

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 to 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**

## 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 [oir\\_submission@omb.eop.gov](mailto:oir_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](mailto: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**

## 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

Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

**SUPPLEMENTARY INFORMATION:** The notice of an emergency declaration for the State of Indiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of March 12, 2007:

Adams, Allen, DeKalb, Hancock, Hendricks, Howard Huntington, LaGrange, LaPorte, Stark, St. Joseph, and Whitley Counties for emergency protective measures (Category B), including snow removal, under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050 Individuals and Households Program-Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

**R. David Paulison,**

*Under Secretary for Federal Emergency Management and Director of FEMA.*

[FR Doc. E7-6579 Filed 4-6-07; 8:45 am]

**BILLING CODE 9110-10-P**

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Citizenship and Immigration Services**

**Agency Information Collection Activities: Revision of an Existing Information Collection; Comment Request**

**ACTION:** 60-Day Notice of Information Collection Under Review: Form I-360, Petition for Amerasian, Widow, or Special Immigrant. OMB Control Number 1615-0020.

The Department of Homeland Security, U.S. Citizenship and Immigration Services has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 8, 2007.

Written comments and suggestions regarding items contained in this notice, and especially with regard to the

estimated public burden and associated response time should be directed to the Department of Homeland Security (DHS), USCIS, Chief, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, NW., 3rd floor, Suite 3008, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202-272-8352, or via e-mail at [rfs.regs@dhs.gov](mailto:rfs.regs@dhs.gov). When submitting comments by email please add the OMB Control Number 1615-0020 in the subject box.

Written comments and suggestions from the public and affected agencies concerning the collection of information should address one or more of the following four points:

(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 agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(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, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Overview of this information collection:*

(1) *Type of Information Collection:* Revision of an existing information collection.

(2) *Title of the Form/Collection:* Petition for Amerasian, Widow or Special Immigrant.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I-360. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as brief abstract:*

*Primary:* Individuals or households. This information collection is used by several prospective classes of aliens who intend to establish their eligibility to immigrate to the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 13,684 responses at 2 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 27,368 annual burden hours.

If you have additional comments, suggestions, or need a copy of the information collection instrument, please contact Richard A. Sloan, Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, 111 Massachusetts Avenue, NW., Suite 3008, Washington, DC 20529; Telephone 202-272-8377.

Dated: April 4, 2007.

**Stephen Tarragon,**

*Deputy Chief, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

[FR Doc. E7-6613 Filed 4-6-07; 8:45 am]

**BILLING CODE 4410-10-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**Endangered Species Recovery Permit Applications**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of permit applications; request for comment.

**SUMMARY:** We invite the public to comment on the following applications to conduct certain activities with endangered species.

**DATES:** Comments on these permit applications must be received on or before May 9, 2007.

**ADDRESSES:** Written data or comments should be submitted to the U.S. Fish and Wildlife Service, Endangered Species Program Manager, California/Nevada Operations Office (CNO), 2800 Cottage Way, Room W-2606, Sacramento, California, 95825 (telephone: 916-414-6464; fax: 916-414-6486). Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:**

Daniel Marquez, Fish and Wildlife Biologist, at the above CNO address, (telephone: 760-431-9440; fax: 760-431-9624).

**SUPPLEMENTARY INFORMATION:** The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The U.S. Fish and Wildlife Service ("we") solicits review