

## **South Louisiana AMS Committee Membership**

Applicants should have at least five years of experience related to maritime or port security operations. The South Louisiana AMS Committee currently has twenty-four members, which includes maritime industry members in addition to government agency members. We are seeking new members interested in improving maritime security along the Louisiana coast, west of the Mississippi River. Applicants may be required to pass an appropriate security background check prior to appointment to the committee.

Members' term of office will be for five years; however, a member is eligible to serve an additional term of office. Members will not receive any salary or other compensation for their service on the South Louisiana AMS Committee. In support of the policy of the Coast Guard on gender and ethnic diversity, we encourage qualified women and members of minority groups to apply.

### **Request for Applications**

Applicants seeking AMS Committee membership are not required to submit formal applications to the local COTP/FMSC. However, because we have an obligation to ensure that a specific number of members have the prerequisite maritime security experience, we encourage the submission of resumes highlighting experience in the maritime and security industries. Applications should include the applicant's name, employer, relationship to maritime industry and port interests, and general maritime security-related experience.

Dated: February 12, 2007.

**T. D. Gilbreath,**

*Captain, U.S. Coast Guard, Captain of the Port/Federal Maritime Security Coordinator.*

[FR Doc. E7-6538 Filed 4-6-07; 8:45 am]

BILLING CODE 4910-15-P

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

**[USCG-2007-27672]**

### **Navigation Safety Advisory Council**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of meeting.

**SUMMARY:** The Navigation Safety Advisory Council (NAVSAC) will meet to discuss various issues relating to the safety of navigation. The meeting will be open to the public.

**DATES:** NAVSAC will meet on Monday, May 07, 2007, from 1 p.m. to 4 p.m.; Tuesday, May 08, 2007, from 8:30 a.m. to 4 p.m.; and Wednesday, May 09, 2007 from 8:30 a.m. to 11:30 a.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before April 15, 2007. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before April 15, 2007.

**ADDRESSES:** NAVSAC will meet in the Holiday Inn Mart Plaza Hotel, 350 West Mart Street, Chicago, IL 60654. Send written material and requests to make oral presentations to Mr. John Bobb, Commandant (CG-3PBM-1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mike Sollosi, Executive Director of NAVSAC, or Mr. John Bobb, Assistant to the Executive Director, telephone 202-372-1532, fax 202-372-1929 or e-mail at [john.k.bobb@uscg.mil](mailto:john.k.bobb@uscg.mil).

**SUPPLEMENTARY INFORMATION:** Notice of the meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

### **Agenda of Meeting**

The agenda includes the following:

- (1) Introduction and swearing-in of new members.
- (2) Automatic Identification System.
- (3) Aids to Navigation.
- (4) Navigation in reduced visibility.
- (5) Inland Rules of the Road.

### **Procedural**

The meeting is open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Executive Director no later than April 15, 2007. Written material for distribution at the meeting should reach the Coast Guard no later than April 15, 2007. If you would like a copy of your material distributed to each member of the committee in advance of the meeting, please submit 20 copies to the Executive Director no later than April 15, 2007.

### **Information on Services for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the

meeting, contact the Executive Director as soon as possible.

Dated: March 30, 2007.

**Wayne A. Muilenburg,**

*Captain, U.S. Coast Guard, Acting Director of Waterways Management.*

[FR Doc. E7-6536 Filed 4-6-07; 8:45 am]

BILLING CODE 4910-15-P

## **DEPARTMENT OF HOMELAND SECURITY**

### **Coast Guard**

**[USCG-2006-25843]**

### **Use of Reports of Marine Casualty in Claims Process by National Pollution Funds Center**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of interpretation; response to comments received.

**SUMMARY:** On October 13, 2006, the Coast Guard published a notice of interpretation that the prohibition in 46 U.S.C. 6308 on the use of any part of a report of a Coast Guard marine casualty investigation report (MCIR) in certain administrative proceedings does not prohibit use of such reports in the process used by the Coast Guard's National Pollution Funds Center (NPFC) for determining to pay or deny claims under the Oil Pollution Act of 1990. We received two comments in response to the notice, neither of which effects the interpretation.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice, please contact Benjamin White, U.S. Coast Guard's National Pollution Funds Center (NPFC), telephone 202-493-6863.

**SUPPLEMENTARY INFORMATION:** On October 13, 2006, we published a notice of interpretation entitled "Use of Reports of Marine Casualty in Claims Process by National Pollution Funds Center" (71 FR 60553). The notice provided for a comment period ending November 13, 2006.

### **Background and Purpose**

The Coast Guard investigates and reports on marine casualties pursuant to 46 U.S.C. Chapter 63. Under 46 U.S.C. 6308 no part of a report of a marine casualty investigation "shall be admissible as evidence or subject to discovery in any civil or administrative proceedings, other than an administrative proceeding initiated by the United States." Marine casualties may result in the discharge or substantial threat of discharge of oil to the navigable waters, adjoining shorelines or the exclusive economic

zone. The National Pollution Funds Center (NPFC) processes claims against the Oil Spill Liability Trust Fund for oil removal costs and certain damages that result from such discharges or threats under authority of the Oil Pollution Act of 1990 (OPA) (33 U.S.C. 2701 *et seq.*). The circumstances of a marine casualty will often bear on the entitlement of a claimant to payment of its claim, particularly for vessel owners or operators who may claim a complete defense to their own liability for such costs or damages, or entitlement to limit their liability under OPA.

In the past, the NPFC has not considered such reports of marine casualty investigations on the grounds that a broad interpretation of 46 U.S.C. 6308 might proscribe their use in the NPFC's claims processes. However, this resulted, in some instances, in the NPFC having to duplicate the investigative process in order to make findings of fact that were included in a Marine Casualty Investigation Report (MCIR).

As stated in the notice of interpretation, the NPFC may consider and rely on any part of a report of a MCIR in determining whether to pay or deny a claim. While such reports may be of use to NPFC in this regard, and may also be submitted by claimants to support their claims, the NPFC is not bound by such reports of investigation. The NPFC may require additional information from claimants in order to support their claims and may, considering the record as a whole, find additional facts or different facts from those included in such reports of investigation.

#### Discussion of Comments

Two commentors submitted comments to the Coast Guard during the comment period (71 FR 60553). Both commentors stated that the MCIRs are essentially field reports compiled under difficult circumstances by personnel of varying degrees of experience and knowledge. Commentors cautioned that the use of MCIRs should be undertaken with appropriate awareness of their possible shortcomings. The Coast Guard has stated that the NPFC is not bound by reports of investigation. Accordingly, the Director of the NPFC can reach not only different facts but also different opinions or conclusions than the opinions and conclusions in the MCIR.

A second comment noted that consideration of MCIRs by the NPFC will ultimately lead to their inclusion in the administrative record. The commentor reasoned that if a claim were appealed in a federal district court under the Administrative Procedure Act (APA), those documents would be

introduced into civil proceedings as part of the administrative record in violation of 46 U.S.C. 6308.

The scope of APA judicial review is in 5 U.S.C. 706 and expressly provides that the court shall review the whole record. While the exclusion under 46 U.S.C. 6308 refers in general to civil proceedings, Congress did not intend to prevent proper judicial review under the APA and therefore 46 U.S.C. 6308 does not trump the APA record requirement.

For the reasons discussed above, these comments do not effect our interpretation as published in the **Federal Register** on October 13, 2006 (71 FR 60553).

Dated: April 3, 2007.

**William D. Baumgartner,**  
U.S. Coast Guard Judge Advocate General.  
[FR Doc. E7-6540 Filed 4-6-07; 8:45 am]

**BILLING CODE 4910-15-P**

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Federal Emergency Management Agency, DHS

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency, 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 continuing information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the certification of flood proof residential basements in Special Flood Hazard Areas.

**Title:** Residential Basement Floodproofing Certificate.

**OMB Number:** 1660-0033.

**Abstract:** FEMA Form 81-78 is only used in communities that have been granted an exception by FEMA to allow the construction of flood proof residential basements in Special Flood Hazard Areas, (SFHAs). Homeowners must have a registered professional engineer or architect complete FEMA Form 81-78 for development or inspection of a properly designed and constructed basement and certify that the basement design and methods of constructions are in accordance with

floodplain management ordinances. In any case homeowners are responsible for the fees involved with these services. Homeowners also provide FEMA Form 81-8 to the insurance agent to receive discounted flood insurance under the National Flood Insurance Program (NFIP).

**Affected Public:** Business or other for-profit.

**Number of Respondents:** 150.

**Estimated Time per Respondent:** 3.25 hours.

**Estimated Total Annual Burden Hours:** 487.5.

**Frequency of Response:** One-time.

**Comments:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management Budget, Attention: Nathan Lesser, Desk Officer, Department of Homeland Security/FEMA, and sent via electronic mail to *oira\_submission@omb.eop.gov* or faxed to (202) 395-6974. Comments must be submitted on or before May 9, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the information collection should be made to Chief, Records Management, FEMA, 500 C Street, SW., Room 609, Washington, DC 20472, facsimile number (202) 646-3347, or e-mail address *FEMA-Information-Collections@dhs.gov*.

Dated: March 28, 2007.

**John A. Sharets-Sullivan,**

Chief, Records Management and Privacy Information Resources Management Branch, Information Technology Services Division, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7-6587 Filed 4-6-07; 8:45 am]

**BILLING CODE 9110-11-P**

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## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[FEMA-3274-EM]**

#### Indiana; Amendment No. 1 to Notice of an Emergency Declaration

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of an emergency declaration for the State of Indiana (FEMA-3274-EM), dated March 12, 2007, and related determinations.

**EFFECTIVE DATE:** March 30, 2007.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Recovery Division, Federal