inc. dba Omega Shipping West, 4379 Sheila Street, Los Angeles, CA 90023. *Officers:* Katherine Munoz, Secretary (Qualifying Individual), Greg Terrell, President.

Olympia Logistics & Services, Inc., 6304 NW 97th Avenue, Miami, FL 33178. *Officers:* Huseyin Hakan Sayin, President (Qualifying Individual), Ali Dartar, Vice President.

KBL Container Line, Inc., 547 Adams Avenue, Elizabeth, NJ 07201. *Officers:* Elizabeth Reyes Rijo, President (Qualifying Individual), Epimenio Moris, Vice President.

Corafisa Lines Inc., 2710 Tanya Terrace, Jacksonville, FL 32223. *Officers:* Abraham Torres, President (Qualifying Individual), Jose Leandro Reano, Vice President.

US Global Logistics, 540 S. Catalina Street, Suite 209, Los Angeles, CA 90020, Kevin Jung, Sole Proprietor.

International Cargo Consolidators, Corp., 10049 NW 89 Avenue, Bay 3, Medley, FL 33178. *Officer:* Maria T. Olivero, President (Qualifying Individual).

OXY Cargo Corporation, 5525 Northwest 74 Avenue, Suite 628, Miami, FL 33166. *Officer:* Carlos Arenas, President (Qualifying Individual).

Ilocandia Express Cargo, Inc., 1806 N. Taft Avenue, Los Angeles, CA 90028. *Officers:* Rey Dumandan, Vice President, (Qualifying Individual), Alfred D. Jamorabon, President.

Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants

Boudreau Fine Art Services LLC, 3 Coronet Avenue, Lincroft, NJ 07738. *Officer:* Gloria M. Valderrama-Boudreau, President, (Qualifying Individual).

PDF Logistics, Inc., 7878 NW. 46th Street, Miami, FL 33166. *Officers:* Paolo Dal Farra, President (Qualifying Individual), Rossana Dal Farra, Vice President.

THOR Global Logistics, LLC, 8401 FM 3464 Bldg. 2, Laredo, TX 78045. *Officers:* Rahul Oltikar, Vice President Sales (Qualifying Individual), Juan Arturo Menchaca, President.

Four Point USA, Inc., 6307 NW 99th Avenue, Doral, FL 33178. *Officers:* Oscar Alvarez, Director (Qualifying Individual), Maria Gabriela de Alvarez, Director.

Matson Global Distribution Services, Inc., 1855 Gateway Blvd., Suite 250, Concord, CA 94520. *Officers:* Steven T. Rubin, Vice President (Qualifying Individual), Robert Papworth, President.

Mill Wright LLC, 475 Division Street, Elizabeth, NJ 07201. *Officers:* Nelson Torna, President (Qualifying Individual), John Segledi, Vice President.

Euroworld Transport System America, Inc., 735 N. Water Street, Suite 936, Milwaukee, WI 53202. *Officer:* Amy Kay Champion, Vice President (Qualifying Individual).

Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants

Raices Express Inc. dba Raices Express, 3521 NW 8th Avenue, Suite #1, Pompano Beach, FL 33064. *Officers:* Rafael I. Santos, Director (Qualifying Individual), Idelsa A. Santos, Secretary.

Sunshine Shipping, 7802 Westminster Blvd., Westminster, CA 92683, Duc Hein Pham, Sole Proprietor.

Cargo Unlimited Worldwide LLC, dba Cargo Unlimited Worldwide, 3350 Sports Arena Blvd., Suite K, San Diego, CA 92110. *Officers:* Sharon K. Evans-Plotke, Vice Pres. Of Sales (Qualifying Individual), Kimberly Kobey Pratto, President.

Relogistix, Inc., 20803 Blossom Landing Way, Potomac Falls, VA 20165. *Officer:* Steven John Tattum, President (Qualifying Individual).

Dated: March 23, 2007.

Bryant L. VanBrakle,

Secretary.

[FR Doc. E7–5688 Filed 3–27–07; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL MARITIME COMMISSION

Ocean Transportation Intermediary License Reissuances

Notice is hereby given that the following Ocean Transportation Intermediary licenses have been reissued by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. Chapter 409), and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, 46 CFR part 515.

License No.	Name/address	Date reissued
019846N	Gunhill Shipping & Receiving Headquarters, Inc., 1444 E. Gunhill Road, Bronx, NY 10469.	January 10, 2007.
003950N	Ocean-5 Express Line, Inc., 520 E. Carson Plaza Court, Suite 206 Carson, CA 90746.	March 3, 2007.

Sandra L. Kusumoto,

Director, Bureau of Certification and Licensing.

[FR Doc. E7–5685 Filed 3–27–07; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise

noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 2007.

A. Federal Reserve Bank of Atlanta (Andre Anderson, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. CNLBancshares, Inc., Orlando, Florida; to acquire 100 percent of CNLBank, Southwest Florida, Bonita Springs, Florida (in organization).

2. First IC Financial Corp., Doraville, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of First Intercontinental Bank, Doraville, Georgia.

3. Gateway Financial Holdings of Florida, Inc., Ormond Beach, Florida; to acquire 100 percent of the voting shares of Gateway Bank of Central Florida, Ocala, Florida (in organization).

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. First Bank Lubbock Bancshares, Inc., Lubbock, Texas and Outsource Delaware Capital Group, Inc., Dover, Delaware; to merge with Wilson Bancshares, Inc., and thereby indirectly acquire Wilson State Bank, both of Wilson, Texas.

Board of Governors of the Federal Reserve System, March 23, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–5652 Filed 3–27–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission (''FTC'' or ''Commission'').

ACTION: Notice.

SUMMARY: The information collection requirements described below will be submitted to the Office of Management and Budget (''OMB'') for review, as required by the Paperwork Reduction Act (''PRA''). The FTC is seeking public comments on its proposal to extend through April 30, 2010 the current PRA clearance for information collection requirements contained in its Free Annual File Disclosures Rule (''Rule''). That clearance expires on April 30, 2007.

DATES: Comments must be filed by April 27, 2007.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''Free Annual File Disclosures Rule: FTC Matter No. P054816,'' to facilitate the organization of comments. A comment filed in paper form should include this reference both in the text and on the envelope and should be mailed or delivered, with two complete copies, to the following address: Federal Trade Commission, Room H–135 (Annex J), 600 Pennsylvania Ave., NW., Washington, DC 20580. Because paper mail in the Washington area and at the Commission is subject to delay, please consider submitting your comments in electronic form, as prescribed below. However, if the comment contains any material for which confidential treatment is requested, it must be filed in paper form, and the first page of the document must be clearly labeled ''Confidential.'' [1]

Comments filed in electronic form should be submitted by following the instructions on the Web-based form at *https://secure.commentworks.com/freereports.* To ensure that the Commission considers an electronic comment, you must file it on that web-based form. If this notice appears at *www.regulations.gov,* you may also file an electronic comment through that Web site. The Commission will consider all comments that regulations.gov forwards to it.

All comments should additionally be submitted to: Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission. Comments should be submitted via facsimile to (202) 395–6974 because U.S. Postal Mail is subject to lengthy delays due to heightened security precautions.

The FTC Act and other laws the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. All timely and responsive public comments will be considered by the Commission and will be available to the public on the FTC Web site, to the extent practicable, at *http://www.ftc.gov.* As a matter of discretion, the FTC makes every effort to remove home contact information for individuals from the public comments it receives before placing those comments on the FTC Web site. More information, including routine uses permitted by the Privacy Act, may be found in the FTC's privacy policy at *http://www.ftc.gov/ftc/privacy.htm.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be addressed to Sandra Farrington, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW., NJ–3158, Washington, DC 20580, (202) 326–2252.

SUPPLEMENTARY INFORMATION: On December 29, 2006, the FTC sought comment on the information collection requirements associated with the Rule, 16 CFR Parts 610 and 698 (Control Number: 3084–0128). See 71 FR 78438. No comments were received. Pursuant to the OMB regulations, 5 CFR Part 1320, that implement the PRA, 44 U.S.C. 3501–3520, the FTC is providing this second opportunity for public comment while seeking OMB approval to extend the existing paperwork clearance for the Rule. All comments should be filed as prescribed in the **ADDRESSES** section above, and must be received on or before April 27, 2007.

The Rule was promulgated pursuant to the Free and Accurate Credit Transactions Act of 2003 (''FACT Act''), Pub. L. 108–159 (Dec. 4, 2003), and the Fair Credit Reporting Act (''FCRA''), 16 U.S.C. 1681 *et seq.* As mandated by the FACT Act, the Rule requires nationwide consumer reporting agencies and nationwide consumer specialty reporting agencies to provide to consumers, upon request, one free file disclosure within any 12-month period.

Generally, the Rule requires the nationwide consumer reporting agencies, as defined in Section 603(p) of the FCRA, 15 U.S.C. 1681a(p), to create and operate a centralized source that provides consumers with the ability to request their free annual file disclosures from each of the nationwide consumer reporting agencies through a centralized Internet Web site, toll-free telephone number, and postal address. The Rule also requires the nationwide consumer reporting agencies to establish a standardized form for Internet and mail requests for annual file disclosures, and provides a model standardized form that may be used to comply with that requirement.

The Rule also requires nationwide specialty consumer reporting agencies, as defined in Section 603(w) of the

[1] Commission Rule 4.2(d), 16 CFR 4.2(d). The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. *See* Commission Rule 4.9(c), 16 CFR 4.9(c).

FCRA, 15 U.S.C. 1681a(w), to establish a streamlined process for consumers to request annual file disclosures. This streamlined process must include a toll-free telephone number for consumers to make such requests.

Burden Statement

Estimated total annual hours burden: 311,000 hours (rounded to the nearest thousand).

In its 2004 PRA-related **Federal Register** Notices [2] and corresponding submission to OMB, FTC staff estimated that consumer reporting agencies would receive an average of 16.6 million new annual file disclosure requests per year during the three-year period from May 1, 2004 through April 30, 2007.[3] Estimated average annual disclosure burden for those three years was approximately 199,000 hours.[4]

No provisions in the Rule have been amended since staff's prior submission to OMB. However, the Consumer Data Industry Association recently stated that since December 1, 2004, the nationwide consumer reporting agencies have provided over 52 million free annual file disclosures through the centralized Internet Web site, toll-free telephone number, and postal address required to be established by the FACT Act and the Rule.[5] Applying this data, staff estimates that the average annual disclosure burden for the three-year period for which the Commission seeks OMB clearance is approximately 311,000 hours, as detailed below, and that the nationwide and the nationwide specialty consumer reporting agencies will receive 26.69 million requests per year from consumers for free annual file disclosures.[6]

Annual File Disclosures Provided Through the Internet

Both nationwide and nationwide specialty consumer reporting agencies will likely handle the overwhelming majority of consumer requests through internet Web sites.[7] The annual file disclosure requests processed through the internet will not impose any hours burden per request on the nationwide and nationwide specialty consumer reporting agencies, even though there will be some periodically recurring time and investment required to adjust the internet capacity needed to handle the new changing request volume. Consumer reporting agencies likely will make such adjustments by negotiating or renegotiating outsourcing service contracts annually or as conditions change. Negotiating and renegotiating such contracts requires the time of trained personnel. Staff estimates that negotiating such contracts will require a cumulative total of 8,320 hours and $425,318 in setup and/or maintenance costs.[8] Such activity is treated as an annual burden of maintaining and adjusting the changing Internet capacity requirements.

Annual File Disclosures Requested Over the Telephone

Most of the telephone requests for annual file disclosures will also be handled in an automated fashion, without any additional personnel needed to process the requests. As with the internet, additional time and investment will be needed to increase and administer the automated telephone capacity for the expected increase in request volume. The nationwide and nationwide specialty consumer reporting agencies will likely make such adjustments by negotiating or renegotiating outsourcing service contracts annually or as conditions change. Staff estimates that this will require a total of 6,240 hours at a cost of $301,205 in setup and/or maintenance costs.[9] This also is treated as an annual recurring burden necessary to obtain, maintain, and adjust automated call center capacity.

A small percentage of those consumers who telephone the centralized source or the nationwide speciality consumer reporting agencies will not have telephone equipment compatible with an automated system and may need to be processed by a live operator.[10] Based on their knowledge of the industry, staff estimates that each of these requests will take 5 minutes to process, for a total of 5,334 additional hours of operator time. [(64,008 × 5 minutes)/60 minutes = 5,334 hours]

Annual File Disclosures that Require Processing by Mail

Based on their knowledge of the industry, staff believes that no more than 1% of consumers (1% × 26.69 million, or 266,900) will request an annual file disclosure through U.S. postal service mail. Staff estimates that 10 minutes per request is required to handle these requests, thereby totaling 44,483 hours of time by clerical personnel. [(266,900 × 10 minutes)/60 minutes = 44,483 hours]

In addition, whenever the requesting consumer cannot be identified using an automated method (a Web site or automated telephone service), it will be necessary to redirect that consumer to send identifying material along with the request by mail. Staff estimates that this will occur in about 5% of the new requests (or 1,321,155) that were originally placed over the internet or telephone. Staff estimates that inputting and processing those redirected requests will consume approximately 10 minutes apiece at a cumulative total of 220,193

[2] 69 FR 13192 (Mar. 19, 2004); 69 FR 35468 (Jun. 24, 2004).

[3] Staff predicted that nationwide consumer reporting agencies and nationwide specialty consumer reporting agencies would receive 19.9 million new annual file disclosure requests per year. However, the nationwide and nationwide specialty consumer reporting agencies were not required to provide annual file disclosures under the Rule until December 2004, 6 months after the Rule was published. On that basis, staff predicted there would be 9.45 million new requests for annual file disclosures for the first year of the clearance (19.9 million/2). Thus, staff projected that consumer reporting agencies would receive an average of 16.6 million new requests per year during the requested clearance period. [(9.45 million + 19.9 million + 19.9 million)/3 = 16.6 million]

[4] This total included estimated time to increase call center and internet capacity to handle heightened request volume, alternate use of live operators in limited instances, and processing mail requests.

[5] Letter from Stuart K. Pratt, President & CEO, Consumer Data Industry Association, to Rep. Barney Frank, Committee on Financial Services, U.S. House of Representatives (Dec. 1, 2006).

[6] This figure annualizes the Consumer Data Industry Association's estimate of 52 million new requests for the two-year period from December 1, 2004 to December 1, 2006 and revises it upward over the next three years based on population growth projections issued by the U.S. Census Bureau. See U.S. Census Bureau Interim Projections by Age, Sex, Race, and Hispanic Origin, available at *http://www.census.gov/ipc/www/usinterimproj/.*

[7] According to a HarrisInteractive poll, the percentage of households that have access to the Internet is currently over 60% and increasing. *See* The Harris Poll #8, February 5, 2003, available at *http://www.harrisinteractive.com/harris_poll/index.asp?PID=356.* In addition, internet users are probably more likely to request an annual file disclosure. Accordingly, staff estimates that annually, 75% of the 26.69 million new requests (or approximately 20 million) will be made online.

[8] Based on the time necessary for similar activity in the federal government (including at the FTC), staff estimates that such contracting and administration will require approximately 4 full-time equivalent employees (''FTE'') for the Web service contract. Thus, staff estimates that administering the contract will require 4 FTE, which is 8,320 hours per year (4 FTE × 2080 hrs/yr). The cost is based on the reported Bureau of Labor Statistics (BLS) rate ($48.03) for computer programmers for 2005 (most recently available BLS data) multiplied by 6.426% (approximate wage inflation for 2005 and 2006 based on the BLS Employment Cost Index), resulting in a wage of $51.12 per hour. Thus, the estimated setup and maintenance cost for an internet system is $425,318 per year (8,320 hours × $51.12/hour).

[9] Staff estimates that recurrent contracting for automated telephone capacity will require approximately 3 FTE, a total of 6,240 hours (3 × 2,080 hours). Applying a wage rate of $48.27 based on the 2005 BLS rate for marketing managers ($45.36/hr), the estimate for setup and maintenance cost is $301,205 (6,240 × $48.27) per year.

[10] Based on their knowledge of the industry, staff estimates that consumers will submit 24% (6.4 million) of the average 26.69 million new requests for annual file disclosures by telephone. Of those, an estimated 1% (or 64,056) will not have telephone equipment compatible with an automated system and may need to be serviced by live personnel.

clerical hours. [(1,321,155 × 10 minutes)/60 minutes = 220,193 hours]

Instructions to Consumers

The Rule also requires that certain instructions be provided to consumers. See Rule sections 610.2(b)(2)(iv)(A, B), 610.3(a)(2)(iii)(A, B). Minimal associated time or cost is involved, however. Internet instructions to consumers are embedded in the centralized source Web site and do not require additional time or cost for the nationwide consumer reporting agencies. Similarly, regarding telephone requests, the automated phone systems provide the requisite instructions when consumers select certain options. Some consumers who request their credit reports by mail may additionally request printed instructions from the nationwide and nationwide specialty consumer reporting agencies. Staff estimates that there will be a total of 1,588,055 requests each year for free annual file disclosures by mail.[11] Based on their knowledge of the industry, staff estimates that of the predicted 1,588,055 mail requests 10% (or 158,806) will request instructions by mail. If printed instructions are sent to each of these consumers by mail, requiring 10 minutes of clerical time per consumer, this will total 26,468 hours. [(158,806 instructions × 10 minutes)/60 minutes per hour]

Labor costs: $5.19 million.

Labor costs are derived by applying hourly cost figures to the burden hours described above. Accordingly, staff estimates that it will cost $70,195 to provide annual file disclosures for requests that require a telephone service representative (5,338 hours × $13.15 per hour).[12] The remaining processing of requests for annual file disclosures and instructions will be performed by clerical personnel, which will require 291,144 hours at a cost of $4,390,452. [(44,483 hours for handling initial mail request + 220,193 hours for handling requests redirected to mail + 26,468 hours for handling instructions mailed to consumers) × $15.08 per hour[13]] As elaborated on above, staff estimates that a total of 14,560 labor hours (8,320 internet contract hours + 6,240 telephone capacity contract hours) will be needed to obtain, maintain, and adjust the new capacity requirements for the automated telephone call center and the internet web services. This will result in approximately $726,523 per year in labor costs. [(8,320 hours × $51.12 per hour for automated phone service) + (6,240 hours × $48.27 per hour for Web services)[14]] Thus, staff estimates that all non-contract labor will cost $5.19 million each year.

Capital/other non-labor costs: $8.39 million.

Staff believes it is likely that the consumer reporting agencies will use third-party contractors (instead of their own employees) to increase the capacity of their systems. Because of the way these contracts are typically established, these costs will likely be incurred on a continuing basis, and will be calculated based on the number of requests handled by the systems. Staff estimates that the total annual amount to be paid for services delivered under these contracts is $8.39 million.[15]

Thus, combined, estimated annual labor and non-labor costs are approximately $13.58 million per year.[16]

William Blumenthal,

General Counsel.

[FR Doc. E7–5677 Filed 3–27–07; 8:45 am]

BILLING CODE 6750–01–P

[11] This figure includes both the estimated 1% of 26.69 million requests that will be made by mail each year (266,900), and the estimated 5% of the requests initially made over the internet or telephone that will be redirected to the mail process (5% of 99% of 26.69 million = 1,321,155).

[12] The 2005 BLS wage rate for telephone operators, $12.36, increased by 6.426% for compounded wage inflation, is $13.15.

[13] The 2005 BLS wage rate for employees in administrative support, clerical (level 4 of 9), $14.17, multiplied by 6.426% for compounded wage inflation, is $15.08.

[14] The 2005 BLS wage rate for top-level computer programmers, $48.03, multiplied by 6.426% for compounded wage inflation, is $51.12. The 2005 BLS wage rate for marketing managers, averaged overall, is $45.36; compounded for wage inflation at 6.426% it becomes $48.27.

[15] This consists of an estimated $7.69 million for automated telephone cost ($1.20 per request × 6.41 million requests) and an estimated $700,000 ($0.035 per request × 20 million requests) for internet web service cost. Per unit cost estimates are based on staff's knowledge of the industry.

[16] The consumer reporting industry is a multi-billion dollar market. As of 2002, it is estimated to have more than $4 billion dollars in sales of file disclosures. One study indicates that the nationwide consumer reporting agencies had approximately $1.2 billion in earnings in 2002. See Michael Turner, Daniel Balis, Joseph Duncan, and Robin Varghese, ''Free Consumer Credit Reports: At What Cost? The Economic Impact of a Free Credit Report Law to the National Credit Reporting Infrastructure,'' Washington, DC: Information Policy Institute, September, 2003. Thus, the total labor and non-labor cost burden estimate of $13.57 million represents a small percentage—approximately 1% of the overall market ($13.57 million divided by $1.2 billion). This comparison is conservative, as it does not include the earnings of the nationwide specialty consumer reporting agencies.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Secretary's Advisory Committee on Genetics, Health, and Society

AGENCY: Office of the Secretary, HHS.

SUMMARY: The Secretary's Advisory Committee on Genetics, Health, and Society (SACGHS) is requesting public comment on a draft report to the Secretary of Health and Human Services (HHS) on pharmacogenomics. A copy of the draft report is available electronically at *http://www4.od.nih.gov/oba/sacghs/public_comments.htm*. A copy also may be obtained by e-mailing Ms. Suzanne Goodwin at *goodwins@od.nih.gov* or calling 301–496–9838.

DATES: In order for public comments to be considered by SACGHS in finalizing its report to the Secretary, comments should be submitted by June 1, 2007.

ADDRESSES: Public comments on the draft report should be addressed to Reed V. Tuckson, MD, SACGHS Chair, and transmitted via an e-mail to Ms. Goodwin at *goodwins@od.nih.gov*. Comments also may be mailed to SACGHS, Office of Biotechnology Activities, National Institutes of Health, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, or faxed to 301–496–9839.

FOR FURTHER INFORMATION CONTACT: Suzanne Goodwin, NIH Office of Biotechnology Activities, 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, 301–496–9838, *goodwins@od.nih.gov*.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) established SACGHS to explore, analyze, and deliberate on the broad range of policy needs associated with the scientific, clinical, public health, ethical, economic, legal, and social issues raised by the development, use, and potential misuse of genetic and genomic technologies and make recommendations to the Secretary of HHS and other entities as appropriate. More information about the Committee is available at *http://www4.od.nih.gov/oba/sacghs.htm*.

One area currently being explored by SACGHS is pharmacogenomics. SACGHS identified the emerging field of pharmacogenomics as a high study priority because it holds significant promise for improving the productivity of the drug development pipeline, increasing the safety and effectiveness of drugs by reducing adverse reactions, and ultimately resulting in a more efficient use of drugs. The draft report describes these opportunities while also

identifying the challenges associated with pharmacogenomics product development and integration into clinical and public health practice. It presents information and recommendations in three major areas: (1) Issues associated with research and development; (2) ''gatekeepers,'' *i.e.*, those who have major roles in directing the course of pharmacogenomic technologies; and (3) implementation of pharmacogenomics to improve outcomes in clinical practice.

SACGHS is requesting comments on all aspects of the draft report and recommendations. In particular, the Committee would welcome feedback on the following questions:

- Are the discussions of topics and issues accurate and complete?
- Have any significant opportunities, challenges, or other issues been missed?
- Does the report adequately describe the range of perspectives on the issues discussed in the report?
- Are the draft recommendations specific enough?
- Are there other strategies for addressing the issues?
- Which draft recommendations should be of highest priority for the Federal Government to address?
- Appendix A of the report identifies major pharmacogenomics activities in the public and private sector. Are there other relevant initiatives that should be included in the list?

Comments received by June 1, 2007, will be considered by SACGHS in preparing the final report. The draft report and the public comments will be discussed at a future SACGHS meeting.

Comments also will available for public inspection at the Office of Biotechnology Activities, Monday through Friday, between the hours of 9 a.m. and 5 p.m.

Dated: March 22, 2007.

Elias A. Zerhouni,

Director, National Institutes of Health.

[FR Doc. 07–1532 Filed 3–26–07; 9:37 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 72 FR 4514, dated January 31, 2007) is amended to reflect the Order of Succession for the Centers for Disease Control and Prevention.

Section C–C, Order of Succession:

Delete in its entirety Section C–C, Order of Succession, and insert the following:

During the absence or disability of the Director, Centers for Disease Control and Prevention (CDC), or in the event of a vacancy in that office, the first official listed below who is available shall act as Director, except that during a planned period of absence, the Director may specify a different order of succession:

1. Chief Operating Officer, CDC.
2. Director, Coordinating Center for Infectious Diseases.
3. Director, Coordinating Center for Environmental Health and Injury Prevention.
4. Director, Office of Workforce and Career Development.

Dated: March 16, 2007.

William H. Gimson,

Chief Operating Officer, Centers for Disease Control and Prevention (CDC).

[FR Doc. 07–1486 Filed 3–27–07; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Public Comment on the Proposed Adoption of ANA Program Policies and Procedures; Correction

AGENCY: Administration for Native Americans (ANA)

ACTION: Notice.

SUMMARY: Pursuant to section 814 of the Native American Programs Act of 1974 (the Act) 42 U.S.C. 2992b–1, ANA herein describes its proposed interpretive rules, statements of general policy and rules of agency procedure or practice in relation to the Social and Economic Development Strategies (hereinafter referred to as SEDS), Native Language Preservation and Maintenance (hereinafter referred to as Native Language), Environmental Regulatory Enhancement (hereinafter referred to as Environmental), Environmental Mitigation (hereinafter referred to as Mitigation), Improving the Well-Being of Children—Native American Healthy Marriage Initiative (hereinafter referred to as Healthy Marriage) programs and any Special Initiatives. Under the statute, ANA is required to provide members of the public an opportunity to comment on proposed changes in interpretive rules, statements of general policy and rules of agency procedure or practice and to give notice of the final adoption of such changes at least thirty (30) days before the changes become effective. This Notice also provides additional information about ANA's plan for administering the programs.

On July 18, 2005, ANA published a Notice of Public Comment (NOPC) in the **Federal Register** (Vol. 70, No. 136) announcing an administrative policy change on the number of awards an eligible applicant could receive under the SEDS program, Catalog of Federal Domestic Assistance number 93.612. This change only affected the Healthy Marriage program. On November 21, 2006, ANA published the annual NOPC in the **Federal Register** (Vol. 71, No. 224), which did not include a necessary correction to the revised administrative policy published on July 18, 2005. On December 22, 2006, ANA published a third **Federal Register** notice (Vol. 71, No. 246) to clarify the revised administrative policy published on July 18, 2005, on the number of awards an eligible applicant could receive under the SEDS program, Catalog of Federal Domestic Assistance number 93.612. ANA received three responses to the December 22, 2006, NOPC clarification. After review and consideration of the comments received, ANA determined that the administrative policy originally published on July 18, 2005, required clarification and revision. This Notice clarifies the agency's intent and provides a definitive statement on the number of awards an eligible applicant can receive under the Catalog of Federal Domestic Assistance number 93.612.

FOR FURTHER INFORMATION CONTACT: Sheila K. Cooper, Director of Program Operations, toll-free at (877) 922–9262.

Additional Information: The following statement corrects previous notices:

VI. ANA Administrative Policy Change

In the July 18, 2005, **Federal Register** (Vol. 70, No. 136), ANA made an administrative policy change that eligible applicants applying for funding under ANA's healthy marriage special initiative under Catalog of Federal Domestic Assistance number 93.612, would not be held to the long-standing ANA policy: ''An applicant can have only one active Social and Economic Development Strategies (SEDS) grant operating at any given time.''

On December 22, 2006, ANA published notice that ANA was clarifying its policy pertaining to

funding under the SEDS program. The **Federal Register** notice (Vol. 71, No. 246) stated that ANA was ''reinforcing the policy that applicants may submit only one application for SEDS or one application for NAHMI but not for both.'' Three public comments were received in response to the notice. All of the comments stated that Native communities experience tremendous needs and Tribes and Native Organizations plan and target their requests for financial assistance, and requested that ANA allow multiple awards under Catalog of Federal Domestic Assistance number 93.612. After review and further consideration of the comments, an analysis of the annual requests for funding, which far exceed the funding amount available, and review of the award distribution among applicants for ANA funding, it is necessary that ANA issue this Notice applying to the Healthy Marriage program ANA's long-standing policy that applicants may only receive one award at any one time under Catalog of Federal Domestic Assistance number 93.612. Therefore, applicants may submit only one application for project funding under the SEDS program or one application for project funding under NAHMI, but not for both.

Dated: February 26, 2007.

Sheila Cooper,

Director of the Division of Program Operations, Administration for Native Americans.

[FR Doc. E7–5630 Filed 3–27–07; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

State Median Income Estimate for a Four-Person Family: Notice of the Federal Fiscal Year (FFY) 2008 State Median Income Estimates for Use Under the Low Income Home Energy Assistance Program (LIHEAP), Administered by the U.S. Department of Health and Human Services (HHS), Administration for Children and Families, Office of Community Services, Division of Energy Assistance

AGENCY: Administration for Children and Families, Office of Community Services, Division of Energy Assistance, HHS.

ACTION: Notice of estimated State median income estimates for FFY 2008.

SUMMARY: This notice announces the estimated median income for four-person families in each State and the District of Columbia for FFY 2008 (October 1, 2007 to September 30, 2008). LIHEAP grantees may adopt the State median income estimates beginning with the date of publication in the **Federal Register** or at a later date as discussed below. This enables LIHEAP grantees to choose to implement this notice during the period between the heating and cooling seasons. However, by October 1, 2007, or the beginning of a grantee's fiscal year, whichever is later, LIHEAP grantees using State median income estimates must adjust their income eligibility criteria to be in accord with the FFY 2008 State median income estimates.

This listing of estimated State median incomes provides one of the maximum income criteria that LIHEAP grantees may use in determining a household's income eligibility for LIHEAP.

DATES: *Effective Date:* The estimates are effective at any time between the date of this publication and October 1, 2007, or until the beginning of a LIHEAP grantee's fiscal year, whichever is later.

FOR FURTHER INFORMATION CONTACT: Peter Edelman, Office of Community Services, Division of Energy Assistance, 5th Floor West, 370 L'Enfant Promenade, SW., Washington, DC 20447, Telephone: (202) 401–5292, E-Mail: *peter.edelman@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the provisions of section 2603(11) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981, Public Law (PL) 97–35, as amended, HHS announces the estimated median income of a four-person family for each State, the District of Columbia, and the United States for FFY 2008 (October 1, 2007, through September 30, 2008).

Section 2605(b)(2)(B)(ii) of the LIHEAP statute provides that 60 percent of the median income for each State, as annually established by the Secretary of the Department of Health and Human Services, is one of the income criteria that LIHEAP grantees may use in determining a household's eligibility for LIHEAP.

LIHEAP is authorized through the end of FFY 2008 by the Energy Policy Act of 2005, PL 109–58, enacted on August 8, 2005.

Estimates of the median income for a four-person family for each State and the District of Columbia for FFY 2008 are produced by the Census Bureau of the U.S. Department of Commerce, using the most recently available income data. In previous years, model-based estimates of the median income for a four-person family used the following data sources: (1) The Current Population Survey's Annual Social and Economic Supplement File; (2) the 2000 Decennial Census of Population; and (3) per capita personal income estimates, by State, from the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce.

In preparing State-level, four-person family median income estimates for FFY 2008, the Census Bureau revised its methodology. The Census Bureau chose to use direct estimates derived from the American Community Survey (ACS) instead of using the model-based estimates. Generally, this change decreased, on average, State median income estimates by about 0.8 percent compared to the model-based estimates.

There are two key advantages in using the ACS over the previous methodology. First, as the Federal Government's largest current household survey (approximately 3 million addresses per year), the ACS is able to produce State-level estimates with very low sampling errors. Second, since it is possible to obtain reliable State income estimates directly from the ACS (as opposed to the previous methodology that used a model based on several data sources), ACS estimates will be available on a more timely basis. For example, the ACS 2005 State median income estimates were released by the Census Bureau in August 2006.

Information about the ACS is available at *http://www.census.gov/acs/www/*. For further information on the ACS State median income estimates, contact the Housing and Household Economic Statistics Division, at the Census Bureau (301) 763–3243.

A State-by-State listing of median income and 60 percent of median income for a four-person family for FFY 2008 follows. The listing describes the method for adjusting median income for families of different sizes as specified in regulations applicable to LIHEAP, at 45 CFR 96.85(b), published in the **Federal Register** on March 3, 1988 at 53 FR 6824.

Dated: March 21, 2007.

Yolanda Butler,

Deputy Director, Office of Community Services.

ESTIMATED STATE MEDIAN INCOME FOR A FOUR-PERSON FAMILY, BY STATE, FEDERAL FISCAL YEAR (FFY) 2008 [1]

States	Estimated State median income for a four-person family [2]	60 percent of estimated State median income for a four-person family
Alabama	$53,690	$32,214
Alaska	76,560	45,936
Arizona	61,102	36,661
Arkansas	52,217	31,330
California	70,712	42,427
Colorado	70,300	42,180
Connecticut	92,205	55,323
Delaware	76,288	45,773
District of Columbia	50,248	30,149
Florida	62,269	37,361
Georgia	64,427	38,656
Hawaii	79,240	47,544
Idaho	52,470	31,482
Illinois	72,368	43,421
Indiana	64,564	38,738
Iowa	65,575	39,345
Kansas	64,929	38,957
Kentucky	54,992	32,995
Louisiana	55,945	33,567
Maine	64,806	38,884
Maryland	89,608	53,765
Massachusetts	85,420	51,252
Michigan	71,542	42,925
Minnesota	77,395	46,437
Mississippi	47,726	28,636
Missouri	63,847	38,308
Montana	55,641	33,385
Nebraska	64,800	38,880
Nevada	61,777	37,066
New Hampshire	81,522	48,913
New Jersey	90,261	54,157
New Mexico	48,223	28,934
New York	72,170	43,302
North Carolina	59,481	35,689
North Dakota	59,926	35,956
Ohio	66,734	40,040
Oklahoma	53,138	31,883
Oregon	61,945	37,167
Pennsylvania	68,646	41,188
Rhode Island	78,297	46,978
South Carolina	57,932	34,759
South Dakota	61,309	36,785
Tennessee	56,874	34,124
Texas	57,511	34,507
Utah	57,999	34,799
Vermont	71,382	42,829
Virginia	77,430	46,458
Washington	72,103	43,262
West Virginia	52,292	31,375
Wisconsin	71,064	42,638
Wyoming	62,933	37,760

Note: FFY 2008 covers the period of October 1, 2007 through September 30, 2008. The estimated median income for a four-person family living in the United States is $67,019 for FFY 2008. The estimates are effective for the Low Income Home Energy Assistance Program (LIHEAP) at any time between the date of this publication and October 1, 2007, or by the beginning of a LIHEAP grantee's fiscal year, whichever is later.

[1] In accordance with 45 CFR 96.85, each State's estimated median income for a four-person family is multiplied by the following percentages to adjust for family size for LIHEAP: 52 percent for one person, 68 percent for two persons, 84 percent for three persons, 100 percent for four persons, 116 percent for five persons, and 132 percent for six persons. For each additional family member above six persons, add 3 percentage points to the percentage for a six-person family (132 percent), and multiply the new percentage by the State's estimated median income for a four-person family.

[2] Prepared by the Census Bureau from the 2005 American Community Survey. For further information, contact the Housing and Household Economic Statistics Division at the Census Bureau (301–763–3243).

[FR Doc. E7–5631 Filed 3–27–07; 8:45 am]
BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0091]

Agency Information Collection Activities; Proposed Collection; Comment Request; Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions in the guidance document entitled ''Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition.''

DATES: Submit written or electronic comments on the collection of information by May 29, 2007.

ADDRESSES: Submit electronic comments on the collection of information to: http://www.fda.gov/dockets/ecomments. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition (OMB Control Number 0910–0541)—Extension

As an integral part of its decisionmaking process, FDA is obligated under the National Environmental Policy Act of 1969 (NEPA) to consider the environmental impact of its actions, including allowing notifications for food contact substances to become effective and approving food additive petitions, color additive petitions, GRAS affirmation petitions, requests for exemption from regulation as a food additive, and actions on certain food labeling citizen petitions, nutrient content claims petitions, and health claims petitions. In 1997, FDA amended its regulations in part 25 (21 CFR part 25) to provide for categorical exclusions for additional classes of actions that do not individually or cumulatively have a significant effect on the human environment (62 FR 40570, July 29, 1997). As a result of that rulemaking, FDA no longer routinely requires submission of information about the manufacturing and production of FDA-regulated articles. FDA also has eliminated the previously required Environmental Assessment (EA) and abbreviated EA formats from the amended regulations. Instead, FDA has provided guidance that contains sample formats to help industry submit a claim of categorical exclusion or an EA to CFSAN. The guidance document entitled ''Preparing a Claim of Categorical Exclusion or an Environmental Assessment for Submission to the Center for Food Safety and Applied Nutrition'' identifies, interprets, and clarifies existing requirements imposed by statute and regulation, consistent with the Council on Environmental Quality regulations (40 CFR 1507.3). It consists of recommendations that do not themselves create requirements; rather, they are explanatory guidance for FDA's own procedures in order to ensure full compliance with the purposes and provisions of NEPA.

The guidance provides information to assist in the preparation of claims of categorical exclusion and EAs for submission to CFSAN. The following questions are covered in this guidance: (1) What types of industry-initiated actions are subject to a claim of categorical exclusion? (2) What must a claim of categorical exclusion include by regulation? (3) What is an EA? (4) When is an EA required by regulation and what format should be used? (5) What are extraordinary circumstances? and (6) What suggestions does CFSAN have for preparing an EA? Although CFSAN encourages industry to use the EA formats described in the guidance because standardized documentation submitted by industry increases the efficiency of the review process, alternative approaches may be used if these approaches satisfy the requirements of the applicable statutes and regulations.

FDA is requesting the extension of OMB approval for the information collection provisions in the guidance.

Description of Respondents: The likely respondents include businesses engaged in the manufacture or sale of food, food ingredients, and substances used in materials that come into contact with food.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Burden Hours
25.32(i)	52	3	156	1	156
25.32(o)	1	1	1	1	1
25.32(q)	7	2	14	1	14
Total			171		171

[1]There are no capital costs or operating and maintenance costs associated with this collection of information.

The above estimates for respondents and numbers of responses are based on the annualized numbers of petitions and notifications qualifying for § 25.32(i) and (q) that the agency has received in the past 3 years. Please note that, in the past 3 years, there have been no submissions that requested an action that would have been subject to the categorical exclusion in § 25.32(o). To avoid counting this burden as zero, FDA has estimated the burden for this categorical exclusion at one respondent making one submission a year for a total of one annual submission.

To calculate the estimate for the hours per response values, we assumed that the information requested in this guidance for each of these three categorical exclusions is readily available to the submitter. For the information requested for the exclusion in § 25.32(i), we expect that submitter will need to gather information from appropriate persons in the submitter's company and to prepare this information for attachment to the claim for categorical exclusion. We believe that this effort should take no longer than 1 hour per submission. For the information requested for the exclusions in § 25.32(o) and (q), the submitters will almost always merely need to copy existing documentation and attach it to the claim for categorical exclusion. We believe that collecting this information should also take no longer than 1 hour per submission.

Dated: March 22, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–5634 Filed 3–27–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. 2003E–0243 and 2003E–0244]

Determination of Regulatory Review Period for Purposes of Patent Extension; INFUSE BONE GRAFT/LT–CAGE LUMBAR TAPERED FUSION DEVICE

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for INFUSE BONE GRAFT/LT–CAGE LUMBAR TAPERED FUSION DEVICE and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of two applications to the Director of Patents and Trademarks, Department of Commerce, for the extension of patents which claim that medical device.

ADDRESSES: Submit written comments and petitions to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA recently approved for marketing the medical device INFUSE BONE GRAFT/LT–CAGE LUMBAR TAPERED FUSION DEVICE. INFUSE BONE GRAFT/LT–CAGE LUMBAR TAPERED FUSION DEVICE is indicated for spinal fusion procedures in skeletally mature patients with degenerative disc disease (DDD) at one level from L4—S1. Subsequent to this approval, the Patent and Trademark Office received two patent term restoration applications for INFUSE BONE GRAFT/LT–CAGE LUMBAR TAPERED FUSION DEVICE (U.S. Patent Nos. 5,782,919 and 5,984,967)) from SDGI Holdings, Inc., and the Patent and Trademark Office requested FDA's assistance in determining these patents' eligibility for patent term restoration. In a letter dated April 6, 2004, FDA advised the Patent and Trademark Office that this medical device had undergone a regulatory review period and that the approval of INFUSE BONE GRAFT/LT–CAGE LUMBAR TAPERED FUSION DEVICE represented the first permitted

commercial marketing or use of the product. Thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for INFUSE BONE GRAFT/LT–CAGE LUMBAR TAPERED FUSION DEVICE is 2,052 days. Of this time, 1,515 days occurred during the testing phase of the regulatory review period, while 537 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) involving this device became effective*: November 20, 1996. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(g)) for human tests to begin became effective November 20, 1996.

2. *The date the application was initially submitted with respect to the device under section 515 of the act (21 U.S.C. 360e)*: January 12, 2001. FDA has verified the applicant's claim that the premarket approval application (PMA) for INFUSE BONE GRAFT/LT–CAGE LUMBAR TAPERED FUSION DEVICE (PMA P000058) was initially submitted January 12, 2001.

3. *The date the application was approved*: July 2, 2002. FDA has verified the applicant's claim that PMA P000058 was approved on July 2, 2002.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 463 days of patent term extension for U.S. Patent No. 5,984,967 or 347 days of patent term extension for U.S. Patent No. 5,782,919.

Anyone with knowledge that any of the dates as published is incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and ask for a redetermination by May 29, 2007. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by September 24, 2007. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Division of Dockets Management. Three copies of any mailed information are to be submitted, except that individuals may submit one copy.

Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 12, 2007.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. E7–5635 Filed 3–27–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Industry Exchange Workshop on Food and Drug Administration Clinical Trial Requirements; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) Chicago District, in cooperation with the Society of Clinical Research Associates (SoCRA), is announcing a workshop on FDA clinical trial statutory and regulatory requirements. This 2-day workshop for the clinical research community targets sponsors, monitors, clinical investigators, institutional review boards, and those who interact with them for the purpose of conducting FDA-regulated clinical research. The workshop will include both industry and FDA perspectives on proper conduct of clinical trials regulated by FDA.

Date and Time: The public workshop is scheduled for May 16, 2007, from 8:30 a.m. to 5 p.m. and May 17, 2007, from 8:30 a.m. to 4:30 p.m.

Location: The public workshop will be held at the Oak Brook Hills Marriott Resort, 3500 Midwest Rd., Oak Brook, IL 60523, 630–850–5555, FAX: 630–850–5569.

Contact: Marie Falcone, Food and Drug Administration, U.S. Customhouse, 200 Chestnut St., rm. 900, Philadelphia, PA 19106, 215–717–3703, FAX: 215–597–5798, e-mail: *marie.falcone@fda.hhs.gov.*

Registration: Send registration information (including name, title, firm name, address, telephone, and fax number) and the registration fee of $575 (member), $650 (nonmember), or $525 (Federal Government employee nonmember). (Registration fee for nonmembers includes a 1-year membership.) The registration fee for FDA employees is waived. Make the registration fee payable to SoCRA, 530 West Butler Ave., suite 109, Chalfont, PA, 18914. To register via the Internet go to *www.socra.org* (FDA has verified the Web site address, but is not responsible for subsequent changes to the Web site after this document publishes in the **Federal Register**).

The registrar will also accept payment by major credit cards. For more information on the meeting, or for questions on registration, contact 800–SoCRA92 (800–762–7292), or 215–822–8644, or via e-mail: *socramail@aol.com*. Attendees are responsible for their own accommodations. To make reservations at the Oak Brook Hills Marriott Resort, at the reduced conference rate, contact the Oak Brook Hills Marriott Resort (see *Location*) before April 24, 2007, citing meeting code SCRSCRA. The registration fee will be used to offset the expenses of hosting the conference, including meals, refreshments, meeting rooms, and materials.

Space is limited, therefore interested parties are encouraged to register early. Limited onsite registration may be available. Please arrive early to ensure prompt registration. If you need special accommodations due to a disability, please contact Marie Falcone (see *Contact*) at least 7 days in advance of the workshop.

SUPPLEMENTARY INFORMATION: The workshop on FDA clinical trials statutory and regulatory requirements helps fulfill the Department of Health and Human Services' and FDA's important mission to protect the public health by educating researchers on proper conduct of clinical trials. Topics for discussion include the following: (1) FDA regulation of the conduct of clinical research; (2) medical device, drug, biological and food product aspects of clinical research; (3) investigator initiated research; (4) pre-investigational new drug application meetings and FDA meeting process; (5) informed consent requirements; (6) ethics in subject enrollment; (7) FDA regulation of institutional review boards; (8) electronic records requirements; (9) adverse event reporting; (10) how FDA conducts bioresearch inspections; and (11) what happens after the FDA inspection. FDA

has made education of the research community a high priority to ensure the quality of clinical data and protect research subjects. The workshop helps to implement the objectives of section 406 of the FDA Modernization Act (21 U.S.C. 393) and the FDA Plan for Statutory Compliance, which includes working more closely with stakeholders and ensuring access to needed scientific and technical expertise. The workshop also furthers the goals of the Small Business Regulatory Enforcement Fairness Act (Public Law 104–121) by providing outreach activities by Government agencies directed to small businesses.

Dated: March 22, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–5633 Filed 3–27–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

American Indians into Psychology; Notice of Competitive Grant Applications for American Indians Into Psychology Program

Announcement Type: New.

Funding Opportunity Number: HHS–IHS–2007–INPSY–0001.

CFDA Number: 92.970.

Key Dates:

Application Deadline: May 7, 2007.

Application Review: May 30, 2007.

Application Notification: June 22, 2007.

Anticipated Award Start Date: August 1, 2007.

I. Funding Opportunity Description

The Indian Health Service (IHS) announces that competitive grant applications are being accepted for the American Indians into Psychology Program. This grant is established under the authority of ''25 U.S.C. 1621p(a–d).'', Indian Health Care Improvement Act, Pub. L. 94–437, as amended by Pub. L. 102–573. The purpose of the Indians into Psychology Program is to augment the number of Indian health professionals serving Indians by encouraging Indians to enter the health professions and removing the multiple barriers to their entrance into IHS and private practice among Indians. This program is described at 93.970 in the Catalog of Federal Domestic Assistance. Costs will be determined in accordance with applicable Office of Management and Budget Circulars. The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Health People 2010, a PHS-led activity for setting priority areas. This program announcement is related to the priority area of Educational and Community-based programs. Potential applicants may obtain a copy of Healthy People 2010, summary report in print, Stock No. 017–001–00547–9, or via CD–ROM, Stock No. 107–0017–00549–5, through the Superintendent of Documents, Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250–7945, (202) 512–1800. You may access this information via the Internet at the following Web site: *http://www.health.gov/healthypeople*

The Public Health Service strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Pub. L. 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

II. Award Information

Type of Awards: Grant.

Estimated Funds Available: the total amount identified for Fiscal year 2007 is $246,332. The award is for 12 months in duration and the average award is approximately $246,322. Awards under this announcement are subject to the availability of funds.

Anticipated Number of Awards: An estimated 1 award will be made under the program. If funding becomes available, additional awards may be made.

Project Period: 36 months.

Award Amount: $246,322, per year.

III. Eligibility Information

1. Eligible Applicants:

Public and nonprofit private colleges and universities are eligible to apply for a grant. However, only one grant will be awarded and funded to a college or university per funding cycle.

2. Cost Sharing/Matching:

This announcement does not require matching funds or cost sharing.

3. Other Requirements:

Required Affiliations—The grant applicant must submit official documentation indicating a Tribe's cooperation with and support of the program within the schools on its reservation and its willingness to have a Tribal representative serving on the program advisory board. Documentation must be in the form prescribed by the Tribe's governing body, i.e., letter of support or Tribal resolution. Documentation must be submitted from every Tribe involved in the grant program. If application budgets exceed the stated dollar amount that is outlined within this announcement it will not be considered for funding.

IV. Applicant and Submission Information

1. Applicant package may be found in Grants.gov (*www.grants.gov*) or at *http://www.ihs.gov/NonMedicalPrograms/gogp/gogp_funding.asp*. Information regarding the electronic application process may be directed to Michelle G. Bulls, at (301) 443 6528 or *Michelle-Bulls@ihs.gov*. The entire application package is available at: *http://www.grants.gov/Apply*. Detailed application instructions for this announcement are downloadable on *www.Grants.gov*

2. Content and Form of Application Submission:

- Be single spaced.
- By typewritten.
- Have consecutively numbered pages.
- Use black type not smaller than 12 characters per one inch.
- Contain a narrative that does not exceed 7 typed pages that includes the other submission requirements below. The 7 page narrative does not include the work plan, standard forms, Tribal resolutions or letters of support (if necessary), table of contents, budget, budget justifications, narratives, and/or other appendix items.

Public Policy Requirements: All Federal-wide public policies apply to IHS grants with the exception of Lobbying and Discrimination.

3. Submission Dates and Times:

Applications must be submitted electronically through Grants.gov by 12 midnight Eastern Standard Time (EST). If technical challenges arise and the applicant is unable to successfully complete the electronic application process, the applicant should contact Michelle G. Bulls, Grants Policy Staff, fifteen days prior to the application deadline and advise of the difficulties that your organization is experiencing. The grantee must obtain prior approval, in writing (e-mails are acceptable) allowing the paper submission. If submission of a paper application is requested and approved, the original and two copies may be sent to the appropriate grants contact that is listed in Section IV above. Applications not

submitted through Grants.gov, without an approved waiver, may be returned to the applicant without review or consideration. Late applications will not be accepted for processing, will be returned to the applicant and will not be considered for funding.

4. Intergovernmental Review:

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions:

• Pre award costs are allowable pending prior approval from the awarding agency. However, in accordance with 45 CFR part 74 all pre award costs are incurred at the recipient's risk. The awarding office is under no obligation to reimburse such costs if for any reason the applicant does not receive an award or if the award to the recipient is less than anticipated.

• The available funds are inclusive of direct and appropriate indirect costs.

• Only one grant will be awarded per applicant.

• IHS will not acknowledge receipt of applications.

Electronic Submission—The preferred method for receipt of applications is electronic submission through Grants.gov. However, should any technical challenges arise regarding the submission, please contact Grants.gov Customer Support at 1–800–518–4726 or *support@grants.gov*. The Contact Center hours of operation are Monday–Friday from 7 a.m. to 9 p.m. EST. If you require additional assistance please call (301) 443–6290 and identify the need for assistance regarding your Grants.gov application. Your call will be transferred to the appropriate grants staff member. The applicant must seek assistance at least fifteen days prior to the application deadline. Applicants that do not adhere to the timelines for Central Contractor Registry (CCR) and/or Grants.gov registration and/or requesting timely assistance with technical issues will not be a candidate for paper applications.

To submit an application electronically, please use the Grants.gov Search: *www.grants.gov*. Download a copy of the application package on the Grants.gov Web site, complete it offline and then upload and submit the application via the Grants.gov site. You may not e-mail an electronic copy of a grant application to IHS.

Please be reminded of the following:

• Under the new IHS application submission requirements, paper applications are not the preferred method. However, if you have technical problems submitting your application on line, please directly contact Grants.gov Customer Support at: *http://www.grants.gov/CustomerSupport*.

• Upon contacting Grants.gov obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver request from Grants Policy must be obtained.

• If it is determined that a formal waiver is necessary, the applicant must submit a request, in writing (e-mails are acceptable), to *Michelle.Bulls@ihs.gov* that includes a justification for the need to deviate from the standard electronic submission process. Upon receipt of approval, a hard copy application package must be downloaded by the applicant from Grants.gov, and sent directly to the Division of Grants Operations (DGO), 801 Thompson Avenue, TMP 360, Rockville, MD 20852 by the due date, May 7, 2007.

• Upon entering the Grants.gov site, there is information available that outlines the requirements to the applicant regarding electronic submission of an application through Grants.gov, as well as the hours of operation. Applicants must not wait until the deadline date to begin the application process through Grants.gov as the registration process for CCR could take up to fifteen working days.

• To use Grants.gov, you, as the applicant, must have a DUNS Number and register in the CCR. You should allow a minimum of ten days working days to complete CCR registration. See below on how to apply.

• You must submit all documents electronically, including all information typically included on the SF–424 and all necessary assurances and certifications.

• Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by IHS.

• If Tribal resolutions or letters of support are required, pleas include them as an attachment in your electronic application.

• Your application must comply with any page limitation requirements described in the program announcement.

• After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The DGO will retrieve your application from Grants.gov. The DGO will not notify applicant from Grants.gov. The DGO will not notify applicants that the application has been received.

• You may access the electronic application for this program on *http://www.Grants.gov.*

• You may search for the downloadable application package using the CFDA number or the Funding Opportunity Number. Both numbers are identified in the heading of this announcement.

• The applicant must provide the Funding Opportunity Number: HHS–IHS–2007–INPSY–0001.

Again, e-mail applications will not accepted under this announcement.

DUNS Number

Applicants are required to have a Dun and Bradstreet (DUNS) number to apply for a grant or cooperative agreement from the Federal Government. The DUNS number is a nine digit identification number, which uniquely identifies business entities. Obtaining a DUNS number is easy and there is no charge. To obtain a DUNS number, access *http://www.dunandbradstreet.com* or call 866–705–5711. Interested parties may wish to obtain their DUNS number by phone to expedite the process.

Applications submitted electronically must be also be registered with the Central Contractor Registry (CCR). A DUNS number is required before CCR registration can be completed. Many organizations may already have a DUNS number. Please use the number listed above to investigate whether or not your organization has a DUNS number. Registration with the CCR is free of charge.

Applicants may register by calling 1–888–227–2423. Please review and complete the CCR Registration Worksheet located on *http://www.grants.gov/CCRRegister.*

More detailed information regarding these registration processes can be found at *http://www.grants.gov.*

V. Application Review Information

Criteria

1. Introduction and Potential Effectiveness of Project (30 pts.)

a. Describe your legal status and organization.

b. State specific objectives of the project, and the extent to which they are measurable and quantifiable, significant to the needs of Indian people, logical, complete, and consistent with the purpose of section 217.

c. Describe briefly what the project intends to accomplish. Identify the expected results, benefits, and outcomes or projects to be derived from each objective of the project.

d. Provide a project specific work plan (milestone chart) which lists each objective, the tasks to be conducted in order to reach the objective, and the

time fame needed to accomplish each task. Time frames should be projected in a realistic manner to assure that the scope of work can be completed within each budget period. (A work plan format is provided.)

e. In the case of proposed projects for identification of Indians with a potential for education or training in the health professions, include a method for assessing the potential of interested Indians for undertaking necessary education or training in such health professions.

f. State clearly the criteria by which the project's progress will be evaluated and by which the success of the project will be determined.

g. Explain the methodology that will be used to determine if the needs, goals, and objectives identified and discussed in the application are being met and if the results and benefits identified are being achieved.

h. Identify who will perform the evaluation and when.

2. Project Administration (20 pts.)

a. Provide an organizational chart and describe the administrative, managerial and organizational arrangements and the facilities and resources to be utilized to conduct the proposed project (include in appendix).

b. Provide the name and qualifications of the project director or other individuals responsible for the conduct of the project; the qualifications of the principal staff carrying out the project; and a description of the manner in which the applicant's staff is or will be organized and supervised to carry out the proposed project. Include biographical sketches of key personnel (or job descriptions if the position is vacant) (include in appendix).

c. Describe any prior experience in administering similar projects.

d. Discuss the commitment of the organization, i.e., although not required, the level of non-Federal support. List the intended financial participation, if any, of the applicant in the proposed project specifying the type of contributions such as cash or services, loans of full or part-time staff, equipment, space, materials or facilities or other contributions.

e. Describe the ability or provide outreach and recruitment for health professions to Indian communities including elementary and secondary schools and community colleges located on Indian reservations which will be served by the program.

f. Incorporate a program advisory board comprised of representatives from the Tribes and communities which will be served by the program.

g. To the maximum extent feasible, employ qualified Indians in the program.

3. Accessibility to Target Population (20 pts.)

a. Describe the current and proposed participation of Indians (if any) in your organization.

b. Identify the target Indian population to be served by your proposed project and the relationship of your organization to that population.

c. Describe the methodology to be used to access the target population.

d. Identify affiliation agreements with Tribal community colleges, the IHS, university affiliated programs, and other appropriate entities to enhance the education of Indian students.

e. Identify existing university tutoring, counseling and student support services.

4. Relationship of Objectives to Manpower Deficiencies (20 pts.)

a. Provide data and supporting documentation to substantiate need for recruitment.

b. Indicate the number of potential Indian students to be contacted and recruited as well as potential cost per student recruited. Those project that have the potential to serve a greater number of Indians will be given first consideration.

5. Project Budget (10 pts.)

a. Clearly define the budget. Provide a justification and detailed breakdown of the funding by category for the first year of the project. Information on the project director and project staff should include salaries and percentage of time assigned to the grant. List equipment purchases necessary to conduct of the project.

b. The available funding level of $246,332 is inclusive of both direct and indirect costs or 8 percent of total direct costs. Because this project is for a training grant, the Department of Health and Human Services' policy limiting reimbursement of indirect cost tot he lesser of the applicant's actual indirect costs or 8 percent of total direct costs (exclusive of tuition and related fees and expenditures for equipment) is applicable. This limitation applies to all institutions of higher education.

c. The applicant may include as a direct cost tuition and student support for students who have been selected to receive a scholarship through the American Indians into Psychology Program grant. Scholarship support consists of full tuition/fees and a monthly stipend for 12 months. The current stipend is to be $1250.00 per month and adjusted annually at 2%.

d. Projects requiring a second and third year must include a program narrative and categorical budget and justification for each additional year of funding requested (this is not considered part of the 15-page narrative).

e. Provide budgetary information for summer preparatory programs for Indian students, who need enrichment in the subjects of math and science in order to pursue training in the health professions.

f. Provide budget information on stipends that will be provided to undergraduate and graduate students to pursue a career in clinical psychology. Stipends for individuals will not be funded during the first year of the project only if the grantee has not had an established American Indians into Psychology Program grant because the first year will involve recruiting individuals. Stipends must be included in the budget and narrative for the second and third years of the project.

Multi-Year Project Requirements

1. Applications must include a narrative, budget, and budget justification for the second and third years of funding.

Appendix to include:

a. Resumes and position descriptions.

b. Organizational Chart.

c. Work Plan.

d. Tribal Resolution(s)/letters of support.

2. Review and Selection Process.

Applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement will be reviewed by an Objective Review Committee (ORC) in accordance with IHS objective review procedures The objective review process ensures a nationwide competition for limited funding. The ORC will be comprised of IHS (40% or less) or other Federal individuals and (60% or more) non-Federal individuals with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewer will assign a numerical score to each application, which will be used in making the final funding decision. Approved applications scoring less than 60 points will not be considered for funding.

The results of the review are forwarded to the Director, Office of Public Health Support (OPHS), for final review and approval. The Director, OPHS, will also consider the recommendations from the Division of Health Professions Support and the Division of Grants Operations (DGO).

3. Anticipated Announcement and Award Dates.

The IHS anticipates an awards start date of August 1, 2007.

VI. Award Administration Information

1. Award Notices

The Notice of award (NoA) will be initiated by the DGO and will be mailed via postal mail on or before June 22, 2007 to each entity that is approved for funding under this announcement. The NoA will be signed by the Grants Management Officer and this is the authorizing document for which funds are dispersed to the approved entities. The NoA will serve as the official notification of the grant award and will reflect the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period. The NoA is the legal binding document. Applicants who are approved but unfunded or disapproved based on their Objective Review score will receive a copy of the Executive Summary which identifies the weaknesses and strengths of the application submitted.

2. Administrative Requirements

Grants are administered in accordance with the following documents:

- This Program Announcement.
- 45 CFR Part 92, A Uniform Administrative Requirements for Grants and Cooperative Agreements to State, Local and Tribal Governments, or 45 CFR Part 74, A Uniform Administrative Requirements for Awards to Institutions of Higher Education, Hospitals, Other Non Profit Organizations, and Commercial Organizations.
- Grants Policy Guidance: HHS Grants Policy Statement, October 2006.
- Cost Principles: OMB Circular A 87, State, Local, and Indian (title 2 Part 225).
- Administrative Requirements: OMB Circular A 122, A Non profit Organizations (title 2 Part 230).
- Audit Requirements: OMB Circular A 133, Audits of States, Local Governments, and Non profit Organizations.

3. Indirect Costs: This section applies to all grant recipients that request indirect costs in their application. In accordance with HHS Grants Policy Statement, Part II 27, IHS requires applicants to have a current indirect cost rate agreement in place prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate means the rate covering the applicable activities and the award budget period. If current rate is not on file with the awarding office, the award shall include funds for reimbursement of indirect costs. However, the indirect cost portion will remain restricted until the current rate is provided to DGO.

Generally, indirect cost rates for IHS Tribal organization grantees are negotiated with the Division of Cost Allocation (DCA) at *http://rates.psc.gov/,* and indirect cost rates that are for IHS-funded, Federally-recognized Tribes are negotiated with the Department of Interior. If your organization has questions regarding the indirect cost policy, please contact the DGO at (301) 443–5204.

4. Reporting

A. Progress Report. Program progress reports are required semi-annually. these reports will include a brief comparison of actual accomplishments to the goals established for the period, reasons for unmet accomplishments (if applicable), and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Status Report. Semi-annual financial status reports must be submitted within 30 days of the end of the half year. Final financial status reports are due within 90 days of expiration of the budget/project period. Standard Form 269 (long form) will be used for financial reporting.

C. Reports. Grantees are responsible and accountable for accurate reporting of the Progress Reports and Financial Status Reports which are due semi annually. Financial Status Reports (SF 269) are due 90 days after each budget period and the final SF 269 must be verified from the grantee records on how the value was derived. Grantees must submit reports in a reasonable period of time.

Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non funding or non award of other eligible projects or activities. This applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports.

5. Telecommunication for the hearing impaired is available at: TTY 301–443–6394.

VII. Agency Contacts

For program information, contact Mrs. Patricia Lee-McCoy, Office of Public Health support, Division of Health Professions Support, 801 Thompson Avenue, TMP Suite 120, Rockville, Maryland 20852, (301) 443–6197, or Mr. Michael Berryhill, Office of Public Health Support, Division of Health Professions Support, 801 Thompson Avenue, TMP Suite 120, Rockville, Maryland 20852 (301) 443–6197. For grant application and business management information, contact Ms. Martha Redhouse, Division of Grants Operations, Indian Health Service, 801 Thompson Avenue, TMP Suite 120, Rockville, Maryland 20852 (301) 443–5204.

Dated: March 22, 2007.

Phyllis Eddy,

Deputy Director for Management Operations, Indian Health Service.

[FR Doc. 07–1498 Filed 3–27–07; 8:45 am]

BILLING CODE 4165–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; NCCAM Office of Communications and Public Liaison Communications Program Planning and Evaluation Research

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Center for Complementary and Alternative Medicine (NCCAM), at the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: NCCAM Office of Communications and Public Liaison Communications Program Planning and Evaluation Research.

Type of Information Collection Request: Renewal.

Need and Use of Information Collection: To carry out NCCAM's legislative mandate to educate and disseminate information about complementary and alternative medicine (CAM) to a wide variety of audiences and organizations, the NCCAM Office of Communications and Public Liaison (OCPL) requests clearance to carry out (1) formative and (2) evaluative research of a variety of

print and online materials, outreach activities, and messages to maximize their impact and usefulness.

OCPL wishes to continue to carry out formative research to further understand the knowledge, attitudes, and behaviors of its core constituent groups: members of the general public, researchers, and providers of both conventional and CAM health care. In addition, it seeks to test newly formulated messages and identify barriers and impediments to the effective communication of those messages. With this audience research, OCPL will carry out pretesting of audience responses to NCCAM's fact sheets, Web content, and other materials and messages.

Clearance is also requested to continue to carry out evaluative research on existing materials and messages, as part of OCPL's ongoing effort to develop a comprehensive program of testing and evaluation of all of its communications strategies. This evaluative research will include pilot testing of recently developed messages and information products such as fact sheets and brochures. It will also address the need to evaluate the processes by which new materials and messages were developed, the effectiveness of an outreach or the extent to which behaviors were changed by the message, and the impact of a message on health knowledge and behaviors.

The tools to collect this information have been selected to minimize burden on NCCAM's audiences, produce or refine messages that have the greatest potential to influence target audience attitudes and behavior in a positive manner, and to use Government resources efficiently. They may include individual in-depth interviews, focus group interviews, intercept interviews, self-administered questionnaires, gatekeeper reviews, and omnibus surveys.

The data will enhance OCPL's understanding of (1) the unique information needs and distinct health-information-seeking behaviors of its core constituencies, and (2) the segments within these constituencies with special information needs (for example, among the general public these segments include cancer patients, the chronically ill, minority and ethnic populations, the elderly, users of dietary supplements, and patients integrating complementary therapies with conventional medical treatments).

Frequency of Response: On occasion.

Affected Public: Individuals and households; non-profit institutions; Federal Government; State, Local, or Tribal Government.

Type of Respondents: Adult patients; members of the public; health care professionals; organizational representations. The annual reporting burden is as follows.

Estimated Number of Respondents: 2,440;

Estimated Number of Responses per Respondent: 1;

Average Burden Hours per Response: 0.29; and

Estimated Total Burden Hours Requested: 2,137.5 for the 3-year clearance period (approximately 712.5 hours annually). The annualized cost to respondents is estimated at $21,333. There are no Capital Costs, Operating Costs, or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumption used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information Contact: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Christy Thomsen, Director, Office of Communications and Public Liaison, NCCAM, 31 Center Drive, Room 2B11, Bethesda, MD 20892, or fax your request to 301–402–4741, or e-mail *thomsenc@mail.nih.gov.* Ms. Thomsen can be contacted by telephone at 301–451–8876.

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: March 20, 2007.

Christy Thomsen,

Director, Office of Communications and Public Liaison, National Center for Complementary and Alternative Medicine, National Institutes of Health.

[FR Doc. E7–5671 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

List of Drugs for Which Pediatric Studies Are Needed

ACTION: Notice.

SUMMARY: The National Institutes of Health (NIH) is providing notice of the ''Priority List of Drugs for Which Pediatric Studies Are Needed.'' The NIH develops the list in consultation with the Food and Drug Administration (FDA) and pediatric experts, as mandated by the Best Pharmaceuticals for Children Act. This list prioritizes certain drugs that are most in need of study for use by children to ensure their safety and efficacy. The NIH will update the list at least annually until the Act expires on October 1, 2007.

DATES: The list is effective upon publication.

FOR FURTHER INFORMATION CONTACT: Dr. Perdita Taylor-Zapata, National Institute of Child Health and Human Development (NICHD), 6100 Executive Boulevard, Suite 4A–01, Bethesda, MD 20892–7510, e-mail *taylorpe@mail.nih.gov* or *BestPharmaceuticals@mail.nih.gov,* telephone 301–496–9584 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The NIH is providing notice of the ''List of Drugs for Which Pediatric Studies Are Needed,'' as authorized under Section 3, Public Law 107–109 (42 U.S.C. 409I). On January 4, 2002, President Bush signed into law the Best Pharmaceuticals for Children Act (BPCA). The BPCA mandates that not later than one year after the date of enactment, the NIH in consultation with the FDA and experts in pediatric research shall develop, prioritize, and publish an annual list of certain approved drugs for which pediatric studies are needed. For inclusion on the list, an approved drug must meet the following criteria: (1) There is an approved application under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)); (2) there is a submitted application that could be approved under the criteria of section 505(j) of the Federal Food, Drug, and Cosmetic Act; (3) there is no patent protection or market exclusivity protection under the Federal Food, Drug, and Cosmetic Act; or (4) there is a referral for inclusion on the list under section 505A(d)(4)(c); and additional studies are needed to assess the safety and effectiveness of the use of the drug in the pediatric population. The BPCA

further stipulates that in developing and prioritizing the list, the NIH shall consider for each drug on the list: (1) The availability of information concerning the safe and effective use of the drug in the pediatric population; (2) whether additional information is needed; (3) whether new pediatric studies concerning the drug may produce health benefits in the pediatric population; and (4) whether reformulation of the drug is necessary. For this year, we are providing an update and a summary of the progress made by the prioritization working group from last year's notice until now, as well as a summary of the annual scientific prioritization meeting held with pediatric experts on December 5–6, 2006.

We have updated the complete list of drugs, listed previously in the April 2006 **Federal Register** notice, and post it on the BPCA Web site *http://bpca.nichd.nih.gov/index.cfm.* We will continue to reevaluate this list throughout the year and will provide updates as required, based upon the reauthorization of the BPCA.

In 2005, and with the suggestion of pediatric experts, NIH changed the listing system from a focus on individual off-patent drugs to a therapeutic class-based approach. Pediatric experts indicated that this approach will allow us to compare drugs within a therapeutic class (on and off patent) and give a broader description of the use of these drugs in children. This approach will also allow us to obtain focused expertise in therapeutic areas that will subsequently give us more insight into scientific gaps in treatments of the proposed conditions, as well as feasibility and study designs. Based on expert opinion obtained throughout the year as part of our regular outreach program, a preliminary list of conditions and suggested drugs was drafted and categorized for the 2007 prioritization based on this approach.

The following are the conditions and the drugs discussed in our December 5–6, 2006 scientific meeting with experts in pediatric research: Infectious Diseases, with a focus on Methicillin-resistant Staphylococcus aureus (MRSA) infections; Pediatric Cancer, specifically Neuroblastoma; Neonatal Pain; and Asthma. The gaps in scientific knowledge as well as specific drugs thought to be effective for treatment in each of these conditions were then discussed based on off-patent status, gaps in pediatric labeling, and the potential for providing a health benefit in the general pediatric population. We also provided updates on our current work in the areas of Pediatric Hypertension, Sickle Cell Anemia, and Attention Deficit Hyperactivity Disorder during this meeting. There was also a brief discussion on future areas of consideration, pending the reauthorization of the BPCA, that include topics such as childhood obesity, counter-terrorism research, and Fragile X Syndrome.

Following below are the conditions and drugs we discussed in the December 5–6, 2006, scientific meeting with experts in pediatric research. We will add these conditions and drugs, and their indications for use, to the Priority List for 2007 for which pediatric studies are most urgently needed.

Treatment of Pediatric Cancers: 13-Cis-Retinoic Acid

There is a need for information regarding the pharmacokinetics, safety, and efficacy of 13-Cis-Retinoic Acid in the treatment of neuroblastoma.

Treatment of Pediatric MRSA: Clindamycin, Tetracycline, Doxycycline and Trimethoprim-Sulfamethoxazole

There is a need for further pharmacokinetic and safety data in the use of these drugs to treat children with MRSA infections.

In addition to the above conditions and their associated drugs for consideration, the following are conditions that have been identified as needing improvements in the treatment strategies and/or assessments in pediatrics.

Pediatric Hypertension

Data from the medical literature, clinical trials, and experience were presented and discussed by experts in the field of Pediatric Hypertension. Gaps in knowledge in this field include standardization of blood pressure measurements in children as well as the sequence of drugs for hypertension treatment in children.

Asthma

Data from the medical literature, clinical trials, and experience were presented and discussed by experts in the field of Pediatric Asthma. Gaps in knowledge in this field include gaps in measuring efficacy and safety of treatments and drug delivery systems, especially in young children. There is also a need for the development of new tools to identify symptom measures, pulmonary function tests, biomarkers, and genetics.

Neonatal Research

There are many areas in the field of neonatal medicine that can benefit from advances in neonatal research. Such gaps in research include areas such as determining feasibility of studying specific drugs in low-birth-weight infants based on current use; the development of novel study designs that take into account the small number of patients available due to either ethical limitations and/or feasibility issues; and the performance of clinical studies in areas such as the treatment of pain, neonatal seizures, and bronchopulmonary dysplasia, based on templates that are being developed by experts in research such as the working groups of the Newborn Drug Development Initiative.

For the coming year, NICHD is planning a series of discussions with experts in the fields listed above and plans to identify and work with experts in these respective fields along with our continuing discussions with the other NIH Institutes and Centers. The goal of all of these discussions will be to specifically identify current gaps in scientific knowledge regarding research and treatment of these various pediatric conditions with the ultimate goal of determining future approved drugs for which pediatric studies are needed.

Dated: March 15, 2007.

Raynard S. Kington,

Deputy Director, National Institutes of Health.

[FR Doc. E7–5673 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing

to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Microarray for Detection and Subtyping of Human Influenza Viruses

Description of Technology: Available for licensing and commercial development are a novel influenza virus microarray and methods for using the microarray for the identification of existing and new types and subtypes of human influenza viruses. There are three types of influenza viruses, type A, B and C. Influenza types A or B viruses cause epidemics of disease almost every winter, with type A causes major pandemic periodically. Influenza type A viruses are further divided into subtypes based on two proteins on the surface of the virus. These proteins are called hemagglutinin (H) and neuraminidase (N). There are 16 known HA subtypes and 9 known NA subtypes of influenza A viruses. Each subtype may have different combination of H and N proteins. Although there are only three known A subtypes of influenza viruses (H1N1, H1N2, and H3N2) currently circulating among humans, many other different strains are circulating among birds and other animals and these viruses do spread to humans occasionally. There is a requirement for sensitive and rapid diagnostic techniques in order to improve both the diagnosis of infections and the quality of surveillance systems. This microarray platform tiles the genomes of all types/subtypes of influenza viruses, and is capable of correctly identifying all 3 types/subtypes of influenza viruses from an influenza vaccine sample.

More specifically, the invention consists of: (1) Microarrays comprising a solid support with a plurality of n-mer influenza viral nucleotide segments of influenza Types A, B and C, including each respective subtypes, and (2) methods of detecting and identifying known and unknown influenza viral types and subtypes by: (a) Using hybridization microarrays to known influenza viral nucleotide sequences, (b) sequencing the nucleotides which hybridize to the microarrays and (c) analyzing the hybridized sequences using existing databases, thus identifying existing or new subtypes of influenza viruses.

Applications: Detection and identification of human influenza viruses; Efficient discovery of new subtypes of influenza viruses; Diagnosis of influenza outbreaks.

Development Status: This microarray platform was capable of correctly identifying all 3 types/subtypes of influenza viruses from an influenza vaccine sample.

Inventors: Xiaolin Wu, Cassio S. Baptista, Elizabeth Shannon, and David J. Munroe (NCI).

Patent Status: U.S. Provisional Application No. 60/857,695 filed 07 Nov 2006 (HHS Reference No. E–208–2006/0–US–01).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Cristina Thalhammer-Reyero, PhD, MBA; 301/435–4507; *thalhamc@mail.nih.gov.*

Improved Interleukin Expression for Immunogenic Compositions and Vaccine Adjuvant

Description of Technology: The NIH is pleased to announce as available for licensing a technology that provides for optimized nucleic acids for improved expression of interleukin-15 (IL-15) and IL-15 receptor alpha (IL-15Ralpha) in mammalian cells. IL-15 is a cytokine important for both the innate and adaptive immune systems. Based on its many functions and relative safety in animal models, IL-15 finds use in vaccines, cancer immunotherapeutics, and autoimmune disease and as a vaccine adjuvant.

The present technology enhances the production and bioavailability of IL-15 through use of optimized nucleic acid sequences. Native IL-15 coding sequences do not express IL-15 optimally for several reasons, and the optimized sequences of the subject technology overcome these deficiencies. The nucleic acids can be part of expression vectors, which could be utilized either in vitro or in vivo. The expression vectors express IL-15 alone, IL-15Ralpha alone, or both molecules together from a single vector. Further enhanced expression of IL-15 and/or IL-15Ralpha can be achieved through the use of signal peptides or propeptides from heterologous proteins. These nucleic acids can be administered to enhance the immune response of an individual against one or more antigens. Primate studies have shown that co-administration of IL-15 and IL-15Ralpha increased antigen specific cells, cells expressing IL-2, and/or cells expressing IL-2 and IFN-gamma (i.e. multifunctional cells). The present compositions are useful for the increased bioavailability and therefore biological effects of IL-15 after its administration to humans or other mammals.

Applications: Vaccines; Improved protein expression; Cancer immunotherapeutics; Autoimmune disease; Vaccine adjuvant.

Inventors: Barbara K. Felber and George N. Pavlakis (NCI).

Related Publication: MA Kutzler *et al.* Coimmunization with an optimized IL-15 plasmid results in enhanced function and longevity of CD8 T cells that are partially independent of CD4 T cell help. J Immunol. 2005 Jul 1;175(1):112–123.

Patent Status: U.S. Provisional Application No. 60/758,819 filed 13 Jan 2006 (HHS Reference No. E–254–2005/0–US–01); U.S. Provisional Application No. 60/812,566 filed 09 Jun 2006 (HHS Reference No. E–254–2005/1–US–01); PCT Application filed 13 Jan 2007 (HHS Reference No. E–254–2005/2–PCT–01).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Susan Ano, PhD; 301/435–5515; *anos@mail.nih.gov.*

Potent Activation of Antigen Presenting Cells by the Hepatitis A Virus Cellular Receptor 1 and Its Role in the Regulation of Immune Responses

Description of Technology: Available for licensing and commercial development are compositions and methods to regulate various immune responses through the hepatitis A virus cellular receptor 1 (HAVCR1). HAVCR1 (also known as TIM-1) is a member of the TIM family of receptors that is usurped by the hepatitis A virus (HAV) to infect cells. The gene encoding HAVCR1 has been shown to be an important asthma and allergy susceptibility gene. HAVCR1 plays a critical role in regulating T cell differentiation and the development of atopy. HAVCR1 is over-expressed in kidney ischemic cells and malignant renal tumors. The invention describes a ligand of HAVCR1 in antigen presenting cells (APCs) that is unrelated to murine Tim-4, a TIM family member reported as the ligand of murine Tim-1. The ligand was identified using an expression cloning strategy. The specific binding of HAVCR1 to this ligand on APCs causes activation and induces the expression of co-stimulatory receptors at the cell surface of the APCs and the secretion of cytokines such as IL-6, IL-10, and TNF-a. Furthermore, treatment of APCs with soluble forms of HAVCR1 induced T cell proliferation. The invention describes a novel mechanism by which HAVCR1 regulates immune responses, in which the activation of APCs is mediated by HAVCR1 binding to ligands on APCs. The association of HAVCR1 with the ligand identified in

APCs also enhances the interaction of HAVCR1 with HAV.

Aspects of the technology are further described in Tami *et al.*, 2007. J. Virol., in press.

Applications: Therapies that target the interaction of HAVCR1 with the ligand on APCs, such as small molecules or monoclonal antibodies, can control immune responses, the development of asthma, allergies and other atopic diseases, hepatitis A, kidney regeneration, and cancer.

Development Status: The technology is in early stages of development.

Inventors: Gerardo Kaplan (CBER/FDA), *et al.*

Patent Status: U.S. Provisional Application No. 60/865,631 filed 13 Nov 2006 (HHS Reference No. E–035–2005/0–US–01).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Cristina Thalhammer-Reyero, PhD, M.B.A.; 301/435–4507; *thalhamc@mail.nih.gov.*

Collaborative Research Opportunity: The Food and Drug Administration, Center of Biologics Research and Evaluation, Laboratory of Hepatitis and Related Emerging Agents, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize the hepatitis A virus cellular receptor as a potent activator of antigen presenting cells. Please contact Beatrice Droke, 301/872–7008 or *beatrice.droke@fda.hhs.gov,* for more information.

Cyanovirins and Related Conjugates, Compositions, Nucleic Acids, Vectors, Host Cells, Methods of Production and Methods of Use for Microbicide Development

Description of Technology: The development of an effective anti-HIV topical microbicide, especially a female-controlled, vaginal microbicide, has been deemed an urgent global priority by numerous international agencies, including the World Health Organization, the U.S. Department of Health and Human Services, the National Institute of Allergy and Infectious Diseases, and others. The present invention provides antiviral proteins (collectively referred to as cyanovirins), conjugates thereof, DNA sequences encoding such agents, host cells containing such DNA sequences, antibodies directed to such agents, compositions comprising such agents, and methods of obtaining and using such agents for the production of microbicides.

Cyanovirin-N (CV-N) potently and irreversibly inactivates diverse primary strains of HIV-1, including M-tropic forms involved in sexual transmission of HIV, as well as T-tropic and dual-tropic forms; CV-N also blocks cell-to-cell transmission of HIV infection. CV-N is directly virucidal, interacting in an unusual manner with the viral envelope, apparently binding with extremely high affinity to poorly immunogenic epitopes on gp120. Further, cyanovirin-N (CV-N) and homologous proteins and peptides potently inhibit diverse isolates of influenza viruses A and B, the two major types of influenza virus that infect humans.

The described technology includes glycosylation-resistant mutants of CV-N, which code sequences to enable ultra large-scale recombinant production of functional cyanovirins in non-bacterial (yeast or insect) host cells or in transgenic animals or plants. Therefore, these glycosylation-resistant mutants may allow industry to produce CV-Ns on a large scale and make CV-Ns cheap enough for developing countries to benefit from this invention.

CV-N was benign in vivo when tested in the rabbit vaginal toxicity/irritancy model, and was not cytotoxic in vitro against human immune cells and lactobacilli (unpublished). CV-N is readily soluble in aqueous media, is remarkably resistant to physicochemical degradation and is amenable to very large-scale production by a variety of genetic engineering approaches.

Applications: Development of microbicides against HIV and influenza.

Development Status: Preclinical data is available at this time.

Inventors: Michael Boyd (NCI), Robert Shoemaker (NCI), Barry O'Keefe (NCI), Toshiyuki Mori (NCI), Angela Gronenborn (NIDDK).

Related Publications:

1. B Giomarelli, R Provvedi, F Meacci, T Maggi, D Medaglini, G Pozzi, T Mori, JB McMahon, R Gardella, MR Boyd. The microbicide cyanovirin-N expressed on the surface of commensal bacterium Streptococcus gordonii captures HIV-1. AIDS. 2002 Jul 5;16(10):1351–1356.

2. CC Tsai, P Emau, Y Jiang, MB Agy, RJ Shattock, A Schmidt, WR Morton, KR Gustafson, MR Boyd. Cyanovirin-N inhibits AIDS virus infections in vaginal transmission models. AIDS Res Hum Retroviruses. 2004 Jan;20(1):11–18.

Patent Status:

1. Patent Cooperation Treaty Serial No. PCT/US00/06247 filed 10 Mar 2000; National Stage Filing in United States, Japan, Australia, Europe, Germany, France, China, United Kingdom, and Belgium (HHS Reference No. E–074–1999/2).

2. Patent Cooperation Treaty Serial No. PCT/US99/18975 filed 19 Aug 1999; National Stage Filing in United States, Japan, Australia, Europe, Germany, France, China, United Kingdom, and Belgium (HHS Reference No. E–117–1995/3).

Licensing Status: Available for licensing and commercial development.

Licensing Contact: Sally Hu, PhD; 301/435–5606; *HuS@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute's Molecular Targets Development Program is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize microbicides for HIV and influenza. Please contact John D. Hewes at (301) 435–3121 or *hewesj@mail.nih.gov* for more information.

Dated: March 16, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–5670 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; *telephone:* 301/496–7057; *fax:* 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Enhanced Function of Gene Modified T-Cells: Identification of T-Cell Receptors (TCR) with Altered Amino Acid Sequence

Description of Technology: A major limitation of the current chemotherapy-based therapeutics is the cytotoxic side-effects associated with them. Thus there is a dire need to develop new therapeutic strategies with fewer side-effects. Immunotherapy has taken a lead among the new cancer therapeutic approaches. Adoptive immunotherapy is one of the most promising new therapeutic approaches that enhance the innate immunity of an individual to fight against a certain disease.

T cell receptors (TCR) are the proteins responsible for the T cell's ability to recognize infected or transformed cells. TCR consists of two domains, one variable domain that recognizes the antigen and one constant region that helps the TCR anchor to the membrane and transmit the recognition signal by interacting with other proteins.

This invention is directed to substitutions in gene sequences that code for T cell receptors, specifically the inventors found that one to two amino acid substitutions in the TCRs that recognize 1G4 XY-ESO-1 and MART-1 resulted in a marked increase of these modified TCRs to recognize tumor cell targets. These mutated sequences are currently being evaluated as candidates for clinical development. The inventors also consider the invention as providing a ''general paradigm'' that will allow the generation of TCR directed against a variety of antigens that can enhance the function of gene modified T cells.

Applications:

1. Improved ability of modified TCRs to recognize tumor cell targets.
2. High affinity TR can be generated that recognizes a variety of antigens that can be potentially used for the diagnosis and treatment of patients with a variety of conditions that include cancer, infectious diseases and autoimmunity.
3. Mutant high affinity TR can also be used to transduce T cells in order to generate cells reactive with tumor antigens as well as viral antigens.

Development Status: Pre-clinical work has been completed and clinical work is undergoing.

Inventors: Paul F. Robbins (NCI), Steven A. Rosenberg (NCI), Richard A. Morgan (NCI), *et al.*

Relevant Publication: A manuscript relating to this invention is under preparation and will be available once accepted.

Patent Status: U.S. Provisional Application No. 60/847,447 filed 26 Sep 2006 (HHS Reference No. E–304–2006/0–US–01).

Licensing Status: This technology is available for licensing under an exclusive or non-exclusive patent license.

Licensing Contact: Michelle Booden, PhD; 301/451–7337; *boodenm@mail.nih.gov.*

Collaborative Research Opportunity: The NIH Surgery Branch is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize adoptive immunotherapy. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Novel Benzindole Based Compounds for HIV Therapy

Description of Technology: The HIV/AIDS epidemic continues despite efforts from scientists, drug companies, and non-profit organizations. Although the existing therapy, is effective in the treatment of many infected individuals in developed nations, the infected individual is not cured and therapy must be life-long. There are problems with drug toxicity, the development of resistant viral strains, and with the cost of therapy. New anti-viral agents are needed for a more effective, and a more cost-effective, treatment of HIV.

The invention describes compounds based on a benzindole moiety, which alkylates DNA. The compounds comprise a benzindole moiety, a bifunctional linker, and a fatty acid residue or dendrimer residue comprising at least one fatty acid. Several benzindole derivatives are synthesized. The compounds bind to the minor groove of DNA and can be useful in the inhibition of gene expression. The advantage of the compounds is that they remain inactive until conformational change induced by DNA binding makes them active. The fatty acid moiety immobilizes them on the cytoplasmic side of the plasma membrane. These anchored compounds are specifically designed to inhibit retroviral DNA before it translocates to the host nucleus and integrates with the host genome.

Applications and Modality:

1. Novel benzindole-based compounds for HIV therapy.
2. Compounds are specifically designed to inhibit retroviral DNA before it can integrate with the host genome.
3. Additionally, compounds might have potential anti-cancer activities.

Market:

1. More than 45 million people are living with HIV/AIDS worldwide.
2. More than 3 million estimated deaths due to HIV/AIDS occurred worldwide in 2003.
3. HIV/AIDS epidemic has caused more than 30 million deaths.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: Christopher J. Michejda (NCI), Stephen H. Hughes (NCI), *et al.*

Relevant Publication: A manuscript directly related to the above technology will be available as soon as it is accepted for publication.

Patent Status: U.S. Provisional Application No. 60/850,437 filed 10 Oct 2006 (HHS Reference No. E–126–2006/0–US–01).

Licensing Availability: Available for exclusive and non-exclusive licensing.

Licensing Contact: Adaku Nwachukwu, J.D.; 301/435–5560; *madua@mail.nih.gov*

Collaborative Research Opportunity: The National Cancer Institute's Structural Biophysics Laboratory is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize novel benzindole based compounds for HIV therapy. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Cloning and Characterization of an Avian Adeno-Associated Virus and Uses Thereof

Description of Technology: Currently, adeno-associated virus (AAV) represents the gene therapy vehicle of choice because it has many advantages over current strategies for therapeutic gene insertion. AAV is less pathogenic than other virus types; stably integrates into dividing and non-dividing cells; integrates at a consistent site in the host genome; and shows good specificity towards various cell types for targeted gene delivery.

To date, 11 AAV isolates have been isolated and characterized. New serotypes derived from non-human animal species have added to the specificity and repertoire of current AAV gene therapy techniques by avoiding the immunologic complications associated with human isolates.

This invention describes vectors derived from an avian AAV. These vectors have innate properties related to their origin that may confer them with a unique cellular specificity in targeted human gene therapy and a unique immunologic profile that would avoid neutralization by pre-existing antibodies. Therefore, vectors derived

from this avian AAV are likely to find novel applications for gene therapy in humans. Furthermore because of their species of origin, this vector would also be useful in the engineering of avian cells.

Inventors: Ioannis Bossis and John A. Chiorini (NIDCR).

Publication: I Bossis, JA Chiorini. Cloning of an avian adeno-associated virus (AAAV) and generation of recombinant AAAV particles. J Virol. 2003 Jun;77(12):6799–6810.

Patent Status: U.S. Patent Application No. 10/557,662 filed 21 Dec 2006 (HHS Reference No. E–105–2003/0–US–03).

Licensing Status: Available for non-exclusive or exclusive licensing.

Licensing Contact: Jesse S. Kindra, J.D.; 301/435–5559; *kindraj@mail.nih.gov*

Collaborative Research Opportunity: The National Institute of Dental and Craniofacial Research, Laboratory of Dr. John Chiorini, is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize gene therapy methods using AAV vectors. Please contact David W. Bradley, PhD at *bradleyda@nidcr.nih.gov* for more information.

Serotonin-Deficient Knock-Out Mouse

Description of Technology: Serotonin is an important modulator of many developmental, behavioral, and physiological processes, and it has been implicated in depression, anxiety, schizophrenia, obsessive compulsive disorders, and substance abuse. Serotonin's pharmacology is extremely complex and it is mediated by seven of serotonin receptor subtypes and it is present in several tissues. Although it has been a subject of a number of studies, its role has been difficult to ascertain. To investigate the role of serotonin in these disorders, the murine gene was disrupted by homologous recombination. Results indicate that serotonin binding sites were absent in different brain regions (brain stem, frontal cortex, hippocampus, and striatum), and its concentrations were reduced by 60–80%. These mice represent a powerful tool for the investigation of behavioral and neuropsychiatric disorders, and development of drug treatments for these disorders.

Applications: A model to study serotonin's role in behavioral and neuropsychiatric disorders.

Market:

1. Serotonin inhibitors are most widely used treatment in neuropsychological disorders. Examples include Zoloft, Paxil, and Prozac.
2. Depression effects approximately 18.8 million U.S. citizens and over 121 million people worldwide.
3. Antidepressant market was worth $16.2 billion in 2005, and it has annual growth of 2% year on year.
4. Anxiety disorders affect 40 million (18.1%) of the adult U.S. population.
5. Global anxiety disorder market was $4.5 billion in 2006.

Inventors: Dennis L. Murphy (NIMH) *et al.*

Publications:

1. RF Ren-Patterson, LW Cochran, A Holmes, S Sherrill, SJ Huang, T Tolliver, K-P Lesch. Loss of brain-derived neurotrophic factor gene allele exacerbates brain monoamine deficiencies and increases stress abnormalities of serotonin transporter knockout mice. J Neurosci Res. 2005 Mar 15:79(6):756–771.
2. DL Murphy, A Lerner, G Rudnick, K-P Lesch. Serotonin transporter: gene, genetic disorders, and pharmacogenetics. Mol Interv. 2004 April:4(2):109–123.
3. RF Ren-Patterson, D-K Kim, X Zheng, S Sherrill, S-J Huang, T Tolliver, DL Murphy. Serotonergic-like progenitor cells propagated from neural stem cells in vitro: survival with SERT protein expression following implantation into brains of mice lacking SERT. FASEB J. 2005 Sep:19(11):1537–1539.
4. Q Li, A Holmes, L Ma, LD Van de Kar, F Garcia, DL Murphy. Medical hypothalamic 5-hydroxytryptamine (5HT)1A receptors regulate neuroendocrine responses to stress and exploratory locomotor activity application of recombinant adenovirus containing 5-HT1A sequences. J Neurosci. 2004 Dec 1:24(48):10868–10877.
5. F Kilic, DL Murphy, G Rudnick. A human serotonin transporter mutation causes constitutive activation of transport activity. Mol Pharmacol. 2003 Aug:64(2):440–446.
6. DL Murphy, GR Uhl, A Holmes, R Ren-Patterson, FS Hall, I Sora, S Detera-Wadleigh, K-P Lesch. Experimental gene interaction studies with SERT mutant mice as models for human polygenic and epistatic traits and disorders. Genes Brain Behav. 2003 Dec:2(6):350–364.
7. N Ozaki, D Goldman, WH Kaye, K Plotnicov, BD Greenberg, J Lappalainen, G Rudnick, DL Murphy. Serotonin transporter missense mutation associated with a complex neuropsychiatric phenotype. Mol Psychiatry. 2003 Nov:8(11):933–936.

Patent Status: HHS Reference No. B–019–1999/0—Research Tool.

Licensing Status: This technology is available as a research tool under a Biological Materials License.

Licensing Contact: Jennifer Wong; 301/435–4633; *wongje@mail.nih.gov.*

Dated: March 15, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–5675 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; *telephone:* 301/496–7057; *fax:* 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Microdialysis Probe for Accessing Tissue *in-vivo*

Description of Technology: Available for licensing and commercial development is a microdialysis probe. This device permits *in-vivo* measurement of bioavailable substances (*e.g.*, cytokines, growth factors, neuropeptides, inflammatory mediators, etc.) at picogram levels of concentration directly from soft tissue and organ systems. The probe may also serve as an *in-situ* drug delivery vehicle of micro doses of medication to specific anatomical sites by slow diffusion. It also permits measurement of efficacy of drug delivery, whether given orally, systemically or topically, at the local

tissue level. It can be utilized in a variety of patient populations and conditions. For example, the probe can be used to monitor the local biochemical milieu in soft tissue and organ systems to provide insights into the pathophysiology of musculoskeletal, neuromuscular, rheumatic, gastrointestinal, renal, cardiovascular and endocrinologic diseases, cancers, dermatological conditions, and pediatric disorders, especially in premature newborns.

The probe is made from a small-bore (32 gauge) needle, whose probe surface has been fashioned to permit near trauma-less entry, containing both a fluid delivery and recovery tube within the bore. A molecular exchange membrane is positioned about 200 microns from the tip. Fluid flows across the membrane removing diffused molecules to a collection device. The rounded tip of the needle is designed to cause minimal tissue damage while allowing investigations to be performed on local tissue fluids. Additionally, this device allows simultaneous delivery of small concentrations of drug. In summary, this unique apparatus provides a minimally invasive means for sampling biological fluids in any human or animal organ or tissue and for *in-situ* drug-delivery, in continuous or incremental dosing, of extremely small doses.

Applications: Measurement of bioavailable substances in organs and soft tissues; Localized drug delivery vehicle; Measurement of tissue drug levels.

Market: Drug discovery; Tissue/fluid sampling; Pain management.

Inventors: Jay Shah (NIHCC), Terence Martyn Phillips (ORS), Jerome V. Danoff (NIHCC), Lynn Gerber (NIHCC).

Publication: JP Shah, TM Phillips, JV Danoff, LH Gerber. An *in vivo* microanalytical technique for measuring the local biochemical milieu of human skeletal muscle. J Appl Physiol. 2005 Nov; 99(5):1977–1984. Epub 2005 Jul 21.

Patent Status: U.S. Provisional Application No. 60/795,176 filed 27 Apr 2006 (HHS Reference No. E–024–2006/0–US–01).

Licensing Contact: Michael A. Shmilovich, Esq.; 301/435–5019; *shmilovm@mail.nih.gov.*

Fluorescent Intracellular Calcium Indicators

Description of Technology: Calcium is a key element in the regulation of many cellular processes, including muscle contraction, hormone excretion from gland cells, neurotransmitter release from nerve synapses, and the regulation of cellular metabolism. Elevated calcium levels are found in a number of diseases.

The present invention relates to chromophoric or fluorescent dye calcium indicators that are superior for measurement of high concentrations of calcium ions due to their high dissociation constants. As a result of the high calcium ion dissociation constants, the perturbation resulting from introducing the indicator into the cell is greatly reduced. These calcium ion indicators can be measured by various techniques including 19F NMR spectroscopy, flow cytometry, and quantitative fluorescence techniques, and are useful for measuring calcium levels within the cytosol or within cellular organelles.

Application: Research tool for quantifying intracellular calcium concentrations.

Inventors: Robert E. London, Louis A. Levy, and Elizabeth Murphy (NIEHS).

Patent Status: U.S. Patent Application No. 08/175,590 filed 30 Dec 1993, which issued as U.S. Patent No. 5,516,911 on 14 May 1996 (HHS Reference No. E–015–1993/0–US–01).

Licensing Status: Available for nonexclusive licensing.

Licensing Contact: Tara Kirby, PhD; 301/435–4426; *tarak@mail.nih.gov.*

Collaborative Research Opportunity: The NIEHS Laboratory of Structural Biology is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize this technology. Please contact Dr. Robert London at 919/541–4879 or *london@niehs.nih.gov* for more information.

Dated: March 19, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–5676 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center on Minority Health and Health Disparities; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel, LRP for Health Disparities and Clinical Research-Panel B.

Date: April 29, 2007.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6707 Democracy Blvd./Suite 800, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Lorrita Watson, PhD, National Center on Minority Health, and Health Disparities, National Institutes of Health, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892–5465, (301) 402–1366, *watsonl@ncmhd.nih.gov.*

Name of Committee: National Center on Minority Health and Health Disparities Special Emphasis Panel, NCMHD Conference Grant Application (R13) Review.

Date: May 1, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Robert Nettey, MD, Scientific Review Administrator, National Institute on Minority Health, and Health Disparities, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, 301–496–3996.

Dated: March 21, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1516 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute, Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose

confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel, National Eye Institute Clinical Trials.

Date: April 9, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Tenleytown Meeting Room, Washington, DC 20015.

Contact Person: Samuel Rawlings, PhD, Chief Scientific Review Branch, Division of Intramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892–9300, 301–451–2020, *rawlings@nei.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: March 21, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1519 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Infertility Treatment, Child Growth and Development to Age Three Years.

Date: April 23, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Double Tree Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–6902, *khanh@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1503 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Emphasis Panel, Anesthetics: Cellular and Molecular Actions.

Date: April 19, 2007.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of General Medical Sciences, Natcher Building, 45 Center Drive, Room 3AN–18, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Brian R. Pike, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN18, Bethesda, MD 20892, 301–594–3907, *pikbr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: March 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1504 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Research Support and Animal Care Services.

Date: April 4, 2007.

Time: 9 a.m. to 6 p.m.

Agenda: To review and evaluate contract proposals.

Place: Courtyard by Marriott Rockville, 2500 Research Boulevard, Rockville, MD 20850.

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1439, *lf33c.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1505 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Development of Immunotherapeutic Products for the Treatment of Methamphetamine, Addiction.

Date: April 18, 2007.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Mark Swieter, PhD, Chief, Training and Special Projects Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6101 Executive Boulevard, Suite 220, Bethesda, MD 20892–8401, (301) 435–1389, *ms80x@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1506 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, Aneurysm Study.

Date: April 5–6, 2007.

Time: 7:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Chicago O'Hare Airport, O'Hare International Airport, Terminal #2, Chicago, IL 60666.

Contact Person: Katherine Woodbury, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 496–5980, *kw47o@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel, Autism, and Sleep.

Date: April 16, 2007.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Katherine Woodbury, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 496–5980, *kw47o@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1507 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Minority Programs Review Committee, MBRS Review Subcommittee B.

Date: April 3, 2007.

Time: 2 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3AN–38, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Lisa A Dunbar, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301–594–2849, *dunbarl@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel, Minority Biomedical Research Support.

Date: April 4, 2007.

Time: 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3AN–18, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rebecca H. Johnson, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18, Bethesda, MD 20892, 301–594–2771, *johnsonrh@nigms.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: March 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1509 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel, ZEB1 OSR–C (A1) S (LRP).

Date: May 18, 2007.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Suite 220 small conference room, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Prabha L. Atreya, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of Biomedical Imaging and Bioengineering, Bethesda, MD 20892; (301) 496–8633, *atreyapr@mail.nih.gov.*

Dated: May 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1510 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Commission on Digestive Diseases.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Commission on Digestive Diseases.

Date: June 18–19, 2007.

Time: 9 a.m. to 12 p.m.

Agenda: Introductions; updates from Working Groups; Commission timeline and next steps; and general discussion. Pre-registration is required. Instructions will be available on the Commission's Web site at *http://NCDD.niddk.nih.gov.*

Place: Sheraton Crystal City, 1800 Jefferson Davis Highway (Rt. 1), Grand Ballroom C, Arlington, VA 22202.

Contact Person: Stephen P James, MD, Director, Division of Digestive Diseases & Nutrition, National Institute of Diabetes and Digestive and Kidney Diseases, NIH, 6707 Democracy Blvd., Rm 677, Bethesda, MD 20892–5450, 301–594–7680, *natlcommdd@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 21, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1512 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Drug Abuse.

Date: May 15–16, 2007.

Closed: May 15, 2007, 3 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Open: May 16, 2007, 8:30 a.m. to 1 p.m.

Agenda: This portion of the meeting will be open to the public for announcements and reports of administrative, legislative and program developments in the drug abuse field.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Teresa Levitin, PhD, Director, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 443–2755.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed

and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.drugabuse.gov/NACDA/NACDAHome.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 21, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1513 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associate with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Drug Abuse Special Emphasis Panel, Clinical Trails Network Services.

Date: April 18–19, 2007.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant proposals.

Place: Courtyard by Marriott Rockville, 2500 Research Boulevard, Rockville, MD 20850.

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 435–1439, *if33c.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Web-Based Core Competency Training for Coalitions.

Date: April 27, 2007.

Time: 9:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Execution Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Nadine Rogers, Health Scientist Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, (301) 402–2105, *roersn2@nida.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 92.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 21, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1514 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council for Biomedical Imaging and Bioengineering.

The meeting will be open to the public as indicated below with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council for Biomedical Imaging and Bioengineering, May Council.

Date: May 16, 2007.

Time: 8:30 a.m. to 1:15 p.m.

Agenda: Report from the Institute Director, other Institute Staff and presentations of working group reports.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Closed: 1:15 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Anthony Demsey, PhD, Director, Office of Extramural Policy, National Institute of Biomedical Imaging and Bioengineering, 6701 Democracy Blvd., Room 241, Bethesda, MD 20892.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *http://www.nibib1.nih.gov/about/NACBIB/NACBIB.htm*, where an agency and any additional information for the meeting will be posted when applicable.

Dated: March 21, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1517 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel Ancillary Studies to Major Ongoing NIDDK and NHLBI Clinical Research Studies PAR–06–216.

Date: April 9, 2007.

Time: 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John F. Connaughton, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 916, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, *connaughton@extra.niddk.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: March 21, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1518 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclose of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Methods of Molecular Profiling of Tissues Using MALDI & Generalized Analytical Technique for the Metabolome.

Date: March 30, 2007.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6101 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Kristen V Huntley, PhD, Scientific Review Administrator, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 220, MSC 8401, 6101 Executive Boulevard, Bethesda, MD 20892–8401, 301–435–1433, *huntleyk@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: March 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1520 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel, Scholarly Works G13 Review.

Date: June 4, 2007.

Time: 9 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Zoe E. Huang, MD, Health Science Administrator, Division of Extramural Programs, National Library of Medicine, National Institutes of Health, 6705 Rockledge Drive, Suite 301, MSC 7968, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov.*

Name of Committee: National Library of Medicine Special Emphasis Panel, R21 Review

Date: July 11, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Zoe E. Huang, MD, Health Science Administrator, Division of Extramural Programs, National Library of Medicine, National Institutes of Health, 6705 Rockledge Drive, Suite 301, MSC 7968, Bethesda, MD 20892–7968, 301–594–4937, *huangz@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: March 21, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1515 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Biotechnology Activities, Office of Science Policy, Office of the Director; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the National Science Advisory Board for Biosecurity (NSABB).

Under authority 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, the Department of Health and Human Services established NSABB to provide advice, guidance and leadership regarding Federal oversight of dual use research, defined as biological research with legitimate scientific purposes that could be misused to pose a biological threat to public health and/or national security.

The meeting will be open to the public, however pre-registration is strongly recommended due to space limitations. Persons planning to attend should register online at *http://www.biosecurityboard.gov/meetings.asp* or by calling Capital Consulting Corporation (Contact: Karen Brooks at 301–468–6004, ext. 443. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should indicate these requirements upon registration.

Name of Committee: National Science Advisory Board for Biosecurity.

Date: April 19, 2007.

Open: 8 a.m. to 6 p.m.

Agenda: Presentations and discussions regarding: (1) Proposed strategies for oversight of life sciences research with dual use potential; (2) international dialogue on dual use research issues; (3) public comments; and (4) and other business of the Board.

Place: The National Institutes of Health, 31 Center Drive, Building 31, C Wing, 6th Floor, Rooms 6–10, Bethesda, Maryland 20892.

Contact Person: Ronna Hill, NSABB Program Assistant, 6705 Rockledge Drive, Bethesda, Maryland 20892, (301) 496–9838.

This meeting will also be webcast. The draft meeting agenda and other information about NSABB, including information about access to the webcast and pre-registration, will be available at *http://ww.biosecurityboard.gov/meetings.asp.*

Any member of the public interested in presenting oral comments at the meeting may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of an organization may submit a letter of intent, a brief description of the organization represented and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee. All written comments must be received by April 2, 207 and should be sent via e-mail to *nsabb@od.nih.gov* with ''NSABB Public Comment'' as the subject line or by regular mail to 6705 Rockledge Drive, Suite 750, Bethesda, MD 20892, Attention Ronna Hill. The statement should include the name, address, telephone number and, when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID's driver's license, or passport) and to state the purpose of their visit.

Dated: March 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1511 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–07–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Small Business: Dentistry-Related.

Date: April 12–13, 2007.

Time: 8 a.m. to 9 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: J. Terrell Hoffeld, DDS, PhD, Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, (301) 435–1781, *th88q@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Bridges to the Future.

Date: May 16, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Cathleen L. Cooper, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7812, Bethesda, MD 20892, (301) 435–3566, *cooperc@csr.nih.gov*.

Name of Committee: Oncological Sciences Integrated Review Group, Cancer Molecular Pathobiology Study Section.

Date: May 24–25, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Hotel, 1515 Rhode Island Avenue, Washington, DC 20005.

Contact Person: Elaine Sierra-Rivera, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7804, Bethesda, MD 20892, (301) 435–1779, *riverase@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 21, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1502 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, AMCB Member Conflicts.

Date: April 2, 2007.

Time: 12 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Eduardo A. Montalvo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, The Global Infectious Disease Meeting.

Date: April 10, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Inn, 1310 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Dan D. Gerendasy, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5132, MSC 7843, Bethesda, MD 20891, 301–594–6830, *gerendad@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 20, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–1508 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Technologies Relating to SH2 Domain Binding Inhibitors and Inhibition of Cell Motility and Angiogenesis

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR part 404.7(a)(1)(i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an exclusive patent license to practice the inventions embodied in U.S. Patent Application No. 09/937,150, filed March 26, 2002, entitled ''Phenylalanine Derivatives'' [E–105–1999/0–US–07]; U.S. Patent Application No. 10/517,717, filed March 17, 2005, entitled ''SH2 Domain Binding Inhibitors'' [E–262–2000/1–US–03]; U.S. Patent Application No. 10/944,699, filed September 17, 2004, entitled ''SH2 Domain Binding Inhibitors'' [E–315–2003/0–US–02]; PCT Patent Application PCT/US05/35246, filed September 30, 2005, entitled ''A New Approach Toward Macrocyclization of Peptides'' [E–327–2004/0–PCT–02]; U.S. Provisional Patent Application No. 60/867,307, filed November 27, 2006, entitled ''Macrocyclic GRB2 SH2 Domain Binding Inhibitors Prepared Using Achiral Alkenyl Amines'' [E–305–2006/0–US–01]; U.S. Patent 6,977,241, issued December 20, 2005, entitled ''SH2 Domain Binding Inhibitors'' [E–262–2000/0–US–03]; U.S. Patent 7,132,392, issued November 11, 2006, entitled ''Inhibition of Cell Motility and Angiogenesis by Inhibitors of the GRB2 SH2 Domain'' [E–265–1999/0–US–07]; to Angion Biomedica Corporation, having a place of business in Manhasset, New York. The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license territory may be worldwide, and the field of use may be limited to cancer and the modulation of angiogenesis in inflammatory disease.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before May 29, 2007 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments, and other materials relating to the contemplated exclusive license should be directed to: Adaku Nwachukwu, J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; *Telephone:* (301) 435–5560; *Facsimile:* (301) 402–0220; *E-mail: madua@mail.nih.gov*.

SUPPLEMENTARY INFORMATION: These technologies relate to anti-cancer drugs that target the inhibition of specific enzymes in certain pathways that will interfere with a cell's signal transduction processes. The current technologies include specific compounds that inhibit GRB2 SH2 domain binding. In addition, the technologies relate to how these compounds may inhibit cell motility and angiogenesis.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR part 404.7. The prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: March 16, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–5674 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: The Catalytic Moiety of the Glucose-6-Phosphatase System: The Gene and Protein and Related Mutations

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the invention embodied in U.S. Patent Number 5,460,942 issued October 24, 1995 entitled, ''The Catalytic Moiety of the Glucose-6-Phosphatase System: the Gene and Protein and Related Mutations'' (HHS Ref. No. E–179–1993/0–US–01) to GlyGenix, Inc., having a place of business in Cheshire, CT 06410. The contemplated exclusive license may be limited to the following field of use: an FDA-approvable human therapeutic for Glycogen Storage Disease Type Ia. The United States of America is the assignee of the patent rights in this invention.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before May 29, 2007 will be considered.

ADDRESSES: Requests for a copy of the patent, inquiries, comments, and other materials relating to the contemplated license should be directed to: Tara L. Kirby, PhD, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; *Telephone:* 301–435–4426; *Facsimile:* 301–402–0220; *E-mail: kirbyt@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: Glycogen storage diseases result from at least 10 different genetic defects in proteins required by glycogen metabolism. Glycogen storage disease Type Ia (GSD, also known as von Gierke disease) is defined as the deficiency of glucose-6-phosphatase (G–6–Pase) which is normally present in liver, kidney, and intestine. Glycogen storage disease Type la is inherited by one per 100,000 people as an autosomal recessive trait and is usually manifested during the first twelve months of life by symptomatic hypoglycemia, or by the recognition of hepatomegaly. In

addition, GSD type Ia can cause growth retardation, delayed adolescence, lacticacidemia, hyperlipidemia, hyperuricemia, and in adults, hepatic adenomas.

The invention discloses nucleic acid sequences and vectors useful for producing recombinant G–6–Pase proteins, as well as nucleic acid sequences and kits for detecting a mutation in the G–6–Pase gene.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: March 20, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–5672 Filed 3–27–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[CBP Dec. 07–11]

Re-Accreditation of Core Laboratories, Inc., as a Commercial Laboratory

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of re-accreditation of Core Laboratories, Inc. of Sulfur, Louisiana, as an accredited commercial laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12, Core Laboratories, Inc., 4025 Oak Lane, Sulfur, Louisiana 60665, has been re-accredited to test Petroleum and Petroleum Products entered under Chapters 17 and 29 of the Harmonized Tariff Schedule of the United States (HTSUS) for customs purposes, in accordance with the provisions of 19 CFR 151.12. Anyone wishing to employ this entity to conduct laboratory analysis should request and receive written assurances from the entity that it is accredited or approved by the Bureau of Customs and Border Protection to conduct the specific test requested. Alternatively, inquiries regarding the specific tests this entity is accredited to perform may be directed to the Bureau of Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *http://www.cbp.gov/xp/ cgov/import/ operations_support/labs_scientific_svcs/ org_and_operations.xml*.

DATES: The re-accreditation of Core Laboratories, Inc., as an accredited laboratory became effective on March 23, 2005. The next triennial inspection date will be scheduled for March 2008.

FOR FURTHER INFORMATION CONTACT: Eugene J. Bondoc, PhD, or Randall Breaux, Laboratories and Scientific Services, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: March 22, 2007.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E7–5705 Filed 3–27–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[CBP Dec. 07–12]

Re-Approval of the Strawn Group as a Commercial Gauger

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of re-approval The Strawn Group of Houston, Texas, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, The Strawn Group, 3855 Villa Ridge, Houston, Texas 77068, has been re-approved to gauge petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity for gauger services should request and receive written assurances from the entity that it is approved by the Bureau of Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger services this entity is approved to perform may be directed to the Bureau of Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *http://www.cbp.gov/xp/ cgov/import/operations_support/ labs_scientific_svcs/ org_and_operations.xml*.

DATES: The re-approval of The Strawn Group as a commercial gauger became effective on January 4, 2005. The next triennial inspection date will be scheduled for January 2008.

FOR FURTHER INFORMATION CONTACT: Eugene J. Bondoc, PhD, or Randall Breaux, Laboratories and Scientific Services, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: March 22, 2007.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E7–5706 Filed 3–27–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[CBP Dec. 07–13]

Re-Accreditation and Re-Approval of Amspec Services as a Commercial Gauger and Laboratory

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of re-approval of Amspec Services of Wilmington, North Carolina, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 151.13, Amspec Services, 2841 Carolina Beach Road, Suite 3B, Wilmington, North Carolina 28412, has been re-approved to gauge petroleum and petroleum products, organic chemicals and vegetable oils, and to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 151.13. Anyone wishing to employ this entity to conduct laboratory analysis or gauger services should request and receive written assurances from the entity that it is accredited or approved by the Bureau of Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively,

inquiries regarding the specific tests or gauger services this entity is accredited or approved to perform may be directed to the Bureau of Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *http://www.cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/org_and_operations.xml*.

DATES: The re-approval of Amspec Services as a commercial gauger and laboratory became effective on May 26, 2005. The next triennial inspection date will be scheduled for May 2008.

FOR FURTHER INFORMATION CONTACT: Eugene J. Bondoc, PhD, or Randall Breaux, Laboratories and Scientific Services, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: March 22, 2007.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E7–5707 Filed 3–27–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[CBP Dec. 07–14]

Re-Accreditation and Re-Approval of Intertek Caleb Brett as a Commercial Gauger and Laboratory

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of re-approval of Intertek Caleb Brett of Corpus Christi, Texas, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 151.13, Intertek Caleb Brett, 134 Heinsohn Road, Suite A, Corpus Christi, Texas 78406, has been re-approved to gauge petroleum and petroleum products, organic chemicals and vegetable oils, and to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 151.13. Anyone wishing to employ this entity to conduct laboratory analysis or gauger services should request and receive written assurances from the entity that it is accredited or approved by the Bureau of Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific tests or gauger services this entity is accredited or approved to perform may be directed to the Bureau of Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *http://www.cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/org_and_operations.xml*.

DATES: The re-approval of Intertek Caleb Brett as a commercial gauger and laboratory became effective on February 23, 2005. The next triennial inspection date will be scheduled for February 2008.

FOR FURTHER INFORMATION CONTACT: Eugene J. Bondoc, PhD, or Randall Breaux, Laboratories and Scientific Services, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: March 22, 2007.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E7–5708 Filed 3–27–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[CBP Dec. 07–15]

Re-Approval of Intertek Caleb Brett as a Commercial Gauger

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of re-approval Intertek Caleb Brett of Pasadena, Texas, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Intertek Caleb Brett, 3741 Red Bluff Road, Pasadena, Texas 77503, has been re-approved to gauge petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity for gauger services should request and receive written assurances from the entity that it is approved by the Bureau of Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger services this entity is approved to perform may be directed to the Bureau of Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *http://www.cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/org_and_operations.xml*.

DATES: The re-approval of Intertek Caleb Brett as a commercial gauger became effective on February 18, 2005. The next triennial inspection date will be scheduled for February 2009.

FOR FURTHER INFORMATION CONTACT: Eugene J. Bondoc, PhD, or Randall Breaux, Laboratories and Scientific Services, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: March 22, 2007.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E7–5710 Filed 3–27–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Bureau of Customs and Border Protection

[USCBP–2007–0030]

Receipt of Domestic Interested Party Petition Concerning Tariff Classification of Glass Optical Preforms

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of receipt of domestic interested party petition; solicitation of comments.

SUMMARY: The Bureau of Customs and Border Protection (CBP) has received a petition submitted on behalf of a domestic interested party requesting the reclassification under the Harmonized Tariff Schedule of the United States (HTSUS) of glass optical preforms. CBP's current position is that glass optical preforms are classifiable duty-free in subheading 7002.20.1000, HTSUS, as glass rods of fused quartz or other fused silica, unworked. Petitioner maintains that this classification is incorrect because the optical fiber preforms consist of a glass core rod that has been ''worked'' by the addition of a layer of cladding glass to the core rod. Petitioner asserts that subheading 7020.00.6000, HTSUS, other articles of glass, other, represents the correct classification. The 2007 rate of duty under this provision is 5 percent ad valorem.

DATES: Comments must be received on or before May 29, 2007.

ADDRESSES: You may submit comments, identified by docket number, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments via docket number USCBP–2007–0030.

• *Mail:* Trade and Commercial Regulations Branch, Regulations and Rulings, Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW., (Mint Annex), Washington, DC 20229.

Instructions: All submissions received must include the agency name and docket number for this notice of domestic interested party petition concerning the tariff classification of glass optical preforms. All comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.* Submitted comments may also be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Bureau of Customs and Border Protection, Regulations and Rulings, Trade and Commercial Regulations Branch, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark, Trade and Commercial Regulations Branch, at (202) 572–8768.

FOR FURTHER INFORMATION CONTACT: Emily M. Simon, Tariff Classification and Marking Branch, Regulations and Rulings, Office of International Trade at (202) 572–8867.

SUPPLEMENTARY INFORMATION:

Background

A petition has been filed under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), on behalf of Corning Incorporated, Corning, New York, requesting that Customs and Border Protection (CBP) reclassify imported optical glass preforms. In accordance with HQ 967058 and HQ 967059, both dated April 21, 2006, CBP classifies this merchandise duty-free in subheading 7002. 20.1000, Harmonized Tariff Schedule of the United States (HTSUS), as glass rods of fused quartz or other fused silica, unworked. Petitioner maintains that this classification is incorrect because the optical fiber preforms consist of a glass core rod that has been ''worked'' by the addition of a layer of cladding glass to the core rod. Petitioner asserts that subheading 7020.00.6000, HTSUS, other articles of glass, other, represents the correct classification. The 2007 rate of duty under this provision is 5 percent ad valorem.

Classification under the HTSUS is determined in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be according to the terms of the headings and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

Optical glass preforms are produced by a two-step process. In the first step, the core layer of the preform is drawn through an annealing furnace, fusing it into a rod by a method called vapor axial deposition. In the second step, the cladding layer of the preform is added by fusing a layer of silica dioxide powder to the outside of the core rod.

Petitioner maintains that CBP's position that core rods are identifiable merely as an intermediate stage in a somewhat continuous process of producing preforms is erroneous. Petitioner contends that core rods exist as a separate and distinct commercial article, are recognized throughout the industry as ''rods,'' and are referred to as such. Petitioner concludes that the addition of a layer of cladding glass to a core rod renders the rod ''worked,'' and results in classification in heading 7020, HTSUS, as other articles of glass.

At GRI 1, the classification of optical glass preforms in heading 7002, HTSUS, results from a finding that they are unworked. CBP has uniformly considered the process of ''working'' glass to have been performed on an extant article of glass, rather than during the process of creating or manufacturing that article. *See* HQ 960274, dated October 9, 1997. Therefore, it is CBP's position that the ''working'' of glass articles contemplates a mechanical or physical alteration of the glass after the glass articles are created. Consequently, the addition to a glass core rod of a layer of cladding glass to complete a glass preform cannot at the same time be considered a ''working'' of that preform.

As an alternative claim, Petitioner asserts that the glass optical preforms, which it now refers to as optical fiber preforms, have a single and recognizable predetermined use as optical fibers. As such, they qualify as incomplete or unfinished optical fibers under GRI 2(a), HTSUS, having the essential character of complete or finished optical fibers classifiable in subheading 9001.10.0030, HTSUS. Optical fibers and other articles of Chapter 90 are excluded from Chapter 70, pursuant to Chapter 70, Note 1(d), HTSUS. The 2007 rate of duty under this provision is 6.7 percent ad valorem.

Petitioner maintains the preforms possess all of the critical optical properties of the fiber, citing HQ 560660 dated April 9, 1999. HQ 560660 involved an analysis of ''character'' for purposes of substantial transformation in a marking or origin context. CBP found in that ruling that there was no recognizable change in character based on the drawing of the preform into fiber. Petitioner maintains that finding applies equally in a GRI 2(a) context. HQ 560660 cited HQ 960948 [1] dated September 11, 1998, with respect to whether a glass preform was properly classifiable under subheading 9001.10.00, HTSUS, as incomplete or unfinished optical fiber, on the basis of GRI 2(a), HTSUS. Under GRI 2(a), an incomplete or unfinished article will be classified as a complete or finished article provided it has the ''essential character'' of the complete or finished article. HQ 960948 cited court cases, which looked to the function or use of the article in determining essential character for classification purposes. The ruling stated that the preform is a magnified version of the fiber to be drawn from it and, accordingly, both have the same critical fiber optic attributes. However, CBP noted that the preform does not have the essential physical characteristics (*i.e.*, thinness and flexibility) necessary for practical use as optical fiber. It was further noted that, pursuant to a Harmonized Commodity Description and Coding System Explanatory Note (EN) for GRI 2(a) (*i.e.*, EN GRI Rule 2(a)(II)), the preforms may not be classified as incomplete or unfinished optical fiber (as ''blanks'') because they did not have ''the approximate shape or outline'' of the finished article. Thus, CBP concluded that the glass preform did not have the essential character of a complete or finished optical fiber, and was not an incomplete or unfinished optical fiber classifiable in subheading 9001.10.00, HTSUS.

Comments

Pursuant to section 175.21(a), CBP regulations (19 CFR 175.21(a)), before making a determination on this matter, CBP invites written comments on the petition from interested parties.

The domestic interested party petition concerning the tariff classification of optical glass preforms, as well as all comments received in response to this notice, will be available for public inspection in accordance with the

[1] HQ 960948 was revoked for other reasons by HQ 967058, dated April 21, 2006.

Freedom of Information Act (5 U.S.C. 552, and Section 103.11(b), CBP regulations (19 CFR 103.11(b)), between the hours of 9 a.m. and 4:30 p.m. on regular business days at the Bureau of Customs and Border Protection, Office of Regulations and Rulings, Trade and Commercial Regulations Branch, 799 9th Street, NW., 5th Floor, Washington, DC. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark at (202) 572–8768.

Authority

This notice is published in accordance with section 175.21(a), CBP Regulations (19 CFR 175.21(a)) and 19 U.S.C. 1516.

Dated: March 23, 2007.

W. Ralph Basham,

Commissioner, Bureau of Customs and Border Protection.

[FR Doc. E7–5712 Filed 3–27–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed revised information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the revised collection of information, which is necessary for assessment and improvement of the delivery of disaster assistance. The forms serve as survey tools used to evaluate customer perceptions of effectiveness, timeliness and satisfaction with initial, continuing and final delivery of disaster-related assistance.

SUPPLEMENTARY INFORMATION: This collection is in accordance with Executive Order 12862 requiring all Federal agencies to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services. The Government Performance and Results Act (GPRA) requires agencies to set missions and goals and measure performance against them. FEMA will fulfill these requirements by collecting customer service and program information through surveys of the Recovery Division's external customers.

Collection of Information

Title: Federal Emergency Management Agency (FEMA) Individual Assistance Customer Satisfaction Surveys.

Type of Information Collection: Revision of a currently approved collection.

OMB Number: 1660–0036.

Form Numbers: FEMA Form 90–147, Registration Intake Survey; FEMA Form 90–148, Helpline Survey; FEMA Form 90–149, Program Effectiveness & Recovery Survey; FEMA Form 90–150, Internet On-Line Registration Phone Survey; FEMA Form 90–151, Internet Applicant Inquiry/Update Phone Survey; Moderator's Guide for Focus Group.

Abstract: Federal agencies are required to survey their customers to determine the kind and quality of services customers want and their level of satisfaction with existing services. FEMA Managers use the survey results to measure program performance against standards for performance and customer service; measure achievement of GPRA and strategic planning objectives; and generally gauge and make improvements to disaster services that increase customer satisfaction and program effectiveness.

Affected Public: Individuals and households, businesses or other for-profit, not-for-profit institutions.

Estimated Total Annual Hour Burden: 8,791.75 hours.

Project/activity	No. of respondents (A)	Frequency of responses (B)	Hour burden per response (hours) (C)	Annual responses (D)=(A×B)	Total annual hour burden (hours) (E)=(C×D)
Registration Intake Survey (RI)—Phone	8,855	1	0.25	8,855	2,213.75
Helpline Survey (HL)—Phone	8,855	1	0.25	8,855	2,213.75
Program Effectiveness & Recovery Survey (PE&R)—Phone	8,832	1	0.25	8,832	2,208
Internet—On Line Registration Survey—Phone	2,990	1	0.25	2,990	747.50
Internet—Applicant Inquiry/Update Survey—Phone	2,875	1	0.25	2,875	718.75
Surveys subtotal				32,407	8,101.75
Focus Group held in person annually	120	1	2.5	120	300
Focus Group One-on-One In Depth Interviews	24	1	.75	24	18
Focus Group On-Line Time Extended In Depth Interviews	24	1	3	24	72
Focus Group Quantitative Design Validation	1,200	1	.25	1,200	300
Focus groups subtotal				1,368	690
Total				33,775	8,791.75

Estimated Cost: There is no expected cost to the respondents. The estimated annual cost to the Federal Government is $1,908,207.47.

Comments: Written comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. Comments must be submitted on or before May 29, 2007.

ADDRESSES:

Interested persons should submit written comments to Chief, Records Management and Privacy, Information Resources Management Branch, Information Technology Services Division, Federal Emergency Management Agency, 500 C Street, SW., Room 609, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Maggie Billing, Program Analyst, Customer Satisfaction Analysis Section, Texas National Processing Service Center, Recovery Division, FEMA at (940) 891–8709 or *maggie.billing@dhs.gov* for additional information. You may contact the Records Management Branch for copies of the proposed collection of information at facsimile number (202) 646–3347 or e-mail address: *FEMA-Information-Collections@dhs.gov*.

Dated: March 15, 2007.

John A. Sharetts-Sullivan,

Chief, Records Management and Privacy, Information Resources Management Branch, Information Technology Services Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7–5619 Filed 3–27–07; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–27]

Notice of Submission of Proposed Information Collection to OMB; Comprehensive Needs Assessment (CNA)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The Comprehensive Needs Assessment is a description of current and future resources and needs of certain multifamily housing projects. Owners and non-profit entities submit the information.

DATES: *Comments Due Date:* April 27, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0505) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Comprehensive Needs Assessment (CNA).

OMB Approval Number: 2502–0505.

Form Numbers: HUD–96001, HUD–96002, HUD–96003.

Description of the Need for the Information and its Proposed Use: The Comprehensive Needs Assessment is a description of current and future resources and needs of certain multifamily housing projects. Owners and non-profit entities submit the information.

Frequency of Submission: On occasion, Annually, Other Once to comply with statute.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	940,032	0.5		.40		19,022

Total Estimated Burden Hours: 19,022.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 21, 2007.

Lillian L. Dietzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–5623 Filed 3–27–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–28]

Notice of Submission of Proposed Information Collection to OMB; FHA TOTAL Mortgage Scorecard

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The data collection requirements consist of an electronic lender certification process and requirements to provide reports and loan samples at FHA's request, and appeals in writing for loss of privilege to use the scorecard.

DATES: *Comments Due Date:* April 27, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0556) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: FHA TOTAL Mortgage Scorecard.

OMB Approval Number: 2502–0556.

Form Numbers: None.

Description of the need for the information and its proposed use: The data collection requirements consist of an electronic lender certification process and requirements to provide reports and loan samples at FHA's request, and appeals in writing for loss of privilege to use the scorecard.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden	12,000	0.03		2		908

Total Estimated Burden Hours: 908.

Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 21, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–5624 Filed 3–27–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5121–N–10]

Notice of Proposed Information Collection: Comment Request; Mortgage Insurance Termination; Application for Premium Refund or Distributive Share Payment

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 29, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Lillian L. Deitzer, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410 or *Lillian_L_Deitzer@hud.gov*.

FOR FURTHER INFORMATION CONTACT: For information concerning Mortgage Insurance Termination contact Gabrielle Scandone, Branch Chief, Systems Management Branch, Single Family Insurance Operations Division (SFIOD), telephone (202) 402–2717 (this is not a toll free number) or for information concerning Form HUD–27050–B, Application for Premium Refund or Distributive Share, contact Silas C. Vaughn, Jr., Branch Chief, Disbursements and Customer Service Branch, SFIOD, telephone (202) 402–3545 (this is not a toll free number) Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. This Notice also lists the following information:

Title of Proposal: Mortgage Insurance Termination; Application for Premium Refund or Distributive Share Payment.

OMB Control Number, if applicable: 2502–0414.

Description of the need for the information and proposed use: The information collection for the Mortgage Insurance Termination is used by Federal Housing Administration (FHA) approved mortgagees to comply with HUD requirements for reporting the termination of FHA mortgage insurance on single family dwellings (24 CFR 203.318). The form HUD–27050–A is now obsolete. However, the information collection is still in effect and is collected electronically through Electronic Data Interchange and via FHA Connection. The Application for Premium Refund or Distributive Share Payment is used by former FHA mortgagors to apply for homeowner refunds of the unearned portion of the mortgage insurance premium or a distributive share payment (24 CFR 203.423, 24 CFR 203.283, and 24 CFR 203.284).

Agency form numbers, if applicable: HUD–27050–A (Submitted electronically) and HUD–27050–B (System generated).

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of burden hours needed to prepare the information collection is 157,932; the number of respondents is 462,349 generating approximately 1,004,407 annual responses; the frequency of response is on occasion for mortgagors and varies for lenders; and the estimated time needed to prepare the response is 5 minutes for lenders and 15 minutes for mortgagors.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 1, 2007.

Frank L. Davis,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. E7–5625 Filed 3–27–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5076–D–11]

Office of General Counsel Order of Succession

AGENCY: Office of General Counsel, HUD.

ACTION: Notice of Order of Succession.

SUMMARY: In this notice, the General Counsel for the Department of Housing and Urban Development designates the Order of Succession for the Office of General Counsel. This Order of Succession supersedes the Order of Succession for the General Counsel published on May 28, 2004.

DATES: *Effective Date:* February 27, 2007.

FOR FURTHER INFORMATION CONTACT: Virginia Ackerman, Acting Assistant General Counsel for Procurement and Administrative Law, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500, (202) 708–0622. (This is not a toll-free number.) This number may be accessed through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: The General Counsel for the Department of Housing and Urban Development is issuing this Order of Succession of officials authorized to perform the functions and duties of the Office of General Counsel when, by reason of absence, disability, or vacancy in office, the General Counsel is not available to exercise the powers or perform the duties of the office. This Order of Succession is subject to the provisions of the Federal Vacancies Reform Act of 1998 (5 U.S.C. 3345–3349d). This publication supersedes the Order of Succession notice of May 28, 2004 (69 FR 30714).

Accordingly, the General Counsel designates the following Order of Succession:

Section A. Order of Succession

Subject to the provisions of the Federal Vacancies Reform Act of 1998, during any period when, by reason of absence, disability, or vacancy in office, the General Counsel for the Department of Housing and Urban Development is not available to exercise the powers or perform the duties of the General Counsel, the following officials within the Office of General Counsel are hereby designated to exercise the powers and perform the duties of the Office:

(1) General Deputy General Counsel;
(2) Deputy General Counsel for Operations;
(3) Deputy General Counsel for Housing Programs;
(4) Associate General Counsel for Insured Housing;
(5) Associate General Counsel for Legislation and Regulations;
(6) Associate General Counsel for Litigation;
(7) Associate General Counsel for Finance and Regulatory Compliance;
(8) Associate General Counsel for Human Resources;
(9) Associate General Counsel for Assisted Housing and Community Development;
(10) Associate General Counsel for Fair Housing;
(11) Associate General Counsel for Program Enforcement.

These officials shall perform the functions and duties of the office in the order specified herein, and no official shall serve unless all the other officials, whose position titles precede his/hers in this order, are unable to act by reason of absence, disability, or vacancy in office.

Section B. Authority Superseded

This Order of Succession supersedes the Order of Succession for the General Counsel published on May 28, 2004 (69 FR 30714).

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 27, 2007.

Robert M. Couch,

Acting General Counsel.

[FR Doc. E7–5626 Filed 3–27–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14868–B; AK–964–1410–KC–P]

Alaska Native Claims Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of decision approving lands for conveyance.

SUMMARY: As required by 43 CFR 2650.7(d), notice is hereby given that an appealable decision approving lands for conveyance pursuant to the Alaska Native Claims Settlement Act will be issued to K'oyitl'ots'ina, Limited, Successor in Interest to Bin Googa, Inc. The lands are in the vicinity of Huslia, Alaska, and are located in:

Kateel River Meridian, Alaska

T. 6 N., R. 11 E.,

Sec. 9;
Secs. 16 and 17;
Secs. 20 and 21;
Secs. 28, 29, and 30;
Sec. 33.

T. 6 N., R. 12 E.,
Sec. 22;
Secs. 26, 27, and 28.

The subsurface estate in these lands will be conveyed to Doyon, Limited when the surface estate is conveyed to K'oyitl'ots'ina, Limited, Successor in Interest to Bin Googa, Inc. Notice of the decision will also be published four times in the Fairbanks Daily News Miner.

DATES: The time limits for filing an appeal are:

1. Any party claiming a property interest which is adversely affected by the decision shall have until April 27, 2007 to file an appeal.

2. Parties receiving service of the decision by certified mail shall have 30 days from the date of receipt to file an appeal.

Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

ADDRESSES: A copy of the decision may be obtained from: Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599.

FOR FURTHER INFORMATION, CONTACT: The Bureau of Land Management by phone at 907–271–5960, or by e-mail at *ak.blm.conveyance@ak.blm.gov.* Persons who use a telecommunication device (TTD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8330, 24 hours a day, seven days a week, to contact the Bureau of Land Management.

D. Kay Erben,

Land Law Examiner, Branch of Adjudication II.

[FR Doc. E7–5659 Filed 3–27–07; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ 020–07–1430–EU; AZA–33668]

Notice of Realty Action: Competitive Sale of Public Land; Maricopa County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: A single 282.50 acre parcel of Federal public land located in south Goodyear, Maricopa County, Arizona, has been examined and found suitable for sale utilizing competitive sale procedures. The authority for the sale is Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1701 and 1713).

DATES: The lands will be segregated on the date of publication of this notice in the **Federal Register**. Comments regarding the proposed sale must be received by the Bureau of Land Management (BLM) on or before May 14, 2007. BLM will accept sealed bids for the offered land from qualified bidders up to June 5, 2007 and accept oral bids at a public auction scheduled June 7, 2007.

ADDRESSES: Comments regarding the proposed sale should be addressed to the Lower Sonoran Field Manager, BLM, Phoenix District Office, 21605 North 7th Avenue, Phoenix, Arizona 85027. The address for oral bidding registration and where the public auction will be held is the same.

FOR FURTHER INFORMATION CONTACT: Information regarding the competitive sale instructions, procedures, documents, maps and materials to submit a bid can be obtained at the public reception area at the BLM, Phoenix District from 7:30 a.m. to 4:15 p.m., Monday through Friday (except Federal holidays), or by contacting Camille Champion, Project Manager, BLM, Lower Sonoran Field Office, 21605 North 7th Avenue, Phoenix, Arizona 85027, 623–580–5526.

SUPPLEMENTARY INFORMATION: The following described parcel of public land is proposed for sale:

Gila and Salt River Meridian, Arizona

T. 1 S., R. 2 W.
Sec. 36, NE¼NE¼,
NE¼NE¼NW¼NE¼.S½NE¼, SE¼.

The area described contains 282.50 acres, more or less, in Maricopa County.

The land is located in the southern portion of the incorporated City of Goodyear, Arizona. The parcel will be offered through competitive sale pursuant to 43 CFR 2711.3–1. The mineral estate is owned by the Arizona State Land Department and will not be included in the sale. Authority for the sale is Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701 and 1713). This parcel of land is being offered for sale, using both sealed and oral bid procedures, for not less than the estimated market value. This estimated market value will be made available 30 days prior to sealed bid closing date at the BLM, Phoenix District Office, 21605 North 7th Avenue, Phoenix, Arizona 85027. The land is not required for Federal purposes and was identified for disposal in the BLM Lower Gila South Resource Management Plan approved in June, 1988, and therefore meets the disposal qualifications. The disposal (sale) of the parcel would serve the public by making lands available for community expansion and private economic development. As such, these lands meet the criteria for sale under 43 CFR 2710.0–3(a)(2) and (3).

Both sealed bids and oral bids will be accepted. All sealed bids must be received at the BLM, Phoenix District Office (address stated above), not later than 4:15 p.m., MST, on June 5, 2007. The outside of bid envelopes must be clearly marked on the front lower left-hand corner with ''SEALED BID'' ''BLM Land Sale AZ, AZA–33668'' and the bid opening date of June 7, 2007. Sealed bid opening is to begin at 10 a.m., MST, June 6, 2007. The subject land proposed for sale will be put up for purchase and sale at public auction, beginning at 1:30 p.m., MST, June 7, 2007. Registration for oral bidding will begin at 11 a.m., MST, June 7, 2007. Pursuant to 43 CFR 2711.3–1(c), bids must be for not less than the appraised fair market value. Each sealed bid shall be accompanied by a certified check, money order, bank draft,or cashier's check made payable to the Bureau of Land Management, for not less than 10 (ten) percent of the amount bid. The bid envelope must also contain a statement showing the total amount bid and the name, mailing address, and phone number of the entity making the bid. Oral bidding on the date of the sale will begin at 1:30 p.m. at the BLM Phoenix District Office at the highest qualifying oral bidder shall submit payment by cash, personal check, bank draft, money order, or any combination for not less than 20 percent of the amount of the bid immediately following the close of the sale. The successful bidder, whether such bid is a sealed or oral bid, shall submit the remainder of the full bid price prior to the expiration of 180 days from the date of the sale. Failure to submit the full bid price prior to the 180th day shall result in forfeiture of the deposit. The BLM, in its sole discretion, reserves the right to: (1) Reject any bid; (2) ask for supplemental bids in the case of identical bids; (3) withdraw the property from sale; or (4) postpone the sale for cause. If not sold, the parcel described above in this notice may be identified for sale on a continuing basis, by sealed bid, until sold. Federal law requires bidders to be U.S. citizens 18 years of age or older, a corporation subject to the laws of any state or of the United States; a state, state

instrumentality, or political subdivision authorized to hold property, or an entity including, but not limited to, associations or partnerships legally capable of holding property or interests therein under the laws of the State of Arizona. Certification of bidder qualification must accompany the bid deposit.

Segregation: Publication of the Notice in the **Federal Register** segregates the subject lands from all appropriations under the public land laws, including the general mining laws, except sale under the Federal Land Policy and Management Act of 1976. The segregation will terminate upon issuance of the quit claim deed, or upon publication in the **Federal Register** of a termination of the segregation or 2 years from publication of this notice in the **Federal Register**, whichever occurs first.

Terms and Conditions of Sale: Upon successful completion of the sale, the quit claim deed issued would contain the following numbered reservations, covenants, terms and conditions:

1. A right-of-way thereon for ditches and canals constructed by authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. Right-of-ways authorized under the Act of October 21, 1976, 90 Stat. 2776 (43 U.S.C. 1761) for power lines granted to Tucson Electric Power Company, its successor or assignees, by right-of ways AZA–7274 and AZA–7872 and a road granted to Narhill LLC, right-of-way AZA–31957.

3. The parcel is subject to valid existing rights.

4. The purchaser/grantee, by accepting the deed, agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind arising from the past, present, or future acts or omissions of the grantor, its employees, agents, contractors, or lessees, or a third party arising out of, or in connection with, the grantor's use and/or occupancy of the deeded real property resulting in: (1) Violations of Federal, state, and local laws and regulations that are now, or in the future, become applicable to the real property; (2) judgments, claims, or demands of any kind assessed against the United States; (3) costs, expenses, or damages of any kind incurred by the United States; (4) releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), as defined by Federal or state environmental laws, off, on, into, or under land, property, and other interests of the United States; (5) other activities by which solids or hazardous substances or wastes, as defined by Federal and state environmental laws are generated, released, stored, used, or otherwise disposed of on the deeded real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substances or wastes; or (6) natural resource damages as defined by Federal and state law. This covenant shall be construed as running with the deeded real property and may be enforced by the United States in a court of competent jurisdiction.

5. Pursuant to the requirements established by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), (42 U.S.C. 9620(h)), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat.1670), notice is hereby given that the above-described lands have been examined and no evidence was found to indicate that any hazardous substances has been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.

No warranty of any kind, express or implied, is given by the United States as to the title, physical condition or potential uses of the parcel of land proposed for sale, and the conveyance of any such parcel will not be on a contingency basis. It is the buyer's responsibility to be aware of all applicable Federal, State, or local government laws, regulations, or policies that may affect the subject lands or its future uses. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Public Comments: Detailed information concerning the proposed land sale, including reservations, sale procedures, appraisals, planning and environmental documents, and mineral reports, is available for review at the BLM Phoenix District Office, 21605 North 7th Avenue, Phoenix, Arizona 85027. Normal business hours are 7:30 a.m. to 4:15 p.m., Monday through Friday (except Federal holidays). The general public and interested parties may submit written comments regarding the proposed sale to the BLM Phoenix District Manger, not later than 45 days after publication of this notice in the **Federal Register**. Any comments received are to be in letter format and addressed and mailed to Teri Raml, Phoenix District Manager, BLM Phoenix District Office, 21605 North 7th Avenue, Phoenix, Arizona 85027. Facsimiles, telephone calls, and e-mails are unacceptable means of notification. Comments including names and street addresses of respondents will be available for public review at the BLM Phoenix District Office during regular business hours, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment-including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Any adverse comments will be reviewed by the State Director, who may sustain, vacate, or modify this realty action and issue a final determination. In the absence of timely filed objections, this realty action will become the final determination of the Department of the Interior.

Authority: 43 CFR 2711.1–2(a) and (c).

Margo E. Lewis,

Assistant District Manager, Phoenix District Office.

[FR Doc. E7–5538 Filed 3–27–07; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–910–5850–EU–CACA–48476]

Notice of Realty Action: Competitive Sale of Public Lands in Riverside County, CA; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; Correction.

SUMMARY: The Bureau of Land Management published a document in the **Federal Register** of March 12, 2007, concerning the sale of 51 parcels of public land in Riverside County, California, aggregating approximately 274.37 acres. The document contained (a) an inaccurate legal description for Parcel 33 and (b) the inadvertent omission of a parcel from two sentences contained in the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Tom Gey, Realty Specialist at (951) 697–5352 or via e-mail at *thomas_gey@ca.blm.gov*.

Correction

In the **Federal Register** of March 12, 2007, in FR Doc. E7–4420, on page 11051, in the first column, correct

''Parcel 33 T. 4 S., R. 7 E., sec. 4, S½SW¼NW¼SE¼'' as follows

''Parcel 33 T. 4 S., R. 7 E., sec. 4, S½NW¼SW¼SE¼''

and in the **Federal Register** of March 12, 2007, in FR Doc. E7–4420, on page 11051, in the second column, in the second and third sentences in the first paragraph, correct ''parcel 1'' as follows ''parcels 1 and 2''.

Dated: March 22, 2007.

John Willoughby,

Acting Deputy State Director, Natural Resources (CA–930).

[FR Doc. E7–5657 Filed 3–27–07; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[FES–07–10]

Folsom Dam Safety and Flood Damage Reduction (DS/FDR) Action—Sacramento, El Dorado, and Placer Counties, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

SUMMARY: The Bureau of Reclamation (Reclamation), the lead Federal agency; the U.S. Army Corps of Engineers (Corps), a cooperating Federal agency; the Reclamation Board, the lead State agency; and the Sacramento Area Flood Control Agency (SAFCA), the local sponsor, have prepared a Final EIS/EIR for the Folsom DS/FDR Action. The Folsom DS/FDR proposed action includes features that address Reclamation's DS objectives and the Corps' FDR objectives jointly as well as features or increments that exclusively address DS, security, or FDR objectives and would be constructed by the respective agencies. The Final EIS/EIR contains responses to comments received on the Draft EIS/EIR.

The Corps intends to adopt the Final EIS/EIR to satisfy the requirements of National Environmental Policy Act for the Joint Federal Project (JFP) component and other FDR features as appropriate. The Corps has prepared a Post Authorization Change (PAC) Report which documents recommended changes to the authorized Folsom Modifications and Folsom Dam Raise projects.

A Notice of Availability of the Draft EIS/EIR was published in the **Federal Register** on Tuesday, November 28, 2006 (71 FR 68837). The public review period on the Draft EIS/EIR ended on January 22, 2006. The public review period was extended via a press release to January 26, 2007.

DATES: Any written comments on the Folsom DS/FDR Final EIS/EIR should be submitted on or before Monday, April 30, 2007, to Mr. Shawn Oliver or Mrs. Becky Victorine at the addresses below. The State Reclamation Board will complete a California Environmental Quality Act (CEQA) Findings on the Final EIS/EIR within 30 days of the document's release. No Federal decision will be made on the proposed action until 30 days after the release of the Final EIS/EIR. After this 30-day waiting period, Reclamation and the Corps will complete their respective Records of Decision (RODs) for the JFP, DS, and FDR objectives. The RODs and CEQA Findings will identify the recommended action to be implemented including any measures found necessary to avoid, reduce, or mitigate any significant adverse project effects.

ADDRESSES: Send written comments on the Folsom DS/FDR Final EIS/EIR to Mr. Shawn Oliver, Bureau of Reclamation, 7794 Folsom Dam Road, Folsom, CA 95630 (e-mail: *soliver@mp.usbr.gov*) and Mrs. Becky Victorine, U.S. Army Corps of Engineers, 1325 J Street, Sacramento, CA 95814, or e-mail: *rebecca.a.victorine@usace.army.mil*. Send requests for a compact disk or a bound copy of the Final EIS/EIR to Ms. Rosemary Stefani, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825, telephone: (916) 978–5309, or e-mail: *rstefani@mp.usbr.gov*. The Folsom DS/FDR Final EIS/EIR will also be available on the Web at: *http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=1808*

See **SUPPLEMENTARY INFORMATION** section for locations where the Folsom DS/FDR Final EIS/EIR is available for public review.

FOR FURTHER INFORMATION CONTACT: Mr. Shawn Oliver, Bureau of Reclamation at the above address, or Mrs. Becky Victorine, U.S. Army Corps of Engineers at the above address.

SUPPLEMENTARY INFORMATION: The Folsom Facility consists of 12 structures (dams and dikes), which impound the American River forming the Folsom Reservoir. Both Reclamation and the Corps share in the responsibility of ensuring that the Folsom Facility is maintained and operated under their respective agency dam safety regulations and guidelines, as defined by Congress. As a part of their responsibilities, Reclamation and the Corps have determined that the Folsom Facility requires structural improvements to increase overall public safety above existing conditions by improving the facilities' ability to reduce flood damages and address dam safety issues posed by hydrologic (flood), seismic (earthquake), and static (seepage) events. While these events have a low probability of occurrence in a given year, due to the large population downstream of Folsom Dam, modifying the facilities is prudent and required to improve public safety above current baseline conditions.

The Folsom DS/FDR Final EIS/EIR discusses the project background, purpose and need, project description, and related projects. Responses to all comments received from interested organizations and individuals on the Draft EIS/EIR during the public review period and at the public hearing are addressed in the Final EIS/EIR. The Final EIS/EIR addresses the impacts of project construction on aquatic resources, terrestrial vegetation and wildlife, hydrology, water quality, groundwater, water supply, hydropower resources, socioeconomics, soils, minerals, geological resources, visual resources, agricultural resources, transportation and circulation, noise, cultural resources, land use, planning and zoning, recreation resources, public services and utilities, air quality, population and housing, public health and safety, environmental justice, and Indian trust assets. There is the potential for significant impacts to air quality, water quality, soils, visual resources, noise, transportation, terrestrial vegetation and wildlife, cultural resources, socioeconomics, and recreation including utilizing recreation areas for staging and construction purposes, re-routing recreation trails, and potential excavation of borrow material at Beal's Point, Folsom Point, and Mooney Ridge.

The Folsom DS/FDR proposed action considered by the lead agencies is the alternative that includes:

- Joint Federal Project (JFP) auxiliary spillway with a six submerged tainter gate control structure and concrete-lined chute, stilling basin, and approach channel;
- Potential 3.5-foot parapet concrete wall raise and replacement of three emergency spillway gates for FDR;
- DS features including jet grouting the foundation of Mormon Island Auxiliary Dam (MIAD) for seismic stability; toe drains and full-height filters at the Left and Right Wing Dams,

MIAD, Dikes 4, 5, and 6 to address static risks; and security upgrades at Folsom Dam and Appurtenant Structures (the Folsom Facility).

The Folsom Reservoir currently provides water supply, flood control, hydropower, fish and wildlife, and recreational benefits. The proposed action will not change operations relative to water supply, flood control, hydropower, and fish and wildlife benefits, but will result in temporary disruptions of recreational activities at and near construction and staging sites.

Availability of Copies of Folsom DS/FDR Final EIS/EIR

Copies of the Folsom DS/FDR Final EIS/EIR are available for public review at the following locations:

- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225.
- Bureau of Reclamation, Mid-Pacific Regional Office Library, 2800 Cottage Way, W–1825, Sacramento, CA 95825–1898.
- El Dorado County Library, 345 Fair Lane, Placerville, CA 95667–5699.
- Folsom Public Library, 300 Persifer Street, Folsom, CA 95630.
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Main Interior Building, Washington, DC 20240–0001.
- Roseville Public Library, 311 Vernon Street, Roseville, CA 95678.
- Sacramento Central Library, 828 I Street, Sacramento, CA 95814–2589.

Additional Information

Correspondence received in response to this notice will become part of the administrative record and is subject to public inspection. Our practice is to make correspondence including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individuals may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your correspondence. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: March 13, 2007.

Kirk C. Rodgers,

Regional Director, Mid-Pacific Region.

[FR Doc. E7–5559 Filed 3–27–07; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[DES–07–17]

North Sonoma County Agricultural Reuse Project (NSCARP)—Sonoma County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability (NOA) of the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and notice of public hearings.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA), and Public Resources Code, sections 21000–21177 of the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation), the lead Federal agency, and the Sonoma County Water Agency (SCWA), the local sponsor and CEQA lead agency, have made available for public review and comment a Draft EIS/EIR for the NSCARP.

The NSCARP Draft EIS/EIR describes a no action alternative (Alternative 1) and three action alternatives (Alternative 2, Alternative 3, and Alternative 4) that include numerous features that would create an agricultural irrigation system comprised of 19 recycled water storage reservoirs totaling about 11,200 acre-feet in storage capacity. In addition, NSCARP would involve the design and construction of approximately 112 miles of transmission pipeline and numerous pumping stations for conveying water from the Geysers Pipeline to the storage reservoirs, and for distribution of the storage recycled water from the reservoirs to approximately 21,500 acres of agricultural lands.

As part of the NEPA/CEQA process, one public hearing will be held to provide interested individuals and organizations with an opportunity to comment verbally and in writing on the NSCARP Draft EIS/EIR.

DATES: Comments on the NSCARP Draft EIS/EIR should be submitted on or before May 18, 2007 to Mr. David Cuneo, Senior Environmental Specialist, at the address below.

The public hearing will be held on May 15, 2007 at 10 a.m. at Santa Rosa, CA.

ADDRESSES: *The public hearing will be held at:* Sonoma County Board of Supervisors Meeting Room, 575 Administration Drive, Santa Rosa, California 95403.

Send written comments on the NSCARP Draft EIS/EIR to Mr. David Cuneo, Sonoma County Water Agency, P.O. Box 11628, Santa Rosa, CA 95406–1628 (e-mail: *david@scwa.ca.gov*). Send requests for a compact disk or a bound copy of the Draft EIS/EIR to Mr. David Cuneo at the address above, *telephone:* (707) 547–1935, or *e-mail: david@scwa.ca.gov*. The NSCARP Draft EIS/EIR will also be available on the Web at: *http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=2152* and *http://www.sonomacountywater.org/projects/*.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas Kleinsmith, Reclamation, Environmental Specialist, *telephone:* (916) 978–5034 or *e-mail: dkleinsmith@mp.usbr.gov*; or Mr. David Cuneo, Sonoma County Water Agency, telephone (707) 547–1935 or *e-mail: david@scwa.ca.gov*.

SUPPLEMENTARY INFORMATION: The NSCARP Draft EIS/EIR discusses the project background, purpose and need, project description and alternatives, and related projects. The Draft EIS/EIR addresses the impacts of project construction and operation on aesthetics, agricultural resources, air quality, biological resources, cultural resources, environmental justice, geology and soils, hydrology/water quality, land use, noise, population and housing, public health and safety, public services/utilities, recreation, and transportation and circulation.

The NSCARP area encompasses portions of Sonoma County involving four geographical sub areas within the Russian River watershed: Alexander Valley, Dry Creek Valley, North Alexander Valley, and Russian River Valley, comprising about 46,000 acres. These four sub areas correspond to discrete service areas that would be served recycled water by sub area-specific water storage and transmission facilities.

Federal and state regulatory agencies have expressed concerns regarding the potential impacts to fisheries resources and habitat within the Russian River and its tributaries. These concerns have and will continue to result in increased scrutiny of future diversion of water for all uses. In 1996, NOAA Fisheries listed the coho salmon as threatened in the Russian River watershed and adjacent

watersheds pursuant to the Federal Endangered Species Act (ESA). Chinook salmon and steelhead trout were similarly listed in 1997 and 1999, respectively. Through the proposed distribution, storage, and use of recycled water for agricultural purposes, the SCWA has identified a strategy to reduce reliance on diversions from the Russian River and other natural waterways.

The use of recycled water for irrigation for agricultural purposes has been occurring in California since 1890 (California Recycled Water Task Force 2003). By the year 2000, there were 234 wastewater treatment plants providing recycled water for agricultural and landscape purposes in California (California Recycled Water Task Force 2003). Today, recycled water in California is being used for a variety of purposes, such as irrigation for row crops, vineyard, pasture, stock feed, nursery products, turf in parks and schoolyards, and landscaping. In Sonoma County, the City of Santa Rosa, Town of Windsor, and the Airport-Larkfield-Wikiup Sanitation Zone currently provide recycled water for irrigation of about 7,200 acres of agricultural land.

The SCWA regulates the flow of the Russian River for the benefit of agricultural, municipal, and instream beneficial uses. The use of recycled water and conjunctive use of surface and groundwater supplies within the SCWA service area are all important factors in evaluating the management of the regional water supply. SCWA believes the use of recycled water to offset surface and groundwater sources used by agricultural entities in the Russian River, Alexander, North Alexander, and Dry Creek valleys to benefit fisheries in the Russian River watershed. The recycled water would be used for agricultural purposes consistent with the California Code of Regulations, Title 22, pertaining to the use of tertiary-treated recycled water.

Copies of the NSCARP Draft EIS/EIR are available for public review at the following locations:

- Sonoma County Water Agency, 404 Aviation Boulevard, Santa Rosa, CA 95403.
- Sonoma County Central Library, Third and E Street, Santa Rosa, CA 95404.
- Healdsburg Regional Library, Piper and Center Streets, Healdsburg, CA 95448.
- Windsor Regional Library, 9291 Old Redwood Highway, Windsor, CA 95492.
- Guerneville Regional Library, 14107 Armstrong Woods Road, Guerneville, CA 95446.
- Forestville Library Station, 7050 Covey Road, Forestville, CA 95436.
- Cloverdale Regional Library, 401 N Cloverdale Boulevard, Cloverdale, CA 95425.
- Bureau of Reclamation, Denver Office Library, Building 67, Room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225.
- Bureau of Reclamation, Mid-Pacific Regional Office Library, 2800 Cottage Way, W–1825, Sacramento, CA 95825–1898.
- Natural Resources Library, U.S. Department of the Interior, 1849 C Street NW., Main Interior Building, Washington, DC 20240–0001.

Additional Information

If special assistance is required at the public hearings, please contact Mr. David Cuneo at (707) 547–1935 (*e-mail: david@scwa.ca.gov*). Please notify Mr. Cuneo as far in advance of the hearings as possible to enable the SCWA to secure the needed services. If a request cannot be honored, the requestor will be notified.

Comments received in response to this notice will become part of the administrative record and are subject to public inspection. Our practice is to make comments, including names, home addresses, home phone numbers, and e-mail addresses of respondents, available for public review. Individual respondents may request that we withhold their names and/or home addresses, etc., but if you wish us to consider withholding this information, you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Dated: December 11, 2006.

Kirk C. Rodgers,

Regional Director, Mid-Pacific Region.

This document was received at the Office of the Federal Register on March 22, 2007.

[FR Doc. E7–5560 Filed 3–27–07; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Notice of Availability of a Final Environmental Assessment and Finding of No Significant Impact for Improvements to the Mission and Common Levee Systems, in the Lower Rio Grande Flood Control Project, Located in Hidalgo County, TX

AGENCY: United States Section, International Boundary and Water Commission (USIBWC), United States and Mexico.

ACTION: Notice of Availability of Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI).

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Final Regulations (40 CFR parts 1500 through 1508); and the United States Section's Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981, (46 FR 44083); the United States Section hereby gives notice that the Final Environmental Assessment and Finding of No Significant Impact for Improvements to the Mission and Common Levee Systems, in the Lower Rio Grande Flood Control Project, located in Hidalgo County, Texas are available.

FOR FURTHER INFORMATION CONTACT: Gilbert G. Anaya, Supervisory Environmental Protection Specialist; Environmental Management Division; United States Section, International Boundary and Water Commission; 4171 N. Mesa, C–100; El Paso, Texas 79902. *Telephone:* (915) 832–4702, *e-mail: gilbertanaya@ibwc.state.gov.*

SUPPLEMENTARY INFORMATION:

Background

The USIBWC is considering raising the 12.0-mile Mission Levee System and the 5.3-mile Common Levee System to meet current flood control requirements. The proposed action would increase the height of the levee up to 8 feet depending on location. The height increase would also result in expansion of the levee footprint by lateral extension of the structure. Levee footprint increases for both the Mission and Common Levee systems would occur within the USIBWC right-of-way and extend primarily toward the riverside of the existing levee. Along sections of the Mission Levee System, structural improvements such as slurry walls may be required in segments with

seepage potential. In an approximate 1-mile reach, a mechanically stabilized earth structure would be built along the existing levee crown to avoid footprint extension beyond the existing right-of-way easements. A number of natural resources management areas are located near or adjacent to the levee system, including units of the Lower Rio Grande Valley Wildlife Refuge System and the Bentsen-Rio Grande Valley State Park.

The Environmental Assessment assesses potential environmental impacts of the Proposed Action and the No Action Alternative. Potential impacts on natural, cultural, and other resources were evaluated and mitigation measures were incorporated into the Proposed Action. A Finding of No Significant Impact was issued for the Proposed Action based on a review of the facts and analyses contained in the Environmental Assessment.

The USIBWC is authorized to construct, operate, and maintain any project or works projected by the United States of America on the Lower Rio Grande Flood Control Project (LRGFCP) as authorized by the Act of the 74th Congress, Sess. I Ch. 561 (H.R. 6453), approved August 19, 1935 (49 Stat. 660), and codified at 22 U.S.C. Section 277, 277a, 277b, 277c, and Acts amendatory thereof and supplementary thereto. The LRGFCP was constructed to protect urban, suburban, and highly developed irrigated farmland along the Rio Grande delta in the United States and Mexico.

The USIBWC, in cooperation with the TPWD, prepared this Final Environmental Assessment for the proposed action of raising the Mission and Common Levee Systems located in Hidalgo County, Texas to improve flood control. These two adjacent levee systems are part of the LRGFCP that extends approximately 180 miles from the Town of Peñitas in south Texas to the Gulf of Mexico. The Mission Levee extends approximately 12 miles along the Rio Grande, downstream from the Town of Peñitas. The Common Levee System, approximately 5.3 miles long, consists of the Common Levee and Anzalduas Dike, which connects the Common Levee to Anzalduas Dam.

Availability

Electronic copies of the Final EA and FONSI are available from the USIBWC Home Page at *http://www.ibwc.state.gov.*

Dated: March 16, 2007.

Susan Daniel,

General Counsel.

[FR Doc. E7–5644 Filed 3–27–07; 8:45 am]

BILLING CODE 7010–01–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

March 22, 2007.

The Department of Labor (DOL) has submitted the following public information collection requests (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). A copy of each ICR, with applicable supporting documentation, may be obtained from RegInfo.gov at *http://www.reginfo.gov/public/do/PRAMain* or by contacting Darrin King on 202–693–4129 (this is not a toll-free number)/e-mail: *king.darrin@dol.gov.*

Comments should be sent of Office of Information and Regulatory Affairs, Attn: OMB Desk Office for the Employment Standards Administration (ESA), Office of Management and Budget, Room 10235, Washington, DC 20503, Telephone: 202–395–7316/Fax: 202–395–6974 (these are not a toll-free numbers), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validly of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriated automated, electronic, mechanical, or other technologies collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment Standards Administration.

Type of Review: Extension without change of currently approved collection.

Title: Employment Information Form.

OMB Number: 1215–0001.

Form Number: WH–3.

Frequency: On occasion.

Type of Response: Reporting.

Affected Public: Individuals or households.

Estimated Number of Respondents: 3,500.

Estimated Number of Annual Responses: 3,500.

Estimated Average Response Time: 20 minutes.

Estimated Total Annual Burden Hours: 11,667.

Total Estimated Annualized capital/startup costs: $0.

Total Estimated Annual Costs (operating/maintaining systems or purchasing services): $0.

Description: Form WH–3 is an optional form complainants (e.g., current and former employees, unions, and, competitor employers) may use to provide information about alleged violations of the labor standards administered by the Wage and Hour Division (WHD) of the U.S. Department of Labor. Complaints themselves or WHS staff, using information provided by the complainants, complete the forms. WHD staff use the completed to obtain information about employer compliance with the provisions of the various labor standards laws enforced by the WHD and to determine if the agency has jurisdiction to investigate the alleged violation(s). WHD makes for form available in both English and Spanish. When the WHD schedules to complaint-based investigation, the agency makes the completed Form WH–3 part of the investigation case file.

Agency: Employment Standards Administration.

Type of Review: Extension without change of currently approved collection.

Title: Claim for Reimbursement-Assisted Reemployment.

OMB Number: 1215–0178.

Form Number: CA–2231.

Frequency: Quarterly.

Type of Response: Reporting.

Affected Public: Private Sector: Business and other for-profit.

Estimated Number of Respondents: 20.

Estimated Number of Annual Responses: 80.

Estimated Average Response Time: 30 minutes.

Estimated Total Annual Burden Hours: 40.

Total Annualized capital/startup costs: $0.

Total Annual Costs (operating/maintaining systems or purchasing services): $34.

Description: Information collected on Form CA–2231 provides DOL with the necessary remittance information for the employer, documents the hours of work, certifies the payment of wages to the claimant for which reimbursement is sought, and summarizes the nature and costs of the wage reimbursement

program for a prompt decision by the Department's Office of Worker Compensation Programs (OWCP).

Failure to collect this information would prevent timely and accurate reimbursement to employers, hinder the documentation of disbursement from the Fund, and obstruct implementation of the assisted reemployment program.

Darrin A. King,

Acting Departmental Clearance Officer.

[FR Doc. E7–5627 Filed 3–27–07; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0037]

Construction Fall Protection Systems Criteria and Practices and Training Requirements; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comment.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements contained in the construction standards on Fall Protection Systems Criteria and Practices (29 CFR 1926.502) and Training Requirements (29 CFR 1926.503). The Fall Protection Systems Criteria and Practices Standard allows employers to develop alternative procedures to the use of conventional fall protection systems when the systems are infeasible or create a greater hazard. The alternative procedures (plan) must be written. Also, employers who use safety net systems may certify that the installation meets the Standard's criteria in lieu of performing a drop-test on the net. The Training Requirements Standard requires employers to prepare training certification records for their employees. The plan and certification records ensure that employers comply with the requirements to protect employees from falls.

DATES: Comments must be submitted (postmarked, sent, or received) by May 29, 2007.

ADDRESSES: You may submit comments by any of the following methods:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit three copies of your comments and attachments to the OSHA Docket Office, OSHA Docket No. OSHA–2007–0037, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.–4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for this ICR (OSHA Docket No. OSHA–2007–0037). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled ''Supplementary Information.''

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You also may contact Todd Owen at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Jamaa N. Hill or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimized, collection instruments are understandable, and OSHA's estimate of the information collection burden is correct. The Occupational Safety and Health Act of the 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657).

The Standards on Construction Fall Protection Systems Criteria and Practices (29 CFR 1926.502) and Training Requirements (29 CFR 1926.503) ensure that employers provide the required fall protection for their employees. Accordingly, these standards have the following paperwork requirements: Paragraphs (c)(4)(ii) and (k) of 29 CFR 1926.502, which specify certification of safety nets and development of fall protection plans, respectively, and paragraph (b) of 29 CFR 1926.502, which requires employers to certify training records. The training certification requirement specified in paragraph (b) of 29 CFR 1926.503 documents the training provided to employees potentially exposed to fall hazards. A competent person must train these employees to recognize fall hazards and in the use of procedures and equipment that minimize these hazards. An employer must verify compliance with this training requirement by preparing and maintaining a written certification record that contains the: Name or other identifier of the employee receiving the training; the date(s) of the training; and the signature of the competent person who conducted the training or of the employer.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other

technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the collection of information requirements contained in the construction standards on Fall Protection Systems Criteria and Practices (29 CFR 1926.502) and Training Requirements (29 CFR 1926.503). OSHA is requesting a 396,975 hour reduction, from 894,394 hours to 497,419 as a result of new information indicating estimates that of the number of safety net certifications, safety net installations, and fall protection plans should be lowered. The Agency will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of these information collection requirements.

Type of Review: Extension of a currently approved information collection requirements.

Title: Construction Fall Protection Systems Criteria and Practices (29 CFR 1926.502) and Training Requirements (29 CFR 1926.503).

OMB Number: 1218–0197.

Affected Public: Business or other for-profit.

Number of Respondents: 301,178.

Frequency of Recordkeeping: On occasion.

Total Responses: 6,039,818.

Average Time per Response: Time per response ranges from 5 minutes (.08 hour) to certify a safety net to 1 hour to develop a fall protection plan.

Estimated Total Burden Hours: 497,419.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on this Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for this ICR (OSHA–2007–0037). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your full name, date, and docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (e.g., copyrighted material) is not publicly available to read or download through this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available through the website, and for assistance in using the internet to locate docket submissions.

Electronic copies of this **Federal Register** document are available at *http://www.regulations.gov.* This document, as well as news releases and other relevant information, also are available at OSHA's Web page at *http://www.osha.gov.*

V. Authority and Signature

Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 5–2002 (67 FR 65008).

Signed at Washington, DC on March 20, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor.

[FR Doc. E7–5597 Filed 3–27–07; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before April 27, 2007 (Note that the new time period for requesting copies has changed from 45 to 30 days after publication). Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting the Life Cycle Management Division (NWML) using one of the following means:

Mail: NARA (NWML), 8601 Adelphi Road, College Park, MD 20740–6001.

E-mail: requestschedule@nara.gov.

FAX: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Laurence Brewer, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: 301–837–1539. E-mail: *records.mgt@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending (Note that the new time period for requesting copies has changed from 45 to 30 days after publication):

1. Department of Energy, Bonneville Power Administration, (N1–305–05–2, 8 items, 7 temporary items). Records relating to fish and wildlife activities. Included are records related to implementation of subbasin planning, provincial review and decision letters, research monitoring and evaluation, fish and wildlife projects, stream flows, mitigation and planning. Proposed for permanent retention are wildlife agreements including loss assessments and mitigation actions. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

2. Department of Energy, Office of Counterintelligence (N1–434–05–2, 19 items, 18 temporary items). Records relating to protecting the agency from unauthorized access to information related to nuclear related activities, terrorist threats, or other harmful activities. Included are records related to credentials, intelligence community liaisons, assessments, investigations, polygraphs, clearances, site inspections, training and evaluations. Proposed for permanent retention are program policy and procedures, correspondence, historical counterintelligence procedures and foreign intelligence. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

3. Department of the Interior, U.S. Geological Survey (N1–57–06–1, 14 items, 13 temporary items). Water resources discipline scientific records, including technical memoranda that provide guidance on the collection, processing, interpretation, and publication of scientific data, primary computations of water level and water quality not stored in the National Water Information System, and meter calibration records. Proposed for permanent retention are Delaware River Master historical records.

4. Department of the Interior, U.S. Geological Survey, (N1–57–07–2, 9 items, 7 temporary items). Mission-specific records of the Biological Resources Discipline, including science project case files, datasets, associated and supporting technical information, and proposed projects. Proposed for permanent retention are project case files and datasets that meet one or more criteria as scientifically influential or significant. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

5. Department of Transportation, Federal Motor Carrier Safety Administration (N1–557–05–1, 4 items, 2 temporary items). Records related to high level agency activities. Included are non-official reference files and extra copies of outgoing correspondence. Proposed for permanent retention are files of high level officials, including reports, policy, program planning and management files, speeches, calendars, and conference participation records.

6. Department of the Treasury, Financial Management Service (N1–425–07–1, 3 items, 3 temporary items). The schedule deviates from the General Records Schedule and increases the retention period for electronic information system security records and adds a new item to cover all other copies of these records within the agency.

7. Department of the Treasury, Financial Management Service (N1–425–07–2, 1 item, 1 temporary item). Records of the Reclamation Branch relating to check reclamation from financial institutions. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

8. Department of the Treasury, Internal Revenue Service (N1–58–07–4, 8 items, 8 temporary items). Inputs, master files, outputs, and documentation of the Dependent Database, which contains taxpayer return information and child custody information used to determine the validity of dependent and Earned Income Tax Credit claims.

9. Environmental Protection Agency, Agency-wide (N1–412–07–35, 3 items, 3 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to a number of records series regardless of the recordkeeping medium. The records series include pesticides facilities files, pesticides imports files and pesticide producing establishments reports. Paper recordkeeping copies of these files were previously approved for disposal.

10. Environmental Protection Agency, Agency-wide (N1–412–07–36, 4 items, 4 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to a number of records series regardless of the recordkeeping medium. The records series include the administrative documents relating to issuing permits including permit application, draft permit or notice of intent to deny, statement of basis and documentation, environmental impact statement, comments received, public hearing transcripts and related documentation, and the final permit. Paper recordkeeping copies of these files were previously approved for disposal.

11. Environmental Protection Agency, Agency-wide (N1–412–07–37, 5 items, 5 temporary items). Records from the Correspondence Management System include software, inputs, outputs and reports, and system documentation. This schedule authorizes the agency to

apply the disposition instructions to any recordkeeping medium.

12. Environmental Protection Agency, Agency-wide (N1–412–07–39, 6 items, 5 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to pesticides registration records, regardless of the recordkeeping medium. Records include Registration Jackets, Experimental Use Product Jackets, Pesticide Tolerance Petition Jackets, both Established Limited or Temporary Tolerances and Inactive Tolerances, and 24c applications by state. Information includes applications, enforcement actions, chemical reviews, product names, issue dates, and pesticide forms and types. Paper and electronic copies of these files were previously approved for disposal. Proposed for permanent retention are Pesticide Tolerance Petition Jackets-Established Tolerances.

13. Environmental Protection Agency, Agency-wide (N1–412–07–43, 2 items, 2 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to test method evaluation records, regardless of the recordkeeping medium. The records include methods reports, methods and essential laboratory raw data such as chromatograms, and original test method data submitted by companies. Also included are non-essential supporting documentation such as duplicate copies of submissions. Paper recordkeeping copies of these files were previously approved for disposal.

14. Environmental Protection Agency, Agency-wide (N1–412–07–44, 4 items, 3 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to pesticide usage survey data and documentation, regardless of the recordkeeping medium. The records include incomplete data and documentation for the surveys. Paper recordkeeping copies of these files were previously approved for disposal. Proposed for permanent retention are the Final Reports of the Pesticide Usage Survey Data and Documentation.

15. Environmental Protection Agency, Agency-wide (N1–412–07–45, 3 items, 3 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to pesticide registration maintenance fee records, regardless of the recordkeeping medium. The records include certified mailing green card receipts, telephone logs, and fee response database. Paper recordkeeping copies of these files were previously approved for disposal.

16. Environmental Protection Agency, Agency-wide (N1–412–07–47, 2 items, 2 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to pesticide produce label system records, regardless of the recordkeeping medium. The records include collections of registered pesticide product labels submitted by registrants and accepted by the agency. Paper and electronic copies of these files were previously approved for disposal.

17. Equal Employment Opportunity Commission, Revolving Fund Program (N1–403–07–1, 8 items, 8 temporary items). Records documenting administrative aspects of a specialized training program relating to the laws administered by the agency, including financial management activities, course registration activities, program promotional activities, and program reporting activities.

18. U.S. International Trade Commission (N1–81–06–1, 15 items, 10 temporary items). Records of the Office of General Counsel and Inspector General, including litigation case files, copies of General Counsel memoranda, other administrative documents, miscellaneous files, and investigative files, grand jury files, and audit and inspection files without historical value. Proposed for permanent retention are grand jury files with historical value, final audit reports, final policy and procedure files, and authoritative agency documents and files.

19. The Utah Reclamation Mitigation and Conservation Commission (N1–220–07–2, 56 items, 26 temporary). Records include subject files, **Federal Register** rulemaking files, audit files, internal delegations of authority files, identification and credential cards, wildlife resources files, hazardous waste management files, appropriation and funding files, collection procedures files, taxation files, and professional societies files. Proposed for permanent retention are policy files, environmental compliance files, litigation, land acquisition files, public relations files, celebrations and dedications files, audio visual files, publications, technical reports, commission meeting files, and Native American projects files.

Dated: March 22, 2007.

Michael J. Kurtz,

Assistant Archivist for Records Services—Washington, DC.

[FR Doc. E7–5682 Filed 3–27–07; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Extension of a Currently Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until May 29, 2007.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA Clearance Officer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428; Fax No. 703–837–2861. E-mail: *mcnamara@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

Title: 12 CFR part 748, Security Program and Appendix B.

OMB Number: 3133–0033.

Form Number: None.

Type of Review: Third party disclosure, and reporting, on occasion.

Description: 12 CFR part 748 requires federally insured credit unions to develop a written security program to safeguard sensitive member information. This information collection requires that such programs be designed to respond to incidents of unauthorized access or use, in order to prevent substantial harm or serious inconvenience to members.

Respondents: Federally insured credit unions.

Estimated No. of Respondents/Recordkeepers: 8,695.

Estimated Burden Hours per Response: 20 hours.

Frequency of Response: On occasion.

Estimated Total Annual Burden Hours: 178,076 hours.

Estimated Total Annual Cost: None.

By the National Credit Union Administration Board on March 22, 2007.

Mary Rupp,

Secretary of the Board.

[FR Doc. E7–5643 Filed 3–27–07; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until May 29, 2007.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, (703) 518–6440, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428; Fax No. 703–837–2861. E-mail: *OCIOmail@ncua.gov.*

OMB Reviewer: NCUA Desk Officer, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428 or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0163.

Form Number: N/A.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Title: Privacy of Consumer Financial Information Requirements for Insurance, 12 CFR part 716 and Requirements for Insurance, 12 CFR part 741.

Description: This information collection is needed to evidence compliance with title V of the Gramm-Leach-Bliley Act.

Estimated No. of Respondents/Recordkeepers: 8,462.

Estimated Burden Hours per Response: 45 hours.

Frequency of Response: Recordkeeping and third party disclosure.

Estimated Total Annual Burden Hours: 380,790.

Estimated Total Annual Cost: $0.

By the National Credit Union Administration Board on March 22, 2007.

Mary Rupp,

Secretary of the Board.

[FR Doc. E7–5645 Filed 3–27–07; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Extension of a Currently Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until April 27, 2007.

ADDRESSES: Interested parties are invited to submit written comments to the NCUA Clearance Officer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428; Fax No. 703–837–2861. E-mail: *mcnamara@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

Title: Corporate Credit Union Monthly Call Report.

OMB Number: 3133–0067.

Form Number: NCUA 5310.

Type of Review: Recordkeeping, reporting and monthly.

Description: NCUA utilizes the information to monitor financial conditions in corporate credit unions, and to allocate supervision and examination resources.

Respondents: Corporate credit unions, or ''banker's banks'' for natural person credit unions.

Estimated No. of Respondents/Record keepers: 30.

Estimated Burden Hours per Response: 2 hours.

Frequency of Response: Monthly.

Estimated Total Annual Burden Hours: 720 hours.

Estimated Total Annual Cost: None.

By the National Credit Union Administration Board on March 22, 2007.

Mary Rupp,

Secretary of the Board.

[FR Doc. E7–5646 Filed 3–27–07; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until May 29, 2007.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, E-mail: *OCIOmail@ncua.gov.*

OMB Reviewer: NCUA Desk Officer, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428 or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0125.

Form Number: N/A.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: 12 CFR, Part 722 of NCUA's Rules and Regulations, Appraisals.

Description: Title XI of the Financial Institutions, Reform, Recovery and Enforcement Act of 1989 (FIRREA) was enacted to protect federal financial and public policy interests in real estate related transactions. To achieve this purpose, the statute directed the National Credit Union Administration (NCUA), as one of the federal financial institution regulatory agencies, to adopt standards for the performance of real estate appraisals in connection with federally related transactions. FIRREA requires that appraisals be in writing and meet certain minimum standards. NCUA's regulation carries out the statutory requirements. The information collection activities attributable to the regulation are a direct consequence of the legislative intent and statutory requirements. Each federally-insured credit union uses the information in determining whether and upon what terms to enter into a federally related transaction, such as making a loan secured by real estate. In addition, NCUA uses this information in its examinations of federally-insured credit unions to ensure that extensions of credit by the federally-insured credit union that are collateralized by real estate are undertaken in accordance with appropriate safety and soundness principles. The use of this information by credit unions and the NCUA helps ensure that federally-insured credit unions are not exposed to risk of loss from inadequate appraisals. A federally-insured credit union must obtain an appraisal for real estate-related financial transactions valued in excess of $250,000, unless otherwise exempt.

Estimated No. of Respondents/ Recordkeepers: 5,000.

Estimated Burden Hours Per Response: 15 minutes.

Frequency of Response: On occasion, at the time of each appraisal.

Estimated Total Annual Burden Hours: 187,500.

Estimated Total Annual Cost: $ 0.

By the National Credit Union Administration Board on March 22, 2007.

Mary Rupp,

Secretary of the Board.

[FR Doc. E7–5648 Filed 3–27–07; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Reinstatement; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until May 29, 2007.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–837–2861, E-mail: *OCIOmail@ncua.gov.*

OMB Reviewer: NCUA Desk Officer, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428 or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0127.

Form Number: N/A.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: 12 CFR, Part 701.23 of NCUA's Rules and Regulations, Purchase, Sale, and Pledge of Eligible Obligations.

Description: Section 701.23 states the requirements for the purchase, sale and pledge of eligible obligations. The regulation provides that a federal credit union (FCU) may purchase loans from any source if it is granting such loans on an ongoing basis and the purchase will facilitate the packaging of a pool of loans for sale on the secondary market. A pool must include a substantial portion of the FCU's member loans and must be sold promptly. Section 701.23(b)(2)(ii) requires that a written agreement and a schedule of the eligible obligations covered by the agreement be retained in the purchaser's office; as well as any advance written approval required by 741.8 for purchases made under 701.23 (b)(1)(ii).

Estimated No. of Respondents/ Recordkeepers: 2,500.

Estimated Burden Hours per Response: 5 hours.

Frequency of Response: At the time of purchase, sale, or pledge of an eligible obligation.

Estimated Total Annual Burden Hours: 12,500.

Estimated Total Annual Cost: $ 0.

By the National Credit Union Administration Board on March 22, 2007.

Mary Rupp,

Secretary of the Board.

[FR Doc. E7–5649 Filed 3–27–07; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until April 27, 2007.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer listed below:

Clearance Officer: Mr. Neil McNamara, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No. 703–837–2861, E-mail: *_OCIOmail@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the information collection request, should be directed to Tracy Sumpter at the National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, or at (703) 518–6444.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0141.

Form Number: N/A.

Type of Review: Reinstatement, without change, of a previously approved collection.

Title: 12 CFR part 701.22 Organization and Operation of Federal Credit Unions—Loan Participations.

Description: NCUA has authorized federal credit unions to engage in loan participations, provided they establish written policies and enter into a written loan participation agreement. NCUA believes written policies are necessary to ensure a plan is fully considered before being adopted by the Board.

Respondents: All Federal Credit Unions.

Estimated No. of Respondents/ Recordkeepers: 1,000.

Estimated Burden Hours per Response: 4 hours.

Frequency of Response: On occasion.

Estimated Total Annual Burden Hours: 4,000.

Estimated Total Annual Cost: $100,000.

By the National Credit Union Administration Board on March 22, 2007.

Mary Rupp,

Secretary of the Board.

[FR Doc. E7–5661 Filed 3–27–07; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Consideration of Approval of Transfer of Facility Licenses and Conforming Amendments, and Opportunity for a Hearing

General Electric Company; Vallecitos Boiling Water Reactor (Docket No. 50–18); General Electric Test Reactor (Docket No. 50–70); Nuclear Test Reactor (Docket No. 50–73); Esada Vallecitos Experimental Superheat Reactor (Docket No. 50–183)

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the direct transfer of the Facility Licenses, which are numbered DPR–1 for the Vallecitos Boiling Water Reactor (VBWR), TR–1 for the General Electric Test Reactor (GETR), R–33 for the Nuclear Test Reactor (NTR), and DR–10 for the ESADA Vallecitos Experimental Superheat Reactor (EVESR) currently held by General Electric Company, as owner and licensed operator. The transfer would be to GE-Hitachi Nuclear Energy Americas, LLC. The Commission is also considering amending the licenses for administrative purposes to reflect the proposed transfer.

According to an application for approval filed by General Electric Company, GE-Hitachi Nuclear Energy Americas, LLC, a newly formed entity, would acquire ownership of the facilities following approval of the proposed license transfer, and would be responsible for the operations and maintenance of the VBWR, GETR, NTR and EVESR facilities. This new entity will be wholly owned by GE-Hitachi Nuclear Energy Holdings, LLC, created as a parent company. A U.S. subsidiary or subsidiaries of Hitachi Ltd, a Japanese company, will hold a 40% ownership interest in GE-Hitachi Nuclear Energy Holdings, LLC and the General Electric Company, through various subsidiaries, will hold a 60% ownership interest.

No physical changes to the facilities or other changes are being proposed in the application.

The proposed amendments would replace references to General Electric Company in the licenses with references to GE-Hitachi Nuclear Energy Americas, LLC, to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the direct transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

Within 20 days from the date of publication of this notice, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C ''Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings,'' of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.309(c)(1)(i)–(viii).

Requests for a hearing and petitions for leave to intervene should be served upon Mr. Donald J. Silverman, Morgan Lewis & Bockius, LLP, 1111 Pennsylvania Avenue, NW., Washington, DC 20004 (tel: 202–739–5502; fax: 202–739–3001; e-mail: *dsilverman@morganlewis.com*); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 (e-mail address for filings regarding license transfer cases only: *OGCLT@NRC.gov*); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.302 and 2.305.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate,

respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemakings and Adjudications Staff, and should cite the publication date and page number of this **Federal Register** notice.

For further details with respect to this action, see the application dated January 19, 2007, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agency wide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, or 301–415–4737 or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland this 21st day of March 2007.

For the Nuclear Regulatory Commission.

Marvin M. Mendonca,

Senior Project Manager, Research and Test Reactors Branch B, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. E7–5641 Filed 3–27–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[IA–07–008]

In the Matter of James Francis Mattocks; Order Prohibiting Involvement in NRC-Licensed Activities (Immediately Effective)

I

Mr. James Francis Mattocks was employed as a contract security officer at Florida Power and Light Company's St. Lucie Nuclear Plant (Licensee) from approximately September 6, 2005, to January 7, 2006. Licensee holds license Nos. DPR–67 and NPF–16, issued by the U.S. Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50 on March 1, 1976 (Unit 1), and June 10, 1983 (Unit 2). The license authorizes the operation of the St. Lucie Nuclear Plant, Units 1 and 2, in accordance with the conditions specified therein. The facility is located on the Licensee's site in St. Lucie County, Florida.

II

In 2006, Florida law enforcement officials conducted a criminal investigation into the theft of a weapon and thermal imaging scope from the Licensee's facility. As a result of the investigation, the State of Florida concluded that in December 2005, Mr. Mattocks, while employed as a contract security officer, deliberately removed a Bushmaster .223 Caliber M4/A3 assault rifle and thermal imaging scope from the Licensee's facility without authorization. On December 20, 2006, Mr. Mattocks entered a plea of guilty to the charge of Grand Theft—Firearm in the Circuit Court for St. Lucie County and was adjudged guilty of the charge upon the Court's acceptance of his plea. Mr. Mattocks was sentenced to 14 months of incarceration to be followed by 2 years probation.

License Nos. DPR–67 and NPF–16, Section 3.F, Physical Protection, require the Licensee to fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments. The Licensee's Physical Security Plan (PSP), Section 15.6, establishes the requirement that the Licensee maintain a firearms program to ensure firearms function properly. The PSP states, in part, that the program is described in facility procedures and includes provisions to account for Licensee firearms. Licensee implementing procedure, SEC–AD–1003, Section 5.1.2 states, in part, that for any weapon that is taken from the station's inventory for disposal or sale, the station will document the weapon by make, model, name of institution or individual the weapon's accountability was transferred to, signature of the Security Manager/designee releasing ownership of the weapon, and the date the weapon was released from the station's inventory. In this case, Mr. Mattocks removed the weapon and scope from station inventory without any authorization or approvals.

III

Based on the above, Mr. James Francis Mattocks, a former employee of the Licensee, has engaged in deliberate misconduct that has caused the Licensee to be in violation of 10 CFR 50.5. NRC must be able to rely on the Licensee and its employees to comply with NRC requirements with honesty and integrity. Mr. Mattocks' actions in this case caused the Licensee to violate its PSP and raise serious doubt as to whether he can be relied upon to comply with NRC requirements with honesty and integrity. Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and safety of the public will be protected if Mr. James Francis Mattocks were permitted at this time to be involved in NRC licensed activities. Therefore, the public health, safety and interest require that Mr. James Francis Mattocks be prohibited from any involvement in NRC-licensed activities for a period of five years from the date of this Order. Additionally, Mr. James Francis Mattocks is required to notify the NRC of his first employment in NRC-licensed activities for a period of three years following expiration of the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. James Francis Mattocks' conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 103, 104b, 161b, 161i, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 50.5, and 10 CFR 150.20, *It is hereby ordered,* effective immediately, that:

1. Mr. James Francis Mattocks is prohibited from engaging in NRC-licensed activities for a period of five years from the date of this Order. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Mr. James Francis Mattocks is currently involved in licensed activities on behalf of an NRC licensee, he must immediately cease those activities, inform the NRC of the name, address and telephone number of the licensee employer, and provide a copy of this order to the licensee employer.

3. For a period of three years after the five year period of prohibition has expired, Mr. James Francis Mattocks shall, within 20 days of acceptance of an offer of employment involving his performance of NRC-licensed activities or his becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement (OE), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, of the name, address, and telephone number of the employer or the entity on whose

behalf he will be involved in the NRC-licensed activities. In the notification, Mr. James Francis Mattocks shall include a statement of his commitment to compliance with regulatory requirements and the basis upon which the Commission should have confidence that he will now comply with applicable NRC requirements.

The Director, OE, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. James Francis Mattocks of good cause.

V

In accordance with 10 CFR 2.202, Mr. James Francis Mattocks must, and any other person adversely affected by this Order may, submit an answer to this Order within 20 days of the date of this Order or other such time as may be specified in this Order. In addition, Mr. James Francis Mattocks and any other person adversely affected by this Order may request a hearing on this Order within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. James Francis Mattocks or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Rulemakings and Adjudications Staff, Washington, DC 20555–0001. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region II, 61 Forsyth Street, SW., Atlanta, GA, 30303, and to Mr. James Francis Mattocks if the answer or hearing request is by a person other than Mr. James Francis Mattocks. Because of continuing disruptions in delivery of mail to United States Government offices, it is requested that answers and requests for hearing be transmitted to the Secretary of the Commission either by means of facsimile transmission to 301–415–1101 or by e-mail to *hearingdocket@nrc.gov* and also to the Office of the General Counsel either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMail Center@nrc.gov*. If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.390(d).

If a hearing is requested by Mr. James Francis Mattocks or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. James Francis Mattocks, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be effective immediately and final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

Dated this 21st day of March 2007.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs, Office of the Executive Director for Operations.

[FR Doc. E7–5640 Filed 3–27–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–445 and 50–446]

TXU Generation Company LP; Comanche Peak Steam Electric Station, Units 1 and 2; Notice of Consideration of Issuance of Amendment to Renewed Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–87 and NPF–89, issued to TXU Generating Company LP (the licensee), for operation of the Comanche Peak Steam Electric Station Unit Nos. 1 and 2, respectively, located in Somervell County, Texas.

The proposed amendment would revise Technical Specification (TS) 3.8.1, ''AC Sources—Operating.'' Specifically, the proposed change would revise the Completion Time for TS 3.8.1, Condition F, Required Action F.1, from 12 hours to 24 hours.

The existing TS 3.8.1, Condition F, requires that an inoperable safety injection (SI) sequencer must be restored to OPERABLE status within 12 hours. If this Completion Time is not met, Condition G becomes applicable and the plant must be shut down to at least MODE 3 within the following 6 hours. The proposed change to the Completion Time for TS 3.8.1, Condition F, Required Action F.1, would provide more time to complete necessary repairs and required post-work testing to restore an inoperable SI sequencer to OPERABLE status prior to commencing a plant shutdown to MODE 3.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3)

involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the Completion Time for TS 3.3.2 [''ESFAS (Engineered Safety Feature Actuation System) Instrumentation''], Condition F, does not change the overall protection system performance which will remain within the bounds of the previously performed accident analyses since no hardware changes are proposed. The same reactor trip system (RTS) and engineered safety feature actuation system (ESFAS) instrumentation will continue to be used. The protection systems will continue to function in a manner consistent with the plant design basis. This change to the Technical Specifications does not result in a condition where the design, material, and construction standards that were applicable prior to the change are altered.

The proposed change will not modify any system interface. The proposed change will not affect the probability of any event initiators. There will be no degradation in the performance of or an increase in the number of challenges imposed on safety-related equipment assumed to function during an accident situation. There will be no change to normal plant operating parameters or accident mitigation performance. The proposed change will not alter any assumptions or change any mitigation actions in the radiological consequence evaluations in the FSAR [Final Safety Analysis Report].

The proposed change to the Completion Time does not increase the probability of any accident previously evaluated. The proposed change does not change the response of the plant to any accidents and has no impact on the reliability of the RTS and ESFAS signals. The RTS and ESFAS will remain highly reliable and the proposed change does not result in an increase in the risk of plant operation.

The proposed change does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configuration of the facility or the manner in which the plant is operated and maintained. The proposed change does not alter or prevent the ability of structures, systems, and components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated. The proposed change is consistent with safety analysis assumptions and resultant consequences.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change involves no hardware changes nor are there any changes in the method by which any safety-related plant system performs its safety function. The proposed change will not affect the normal method of plant operation. No performance requirements will be affected or eliminated. The proposed change will not result in physical alteration to any plant system nor will there be any change in the method by which any safety-related plant system performs its safety function.

There will be no setpoint changes or changes to accident analysis assumptions.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures are introduced as a result of this change. There will be no adverse effect or challenges imposed on any safety-related system as a result of these changes.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change does not affect the acceptance criteria for any analyzed event nor is there a change to any Safety Analysis Limit (SAL). There will be no effect on the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protection functions. There will be no impact on the overpower limit, DNBR [departure from nucleate boiling ratio] limits, FQ [Heat Flux Channel Factor], FΔH [Enthalpy Rise hot Channel], LOCA [loss of coolant accident], PCT [Peak Cladding temperature], peak local power density, or any other margin of safety. The radiological dose consequence acceptance criteria listed in the Standard Review Plan will continue to be met.

Redundant RTS and ESFAS trains are maintained and diversity with regard to the signals that provide reactor trip and engineered safety features actuation is also maintained. All signals credited as primary or secondary, and all operator actions credited in the accident analyses will remain the same. The proposed changes will not result in plant operation in a configuration outside the design basis.

Implementation of the proposed changes is expected to result in an overall improvement in safety since longer repair times associated with increased Completion Times will lead to higher quality repairs and improved reliability. The increased Completion Time for an inoperable Safety Injection Sequencer will provide additional time to complete test and maintenance activities while at power, potentially reducing the number of forced outages related to compliance with TS 3.3.2, Condition G, which requires plant shutdown to Mode 3 within 6 hours.

Therefore the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to

the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestors/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, *Attention:* Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, *Attention:* Rulemaking and Adjudications Staff; (3) e-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *HEARINGDOCKET@NRC.GOV;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to George L. Edgar, Esq., Morgan, Lewis and Bockius, 1800 M Street, NW., Washington, DC 20036, the attorney for the licensee.

For further details with respect to this action, see the application for amendment dated March 22, 2006, as supplemented by letter dated September 12, 2006, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 21st day of March 2007.

For the Nuclear Regulatory Commission.

Mohan C. Thadani,

Senior Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7–5642 Filed 3–27–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 178th meeting on April 10–12, 2007, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The schedule for this meeting is as follows:

Tuesday, April 10, 2007

10:30 a.m.–10:35 p.m.: Opening Remarks by the ACNW Chairman (Open)—The ACNW Chairman will make opening remarks regarding the conduct of today's sessions.

10:35 a.m.–12:30 p.m.: Status of Overall Geologic Repository Program at Yucca Mountain: Views of the Director of the U.S. Department of Energy's (DOE's) Office of Civilian Radioactive Waste Management (Open)—Mr. Edward F. (Ward) Sproat will provide the Committee with his views regarding progress being made by DOE in completing a Licence Application necessary for an NRC construction authorization for a geologic repository at Yucca Mountain, Nevada.

1:30 p.m.–2:30 p.m.: Staff Briefing on International Atomic Energy Agency (IAEA) Requirements Document WS–R–4: Design and Operation of Facilities for Geological Disposal of Radioactive Waste (Open)—The Committee will hear a briefing by staff from NRC's Office of Nuclear Material Safety and Safeguards (NMSS) regarding the final IAEA document that is intended to provide guidance to policymakers, regulators, and operators concerned with the development and regulatory control of geologic disposal facilities for the management of long-lived radioactive waste.

2:45 p.m.–3:30 p.m.: Interim Staff Guidance (ISG)—3: Preclosure Safety Analysis—Dose Performance Objectives and Radiation Protection Program to supplement the Yucca Mountain Review Plan (Open)—The NRC staff from the Division of High-Level Waste Repository Safety (DHLWRS) will brief the Committee on ISG–03, Preclosure Safety Analysis—Dose Performance Objectives and Radiation Protection Program for the staff review of consequence estimates for the preclosure safety analysis and the associated radiation protection program.

3:30 p.m.–4:30 p.m.: Proposed Revision to Standard Review Plan Chapters 11.3 and 11.4 for New Reactor Licensing (Open)—The NRC staff from the Office of Nuclear Regulatory Research (RES) will brief the Committee on the proposed revisions to NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants,'' Chapter 11.3, ''Gaseous Waste Management Systems'' and Chapter 11.4, ''Solid Waste Management Systems,'' in support of new reactor licensing.

4:30 p.m.–5:30 p.m.: Discussion of ACNW Letter Reports (Open)—The Committee will discuss potential and proposed ACNW letter reports.

Wednesday, April 11, 2007

9 a.m.–9:05 a.m.: Opening Remarks by the ACNW Chairman (Open)—The ACNW Chairman will make opening remarks regarding the conduct of today's sessions.

9:05 a.m.–10:30 a.m.: Path Forward on an In-situ Leach (ISL) Rulemaking—Summary of Meetings with Environmental Protection Agency (EPA) and National Mining Association (NMA)—Next Steps (Open)—The NRC staff from the Office of Federal and State Materials and Environmental Management Programs (FSME) will brief the Committee on their efforts in developing a path forward for a rulemaking on groundwater protection at ISL sites.

10:45 a.m.–11:45 a.m.: Briefing on MARSAME Manual (Open)—The NRC staff from the Office of Nuclear Regulatory Research (RES) will brief the Committee on the Multi-Agency Radiation Survey and Assessment of Materials and Equipment Manual (MARSAME) Draft Report for Comment.

1:30 p.m.–2:30 p.m.: Scope and Methodology of the Government Accountability Office (GAO)'s ongoing review of the Global Nuclear Energy Partnership (GNEP) effort (Open)—A GAO representative will brief the Committee on the scope and methodology of their current review of the GNEP effort.

2:45 p.m.–3:30 p.m.: Discussion of ACNW Letter Reports (Open)—The Committee will continue discussion of potential and proposed ACNW letter reports.

Thursday, April 12, 2007

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACNW Chairman (Open)—The Chairman will make opening remarks regarding the conduct of today's sessions.

8:35 a.m.–10:30 a.m.: ACNW White Paper on Igneous Activity (Open)—A followup discussion from ACNW February 2007 working group meeting on igneous activity, general review of observations, revisions, and summary conclusions for the White Paper on Igneous Activity at Yucca Mountain.

10:30 a.m.–11:30 a.m.: Update on West Valley Draft Environmental Impact Statement (Open)—The NRC staff from the Office of Federal and State Materials and Environmental Management Programs (FSME) will update the Committee on new analysis being considered for inclusion in the Draft Environmental Impact Statement for the West Valley Nuclear Fuel Services Center in New York.

1 p.m.–2 p.m.: Discussion of ACNW Letter Reports (Open)—The Committee will continue discussion of potential and proposed ACNW letter reports.

2 p.m.–5:30 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of ACNW activities and specific issues that were not completed during previous meetings, as time and availability of information permit. Discussions may include content of future letters and scope of future Committee Meetings.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 12, 2006 (71 FR 60196). In accordance with these procedures, oral or written statements may be presented by members of the public. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Persons desiring to make oral statements should notify Mr. Antonio F. Dias (Telephone 301–415–6805), between 8:15 a.m. and 5 p.m. ET, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Dias as to their particular needs.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted, therefore can be obtained by contacting Mr. Dias.

ACNW meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room (PDR) at *pdr@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/* (ACRS & ACNW Mtg schedules/agendas).

Video Teleconferencing service is available for observing open sessions of

ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. ET, at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: March 22, 2007.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E7–5658 Filed 3–27–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Digital Instrumentation and Control Systems; Notice of Meeting

The ACRS Subcommittee on Digital Instrumentation and Control Systems will hold a meeting on April 18, 2007, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, April 18, 2007—8:30 a.m. Until the Conclusion of Business

The Subcommittee will (1) review DL–1151, Risk-Informed Digital System Reviews and (2) discuss issues related to the SRM assignment on digital systems. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Mr. Charles G. Hammer, (*Telephone:* 301–415–7363) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 6:45 a.m. and 3:30 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: March 22, 2007.

Michael Junge,

Acting Branch Chief, ACRS.

[FR Doc. E7–5660 Filed 3–27–07; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

April 19, 2007, Public Hearing

Time and Date: 2 p.m., Thursday, April 19, 2007.

Place: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue, NW., Washington, DC.

Status: Hearing open to the public at 2 p.m.

Purpose: Public Hearing in conjunction with each meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.

Procedures:

Individual's wishing to address the hearing orally must provide advance notice to OPIC's Corporate Secretary no later than 5 p.m., Friday, April 13, 2007. The notice must include the individual's name, title, organization, address, and telephone number, and a concise summary of the subject matter to be presented.

Oral presentations may not exceed ten (10) minutes. The time for individual presentations may be reduced proportionately, if necessary, to afford all participants who have submitted a timely request to participate an opportunity to be heard.

Participants wishing to submit a written statement for the record must submit a copy of such statement to OPIC's Corporate Secretary no later than 5 p.m., Friday, April 13, 2007, Such statements must be typewritten, double-spaced, and may not exceed twenty-five (25) pages.

Upon receipt of the required notice, OPIC will prepare an agenda for the hearing identifying speakers, setting forth the subject on which each participant will speak, and the time allotted for each presentation. The agenda will be available at the hearing.

A written summary of the hearing will be compiled, and such summary will be made available, upon written request to OPIC's Corporate Secretary, at the cost of reproduction.

CONTACT PERSON FOR INFORMATION: Information on the hearing may be obtained from Connie M. Downs at (202) 336–8438, via facsimile at (202) 218–0136, or via e-mail at *cdown@opic.gov.*

Dated: March 26, 2007.

Connie M. Downs,

OPIC Corporation Secretary.

[FR Doc. 07–1538 Filed 3–26–07; 12:25 pm]

BILLING CODE 3210–01–M

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Public Service Pension Questionnaires; OMB 3220–0136.

Public Law 95–216 amended the Social Security Act of 1977 by providing, in part, that spouse or survivor benefits may be reduced when the beneficiary is in receipt of a pension based on employment with a Federal, State, or local governmental unit. Initially, the reduction was equal to the full amount of the government pension.

Public Law 98–21 changed the reduction to two-thirds of the amount of the government pension. Public Law 108–203 amended the Social Security Act by changing the requirement for exemption to public service offset, that Federal Insurance Contributions Act (FICA) taxes be deducted from the public service wages for the last 60 months of public service employment, rather than just the last day of public service employment.

Sections 4(a)(1) and 4(f)(1) of the Railroad Retirement Act (RRA) provides that a spouse or survivor annuity should be equal in amount to what the annuitant would receive if entitled to a like benefit from the Social Security

Administration. Therefore, the public service pension (PSP) provisions apply to RRA annuities.

RRB Regulations pertaining to the collection of evidence relating to public service pensions or worker's compensation paid to spouse or survivor applicants or annuitants are found in 20 CFR 219.64c.

The RRB utilizes Form G–208, Public Service Pension Questionnaire, and Form G–212, Public Service Monitoring Questionnaire, to obtain information used to determine whether an annuity reduction is in order. The RRB proposes no changes to Form G–208. Non-burden impacting editorial and formatting changes are proposed to Form G–212.

Completion of the forms is voluntary. However, failure to complete the forms could result in the nonpayment of benefits. One response is requested of each respondent. The completion time for the G–208 is estimated at 16 minutes and the G–212 is estimated at 15 minutes. The RRB estimates that approximately 70 Form G–208's and 1,100 Form G–212's are completed annually.

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363 or send an e-mail request to *Charles.Mierzwa@RRB.GOV.* Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or send an e-mail to *Ronald.Hodapp@RRB.GOV.* Written comments should be received within 60 days of this notice.

Charles Mierzwa,

Clearance Officer.

[FR Doc. E7–5632 Filed 3–27–07; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form F–6, OMB Control No. 3235–0292, SEC File No. 270–270.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for approval.

The Commission under Section 19 of the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) established Form F–6 (17 CFR 239.36) for registration of American Depositary Receipts (ADRs) of foreign companies. Form F–6 requires disclosure of information regarding the terms of the depository bank, fees charged, and a description of the ADRs. No special information regarding the foreign company is required to be prepared or disclosed, although the foreign company must be one which periodically furnishes information to the Commission. The information is needed to ensure that investors in ADRs have full disclosure of information concerning the deposit agreement and the foreign company. Form F–6 takes approximately 1 hour per response to prepare and is filed by 150 respondents annually. We estimate that 25% of the 1 hour per response (.25 hours) is prepared by the filer for a total annual reporting burden of 37.5 hours (.25 hours per response × 150 responses).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312; or send an e-mail to: *PRA_Mailbox@sec.gov.*

Dated: March 21, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–5592 Filed 3–27–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55505; File No. 4–523]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Notice of Filing and Order Approving and Declaring Effective a Revised Plan for Allocation of Regulatory Responsibilities Between NYSE Arca, Inc. and the National Association of Securities Dealers, Inc.

March 22, 2007.

Pursuant to Sections 17(d)[1] and 11A(a)(3)(B)[2] of the Securities Exchange Act of 1934 (''Act''), the Securities and Exchange Commission (''Commission'') is hereby providing notice of filing and issuing an order granting approval and declaring effective a revised plan for the allocation of regulatory responsibilities dated February 9, 2007 (''Revised Plan'') that was filed pursuant to Rule 17d–2 under the Act[3] by NYSE Arca, Inc. (''NYSE Arca'') and the National Association of Securities Dealers, Inc. (''NASD'') (together with the NYSE Arca, the ''Parties''). The Revised Plan replaces and supersedes the agreement entered into between the Parties on July 25, 2006 (''July 2006 Plan'')[4] in its entirety. The Revised Plan, which makes minor changes to the July 2006 Plan, does not fundamentally alter the allocation of regulatory responsibilities between the Parties.[5] Accordingly, in addition to the regulatory responsibility it has under the Act, NASD shall retain the regulatory responsibilities allocated to it under the Revised Plan. At the same time, NYSE Arca continues to be relieved of those regulatory responsibilities allocated to NASD under the Revised Plan.

I. Introduction

Section 19(g)(1) of the Act,[6] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or registered securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this

[1] 15 U.S.C. 78q(d).

[2] 15 U.S.C. 78k–1(a)(3)(B).

[3] 17 CFR 240.17d–2.

[4] *See* Securities Exchange Act Release Nos. 54224 (July 27, 2006), 71 FR 43823 (August 2, 2006) (notice) and 54394 (August 31, 2006), 71 FR 52827 (September 7, 2006) (order).

[5] The text of the Revised Plan is available at the principal offices of NYSE Arca and NASD and at the Commission's Public Reference Room.

[6] 15 U.S.C. 78s(g)(1).

responsibility pursuant to Section 17(d)[7] or 19(g)(2)[8] of the Act. Section 17(d)(1) of the Act[9] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication for those broker-dealers that maintain memberships in more than one SRO (''common members'').[10] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1[11] and Rule 17d–2 under the Act.[12] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities, other than financial responsibility rules, with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Act. Upon effectiveness of a plan filed pursuant to Rule 17d–2, an SRO is relieved of those regulatory responsibilities for common members that are allocated by the plan to another SRO.

The Revised Plan, which makes minor changes to the July 2006 Plan (and replaces and supersedes the July 2006 Plan in its entirety), is intended to reduce regulatory duplication for firms that are common members of NYSE Arca and NASD. Except as noted immediately below, the Revised Plan retains the same allocation of regulatory responsibilities among the Parties with respect to common members as the July 2006 Plan. In particular, the Revised Plan: (1) Eliminates paragraph 11 of the July 2006 Plan that allocated to NASD the responsibility to receive and act upon requests for extension of time pursuant to Federal Reserve Regulation T and Rule 15c3–3 under the Act, since the monitoring of such requirements is the obligation of a member's DEA as provided by Rule 17d–1 under the Act;[13] (2) changes from ''monthly'' to ''upon request'' the obligation of NASD to share information with NYSE Arca regarding notice of changes in allied members, partners, officers, registered personnel and other persons, and the opening, address change, and termination of main and branch offices and the names of branch office managers;[14] and (3) makes other technical and formatting changes, such as renumbering paragraphs and reformatting headings.

Included in the Revised Plan is an attachment (''NYSE Arca Rules Certification for 17d–2 Agreement with NASD,'' referred to herein as the ''Certification'') that lists every NYSE Arca rule and federal securities law, rule and regulation thereunder for which, under the Revised Plan, NASD would bear responsibility for examining, and enforcing compliance by, common members. No changes to the Certification are proposed in the Revised Plan.

II. Discussion

The Commission finds that the Revised Plan is consistent with the factors set forth in Section 17(d) of the Act[15] and Rule 17d–2(c) thereunder[16] in that the Revised Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. In particular, the Revised Plan makes minor changes to the July 2006 Plan and does not fundamentally alter the allocation of regulatory responsibilities between the Parties that was contained in the July 2006 Plan. Additionally, no changes to the Certification are proposed in the Revised Plan.

As was the case for the July 2006 Plan, the Commission continues to believe that the Revised Plan could reduce unnecessary regulatory duplication by allocating to NASD certain responsibilities for common members that would otherwise be performed by both NYSE Arca and NASD. Accordingly, the Revised Plan should promote efficiency by reducing costs to common members. Furthermore, because NYSE Arca and NASD will coordinate their regulatory functions in accordance with the Revised Plan, the Revised Plan should promote investor protection.

The Commission is hereby declaring effective and approving a plan that, among other things, allocates regulatory responsibility to NASD for the oversight and enforcement of all NYSE Arca rules that are substantially similar to the rules of the NASD for common members of NYSE Arca and NASD.

III. Conclusion

This Order gives effect to the Revised Plan filed with the Commission in File No. 4–523. The Parties shall notify all members affected by the Revised Plan of their rights and obligations under the Revised Plan.

It is therefore ordered, pursuant to Sections 17(d) and 11A(a)(3)(B) of the Act, that the Revised Plan in File No. 4–523, between NYSE Arca and NASD, filed pursuant to Rule 17d–2 under the Act, is approved and declared effective.

It is therefore ordered that NYSE Arca is relieved of those responsibilities allocated to NASD under the Revised Plan in File No. 4–523.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–5637 Filed 3–27–07; 8:45 am]

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[7] 15 U.S.C. 78q(d).

[8] 15 U.S.C. 78s(g)(2).

[9] 15 U.S.C. 78q(d)(1).

[10] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[11] 17 CFR 240.17d–1. Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.

[12] 17 CFR 240.17d–2.

[13] 17 CFR 240.17d–1. Further, NYSE Arca represents that it currently does not serve as the DEA for any firms that hold or carry customer accounts, and therefore does not currently perform any duties pursuant to Regulation T and Rule 15c3–3 with respect to considering requests for extension of time. *See* Telephone conversation between Greg O'Connor, Director, NYSE Group, Inc., and Richard Holley III, Special Counsel, Division of Market Regulation, Commission, on March 16, 2007. Additionally, Paragraph 2(c) of the July 2006 Plan, as well as the Revised Plan, provides that NYSE Arca retains full responsibility for the discharge of its DEA duties and obligations. Accordingly, NASD did not undertake any responsibilities pursuant to paragraph 11 of the July 2006 Plan and the Parties consider the deletion of paragraph 11 to be a non-material change. *See id.*

[14] *See* Paragraph 7 of the Revised Plan.

[15] 15 U.S.C. 78q(d).

[16] 17 CFR 240.17d 2(c).

[17] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55503; File No. SR–ISE–2007–20]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Intermarket Sweep Orders

March 21, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 16, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the ISE. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE is proposing to amend its rules governing Intermarket Sweep Orders (''ISOs'') to conform them to the rules of The NASDAQ Stock Market LLC (''Nasdaq''). The text of the proposed rule change is available at ISE, the Commission's Public Reference Room, and *http://www.ise.com*.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend ISE Rules governing ISOs to conform them to Nasdaq rules [5] and to remove the requirement that ISOs be immediately executed or canceled. The proposed amendment clarifies the requirement that the Equity EAM entering an ISO to the ISE Stock Exchange must simultaneous route one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Bid or Offer in the case of a limit order to sell or buy with a price that is superior to the limit price of the limit order identified as an ISO (as defined in Rule 600(b) or Regulation NMS under the Act). These additional routed orders must be identified as ISOs. The Exchange notes that Equity EAMs wishing to display on ISE must route to protected quotes up to and including the price at which they wish to display in order to comply with the Locked and Crossed Market Rule.[6]

2. Statutory Basis

The basis under the Act for this proposed rule change is found in Section 6(b)(5). Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(5) [7] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, serve to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. In particular, this filing will provide investors with more flexibility in entering orders and receiving executions of such orders.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

[5] *See* Nasdaq Rules 4751 and 4755.

[6] *See* ISE Rule 2112.

[7] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, provided that the Exchange has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposal.[8]

A proposed rule change filed under Rule 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[9] However, Rule 19b–4(f)(6)(iii) [10] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day pre-operative period, which would make the rule change operative immediately. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, because the proposed rule change is substantially similar to rules previously approved by the Commission.[11] For this reason, the Commission designates that the proposal become operative immediately.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

[8] As required under Rule 19b–4(f)(6)(iii), ISE provided the Commission with notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposal.

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] *Id.*

[11] *See* Nasdaq Rules 4751 and 4755.

For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *http://www.sec.gov/rules/sro.shtml*; or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–ISE–2007–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2007–20. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2007–20 and should be submitted on or before April 18, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

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[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55496; File No. SR–NYSE–2006–37]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Amendment No. 3 to and Order Granting Accelerated Approval of Proposed Rule Change, as Amended, Relating to the Establishment of NYSE Bonds

March 20, 2007.

I. Introduction

On May 16, 2006, the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] to establish a new bond trading platform, NYSE Bonds, to replace its existing bond trading system, the Automated Bond System (''ABS''). The Exchange filed Amendments No. 1 and 2 to the proposed rule change on August 4, 2006 and October 10, 2006, respectively. The proposed rule change, as amended, was published for comment in the **Federal Register** on October 24, 2006.[3] The Commission received two comments on the proposal.[4] On March 15, 2007, the Exchange filed Amendment No. 3 to the proposal.[5] On March 16, 2007, the NYSE submitted a response to the comment letters.[6] This order provides notice of Amendment No. 3 to the proposed rule change and approves the proposed rule change as amended on an accelerated basis.

II. Description of the Proposal

NYSE proposes to amend its Rule 86 to replace its existing bond trading system, ABS, with a bond trading platform based on technology used to operate the NYSE Arca Marketplace.[7] The new name of the NYSE bond trading platform would be ''NYSE Bonds.'' NYSE also proposes to amend other Exchange rules to conform to revised NYSE Rule 86.

Any security traded on NYSE Bonds would have to be listed, or otherwise admitted to dealing, on the Exchange. NYSE has represented that all debt securities currently trading on ABS would be transferred to NYSE Bonds.[8] Additional debt securities that meet the listing standards in NYSE Listed Company Manual Sections 102.03, 103.05, 703.19, or 703.21, or that are deemed ''exempted securities'' under Section 3(a)(12) of the Exchange Act,[9] could trade on NYSE Bonds. In addition, NYSE intends to trade unregistered corporate bonds pursuant to an exemption from Section 12(a) of the Exchange Act and a related rule change recently approved by the Commission.[10]

NYSE Bonds would be an electronic order-driven matching system. Initially, the System would allow limit orders and reserve orders. Visible interest would be executed on a price/time priority basis. However, undisplayed reserve interest in NYSE Bonds would always yield to displayed interest at a particular price.[11] Outside of an auction (described below), orders marketable at the time of entry would be matched and executed, except if the price exceeded the ''price collar'' established for the bond at the time of entry. An order that is priced beyond the price collar threshold would be rejected by the system; an order that is not marketable at the time of entry would post to the NYSE Bonds order ''book.''[12] If an order were entered at a better price than the then-best priced contra-side order on the NYSE Bonds book, the system would match the incoming order against

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 54615 (October 17, 2006), 71 FR 62338.

[4] *See* Letters from Mary C.M. Kuan, Vice President and Assistant General Counsel, Securities Industry and Financial Markets Association (''SIFMA'') to Nancy Morris, Secretary, Commission, dated November 14, 2006 (''SIFMA Letter'') and from Ron L. Klein, Chairman and CEO, General Associates, Inc., dated December 13, 2006 (''Klein Letter'').

[5] For a discussion of Amendment No. 3, *see* Section V, *infra*. Amendment No. 3 replaced and superseded Amendment No. 2 in its entirety.

[6] *See* Letter from Mary Yeager, Assistant Secretary, NYSE, to Nancy M. Morris, Secretary, Commission, dated March 16, 2007 (''NYSE Response Letter'').

[7] The NYSE Arca Marketplace is the successor to the Archipelago Exchange. *See* Securities Exchange Act Release No. 53615 (April 7, 2006), 71 FR 19226 (April 13, 2006) (SR–PCX–2006–24).

[8] Such debt securities include, but are not limited to the following: corporate bonds (including convertible bonds), international bank bonds, foreign government bonds, U.S. government bonds, government agency bonds, municipal bonds, and debt-based structured products. Any security that would trade on NYSE Bonds is referred to as a ''bond'' for the purposes of NYSE rules.

[9] 15 U.S.C. 78c(a)(12).

[10] *See* Securities Exchange Act Release No. 54766 (November 16, 2006), 71 FR 67657 (November 22, 2006) (File No. S7–06–05) (permitting NYSE member organizations to trade bonds on the Exchange that are not registered under Section 12(b) of the Exchange Act, but are issued by NYSE-listed companies or their wholly owned subsidiaries and that meet other conditions); Securities Exchange Act Release No. 54767 (November 16, 2006), 71 FR 67680 (November 22, 2006) (SR–NYSE–2004–69) (collectively, the ''Unlisted Corporate Bonds Orders'').

[11] *See* proposed NYSE Rule 86(j)(3)(B).

[12] *See* proposed NYSE Rule 86(e).

the booked order at the booked order's price, thereby providing price improvement to the incoming order. Bonds generally would be traded in denominations of $1,000.[13]

NYSE Bonds would have three trading sessions: (1) The Opening Bond Trading Session (4 a.m. until 9:30 a.m. Eastern Time (''ET'')); (2) the Core Bond Trading Session (9:30 a.m. until 4 p.m. ET); and (3) the Late Bond Trading Session (4 p.m. until 8 p.m. ET). A User[14] entering an order into NYSE Bonds would be required to designate the time in force of the order. A day order, if not executed, would expire at the end of any of the three daily trading sessions for which it was designated. A good-'til-cancelled order would remain in effect until it was either cancelled or executed, but would be available for execution only during the Core Bond Trading Session. Unless the User indicated otherwise, the system's default assumption would be that all orders are day orders.

At the commencement of both the Opening Bond Trading Session and the Core Bond Trading Session, the Exchange would conduct a bond auction. Users would be able to submit orders for execution Opening Bond Auction and the Core Bond Auction beginning at 3:30 a.m. ET. Orders designated for the Opening Bond Trading Session would queue until 4 a.m. ET, at which time the Opening Bond Auction would take place and orders designated for the Core Bond Trading Session would queue until 9:30 a.m. ET, at which time the Core Bond Auction would take place.[15] During a bond auction, the system would attempt to match and execute orders at the Indicative Match Price (''IMP''). The IMP is defined as: (1) The price at which the maximum volume of bonds are executable; (2) if there are two or more prices at which the maximum volume of bonds are executable, the price that is closest to the closing price in that bond on the previous trading day, or if the bond did not trade on the previous day, the price that is closest to the closing price on the last day that the bond traded; (3) if bond orders to buy and bond orders to sell are not marketable, the highest priced bid; or (4) if there were no bids but only offers, the lowest offer price.[16] Beginning at 3:30 a.m. ET and various times thereafter, the IMP of the Opening Bond Auction and/or the Core Bond Auction and any Imbalance[17] associated therewith would be disseminated by the Exchange.

A single order to sell coupled with a single order to buy would be sufficient to establish a bond auction, provided the orders were marketable.[18] If no marketable orders were entered into the system prior to the commencement of a bond auction, the auction would not occur, and the existing orders would be available only for ordinary trading in the designated bond trading session(s). Orders that were designated for a particular bond trading session and eligible to participate in the related bond auction, but not executed in such bond auction, would also be available for ordinary trading in the trading session. Orders designated for but not executed in the Opening Bond Trading Session would be eligible to be matched and executed in the Core Bond Auction at the IMP. Orders eligible for the Opening Bond Auction or the Core Bond Auction could be cancelled at any point until two minutes prior to the commencement of the respective bond auction.

To post an order on NYSE Bonds, a User would be required to enter the following information: CUSIP number; quantity; order type (*i.e.*, limit or reserve); price (up to three decimals); account type indicator (''P'' for principle or ''A'' for agent); time in force; and whether the order is buy, sell, or sell/short.[19] An order could not be modified but could be cancelled at any time before it is executed, except that a User could not cancel an order eligible for execution in a regularly scheduled bond auction inside of two minutes prior to the beginning of the bond auction.

The proposal contemplates the halting, suspension, and closing of bond trading on NYSE Bonds (a ''Bond Halt'') in certain circumstances.[20] During a Bond Halt, orders could enter the system and queue according to price/time priority but would not execute. When the Bond Halt is concluded, trading would resume with a Bond Halt Auction, at which time orders would match and execute at the IMP under similar terms to the other bond auctions. Like the other bond auctions, no executions would occur unless marketable orders were available prior to the commencement of the Bond Halt Auction. Orders eligible for execution in the Bond Halt Auction could be cancelled at any point prior to the beginning of the Bond Halt Auction. At the conclusion of the Bond Halt Auction, ordinary trading would resume in the trading session in progress at the conclusion of the halt.

A member organization wishing to trade on NYSE Bonds (''Subscriber'') would be required to enter into a written agreement with the Exchange.[21] A non-member (''Sponsored Participant'')[22] could gain access to NYSE Bonds only by entering into a written agreement with a Subscriber (*i.e.*, a ''Sponsoring Member Organization'')[23] and the Exchange. In the sponsorship agreement, the Sponsoring Member Organization would acknowledge, among other things, that any order entered by the Sponsored Participant and any execution resulting from such order would be binding in all respects on the Sponsoring Member Organization.[24] The Sponsoring Member Organization would be responsible for any and all actions taken by its Sponsored Participant. The Sponsored Participant, in turn, would agree, among other things, to comply with the rules of the Exchange and the rules and procedures with regard to NYSE Bonds, as if it were a member of the Exchange.[25] The Sponsored Participant also would be required to: (1) Take reasonable security precautions to prevent unauthorized access to NYSE Bonds; (2) establish and maintain an up-to-date list of persons permitted to access NYSE Bonds on behalf of the Sponsored Participant (*i.e.*, ''Authorized Traders'')[26]; and (3) provide that list to the Sponsoring Member Organization. Moreover, the Sponsoring Member Organization would be required to undertake certain responsibilities related to a Sponsored

[13] A User submitting an order priced in a denomination less than $1,000 would be required to specify the original principal amount of the bond. *See* proposed Rule 86(d).

[14] *See* proposed NYSE Rule 86(b)(2)(M) (defining ''User'' as any Subscriber, Sponsored Participant, or Authorized Trader that is authorized to obtain access to NYSE Bonds).

[15] *See* proposed NYSE Rule 86(i).

[16] *See* proposed NYSE Rule (b)(2)(G).

[17] *See* proposed NYSE Rule 86(b)(2)(F) (defining ''Imbalance '' as the number of buy or sell orders that cannot be matched with other orders at the IMP at any given time).

[18] *See* proposed NYSE Rule 86(*l*) (prescribing procedures NYSE Bonds Bond Auctions).

[19] The staff of the Division of Market Regulation of the Commission previously has stated that it would not recommend that the Commission take enforcement action if short sales in exchange-listed bonds and debentures are effected without complying with Rule 10a–1 under the Exchange Act, 17 CFR 240.10a–1. *See* Securities Exchange Act Release No. 30772 (June 3, 1992), 57 FR 24415 (June 9, 1992) (File No. S7–13–92) (''Bond Short Sale No-Action Position''). The Exchange deems this determination by the Commission Staff to apply to Exchange Rule 440B (Short Sales).

[20] *See* proposed NYSE Rule 86(k).

[21] *See* proposed NYSE Rule 86(o)(a).

[22] *See* proposed NYSE Rule 86(b)(2)(K).

[23] *See* proposed NYSE Rule 86(b)(2)(J).

[24] *See* proposed NYSE Rule 86(o)(b)(2)(B)(i).

[25] *See* proposed NYSE Rule 86(o)(b)(2)(C).

[26] *See* proposed NYSE Rule 86(b)(2)(L).

Participant's Authorized Traders, including: (1) Maintaining a list of Authorized Traders; (2) establishing procedures to ensure that Authorized Traders comply with Exchange rules and to ensure the safety of and access to the equipment used to access NYSE Bonds; and (3) suspending an individual's status as an Authorized Trader when such individual's action has caused the Sponsoring Member Organization to fail to comply with Exchange rules.[27]

The proposed NYSE Bonds rules also include provisions for the handling of a ''Clearly Erroneous Execution,'' defined as an execution involving an obvious error in any term of an order participating in such execution, such as price, unit of trading, or identification of the bond.[28] Subject to the approval of the Exchange, a Clearly Erroneous Execution could be nullified if no party to the trade objects.[29] The Exchange also has proposed to establish procedures for reviewing a transaction if one of the parties does not agree to the cancellation. A User could request a review via telephone, facsimile, or e-mail. Upon receipt of such request, the Exchange would notify the counterparty as soon as practicable. Any request for review would generally be required to be submitted within 30 minutes of the trade; however, the Exchange could consider a request after 30 minutes on a case-by-case basis in a manner that promotes a fair and orderly market and does not unfairly discriminate against Users of NYSE Bonds. Each party to the transaction would be required to provide, within 30 minutes of the request for review, any supporting written information as may be reasonably requested by the Exchange to aid in the resolution of the matter.

Unless both parties to the disputed transaction agreed to withdraw the initial request for review, an Officer of the Exchange or a designee (the ''Reviewer'') would review the transaction and determine whether it were clearly erroneous, with a view towards maintaining a fair and orderly market and the protection of investors and the public interest. In Amendment No. 3, the Exchange proposed factors that the Reviewer could consider in the determination of a Clearly Erroneous Execution.[30] If the Reviewer determines that the transaction in dispute is erroneous, the transaction would be declared null and void, or one or more of the terms of the transaction would be modified. The parties would be promptly notified of the determination.

A request for review of the initial determination by the Clearly Erroneous Execution Panel (''CEE Panel'')[31] may be made within 30 minutes after the party making the appeal is given notice of the determination. However, the CEE Panel would not review a determination of the Reviewer if the Reviewer determined that the number of affected transactions was such that immediate finality would be necessary to maintain a fair and orderly market and to protect investors and the public interest. All determinations by the CEE Panel would constitute final action by the Exchange.

In addition, the proposal would allow the Exchange to review transactions affected by a system disruption, system malfunction, or equipment changeover to decide if any such transactions were erroneous.[32] In the event of any system disruption, system malfunction, or equipment changeover in the use or operation of any electronic communications and trading facilities of the Exchange, an Officer of the Exchange or a designee, on his or her own initiative, could review a transaction arising out of the use or operation of such facilities during such period and declare it unchanged, nullify it, or modify the terms of the trade. Absent extraordinary circumstances, any such action of the Exchange would need to be taken within 30 minutes of detection of the system disruption, system malfunction, equipment changeover, or an erroneous transaction resulting from such system problem. If an erroneous transaction occurred as a result of a system problem and the Exchange determines to revise the trade, the counterparties to the erroneous transaction would be notified of the action as soon as practicable. A User aggrieved by such action could appeal such action to the CEE Panel in accordance with the provisions described above.

Most orders matched on NYSE Bonds would be locked-in trades and would be submitted to a registered clearing agency with accrued interest calculated according to the defined eligibility characteristics of the particular bond.[33] Settlement of corporate bond trades would be ''regular way,'' *i.e.*, three-day settlement. At a later date, the Exchange intends to publish a real-time bond data feed, and intends to make such data available for purchase by non-subscribing market participants, third-party data vendors, and other interested parties who agree to the Exchange's terms. In addition to disseminating the NYSE Bonds order book, the data feed would also include the last sale price and size as executions occur. The Exchange also proposed several technical changes to other NYSE rules to remove certain obsolete references and otherwise conform the terms of certain other rules to revised NYSE Rule 86.

III. Summary of Comments and NYSE's Response

As noted above, the Commission received two comment letters on the proposal. The Klein Letter expressed support for the NYSE's proposal. The other commenter, SIFMA, expressed some support for NYSE's proposal but also raised certain concerns. The Exchange responded to the concerns raised in the SIFMA Letter.

SIFMA questioned whether the Exchange's plans to assess a fee for the market data generated by NYSE Bonds would confer an unfair competitive

[27] *See* proposed NYSE Rule 86(o)(b)(4).

[28] *See* proposed NYSE Rule 86(b)(2)(H).

[29] *See* proposed NYSE Rule 86(m)(1).

[30] Such factors include execution price(s); volume and volatility of a bond; news released for the issuer or the bond and/or the related security; the existence of trading halts; corporate action(s); general market conditions; rating of the bond; interest and or coupon rate; maturity date; yield curves; last sale, if available within a reasonable time frame; executions inconsistent with the trading pattern of a bond; current day's trading high/low; recent day's and week's trading high/low; executions outside the 52 week high/low; effect of a single large order creating several prints at various prices; and quotes and executions of other market centers. *See* proposed NYSE Rule 86(m)(2)(E).

[31] The CEE Panel would be comprised of the Chief Executive Officer of NYSE Regulation or a designee, and representatives from two Subscribers to NYSE Bonds. The Exchange would designate at least ten Subscribers to NYSE Bonds to act as representatives to be called upon to serve on the CEE Panel, as needed. In no case would a CEE Panel include a person related to a party to the trade in question. To the extent reasonably possible, the Exchange would call upon the designated representatives to participate on a CEE Panel on an equally frequent basis. *See* proposed NYSE Rule 86(m)(4)(A) and (B).

[32] *See* proposed NYSE Rule 86(m)(5).

[33] The Exchange submits completed trades to one of the subsidiaries of the Depository Trust Clearing Corporation (''DTCC'') for clearance and settlement. The National Securities Clearing Corporation (''NSCC''), a subsidiary of DTCC, provides clearance and settlement services for government agency, corporate, and municipal bonds that trade on ABS. While the Government Securities Division of the Fixed Income Clearing Corporation (''FICC''), another subsidiary of DTCC, provides clearance and settlement services for transactions in U.S. government bonds, the Exchange does not currently have an agreement with FICC for such settlement and clearance. Presently, U.S. government bonds that trade on ABS are traded ex-clearing (*i.e.*, the parties to the transaction arrange for manual clearing and settlement). The Exchange plans to submit trades on a locked-in basis to FICC for clearance and settlement in 2007. Until such time as the Exchange has established such an agreement with the FICC, the U.S. government bonds that trade on NYSE Bonds would continue to trade ex-clearing as they do today on ABS. Trades that would not be locked-in would be those in bonds that are not set up for the Exchange's registered clearing agency, or bonds having a face value other than $1,000.

advantage as the exclusive processor of quote and trade data of NYSE Bonds, which it believed may lead to unreasonable prices for such data.[34] In addition, SIFMA raised concern regarding the Exchange's intention to limit the use and redistribution of its market data.[35] NYSE responded that SIFMA's concerns were premature in that the Exchange has not yet filed a proposal with the Commission under Rule 19b–4 under the Exchange Act to modify the fees that it charges for NYSE Bonds data.[36]

SIFMA also expressed concerns relating to the jurisdiction of NASD for transactions on NYSE Bonds.[37] Specifically, SIFMA requested clarity on whether Users of NYSE Bonds would have any trade reporting obligations to NASD for bonds that trade on NYSE pursuant to Exchange Rules 1400 and 1401. SIFMA also raised a more general concern that NASD may assert jurisdiction over trading activities effected on a national securities exchange, including NYSE Bonds. NYSE argued that the concerns were without merit because NASD recently established a two-year pilot program[38] that exempted unlisted bonds trading on the NYSE subject to the Exchange's trade reporting requirements from TRACE reporting requirements.[39] Moreover, NYSE clarified that NYSE Regulation will undertake primary responsibility for regulating NYSE Bonds and that NASD will retain responsibility for regulating the over-the-counter corporate bond market.

Finally, SIFMA expressed concern about the lack of definitive quantitative standards in the proposed trade nullification rule for NYSE Bonds.[40] The Exchange included in Amendment No. 3 relevant factors that may be considered when the Exchange determines whether an execution is clearly erroneous.[41]

IV. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the Exchange Act and the rules and regulations promulgated thereunder applicable to a national securities exchange.[42] Specifically, the Commission finds that approval of the proposal is consistent with Section 6(b)(5) of the Exchange Act[43] in that it is designed to facilitate transactions in securities; to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; to remove impediments to and perfect the mechanism of a free and open market and a national market system; and, in general, to protect investors and the public interest.

NYSE Bonds will replace ABS as the facility for trading bonds on the Exchange. The Commission believes that an exchange's determination to implement new trading technology is generally consistent with the Exchange Act. As described above, the proposal includes provisions regarding order entry, priority, trading sessions and auctions, manner of execution, clearing, trade halt procedures, and trade nullification. The Commission finds that these provisions are reasonably designed to promote the efficient functioning of NYSE Bonds and are generally consistent with the Exchange Act.[44] Other aspects of the proposal are described in more detail below.

Sponsored Access to NYSE Bonds

Only members that enter into a service agreement with the Exchange may access NYSE Bonds. In addition, the Exchange would permit a non-member that enters into an agreement with a subscribing member and the Exchange to access NYSE Bonds as a ''Sponsored Participant.'' These sponsored access provisions are substantially similar to those that have been adopted by other national securities exchanges and previously approved by the Commission.[45]

Price Collars

The Exchange would reject an incoming order that is otherwise marketable if the price of the order violated the price collar for that bond. The Commission believes that the proposed price collars are reasonably designed to protect investors and promote the public interest by preventing executions that are substantially away from the prevailing market price. These provisions are similar to others employed by NYSE Arca and Nasdaq, which previously have been approved by the Commission.[46]

Applicability of Section 11(a) and (b) of the Exchange Act

Section 11(a) of the Exchange Act[47] prohibits a member of a national securities exchange from effecting transactions on that exchange for its own account, the account of an associated person, or an account over which it or its associated person exercises investment discretion, unless an exception applies. The Commission notes that this general prohibition would not generally impact trading on NYSE Bonds because Rule 11a1–4(T) under the Exchange Act[48] deems transactions in bonds on a national securities exchange for a member's own account to be consistent with Section 11(a). However, for those securities trading on NYSE Bonds for which this exemption may not be available, such as certain structured products, the Exchange has represented that transactions effected on NYSE Bonds meet the requirements of Rule 11a2–2(T) under the Exchange Act.[49] Similarly, the Commission notes that Section 11(b) of the Exchange Act[50] and Rule 11b–1 thereunder,[51] which pertain to specialists and market-makers, would not be implicated because there would be no specialists or market makers on NYSE Bonds.

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[34] *See* SIFMA Letter at 2–3.

[35] *Id.*

[36] *See* NYSE Response Letter at 2.

[37] *See* SIFMA Letter at 3–4.

[38] *See* Securities Exchange Act Release No. 54678 (November 16, 2006), 71 FR 67673 (November 22, 2006) (SR–NASD–2006–110).

[39] *See* NYSE Response Letter at 3.

[40] *See* SIFMA Letter at 4.

[41] *See* proposed NYSE Rule 86(m)(2)(E).

[42] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[43] 15 U.S.C. 78f(b)(5).

[44] However, the Commission notes that the Exchange did not in this filing propose any fee changes in connection with the NYSE Bonds system. Therefore, the Commission in this order is not making any findings regarding any fee that the Exchange charges or may in the future propose to charge in connection with the use of the NYSE Bonds system.

[45] *See* NYSE Arca Equities, Inc. (''NYSE Arca Equities'') Rule 7.29(b); Securities Exchange Act Release No. 44983 (October 25, 2001), 66 FR 55225 (November 1, 2001) (SR–PCX–00–25) (establishing sponsored participant provision for equity trading on the NYSE Arca Marketplace).

[46] *See, e.g.*, NYSE Arca Equities Rule 1.1(r)(A) (NYSE Arca Market Order Auction and Closing Auction), Securities Exchange Act Release No. 52361 (August 30, 2005), 70 FR 53704 (September 9, 2005) (SR–PCX–2005–58); Nasdaq Rule 4752(d)(2)(E) (Nasdaq Opening Process), Securities Exchange Act Release No. 50405 (September 16, 2004), 69 FR 57118 (September 23, 2004) (SR–NASD–2004–071); and Nasdaq Rule 4754(b)(2)(E) (Nasdaq Closing Cross), Securities Exchange Act Release No. 49406 (March 11, 2004), 69 FR 12879 (March 18, 2004) (SR–NASD–2003–173).

[47] 15 U.S.C. 78k(a).

[48] 17 CFR 240.11a1–4(T).

[49] The Commission notes that, to the extent that any security trading on NYSE Bonds is an NMS security, *see* 17 CFR 242.600(b)(46), the Commission is not making any finding herein as to whether NYSE Bonds is compliant with the requirements of Regulation NMS under the Exchange Act.

[50] 15 U.S.C. 78k(b).

[51] 17 CFR 240.11b–1.

Applicability of Rule 10a–1 Under the Exchange Act

In its filing, NYSE states that: ''The staff of the Division of Market Regulation of the Securities and Exchange Commission has stated that it would not recommend that the Commission take enforcement action if short sales in exchange-listed bonds and debentures are effected without complying with SEC Rule 10a–1.'' [52] By this filing, the Exchange seeks continued effect of this position. The staff maintains this position. However, the Commission notes that the staff's position does not apply to convertible bonds.[53] Accordingly, convertible bonds would continue to be excluded from applicability of this position.

V. Accelerated Approval

Pursuant to Section 19(b)(2) of the Exchange Act,[54] the Commission may not approve any proposed rule change prior to the 30th day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes its reasons for so finding. In Amendment No. 3, the Exchange, among other things:

- Revised proposed NYSE Rule 86(b) to indicate that, if other NYSE rules relating to bonds conflict with the provisions of proposed NYSE Rule 86, Rule 86 would control;
- Eliminated references to the ''Floor'' of the Exchange to make clear that NYSE Bonds is a fully electronic trading platform;
- Noted that dealers trading municipal bonds must report such transactions to the Municipal Securities Rulemaking Board (''MSRB'') in accordance with MSRB Rule G–14;
- Revised proposed NYSE Rule 86(b)(2)(E) to indicate that, unless otherwise designated, an order will be treated as a day order;
- Revised proposed NYSE Rule 86(b)(2)(G) to indicate that, if no bids are submitted to a Bond Auction, the Indicative Match Price will be the lowest offer price;
- Revised proposed NYSE Rule 86(e) to clarify that the price collars will only apply during ordinary trading and not during the queuing of bond orders or during bond auctions;
- Revised proposed NYSE Rule 86(h) to clarify that orders designated only for the Opening Bond Trading Session that do not execute in the Opening Bond Auction or Opening Bond Trading Session will be eligible to participate in the Core Bond Auction and would be cancelled if not executed in the Core Bond Auction;
- Modified proposed NYSE Rule 86(i) to clarify that orders may be entered into NYSE Bonds until 8 p.m. ET and to otherwise clarify the operation of the three proposed bond trading sessions;
- Revised proposed NYSE Rule 86(*l*) to indicate that, beginning at 3:30 a.m. ET, the IMP for the Opening Bond Auction and the Core Bond Auction, and any associated Imbalance, will be published by the Exchange. In addition, the changes to proposed NYSE Rule 86(*l*) further explain the functionalities of the Bond Auctions;
- Clarified in proposed NYSE Rule 86(m) the possible outcomes after review of potentially erroneous transactions by the Reviewer and by the Clearly Erroneous Execution Panel. In addition, the Exchange added factors that may be considered in the determination of a Clearly Erroneous Execution;
- Revised proposed NYSE Rule 86(n)(2)(G) to indicate that orders that are eligible for execution in the Bond Halt Auction may be cancelled at any time;
- Revised portions of proposed NYSE Rule 86(o) related to a sponsored access to NYSE Bonds to conform substantially to related provisions of other national securities exchanges, including NYSE Arca; [55]
- Represented that transactions effected on NYSE Bonds meet the requirements of Rule 11a2–2(T) under the Exchange Act and included an accompanying discussion;
- Represented that NYSE Regulation can effectively regulate NYSE Bonds; and
- Made other minor clarifying and technical changes to the proposal.

The Commission believes that these changes do not raise any significant or novel regulatory issues. Accordingly, the Commission hereby finds good cause for approving the proposed rule change, as modified by Amendment No. 3, prior to the 30th day after publishing notice of the amended proposal in the **Federal Register**.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 3, including whether Amendment No. 3 is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2006–37 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2006–37. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal office of NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2006–37 and should be submitted on or before April 18, 2007.

[52] *See* Bond Short Sale No-Action Position, *supra* note 19 (footnote omitted) (stating that, ''From and after the date of this release until the Commission takes final action on the proposed amendment to Rule 10a–1(b), the staff of the Division will not recommend that the Commission take enforcement action under Rule 10a–1 if short sales in exchange-listed bonds and debentures are effected without complying with the Rule'').

[53] *See id.* (noting that convertible bonds are defined as ''equity securities'' in the Exchange Act and that ''Exchange Act Section 3(a)(11), 15 U.S.C. 78c(a)(11), defines the term 'equity security' to include 'any stock or similar security, or any security convertible, with or without consideration, into such a security * * *.' Short selling of convertible bonds * * * may have an impact on the price of related exchange-traded equity securities'').

[54] 15 U.S.C. 78s(b)(2).

[55] *See* NYSE Arca Equities Rule 7.29.

VII. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[56] that the proposed rule change (SR–NYSE–2006–37), as amended, be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[57]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–5610 Filed 3–27–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55513; File No. SR–Phlx–2007–28]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Dissemination of Currency Spot Values

March 22, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 22, 2007, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to disseminate a modified spot rate for its U.S. dollar-settled foreign currency options (''FCOs''). The text of the proposed rule change is available on the Phlx's Web site (*http://www.phlx.com*), at the principal office of Phlx, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to permit the Exchange to disseminate over the facilities of the Consolidated Tape Association a modified spot rate for U.S. dollar-settled FCOs on the British pound and the euro, which the Exchange has listed since January 8, 2007.[5]

The modified spot rate will be calculated by the Exchange, based on spot prices (bids and asks) it receives from Thomson Financial LLC (''Thomson'').[6] For each currency, the Exchange will determine the midpoint between the bid and the ask and will modify that rate by multiplying it by 100. For example, if 1.3200 U.S. dollars buys 1 euro, a modifier of 100 would be used so that the modified spot rate would become 132.00. If 1.3358 U.S. dollars buys 1 euro, the modified spot rate, using the same 100 modifier, would become 133.58. This proposed rule change is merely for purposes of dissemination of the modified spot rate over the facilities of the Consolidated Tape Association and does not amend or affect the Exchange's existing rules governing U.S. dollar-settled FCOs.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(5) of the Act[8] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, by providing investors in U.S. dollar-settled FCOs the ability to more easily track the value of the underlying currencies in the spot market and therefore make informed trading decisions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of filing (or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest), the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and subparagraph (f)(6) of Rule 19b–4 thereunder.[10]

A proposed rule change filed under Rule 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[11] However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to designate a shorter time if such action is consistent with the protection of

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[56] 15 U.S.C. 78s(b)(2).

[57] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 54989 (December 21, 2006), 71 FR 78506 (December 29, 2006) (approving File No. SR-Phlx-2006–34).

[6] Currently, the Thomson spot prices are based on the bid/ask prices supplied to its agent Tenfore System Ltd. (''Tenfore'') by contributors reporting to Tenfore. Tenfore contributors comprise 19 different banks, brokers and FX real time dealing portals. Contributors provide bid/ask prices to Tenfore which, in turn, forwards them to Thomson upon receipt. Thomson forwards those bid/ask prices to Phlx upon receipt from Tenfore. At any given time the Thomson spot rate consists of the most current bid/ask prices provided by any contributor to Tenfore and forwarded by Tenfore to Thomson.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. Phlx has satisfied the five-day pre-filing requirement.

[12] *Id.*

investors and the public interest. Phlx has requested that the Commission waive the 30-day operative delay. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver would permit the Exchange to immediately begin disseminating a modified spot rate, which would give investors another means to track the value of the currencies underlying the FCOs. For these reasons, the Commission designates the proposal to be operative upon filing with the Commission.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2007–28 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2007–28. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2007–28 and should be submitted on or before April 18, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–5638 Filed 3–27–07; 8:45 am]

BILLING CODE 8010–01–P

[13] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5732]

Culturally Significant Object Imported for Exhibition; Determinations: ''Poussin and Nature''

Summary: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the object, Nicolas Pouissin's Landscape with Saint Francis, to be included in the exhibition ''Poussin and Nature'', imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The Metropolitan Museum of Art, New York, New York, from on or about February 12, 2008, until on or about May 11, 2008, and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

For Further Information Contact: For further information, including a list of the exhibit object, contact Wolodymyr Sulzynsky, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (*telephone:* (202) 453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: March 22, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–5684 Filed 3–27–07; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5731]

Paul Simon Water for the Poor Act 2005: Comment Submission on 2006 Report

The U.S. Department of State's Bureau of Oceans and International Environmental and Scientific Affairs is inviting interested groups and individuals to submit comments on the 2006 Report to Congress mandated by the ''Paul Simon Water for the Poor Act of 2005''. (The Report can be viewed or downloaded at *http://www.state.gov/g/oes/water.*) These comments, as part of the State Department's continuing outreach to the greater community of water stakeholders, will be incorporated into our evaluation of last year's report and will help build the base of our thinking on the 2007 report.

The Paul Simon Water for the Poor Act of 2005 (HR 1973/PL–109–121) requires the Department of State with the U.S. Agency for International Development to develop and implement a strategy to further U.S. foreign assistance objectives to provide affordable and equitable access to safe water and sanitation in developing countries. The Act directs that the strategy be developed in consultation with ''other appropriate Federal departments and agencies, international organizations, international financial institutions, recipient governments, United States and international nongovernmental organizations, indigenous civil society and other appropriate entities.''

Interested parties are invited to submit their written comments to Mr. Douglas McPherson, U.S. Department of State, OES/PCI Room 2726, 2201 C

Street, NW., Washington, DC 20520 or by e-mail to *WPAct2005@state.gov* no later than April 23, 2007. Submissions should be limited to 1500 words.

In addition to these comments, the Department of State, working with interested stakeholders, plans to have an event with experts to discuss key elements of the strategy.

For further information, please contact Douglas McPherson at: 1–866–501–7952 or by e-mail at *WPAct2005@state.gov.*

Dated: March 21, 2007.

Claudia A. McMurray,

Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

[FR Doc. E7–5687 Filed 3–27–07; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending March 16, 2007

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1383 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2007–27612.
Date Filed: March 13, 2007.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 530—Resolution 010L; TC3 Special Passenger Amending Resolution Between Japan and South Asian Subcontinent, South East Asia (Memo 1065). Intended effective date: 1 April 2007.

Docket Number: OST–2007–27613.
Date Filed: March 13, 2007.
Parties: Members of the International Air Transport Association.
Subject: TC12 North Atlantic-Middle East Except between USA and Jordan; Resolutions and Specified Fares Tables (Memo 0261). Intended effective date: 1 April 2007.

Docket Number: OST–2007–27614.
Date Filed: March 13, 2007.
Parties: Members of the International Air Transport Association.
Subject: TC12 Mid Atlantic-Middle East Resolutions and Specified Fares Tables (Memo 0262). Intended effective date: 1 April 2007.

Docket Number: OST–2007–27615.
Date Filed: March 13, 2007.
Parties: Members of the International Air Transport Association.
Subject: TC12 South Atlantic-Middle East Resolutions and Specified Fares Tables (Memo 0263). Intended effective date: 1 April 2007.

Docket Number: OST–2007–27624.
Date Filed: March 15, 2007.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 531—Resolution 010m; TC3 Special Passenger Amending Resolution Between China (excluding Hong SAR and Macao SAR) and Japan, Northern Mariana Islands (Memo 1067). Intended effective date: 15 April 2007.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E7–5593 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2007–11]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 17, 2007.

ADDRESSES: You may submit comments [identified by DOT DMS Docket Number FAA–2006–23967] by any of the following methods:

- *Web Site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Tim Adams (202) 267–8033, Tyneka Thomas (202) 267–7626, or Frances Shaver (202) 267–9681, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 20, 2007.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

Petitions for Exemption

Docket No.: FAA–2006–23967.
Petitioner: Hawaiian Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 91.171(a) and (d).
Description of Relief Sought: To allow Hawaiian Airlines, Inc. to use an alternative means of compliance for very high frequency omnidirectional range (VOR) equipment checks for instrument flight rules operations. It would also eliminate the need to properly record the VOR operational check as specified by the regulations.

[FR Doc. E7–5681 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their

expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collections of information was published on January 17, 2007 (72 FR 2084).

DATES: Comments must be submitted on or before April 27, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493–6292), or Ms. Gina Christodoulou, Office of Support Systems Staff, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 43, Washington, DC 20590 (telephone: (202) 493–6139). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. No. 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On January 17, 2007, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 72 FR 2084. FRA received no comments after issuing this notice. Accordingly, DOT announces that these information collection activities have been re-evaluated and certified under 5 CFR 1320.5(a) and forwarded to OMB for review and approval pursuant to 5 CFR 1320.12(c).

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); see also 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The revised requirements are being submitted for clearance by OMB as required by the PRA.

Title: Passenger Train Emergency Preparedness.

OMB Control Number: 2130–0545.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Form(s): None.

Abstract: The collection of information is due to the passenger train emergency regulations set forth in 49 CFR parts 223 and 239 which require railroads to meet minimum Federal standards for the preparation, adoption, and implementation of emergency preparedness plans connected with the operation of passenger trains, including freight railroads hosting operations of rail passenger service. The regulations require luminescent or lighted emergency markings so that passengers and emergency responders can readily determine where the closest and most accessible exit routes are located and how the emergency exit mechanisms are operated. Windows and doors intended for emergency access by responders for extrication of passengers must be marked with retro-reflective material so that emergency responders, particularly in conditions of poor visibility, can easily distinguish them from the less accessible doors and windows. Records of the inspection, maintenance, and repair of emergency windows and door exits, as well as records of operational efficiency tests, will be used to ensure compliance with the regulations.

Annual Estimated Burden: 10,910 hours.

Title: Designation of Qualified Persons.

OMB Control Number: 2130–0511.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Form(s): None.

Abstract: The collection of information is used to prevent the unsafe movement of defective freight cars. Railroads are required to inspect freight cars for compliance and to determine restrictions on the movements of defective cars. The collection of information is used by FRA to ensure that all freight car inspections are conducted by qualified persons who have demonstrated to their employing railroads a knowledge and ability to inspect freight cars for compliance with this Part, 49 CFR part 215.

Annual Estimated Burden: 40 hours.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, Attention: FRA Desk Officer.

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC on March 22, 2007.

D.J. Stadtler,

Director, Office of Budget, Federal Railroad Administration.

[FR Doc. E7–5622 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2006–25764]

Union Pacific Railroad Company; Notice of Withdrawal of Petition for Waiver of Compliance and Cancellation of Public Hearing

On September 26, 2006, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** (71 FR 56217) announcing the Union Pacific Railroad Company's (UP) request for a waiver of compliance from certain provisions of Title 49 Code of Federal Regulations (CFR) Part 232, *Brake System Safety Standards for Freight and Other Non-passenger Trains and Equipment,* and 49 CFR Part 215, *Railroad Freight Car Safety Standards,* for trains received in interchange from the Ferrocarriles Nationales de Mexico Railroad at the Calexico, California, border crossing. Subsequently, on November 17, 2006, FRA published a notice in the **Federal Register** (71 FR 67011) announcing that UP had amended its original petition. Specifically, UP sought approval to postpone performing Class I brake tests and freight car safety standards inspections until trains arrive at El

Centro, California (a distance of approximately 10.1 miles).

FRA received comments from interested parties requesting a public hearing on the issue and FRA subsequently scheduled a public hearing for March 29, 2007 in the **Federal Register** on March 5, 2007 (72 FR 9831). At the same time, FRA extended the public comment period in the proceeding to April 13, 2007.

By letters dated March 13, 2007, March 15, 2007, and March 19, 2007, the interested parties withdrew their requests for a public hearing.

Accordingly, the public hearing scheduled for March 29, 2007, in El Centro, California, is hereby canceled. The comment period will remain open until April 13, 2007, as previously announced. All communications concerning this waiver petition should identify the appropriate docket number (*e.g.* Waiver Petition Docket Number FRA–2006–25764) and may be submitted by one of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic site;
- *Fax:* 202–493–2251;
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001; or
- *Hand Delivery:* Room PL–401 on the Plaza Level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. Documents in the public docket are also available for review and copying on the Internet at the docket facility Web site at *http://dms.dot.gov.*

Issued in Washington, DC on March 22, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–5616 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Union Pacific Railroad Company

[Docket Number FRA–2006–25564]

The Union Pacific Railroad Company (UPRR) seeks a test waiver (WAIVER) of 49 CFR 232.207 Class IA brake tests—1,000-mile inspection based on current technology of wayside detection systems presently deployed by UPRR. The waiver is sought for two ''cyclic'' coal trains from South Powder River Basin (SPRB) to the power plants in Pleasant Prairie, WI, and White Bluff, AR, respectively. These round trips are of loaded trains from SPRB to the power plants and empty trains from the power plants to SPRB.

Since this is the first time that such a relief is requested based on detection and alert thresholds from wayside detection systems, the UPRR prepared a detailed ''Pilot'' test plan (latest revision dated February 6, 2007) with narrative describing, step-by-step, how the various requirements in 49 CFR 232.207 Class IA brake tests—1,000-mile inspection will be satisfied and verified by the wayside detection technology now being deployed by UPRR on the designated routes in the letter. UPRR states that emerging technology, such as the wayside detection technology, is a reliable, performance-based and cost effective asset that can be used to enhance and/or replace existing regulatory and rules compliance.

UPRR believes that wayside detection using a proven wheel temperature detector can be used to automatically rank the braking health of each car to prioritize inspections and repairs. The brake performance detector will utilize a brake shoe and thermal scanning module (brake shoe presence and its position, and hot/cold wheels) to determine that all brake components are in proper working order. The cars with suspect braking force will have colder wheels requiring inspections for problems such as air brake leaks, inoperative valves, and non-functioning slack adjusters. Using such a performance-based approach to find, document and track suspect brake problems allows UPRR to significantly increase the ability of the maintenance organizations to find and repair brake systems. Though this results in an increased workload to support the higher maintenance standard, it will also result in higher reliability of freight cars. Braking problems on these cars would normally be found by ''visual-only'' methods at a later date, resulting in less reliability. Also, the ''visual-only'' methods are sometimes imposed at undesirable locations that significantly impede train operations.

UPRR contends that predictive maintenance using wayside data is beneficial to manage freight car defects that cannot be effectively found or tracked with ''visual-only'' methods. Furthermore, exceedingly higher levels of safety and reliability can only be attained by modifying the existing paradigm for equipment and infrastructure maintenance by expanding the operational procedures to include performance measures. Current standards inadvertently limit reliability by the requirements to address every defect at the time it is discovered. This has the effect of causing all work to be reactive, which is an inherent impediment to further discovery. It is the UPRR's intention to perform more maintenance work and/or to work with its customers in joint efforts to perform the increased maintenance required at locations that are most complimentary to overall railroad productivity in order to offset the increased workload necessary to improve the overall network reliability of its train operations.

The safety evaluation to assess the validity of the waiver will require extensive collection of pertinent data and consequent validation on the two routes specified during the proposed ''pilot'' test program. The duration of the ''pilot'' test as proposed by UPRR is one year. The ''Pilot'' project will provide for the establishment of a data baseline (with existing regulatory inspections) in which to compare the modified inspections and operations as requested by the petition. The task will require a comprehensive review of the 49 CFR 232.207 Class IA brake tests' requirements: What requirements can be detected during the pre-departure inspection, which requirements may require regulatory modifications to provide alternate inspection criteria and determination if change toward performance-based regulations is justified or not.

Pursuant to the receipt of the waiver letter and the revised and detailed test plan (latest revision dated February 6, 2007) from UPRR, FRA is hereby providing the public an opportunity to comment on the waiver.

Interested parties are invited to participate in these proceedings by submitting written views, data or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since

the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (FRA–2006–25564) and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW., Washington, DC 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC on March 21, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–5620 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2007–27623]

Notice of Informal Safety Inquiry

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of informal safety inquiry; technical conference.

SUMMARY: FRA is conducting an informal safety inquiry and technical conference to explore the safety implications associated with the use of a variety of safety-relevant technologies that while possibly providing significant efficiencies, may not be designed with failsafe characteristics. Such technologies might range from power-assisted switches historically used in yard operations being used on main tracks, switch position detection and indication in dark territory, to train-pacing software designed for fuel savings. FRA seeks to gain a better perspective on the use of such technology and the safety concerns that may be presented.

DATES: *Technical Conference:* A technical conference will be held on April 19, 2007 at 10 a.m. in Washington, DC.

Comments: Interested parties may submit comments relevant to the issues identified in this notice or discussed at the technical conference to the address noted below. Such written materials should be submitted by May 18, 2007, however comments submitted after that date will be considered to the extent possible.

ADDRESSES: (1) *Technical Conference:* The technical conference will be held in the Washington and Jefferson Rooms at the Marriott Residence Inn, 1199 Vermont Avenue, NW., Washington, DC 20005.

(2) *Attendance:* Persons wishing to participate in the technical conference are requested to provide their names, organizational affiliation, and contact information, to Michelle Silva, Docket Clerk, FRA 1120 Vermont Avenue, NW., Washington, DC 20590 (telephone 202–493–6030).

(3) *Comments:* Anyone wishing to file a comment related to this informal safety inquiry should refer to the FRA Docket Number FRA–2007–27623. You may submit your comments and related material by only one of the following methods:

(i) By mail to the Docket Management System, U.S. Department of Transportation, Room PL–401, 400 7th Street, SW., Washington, DC 20590–0001; or

(ii) Electronically through the Web site for the Docket Management System at *http://dms.dot.gov.* For instructions on how to submit comments electronically, visit the Docket Management System Web site and click on the ''help'' menu.

The Docket Management Facility maintains the public docket for this proceeding. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza Level of the Nassif building at the same address during regular business hours. You may also obtain access to this docket on the Internet at *http://dms.dot.gov.*

FRA wishes to inform all potential commenters that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Tom McFarlin, Staff Director, Signal and Train Control Division, FRA Office of Safety Assurance and Compliance, RRS–13, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20950 (telephone 202–493–6203), or Mark Tessler FRA Office of the Chief Counsel, RCC–10, 1120 Vermont Avenue, NW., Stop 10, Washington, DC 20950 (telephone 202–493–6061).

SUPPLEMENTARY INFORMATION: The purpose of the technical conference is to permit the exchange of information, and to discuss safety considerations and concerns, regarding these various systems being developed and installed outside of the scope of a ''conventional'' signal or train control system. Historically, FRA has regulated existing signal and train control system configurations under the provisions of 49 Code of Federal Regulations Part 236, Subparts A through G.

During the past few years, the railroad industry has begun to deploy a variety of new devices and systems in what has traditionally been considered to be non-signaled territory. These new systems and devices, or conventional devices used in new applications, are generally constructed from aggregations of existing traditional technologies. Such systems include: remote-controlled power-operated switches in non-signaled track warrant control territory, switch position detection and indication, power-assisted switches used in main track applications, and various track integrity warning systems. Additionally, ''train pacing'' systems are being developed which could, in the near future, be integrated into existing positive train control (PTC) systems. Generally the separate components that make up these systems have individually proven to provide a reasonably high level of safety. When properly designed, implemented, and maintained, such integrations may result in significant safety and operational benefits; however, the level of safety of systems resulting from the integration of such technologies into new configurations has not always been

proven. These devices or systems when used outside of conventional traditional signal or train control systems are not always designed or implemented with fail-safe characteristics.

A number of issues are raised by use of these technologies outside of traditional signal systems:

Power-Operated or Power-Assisted Switches

Power-operated or power-assisted switches being implemented without the same level of mechanical and/or electrically locking, or with a full array of signal indications, as has been historically provided within conventional signal systems.

Methods for protecting power-assisted switches include various forms of switch position indications and electrical locking, but there is little consistency amongst the methods. Issues include, but are not limited to the following:

- Failure to design and implement these type of switches using the closed circuit principle;
- Use of yard-type switches lacking traditional switch-and-lock movement for main track operations;
- Exceeding maximum speeds intended for the type of equipment used;
- Failure to provide proper or sufficient mechanical or electrical locking to ensure safety of train operations;
- Failure to provide secure communications in the control circuitry;
- Failure to provide vital loss of shunt protection at some locations;
- Failure to produce an overall vital design of the system; and
- Failure to establish specific and/or sufficient standards for the design, installation, maintenance, inspection, testing, and repair; along with associated recordkeeping.

Special Track Condition Detection Devices

Special track condition detection devices have been installed both within a conventional signal system, in non-signaled territory, and within PTC systems. These devices include electronically-detected erosion or other significant disturbance of the track bed structure, and if erosion or a disturbance is found, the signals governing movement through the affected are caused to display their most restrictive aspects; or in the case of non-signaled territory, other methods of providing notification of a possible hazardous condition are used (*e.g.*, radio broadcast messaging, wayside indicator lights, indication/warning communicated to central dispatching locations, etc).

Another track integrity system is designed to detect broken rails and train occupancy, and to provide indication to a central dispatching center as well as to trains approaching the area in otherwise non-signaled territory. This system may or may not include switch position detection and it may or may not be of the fail-safe variety.

Issues raised by use of these technologies are similar to those of power-operated or power-assisted switch machines used in non-signaled territory. There may be no formal commissioning procedure, nor a formal maintenance program that would include records of inspections, tests, maintenance, and repairs.

Other Train Control-Like Systems

Many defined areas of remote control locomotive (RCL) operations are being established by which point protection for train movements is not required. In several areas, devices have been or are being installed at the extremities of these ''RCL zones'' to provide positive protection against unintended encroachment of train movements. Again, not unlike these other systems, there may be no specific constraints on their design, installation, and/or maintenance.

Although FRA intends that this safety inquiry and technical conference address safety and economic implications related to the use of such equipment, FRA expects the focus of the discussions at the technical conference and written comments submitted in connection with this informal safety inquiry, to include the following issues:

- Use of yard-type switches lacking traditional switch-and-lock movement;
- The safety implications related to the design, implementation, installation, and maintenance of existing equipment in new or novel configurations;
- The operational limitations that should be placed on such systems;
- Criteria for determining when such new or novel configurations are defective or unsafe or both;
- The extent of FRA oversight required;
- Criteria for determining when combinations of new or novel configurations require FRA oversight;
- The economic implications of any type of modification and/or FRA oversight program;
- Alternative approaches to mandatory modification of existing equipment (*e.g.*, notification of when the appliances become defective, or replacement of the appliances when that condition exists; mid-life over-hauls) and the economic implication of any suggested approach;
- The safety implications and standards that should and could be addressed by FRA's safety oversight of such systems;
- What components and part or parts of a system should FRA allow without oversight;
- What quality control standards should apply to these components and systems;
- What qualifications/training should the individuals performing the installation, maintenance, testing, and repair, of these components and systems possess;
- How should field or shop repairs of these components and systems be conducted;
- What are the safety implications of allowing such repairs;
- When should a component or system be considered defective;
- What visual and non-destructive inspection techniques are appropriate;
- At what interval should the components or system functions be inspected and/or tested;
- What records, if any, should be maintained of these inspections and tests;
- What, if any, requirements should be applicable regarding the modification or discontinuance of these systems once they are in service; and
- What special instructions should be in place concerning these systems and what efficiency testing standards should be established and followed?

Any person wishing to attend the technical conference should notify FRA's Docket Clerk by mail at the address provided in the **ADDRESSES** section at least five working days prior to the date of the meeting and if possible, three copies of any materials they wish to present at the conference. FRA reserves the right to limit participation in the conference of persons who fail to provide such notification.

Issued in Washington, DC, on March 22, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–5614 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2007–27710]

Use of Foreign-Flag Anchor Handling Vessels in the Beaufort Sea or Chukchi Sea Adjacent to Alaska

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and Request for Comments.

SUMMARY: As authorized by Pub. L. 109–347, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to make determinations permitting the use of foreign-flag anchor handling vessels in certain cases (and for a limited period of time) if no U.S.-flag vessels are found to be suitable and reasonably available.

A request for such a determination has been received by MARAD. If MARAD determines that U.S.-flag vessels are not suitable and reasonably available for the proposed service, a determination will be granted allowing for the conditional use of these vessels, within a set time frame. Those interested in providing the names of suitable and available vessels for the proposed service should refer to the docket number, and identify the U.S.-flag vessels available. A brief description of the proposed service of the vessels is listed below. A copy of the request may be accessed at *http://dms.dot.gov* under DOT docket number MARAD–2007–27710.

DATES: Submit U.S.-flag vessel nominations on or before April 27, 2007.

ADDRESSES: U.S.-flag vessel nominations should refer to docket number MARAD–2007–27710. Written nominations may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send documents electronically via the Internet at *http://dmses.dot.gov/submit/*. All submissions will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document, and all documents entered into this docket, is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Hokana, U.S. Department of Transportation, Maritime Administration, MAR–830 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–0760.

SUPPLEMENTARY INFORMATION: The Maritime Administration has received a request from an attorney on behalf of a client seeking permission to charter foreign-flag ice-class anchor handling vessels adjacent to the coast of Alaska. The two foreign-flag anchor handling vessels (TOR VIKING, Swedish-flag #9199622, and the FENNICA, Finnish-flag #9043615) would operate in the Beaufort Sea or Chukchi Sea adjacent to Alaska, under certain conditions, and for a limited period of time. Section 705 of Pub. L. 109–347 allows the use of foreign-flag vessels in this regard if MARAD determines that U.S.-flag vessels are not suitable or reasonably available.

MARAD is posting this notice in the **Federal Register** providing the public 30 days notice on our intention to provide a determination allowing for the use of foreign-flag vessels in this regard, if suitable and available U.S.-flag vessels are not otherwise identified. MARAD's determination will be for the period through June 30, 2008.

Dated: March 22, 2007.

By order of the Maritime Administrator.

Daron T. Threet,

Secretary, Maritime Administration.

[FR Doc. E7–5716 Filed 3–27–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

March 20, 2007.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

Dates: Written comments should be received on or before April 27, 2007 to be assured of consideration.

Financial Management Service (FMS)

OMB Number: 1510–0066.

Type of Review: Extension.

Title: 31 CFR Part 208—Management; Final Rule.

Description: This regulation requires that most Federal payments be made by Electronic Funds Transfer (EFT); sets forth waiver requirements; and provides for a low-cost Treasury-designated account to individuals at a financial institution that offers such accounts.

Respondents: Businesses or other for-profit institutions.

Estimated Total Burden Hours: 325 hours.

OMB Number: 1510–0007.

Type of Review: Extension.

Title: Direct Deposit Sign-Up Form and Go Direct Sign Up Form.

Form: SF–1099A, FMS 1200.

Description: The Direct Deposit Sign-Up Form is used by recipients to authorize the deposit of Federal payments into their accounts at financial institutions. The information is used to route the Direct Deposit payment to the correct account at the correct financial institution. It identifies persons who have executed the form.

Respondents: Individuals or households.

Estimated Total Burden Hours: 69,142 hours.

OMB Number: 1510–0019.

Type of Review: Revision.

Title: Claim Against the United States for the Proceeds of a Government Check.

Form: FMS–1133.

Description: The FMS–1133 form is used to collect information needed to process an individual's claim for non-receipt of proceeds from a government check. Once the information is analyzed, a determination is made and a recommendation to the program agency to either settle or deny the claim.

Respondents: Individuals or households.

Estimated Total Burden Hours: 8,814 hours.

Clearance Officer: Wesley Powe, (202) 874–8936. Financial Management Service, Room 135, 3700 East West Highway, Hyattsville, MD 20782.

OMB Reviewer: Alexander T. Hunt, (202) 395–7316. Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503,

Robert B. Dahl,

Treasury PRA Clearance Officer.

[FR Doc. E7–5669 Filed 3–27–07; 8:45 am]

BILLING CODE 4810–35–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8819

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8819, Dollar Election Under Section 985.

DATES: Written comments should be received on or before May 29, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Dollar Election Under Section 985.

OMB Number: 1545–1189.

Form Number: 8819.

Abstract: Form 8819 is filed by U.S. and foreign businesses to elect the U.S. dollar as their functional currency or as the functional currency of their controlled entities. The IRS uses Form 8819 to determine if the election is properly made.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 500.

Estimated Time per Respondent: 6 hours, 26 minutes.

Estimated Total Annual Burden Hours: 3,220.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 21, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–5600 Filed 3–27–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1099–S

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1099–S, Proceeds From Real Estate Transactions.

DATES: Written comments should be received on or before May 29, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the internet, at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Proceeds From Real Estate Transactions.

OMB Number: 1545–0997.

Form Number: 1099–S.

Abstract: Internal Revenue Code section 6045(e) and the regulations thereunder require persons treated as real estate brokers to submit an information return to the IRS to report the gross proceeds from real estate transactions. Form 1099–S is used for this purpose. The IRS uses the information on the form to verify compliance with the reporting rules regarding real estate transactions.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Responses: 3,646,110.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 510,456.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 20 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–5601 Filed 3–27–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4952

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4952, Investment Interest Expense Deduction.

DATES: Written comments should be received on or before May 29, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

Title: Investment Interest Expense Deduction.

OMB Number: 1545–0191.

Form Number: Form 4952.

Abstract: Interest expense paid by an individual, estate, or trust on a loan allocable to property held for investment may not be fully deductible in the current year. Form 4952 is used to compute the amount of investment interest expense deductible for the current year and the amount, if any, to carry forward to future years.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 137,064.

Estimated Time per Respondent: 1 hour, 30 minutes.

Estimated Total Annual Burden Hours: 205,596.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 15, 2007.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–5602 Filed 3–27–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA–96–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA–96–88 (TD 8435), Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988 and the Redesignation of Certain Other Temporary Elections Regulations (§ 301.9100–8).

DATES: Written comments should be received on or before May 29, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988 and the Redesignation of Certain Other Temporary Elections Regulations.

OMB Number: 1545–1112.

Regulation Project Number: IA–96–88.

Abstract: Regulation section 301.9100–8 provides final income, estate and gift, and employment tax regulations relating to elections made under the Technical and Miscellaneous Revenue Act of 1988. This regulation

enables taxpayers to take advantage of various benefits provided by the Internal Revenue Code.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 24,305.

Estimated Time per Respondent: 17 minutes.

Estimated Total Annual Burden Hours: 6,712.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 19, 2007.

Glenn P, Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–5604 Filed 3–27–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–153841–02]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–153841–02, Election Out of GST Deemed Allocations.

DATES: Written comments should be received on or before May 29, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Allan Hopkins at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Election Out of GST Deemed Allocations.

OMB Number: 1545–1892.

Regulation Project Number: REG–153841–02.

Abstract: This information is required by the IRS for taxpayers who elect to have the automatic allocation rules not apply to the current transfer and/or to future transfers to the trust or to terminate such election. This information is also required by the IRS for taxpayers who elect to treat trusts described in section 2632(c)(3)(B)(i) through (vi) as GST trusts or to terminate such election. This information will be used to identify the trusts to which the election or termination of election will apply.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 25,000.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 12,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 15, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–5605 Filed 3–27–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2000–12

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 2000–12, Application Procedures for Qualified Intermediary Status Under Section 1441; Final Qualified Intermediary Withholding Agreement.

DATES: Written comments should be received on or before May 29, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Allan Hopkins at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Application Procedures for Qualified Intermediary Status Under Section 1441; Final Qualified Intermediary Withholding Agreement.

OMB Number: 1545–1597.

Revenue Procedure Number: Revenue Procedure 2000–12.

Abstract: This revenue procedure gives guidance for entering into a withholding agreement with the IRS to be treated as a Qualified Intermediary (QI) under regulation section 1.1441–1(e)(5). It describes the application procedures for becoming a QI and the terms that the IRS will ordinarily require in a QI withholding agreement. The objective of a QI withholding agreement is to simplify withholding and reporting obligations with respect to payments of income made to an account holder through one or more foreign intermediaries.

Current Actions: There are no changes being made to Revenue Procedure 2000–12 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 88,504.

Estimated Time for QI Account Holder: 30 minutes.

Estimated Time for a QI: 2,093 hours.

Estimated Total Annual Reporting/Recordkeeping Hours: 301,018.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 21, 2007.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–5606 Filed 3–27–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, May 3, 2007 from 1 p.m. ET.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1–888–912–1227, or 954–423–7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Wage & Investment Reducing Taxpayer Burden (Notices) Issue Committee of the Taxpayer Advocacy Panel will be held Thursday, May 3, 2007 from 1 p.m. ET via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7979, or write Sallie Chavez, TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1–888–912–1227 or 954–423–7979, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include: Various IRS issues.

Dated: March 19, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–5599 Filed 3–27–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 6 Taxpayer Advocacy Panel (Including the States of Arizona, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming)

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 6 committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. The TAP will use citizen input to make recommendations to the Internal Revenue Service.

DATES: The meeting will be held Thursday, April 26, 2007.

FOR FURTHER INFORMATION CONTACT: Dave Coffman at 1–888–912–1227, or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 6 Taxpayer Advocacy Panel will be held Thursday, April 26, 2007 from 1 p.m. Pacific Time to 2:30 p.m. Pacific Time via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write to Dave Coffman, TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or you can contact us at *http://www.improveirs.org.* Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Dave Coffman. Mr. Coffman can be reached at 1–888–912–1227 or 206–220–6096.

The agenda will include the following: Various IRS issues.

Dated: March 20, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–5607 Filed 3–27–07; 8:45 am]

BILLING CODE 4830–01–P

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REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT MARCH 28, 2007

COMMERCE DEPARTMENT

Industry and Security Bureau

Chemical Weapons Convention regulations:

Plant sites that produce unscheduled discrete organic chemicals; inspection status form change; records review and recordkeeping requirements; published 3-28-07

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Western Pacific fisheries—

Sea turtles protection; Hawaii-based shallow-set longline fishery 7-day delay; published 2-26-07

Sea turtles protection; Hawaii-based shallow-set longline fishery 7-day delay; correction; published 3-7-07

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Public Utility Holding Company Act of 2005; implementation:

Public Utility Holding Company Act of 1935; repeal; rehearing order denied; published 2-26-07

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control; new motor vehicles and engines:

Tier 2 vehicle emission standards and gasoline sulfur requirements; partial exemption for U.S. Pacific Island Territories; published 12-28-06

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Fluopicolide; published 3-28-07

FEDERAL TRADE COMMISSION

Energy Policy and Conservation Act:

Recycled oil; test procedures and labeling standards; published 3-28-07

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Freedom of Information Act; implementation; published 2-26-07

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Nayarit, Mexico; comments due by 4-2-07; published 1-31-07 [FR E7-01530]

Viruses, serums, toxins, and analogous products:

Avian lymphoid leukosis virus; detection; comments due by 4-2-07; published 1-31-07 [FR E7-01528]

Live vaccines; standard requirements; comments due by 4-2-07; published 1-31-07 [FR E7-01531]

AGRICULTURE DEPARTMENT

Forest Service

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Medicine Bow-Routt National Forests and Thunder Basin National Grassland; WY; Open for comments until further notice; published 3-13-07 [FR 07-01157]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

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Sea turtle conservation—

Fishing Gear Inspection Program; comments due by 4-2-07; published 3-1-07 [FR E7-03630]

Fishery and conservation management:

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Bering Sea and Aleutian Islands king and tanner crabs; comments due by 4-6-07; published 2-5-07 [FR E7-01804]

Fishery conservation and management:

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Pollock; comments due by 4-2-07; published 3-21-07 [FR 07-01382]

Pollock; comments due by 4-4-07; published 3-23-07 [FR 07-01438]

Northeastern United States fisheries—

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Federal Computer Network Architecture; comments due by 4-2-07; published 2-1-07 [FR 07-00439]

DELAWARE RIVER BASIN COMMISSION

Water Quality Regulations, Water Code, and Comprehensive Plan:

New York City Delaware Basin Reservoirs; flexible flow management plan; comments due by 4-6-07; published 2-12-07 [FR E7-02169]

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Air quality implementation plans; approval and promulgation; various States; air quality planning purposes; designation of areas:

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FEDERAL COMMUNICATIONS COMMISSION

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HOMELAND SECURITY DEPARTMENT

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Bombardier; comments due by 4-4-07; published 3-5-07 [FR E7-03661]

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Empresa Brasileira de Aeronautica S.A. (EMBRAER); comments due by 4-6-07; published 3-7-07 [FR E7-03987]

McDonnell Douglas; comments due by 4-2-07; published 2-14-07 [FR E7-02525]

Pratt & Whitney; comments due by 4-3-07; published 2-2-07 [FR E7-01707]

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LIST OF PUBLIC LAWS

This is a continuing list of publicnn bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

H.R. 584 / P.L. 110–15

To designate the Federal building located at 400 Maryland Avenue Southwest in the District of Columbia as the "Lyndon Baines Johnson Department of Education Building". (Mar. 23, 2007; 121 Stat. 70; 1 page)

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