6–21–07 Thursday
Vol. 72 No. 119 June 21, 2007

Pages 34161–34360

Federal Register

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, July 17, 2007
9:00 a.m.–Noon

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Conference Room, Suite 700
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Washington, DC 20002

RESERVATIONS: (202) 741–6008

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2007–0067]

Pine Shoot Beetle; Addition of Cumberland County, NJ, to the List of Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the pine shoot beetle regulations by adding Cumberland County in New Jersey to the list of quarantined areas. We are taking this action because the pine shoot beetle has been detected in the county. This action is necessary to prevent the spread of the pine shoot beetle, a pest of pine trees, into noninfested areas of the United States.

DATES: This interim rule is effective June 21, 2007. We will consider all comments that we receive on or before August 20, 2007.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov,* select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2007–0067 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0067, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0067.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Weyman Fussell, Program Manager, Pest Detection and Management Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–5705.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR 301.50 through 301.50–10 (referred to below as the regulations) restrict the interstate movement of certain regulated articles from quarantined areas in order to prevent the spread of pine shoot beetle (PSB) into noninfested areas of the United States.

PSB is a pest of pine trees that can cause damage in weak and dying trees, where reproduction and immature stages of PSB occur. During ''shoot feeding,'' young beetles tunnel into the center of pine shoots (usually of the current year's growth), causing stunted and distorted growth in host trees. PSB is also a vector of several diseases of pine trees. Factors that may result in the establishment of PSB populations far from the location of the original host tree include: (1) Adults can fly at least 1 kilometer, and (2) infested trees and pine products are often transported long distances. This pest damages urban ornamental trees and can cause economic losses to the timber, Christmas tree, and nursery industries.

PSB hosts include all pine species. The beetle has been found in a variety of pine species (*Pinus* spp.) in the Unites States. Scotch pine (*P. sylvestris*) is the preferred host of PSB. The Animal and Plant Heath Inspection Service (APHIS) has determined, based on scientific data from European countries, that fir (*Abies* spp.), larch (*Larix* spp.), and spruce (*Picea* spp.) are not hosts of PSB.

Surveys conducted by State and Federal inspectors have revealed that Cumberland County, NJ, is infested with PSB. Copies of the surveys may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The regulations in § 301.50–3 provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, in which PSB has been found by an inspector, in which the Administrator has reason to believe that PSB is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which PSB has been found. The regulations further provide that less than an entire State will be designated as a quarantined area only if the Administrator determines that: (1) The State has adopted and is enforcing a quarantine and regulations that impose restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by the regulations on the interstate movement of those articles; and (2) the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of PSB.

In accordance with these criteria, we are designating Cumberland County in New Jersey as a quarantined area and are adding it to the list of quarantined areas in § 301.50–3.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent PSB from spreading to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for

this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This rule amends the PSB regulations by adding Cumberland County, NJ, to the list of quarantined areas in § 301.50–3.

Entities affected by this rule may include nurseries, cut Christmas tree farms, logging operations, moving companies, and others who sell, process, or move regulated articles interstate from Cumberland County, NJ. As a result of this rule, any regulated articles to be moved interstate from Cumberland County must first be inspected and/or treated in order to qualify for a certificate or limited permit authorizing such movement. This action will mitigate the spread of the pest to new areas, and consequently avoid economic damage to timber, nursery, and Christmas tree producers in areas that could become infested if no action were taken.

Certain pine products will not be allowed to be shipped interstate during certain months of the year or will be required to undergo debarking before transport occurs. Enterprises such as Christmas tree farms, nurseries and greenhouses, and others in Cumberland County that wish to move regulated articles from the county may be affected by compliance requirements; however, costs associated with the issuance of certificates and limited permits are borne by the issuing agency.

Using 2002 statistics provided by the National Agricultural Statistics Service, we have identified approximately 194 entities that sell, process, or move forest products in Cumberland County, NJ, and thus may be affected by this rule (table 1). Approximately 175 of these entities produce nursery or greenhouse crops. Christmas tree farms account for the remaining 19. There may be sawmills and logging operations that process pine tree products in the quarantined area, but we do not possess information about them.

According to information we have previously collected, pine trees and pine tree products sold in areas such as Cumberland County largely remain within the regulated areas. In addition, nurseries and greenhouses tend to specialize in the production of deciduous landscape products rather than the production of rooted pine Christmas trees and pine nursery stock. The latter products in general constitute a small part of their production, if they are produced at all. Therefore, the rule is not likely to affect most nurseries and greenhouses.

TABLE 1.—CHRISTMAS TREE FARMS AND NURSERIES AND THEIR MARKET SALES IN CUMBERLAND COUNTY, NJ

Number of Christmas tree farms	Market sales of Christmas tree farms ($1,000)	Nurseries & greenhouses	Market sales of nurseries & greenhouses ($1,000)
19	58	175	$67,853

Source: USDA, NASS, 2002 Census of Agriculture, New Jersey State and County Level Data. Table 2, Market Value of Agricultural Products Sold Including Direct and Organic in 2002.

The Small Business Administration (SBA) has established size standards to determine when an entity is considered small. Nursery stock growers, including Christmas tree growers, may be considered small when they have annual sales of $750,000 or less.

The 2002 Agricultural Census does not report sales by entity size. However, from previously gathered information, we expect that the majority of these entities are small by the SBA size standards.

Regulated articles from quarantined areas may be moved interstate if accompanied by a certificate or limited permit. A certificate for interstate movement of regulated articles from quarantined areas is issued by an inspector after it is determined that the regulated articles are not infested with PSB, and do not present a risk of spreading PSB to other areas. A limited permit is issued by an inspector for the interstate movement of regulated articles from quarantined areas when the articles are to be moved to a specified destination for processing, handling, or utilization and the movement will not result in the spread of PSB. Regulated articles must have the name of the consignor and consignee, as well as the certificate or limited permit, attached during all segments of interstate movement.

A request for a certificate or a limited permit must be made at least 48 hours prior to transporting the regulated articles interstate. The cost for this service falls upon the issuing agency, and not the person/business entity requesting the certificate/limited permit.

In summary, this rule adds Cumberland County, NJ, to the list of areas quarantined for PSB. We have identified approximately 175 nurseries and greenhouses and 19 cut Christmas tree farms in this county. In addition, there may be an unknown number of sawmills and logging operations in the county. As noted previously, the movement of cut Christmas pine trees and pine tree products by these establishments is generally local, rather than interstate. Thus, those farms, nurseries, and other entities are expected to be little affected by this rule.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.50–3, paragraph (c), the entry for New Jersey is amended by adding, in alphabetical order, an entry for Cumberland County to read as follows:

§ 301.50–3 Quarantined areas.

* * * * *

(c) * * *

New Jersey.

* * * * *

Cumberland County. The entire county.

* * * * *

Done in Washington, DC, this 15th day of June 2007.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–12025 Filed 6–20–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 305 and 319

[Docket No. APHIS–2006–0040]

RIN 0579–AC10

Importation of Fruit From Thailand

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the fruits and vegetables regulations to allow the importation into the United States of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand. As a condition of entry, these fruits must be grown in production areas that are registered with and monitored by the national plant protection organization of Thailand, treated with irradiation in Thailand, and subject to inspection. The fruits must also be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit had been treated with irradiation in Thailand. In the case of litchi, the additional declaration must also state that the fruit had been inspected and found to be free of *Peronophythora litchii,* a fungal pest of litchi. Additionally, under this final rule, litchi and longan imported from Thailand may not be imported into or distributed to the State of Florida, due to the presence of litchi rust mite in Thailand. This action allows the importation of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand into the United States while continuing to provide protection against the introduction of quarantine pests into the United States.

EFFECTIVE DATE: July 23, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Alex Belano, Import Specialist, Commodity Import Analysis and Operations, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1231; (301) 734–8758.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56 through 319.56–8, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

On July 26, 2006, we published in the **Federal Register** (71 FR 42319–42326, Docket No. APHIS–2006–0040) a proposal [1] to amend the regulations to allow the importation into the United States of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand. As a condition of entry, we proposed to require that these fruits be grown in production areas that are registered with and monitored by the national plant protection organization (NPPO) of Thailand and treated with irradiation in Thailand at a dose of 400 gray. The 400 gray dose is approved to treat all plant pests of the class Insecta except pupae and adults of the order Leipdoptera; we proposed to inspect for the Lepidopteran pests for which the irradiation treatment is not approved. We also proposed to require that the fruits be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit had been treated with irradiation in Thailand. In the case of litchi, the additional declaration would also have had to state that the fruit had been inspected and found to be free of *Peronophythora litchii,* a fungal pest of litchi.

We solicited comments concerning our proposal for 60 days ending September 25, 2006. We received 43 comments by that date, from producers, exporters, researchers, members of Congress, and representatives of State governments. They are discussed below by topic.

Based on the comments we received, we are making one change to the regulations as they were proposed. In addition to the treatments and safeguards included in the proposed rule, this final rule prohibits the importation and distribution of litchi and longan from Thailand into the State of Florida. We are making this change based on comments regarding the risk associated with the litchi rust mite, *Aceria litchi,* which is present in Thailand and is a pest of litchi and longan. The comments on this topic are discussed in more detail below under the heading ''Pests Named by Commenters That Were Not Addressed in the Risk Management Document.''

General Comments

Several commenters expressed general concern about the risk that importing litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand could introduce plant pests into the United States. One commenter was concerned that the importation of these fruits from Thailand could introduce harmful plant pests into Florida. Two other commenters were concerned that the same thing could happen in Hawaii, which already struggles to control invasive species. One commenter suggested that the entire State of Hawaii be designated as a natural resource preserve.

We believe that the mitigations included in this final rule are sufficient to mitigate the risk associated with the importation of these fruits, and thus will prevent the introduction of invasive species into the United States. In the case of litchi and longan, this final rule adds a safeguard to the proposed rule to ensure that litchi rust mite is not introduced to Florida.

[1] To view the proposed rule and the comments we received, go to *http://www.regulations.gov,* click on the ''Advanced Search'' tab, and select ''Docket Search.'' In the Docket ID field, enter APHIS–2006–0040, then click ''Submit.'' Clicking on the Docket ID link in the search results page will produce a list of all documents in the docket.

The Animal and Plant Health Inspection Service (APHIS) does not have the statutory authority to designate areas as natural resource preserves.

One commenter asked whether APHIS had considered preparing an environmental impact statement for the importation of the six tropical fruits from Thailand.

We prepared an environmental assessment to support our proposed action; it was available for public review and comment along with the proposed rule. We received no comments specifically addressing the environmental assessment. We have prepared an environmental assessment and finding of no significant impact for this final rule; it can be accessed through *Regulations.gov* (see footnote 1).

Our regulations in 9 CFR part 372 describe the procedures we use to fulfill our obligations under the National Environmental Policy Act. Section 372.5 describes the types of actions for which we would normally prepare an environmental impact statement and the types of actions for which we would normally prepare an environmental assessment. An action for which we would normally prepare an environmental assessment, as described in § 372.5(b), ''may involve the agency as a whole or an entire program, but generally is related to a more discrete program component and is characterized by its limited scope (particular sites, species, or activities) and potential effect (impacting relatively few environmental values or systems). Individuals and systems that may be affected can be identified. Methodologies, strategies, and techniques employed to deal with the issues at hand are seldom new or untested. Alternative means of dealing with those issues are well established. Mitigation measures are generally available and have been successfully employed.'' We believe these statements are all consistent with the proposed action and the action taken in this final rule, which allows the importation of a limited number of fruits from one country, subject to mitigation measures that have been successfully employed elsewhere.

One commenter addressed our characterization in the proposed rule of pupae and adults of the order Lepidoptera as ''external feeders.'' This commenter stated that pupae of Lepidoptera do not feed, and that it would be more accurate to state that pupae and adults of the order Lepidoptera do not occur in fruit.

We agree with this comment, and we will use this wording to discuss the issue as it arises elsewhere in this document. The comment does not affect the rule text that we proposed, and we are making no changes based on this comment in this final rule.

Requiring Production Areas To Be Registered With and Monitored by the NPPO of Thailand

We proposed to require that all litchi, longan, mango, mangosteen, pineapple, and rambutan imported from Thailand into the United States be grown in a production area that is registered with and monitored by the NPPO of Thailand.

Six commenters stated that the proposed rule did not describe how this requirement would mitigate the risk associated with importing these fruits from Thailand into the United States. One commenter noted that the proposed rule stated that this requirement would result in fruit that had fewer pests and thus maximize the effectiveness of the irradiation treatment, but stated that we provided no supporting data on the relationship between the number of pests in a specific fruit and the ability of a specific dose of irradiation to neutralize those pests.

We appreciate the opportunity to clarify our statement in the proposed rule. When we referred to reducing the number of plant pests in the fruit, our meaning was not that the requirement would reduce the number of species of plant pests found in the fruit, but rather that it would reduce the pest population found in the fruit.

Based on published research, we expect the irradiation dose of 400 gray to neutralize all plant pests of the class Insecta, except pupae and adults of the order Lepidoptera, that are exposed to the dose. (Pupae and adults of the order Lepidoptera are not approved for treatment by the 400 gray dose because not enough research has been done to judge whether the dose will be effective on those insects.[2] The 400 gray dose has been determined to provide at least a Probit 9 level security based on tests performed on hundreds of thousands of individual plant pests. A treatment that achieves Probit 9 security is 99.9968 percent effective against the treated plant pests—in other words, if 1 million plant pests are subjected to the treatment, and 32 or fewer survive, the treatment is Probit 9 effective. However, if a shipment of fruit being treated is heavily infested with pests, the possibility of having some pests survive a treatment remains. Because fruit that is grown in production areas registered with and monitored by the NPPO of Thailand will be grown in accordance with best management practices, the density of pests in the production area will be reduced, which means that the pest population being treated will be smaller than it would otherwise be. Reducing the pest population in Thai fruit prior to the treatment provides an additional assurance that the 400 gray dose will neutralize the plant pests that are present in the fruit.

Three commenters requested that APHIS provide additional information regarding the best management practices that the Thai NPPO would require for registered production areas.

The best management practices that would be required by the Thai NPPO for production areas growing these six tropical fruits for export would vary according to the pest population in the production area, the fruit being grown in the production area, and other factors. Rather than prescribe certain management practices for Thai producers, APHIS instead will include in the framework equivalency workplan a requirement that producers utilize appropriate pest management control measures to ensure low pest population levels (especially of fruit flies) and to comply with all horticultural standards required by the NPPO.

The regulations for treatment of imported fruits and vegetables with irradiation in § 305.31(f)(1) require that the plant protection service of a country from which articles are to be imported into the United States enter into a framework equivalency workplan. Among other things, this workplan specifies the type and amount of inspection, monitoring, or other activities that will be required in connection with allowing the importation of irradiated articles into the United States. The regulations in § 305.31(f)(2) require that the foreign irradiation facility enter into a facility preclearance workplan. This workplan details the activities that APHIS and the foreign NPPO will carry out to verify the facility's compliance with the requirements of § 301.34.[3]

[2] A detailed discussion of the evidence supporting this determination can be found in the proposed rule (70 FR 33857–33873, Docket No. 03–077–1, published in the **Federal Register** on June 10, 2005) and final rule (71 FR 4451–4464, Docket No. 03–077–2, published in the **Federal Register** on January 27, 2006) that added the 400 gray dose to the regulations as a treatment option. These documents can be accessed on the Internet at *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetailed&d=APHIS–2005–0052*.

[3] We published a notice in the **Federal Register** providing background information on bilateral workplans in general on May 10, 2006 (71 FR 27221–27224, Docket No. APHIS–2005–0085). That notice may be viewed at *http://www.regulations.gov/fdmspublic/component/main?main=DocumentDetail&d=APHIS–2005–*

APHIS will ensure that these measures are being effectively employed through inspection of the fruit when it is treated in Thailand; if the number of pests found is above a certain tolerance, we will reject the fruit for treatment, meaning that it may not be exported to the United States.

We are making no changes to the proposed rule in response to these comments.

Monitoring and Inspection

In the proposed rule, we described the monitoring and inspection for the treatment of the six Thai fruits as follows:

''The regulations in § 305.31 contain extensive requirements for performing irradiation treatment at a facility in a foreign country. These requirements include:

- The operator of the irradiation facility must sign a compliance agreement with the Administrator of APHIS and the NPPO of the exporting country.
- The facility must be certified by APHIS as capable of administering the treatment and separating treated and untreated articles.
- Treatments must be monitored by an inspector.
- A preclearance workplan must be entered into by APHIS and the NPPO of the exporting country. In the case of fruits imported from Thailand, this workplan would include provisions for inspection of articles, which APHIS would perform before or after the treatment.
- The operator of the irradiation facility must enter into a trust fund agreement with APHIS to pay for the costs of monitoring and preclearance.''

Several commenters expressed confusion regarding whether an officer from APHIS' Plant Protection and Quarantine (PPQ) program would be on site in Thailand to monitor irradiation treatment and inspect the treated fruit. One of the commenters noted that PPQ personnel monitor the irradiation treatment of fruits and vegetables moved interstate from Hawaii and that the NPPO of Japan has inspectors on site to monitor the irradiation treatment of Hawaiian papayas that are intended for export to Japan. The commenter urged APHIS to include a requirement in the rule that PPQ monitor irradiation treatment of fruits in Thailand that are intended for export to the United States, rather than addressing it in the compliance agreement. One commenter stated that irradiation treatment would be effective only if properly performed.

We agree with the commenters that it is necessary to have a PPQ officer on site to monitor irradiation treatment of fruits intended for export to the United States. Under § 305.31(f), irradiation treatment must be monitored by an inspector. *Inspector* is defined in § 305.1 as any individual authorized by the Administrator or the Commissioner of Customs and Border Protection, Department of Homeland Security, to enforce the regulations in 7 CFR 305. Because this work would involve oversight in a foreign country, it would be conducted exclusively by APHIS employees. We include the details of how this requirement will be fulfilled in the facility preclearance work plan under paragraph (f)(2) of § 305.31. We believe that the PPQ officer's supervision will be adequate to ensure that the irradiation treatment is properly performed, and thus effective.

Because the regulations already require that an inspector monitor the irradiation treatment, we do not believe it is necessary to make any changes based on these comments.

One commenter asked how APHIS would verify that the phytosanitary certification provided by the Thai NPPO is accurate. Another commenter expressed general concern that the production and treatment of these Thai fruits would not be effectively monitored by the Thai NPPO.

As a signatory to the International Plant Protection Convention (IPPC),[4] the Thai NPPO is obligated to provide accurate and complete phytosanitary certification and to fulfill its responsibilities under bilateral agreements with other NPPOs. We have reviewed the Thai NPPO's procedures and are confident in its ability to provide such certification, and we are also confident that the Thai NPPO can fulfill its responsibilities under the regulations and under a framework equivalency workplan. If we became aware of inaccuracies in the phytosanitary certification, or we determine that the requirements of the regulations and the workplan are not being complied with, we will take appropriate corrective action.

Several commenters also expressed the opinion that APHIS should inspect all fruit being exported from Thailand. Two commenters stated that the proposed rule indicated that APHIS inspectors will not be directly involved with supervising the required inspection program in Thailand.

As stated earlier, the proposed rule indicated that all fruit that is treated and exported under these regulations will be inspected prior to export, before or after irradiation treatment. A PPQ inspector will supervise the treatment and inspection process under the bilateral workplan between APHIS and the Thai NPPO.

The regulations in § 319.56–6 provide that all imported fruits and vegetables shall be inspected, and shall be subject to such disinfection at the port of first arrival as may be required by an inspector. The pre-export inspection that will be conducted by APHIS personnel as part of preclearance activities in Thailand will serve to satisfy the inspection requirement. Section 319.56–6 also provides that any shipment of fruits and vegetables may be refused entry if the shipment is so infested with plant pests that an inspector determines that it cannot be cleaned or treated.

Two commenters stated that inspection levels in general should be increased.

For these six fruits from Thailand, inspections will be performed at levels specified in the workplan, according to a statistical plan designed to ensure phytosanitary security. Our successful use of such plans in the past indicates that they are effective.

One commenter stated that APHIS does not have enough personnel to check all shipments of fruit.

If we do not have personnel available to fulfill our inspection responsibilities, as they are detailed in the workplan, we will not allow fruit to be precleared and imported from Thailand.

Two commenters stated that inspection in general is not an effective mitigation.

We disagree with these commenters. Inspection can be an effective mitigation for pests that are found outside of the commodity, such as pupae and adults of the order Lepidoptera, or for pathogens that cause easily visible symptoms when they infect a commodity. For other pests, treatments or other mitigation strategies are typically required, such as the 400 gray irradiation dose that we are requiring for the six fruits approved for export from Thailand to the United States.

One commenter stated that because irradiation will not control pupae and adults of the order Lepidoptera, these plant pests could be introduced into the United States via shipments of treated and inspected fruit. The commenter cited as examples the introduction of adult Lepidoptera via the holding bay of

0085–0001. Both the framework equivalency workplan and the facility preclearance workplan are bilateral workplans.

[4] The text of the International Plant Protection Convention can be reviewed at *http://www.ippc.int/IPP/En/default.jsp.*

a transport ship once the hatch doors are opened at the port of entry and the introduction of pupae through deposit onto soil during transportation of the fruit to importer facilities.

As discussed earlier, fruit from Thailand exported to the United States under these regulations will be inspected prior to export in all cases for the presence of plant pests that are pupae or adults of the order Lepidoptera. In addition, under § 305.31(g)(2)(i), all fruits and vegetables irradiated prior to arrival in the United States must either be packed in insect-proof packaging or stored in rooms that completely preclude access by fruit flies. (A room that fruit flies cannot enter will also exclude Lepidopteran pests, since Lepidopteran pests are typically much larger than fruit flies.) These requirements are designed to prevent reinfestation after commodities are treated with irradiation and subjected to any necessary inspection.

The Risk Management Document and Its Discussion in the Proposed Rule

In the proposed rule, we stated the following about the risk management document that we prepared to support our proposed action:

''We have not prepared a comprehensive pest risk analysis for this proposed rule, as we normally do when determining whether to allow the importation of fruits or vegetables under the regulations. When we prepare a comprehensive pest risk analysis for a commodity, one part of the analysis examines in detail the likelihood that the plant pests for which the commodity could serve as a host would be introduced into the United States via the importation of that commodity, the likelihood that those pests would become established if they were introduced, and the damage that could result from their introduction or establishment. This helps us to determine which plant pests pose a risk that makes mitigation measures beyond port-of-entry inspection necessary. However, since irradiation at the 400 gray dose is approved to neutralize all plant pests of the class Insecta, except pupae and adults of the order Lepidoptera, we did not consider it necessary to undertake a detailed analysis of the risks posed by any plant pests that fall into the category, since the risks for all these pests would be mitigated through the irradiation treatment. For the plant pests that we identified that are not approved for treatment with the 400 gray dose, we have analyzed what specific mitigations may be necessary given the risks they pose and the likelihood that these risks would be effectively mitigated by inspection.''

One commenter stated that the Thai NPPO provided APHIS with full pest risk analyses for each of the six fruits we proposed to allow to be imported from Thailand into the United States. This commenter stated that these pest risk assessments were the basis for discussions between the Thai NPPO and APHIS on proper mitigations for the pests associated with each of these six fruits. The commenter was concerned that, because we did not make these pest risk assessments or the comprehensive lists of plant pests associated with each of the six fruits available for public review and comment, the public could be misled regarding how APHIS determined which pests associated with these fruits are quarantine pests and thus required mitigation.

Bearing out this commenter's concern, several commenters requested that APHIS complete a full pest risk assessment for each of the six fruits addressed in the proposed rule. Many of these commenters recommended that APHIS concentrate on pathogens, as the primary pest mitigation method we proposed to use for these fruits, irradiation treatment, is not approved to neutralize pathogens.

It is correct that the Thai NPPO provided APHIS with pest risk assessments and pest lists for each of the six fruits addressed in the proposed rule. However, APHIS plant scientists reviewed the documents that were submitted by the Thai NPPO and used additional sources to develop independent pest lists. The lists of pests that were judged to be quarantine pests, however, did not change during the review process prior to the publication of the proposed rule, which allowed for productive discussions between the Thai NPPO and APHIS on mitigation measures for quarantine pests associated with each of the six fruits.

By listing only the pests associated with these fruits that were judged to be quarantine pests in the risk management document, however, we appear to have caused confusion. Many commenters, for example, asked whether we had considered pests that we did not list in the risk management document; in fact, we had considered them and determined that they were not quarantine pests, meaning that we did not include them in the risk management document. (These comments are discussed later in this document under the heading ''Pests Named by Commenters That Were Not Addressed in the Risk Management Document.'') Therefore, in support of this final rule, we are making available on *Regulations.gov* (see footnote 1) not only the risk management document, with the updates discussed in this document, but also the pest lists we used when determining what quarantine pests are associated with each of the six fruits in question. We hope this will help to address these concerns.

Three commenters addressed the statement in the risk management document that pineapples moved interstate from Hawaii are approved for irradiation treatment at a 250 gray dose. The commenters stated that the pineapple in production in Hawaii is the smooth Cayenne variety, which is not a host of the fruit flies present in Hawaii; therefore, smooth Cayenne pineapples have never been subject to quarantine treatment, including irradiation.

The commenters are correct that the regulations allow smooth Cayenne pineapples to move interstate from Hawaii without treatment. However, for pineapples of varieties other than the smooth Cayenne that are moved interstate from Hawaii, the regulations in § 305.34(a) provide for the use of irradiation treatment at a dose of 150 gray.[5] Thus, the risk management document correctly referred to the existence of irradiation requirements for pineapples moved interstate from Hawaii, but did not completely describe the situation. We have amended the risk management document to clarify our discussion of this matter.

One commenter stated that economic factors should be considered in risk assessments.

Our risk assessments evaluate the risk associated with a quarantine pest in part by considering the economic impact of its introduction. We have carefully considered the risks posed by all the quarantine pests associated with the six Thai fruits addressed in the proposal. As mentioned earlier, based on the risk posed by *A. litchi,* this final rule prohibits litchi and longan from Thailand from being imported into or distributed to Florida based on the possible economic consequences of the introduction of that pest into litchi production areas in that State.

Two commenters stated that, despite the apparent effectiveness of the mitigation measures described in the

[5] At the time the risk management document was written, the required dose for pineapples other than smooth Cayenne moved interstate from Hawaii was 250 gray. Since then, we published a final rule in the **Federal Register** on January 27, 2006 (Docket No. 03–077–2, 71 FR 4451–4464) that lowered the required does to 150 gray. We have updated the risk management document for this final rule to reflect this change.

risk management document, there was still some risk that quarantine pests could be introduced to the United States through the importation of Thai fruits due to failures in treatment or the execution of the treatment protocols. The commenters cited temporary faults in the irradiation equipment or procedures, human error, and intentional disregard of the treatment procedures with terroristic intent to introduce plant pests. The commenters stated that, when considering that large volumes of Thai fruit would be imported over an indefinite period of time, there was bound to be some failure in the system designed to prevent the introduction of plant pests. The commenters believed that such a risk was unacceptable and thus opposed finalizing the proposed rule.

APHIS has authorized the importation of fruits from foreign localities under phytosanitary measures similar to those described in the proposed rule for many years. These measures have been proven to be effective at preventing the introduction of quarantine pests. When considering what phytosanitary measures are necessary to prevent the introduction of quarantine pests into the United States through the importation of a commodity whose importation is presently prohibited, we balance the necessity of preventing the introduction of quarantine pests with our obligation under the World Trade Organization Agreement on Sanitary and Phytosanitary Measure to take the least restrictive measures necessary to ensure phytosanitary security. We believe the measures required by this final rule fulfill both of these objectives.

One commenter stated that pupae and adults of the order Lepidoptera are not likely to move in the pathway for fresh fruit exported from Thailand to the United States.

We agree with this commenter. However, we believe it is necessary to inspect Thai fruits to ensure their freedom from these pests because of the potential for harm if a quarantine pest of the order Lepidoptera were to be introduced into the United States.

One commenter objected to our statement that we are confident that inspection can detect pupae and adults of the order Lepidoptera, which we made in the preamble of the proposed rule. This commenter stated that APHIS did not provide support for the assertion and that, given the proposal's implications for the agricultural and environmental health of the United States, such support was necessary.

Our assertion that inspection can detect pupae and adults of the order Lepidoptera is based on decades of experience inspecting imported fruit for plant pests. The commenter did not provide any specific reasons to doubt the ability of our inspectors to detect such pests.

Pests Named by Commenters That Were Not Addressed in the Risk Management Document

Several commenters expressed concern regarding pests that were not addressed in the risk management document. As discussed earlier, along with this final rule, we are providing the full pests lists we used when determining what quarantine pests are associated with each of the six fruits in question we proposed to import from Thailand, so that the public can see the full set of pests we considered. We will also address the specific pests about which commenters expressed concern.

Several pests named by commenters are already present in the United States and thus are not considered quarantine pests. These pests are:

- *Cylindrocladiella peruviana,* a fungus;
- Longan witches' broom;
- Pineapple bacterial wilt;
- Pineapple heart rot;
- Bacterial leaf spot, caused by *Erwinia mangifera;* and
- Blossom malformation, caused by the fungus *Fusarium subglutinans.*

Citing pineapple bacterial wilt and pineapple heart rot, two commenters asked us to develop a postentry pineapple risk management plan for pineapples imported into Hawaii from Thailand. Because both diseases are already present in Hawaii and are not under official control in that State, we do not believe it is necessary to develop a plan for action regarding the introduction of those diseases.

Two genera, *Deudorix* (fruit borers) and *Greeneria* (fungi), were named by commenters as pests we did not consider. We do not consider pests that are not identified to the species level when developing risk documents. We did consider *Deudorix epijarbas* (Lepidoptera: Lycaenidae) as a quarantine pest of litchi and longan in the risk management document and in the proposed rule. Our review of the available scientific information did not identify any other species of the genus *Deudorix* or any species of the genus *Greeneria* that qualified as a quarantine pest.

Commenters also mentioned ants as a class of pests that the risk management document did not address. Our review of the available scientific information did not identify any species of ants in Thailand that qualified as quarantine pests.

Other pests cited by the commenters are discussed below.

Aceria litchi, A. longana, A. dimocarpi. All three of these are mites, which the 400 gray irradiation dose is not approved to treat. *A. longana* and *A. dimocarpi* are not considered quarantine pests because they are not known to be associated with mature fruit. *A. longana* infests the leaves and inflorescences of the tree. *A. dimocarpi* is associated with young fruit, and typically causes premature fruit drop; since only mature fruit would be treated and exported from Thailand, it is unlikely that this pest would move to the United States.

However, a review of the available literature confirms that *A. litchi* is considered to be associated with the fruit of litchi and longan.[6] Additionally, APHIS considers *A. litchi* to be a quarantine pest. For this reason, our regulations generally prohibit the movement of litchi and longan into Florida from areas where *A. litchi* is present. For example, litchi and longan moved interstate from Hawaii to the mainland United States that are treated with irradiation in accordance with § 305.34 may not be moved into or distributed in Florida under paragraph (b)(4)(iii) of that section. Litchi from China and India that are imported under § 319.56–2x are also not allowed to be imported into or distributed in Florida.

Because *A. litchi* is not present in Florida and because we have consistently prohibited host movement into Florida from areas where that pest is present, this final rule prohibits the importation and distribution of litchi and longan from Thailand into the State of Florida.

Citrus greening. The citrus greening disease is spread by specific insect vectors, all of which would be neutralized by irradiation at the 400 gray dose.

Cryptophlebia carpophaga. Synonymous with *C. ombrodelta,* which is considered a quarantine pest and was addressed in the risk management document and in the proposed rule.

Cylindrocarpon tonkinense. Synonymous with *C. lichenicola,* which is the accepted name. A postharvest fungus. The commenter cited it as a pest of litchi from Thailand, but CABI reports it as only present in India, and as a pest of yams.

Deanolis sublimbalis [Lepidoptera: Pyralidae], the mango seed borer. The name *Deanolis sublimbalis* is a synonym of *Deanolis albizonalis. D.*

[6] The pest lists for litchi and longan that accompany this rule provide a full list of citations supporting this determination.

albizonalis is listed in the pest list for mango from Thailand. We determined that this quarantine pest would not follow the pathway of imported fruit. As *D. albizonalis* larvae feed within the mango, the damaged area softens and collapses. Common signs of damage by *D. albizonalis* are bursting at the fruit apex and longitudinal cracking of the fruit as it nears maturity. Because of the destructive and obvious nature of fruit injury, it is very unlikely that any infested fruit would be packed for export. Therefore, we determined that no mitigation beyond inspection is necessary to address the risk posed by this pest.

Homodes bracteigutta (Walker) [Lepidoptera: Noctuidae]. This pest is on the pest list for longan from Thailand. We determined that this quarantine pest would not follow the pathway of imported fruit, because *H. bracteigutta* occurs externally to the fruit during all its life stages and thus is unlikely to remain on the fruit after processing. Therefore, we determined that no mitigation beyond inspection is necessary to address the risk posed by this pest.

Pestalotiopsis flagisetulai. A fungus that occurs on mangosteen. We do not consider this fungus to be a quarantine pest. The pest causes rot in infected fruit during postharvest storage, meaning that infected fruit would be likely to be culled prior to shipment to the United States. If the disease were introduced into the United States, we would not expect its consequences to be significant. According to an Australian pest risk assessment, *P. flagisetulai* is a weak pathogen that only affects fruits that were bruised during harvest, causing storage rots.

Phomopsis longanae. A pathogen causing stem-end rot on longan. This pest is reported in China, but not in Thailand.

Tessaratoma papillosa (Drury) [Hemiptera: Pentatomidae], known as the litchi stink bug. This pest is on the pest list for litchi from Thailand. We determined that this quarantine pest would not follow the pathway of imported fruit, because *T. papillosa* is a large, active insect that attacks the fruit and is unlikely to remain with litchi after processing. Therefore, we determined that no mitigation beyond inspection is necessary to address the risk posed by this pest.

Twig pathogens. One commenter recommended that twig and stem pathogens should be considered in the risk management document or addressed through an additional measure in the inspection process that would prohibit stem material from being shipped.

The commenter did not cite any specific twig pathogens that we should have included in the risk management document. In general, our preclearance inspection is sufficient to detect disease symptoms on any twigs included with the fruit and to reject shipments in which diseased material is present.

Fungi

For litchi and mango from Thailand, we identified one fungus each as being a quarantine pest. For litchi, the fungus was *Peronophythora litchii*. We stated the following about *P. litchii* in the proposed rule:

''This pest can cause litchi fruit to drop prematurely from their trees; fungicidal field treatments are typically applied to reduce premature fruit drop in commercial litchi production areas where *P. litchii* is present. To address the risk posed by this pest, we are proposing to require that litchi from Thailand be inspected and found to be free of *P. litchii*. We would also require that the phytosanitary certificate accompanying litchi from Thailand include an additional declaration to that effect.

''We believe that most litchi fruit that are infected with *P. litchii* would be culled prior to importation into the United States; trained harvesters, packinghouse personnel, and plant quarantine inspectors can easily detect the distinctive symptoms of the disease on fruit. Litchi that are infected with *P. litchii* but are not symptomatic may not be culled, but the likelihood that *P. litchii* would then be introduced into the United States via the few fruit that may escape detection is very low, because the spores are transmitted by water. This means that for *P. litchii* to be introduced into the United States via an infected litchi fruit, the fruit would have to be incompletely consumed and discarded in a place where the pest could be transmitted to a litchi production area through moving water. Additionally, there is no record of interception of this disease on litchi imported into the United States from other countries in regions where this pathogen is present. Therefore, we believe that the requirement that litchi from Thailand be inspected for *P. litchii*, along with the additional declaration that would be required on the phytosanitary certificate accompanying the fruit, would adequately mitigate the risk posed by this pest.''

For mangos, the fungus we identified as a quarantine pest was *Phomopsis mangiferae*. We stated the following about *P. mangiferae* in the proposed rule:

''We believe that *Phomopsis mangiferae* is unlikely to be introduced into the United States via the importation of mangoes for consumption. The pest is specific to mangoes and is spread only via the seed of the mango. For the pest to spread, fungal spores from the seed must be dispersed at a time when susceptible tissue is available; thus, dispersal only occurs when infected seed is used in mango production. If infected fruit is consumed and the seed is discarded as waste, the infected fruit does not serve as a pathway for introduction. Discarded fruit could create a possible source of inoculum that could provide the means for introduction, but the likelihood that infected mangoes will reach these habitats is low because (1) the host range is limited to mango; (2) the portion of the total number of mango shipments from Thailand that is expected to be transported to mango-producing areas in California, Florida, Hawaii, or Texas is small; and (3) the likelihood of fruit being discarded in mango orchards at an appropriate time is likewise very low. For these reasons, we are not proposing any measures beyond inspection to mitigate the risk associated with this plant pest. This decision is consistent with the recommendations contained in pest risk analyses examining the importation of mangoes from Australia, India, and Pakistan, countries where *Phomopsis mangiferae* is also present.''

One commenter stated that the proposed rule did not provide any quarantine mitigation for disease pathogens.

As discussed above, we identified two disease pathogens as quarantine pests, and proposed mitigations for both of them. For *P. litchii*, the mitigation proposed was inspection with an additional declaration on the phytosanitary certificate accompanying litchi imported from Thailand stating that the litchi had been inspected and found to be free of *P. litchii*. For *P. mangiferae*, the mitigation proposed was inspection.

We received several comments addressing *P. litchii* specifically.

As noted above, for *P. litchii* to be introduced into the United States via an infected litchi fruit, the fruit would have to be incompletely consumed and discarded in a place where the pest could be transmitted to a litchi production area through moving water. Several commenters stated that, while this would be unlikely in States where litchi is not produced, the likelihood that incompletely consumed litchi fruit

would be discarded in a yard or other area with a litchi tree in a litchi production area is not insignificant. Given the significant annual rainfalls in Hawaii, some commenters stated, the skin or seed of an infected fruit could affect a growing area through direct water transmission. Additionally, backyard litchi trees would also provide a vector for transmission of the fungus to commercial litchi orchards.

Another commenter stated that, as a means of determining freedom from *P. litchii*, inspection may be problematic. Visual inspection will identify advanced infections, but may not reveal recent infections, which can be asymptomatic. In addition, the commenter stated, the fungus will remain in a suspended state during transit in cool temperatures, allowing fungal growth to resume once litchi are imported. The commenter cited a risk analysis prepared by the Australian government regarding *P. litchii* that stated that the probability of distribution into Australia of *P. litchii* through fruit imported from Thailand was high: ''The pathogen is likely to survive storage and transportation, even at cool dry temperatures, and is unlikely to progress to visual decay before distribution.''

Several of the commenters specifically argued that the litchi imported from Thailand should be prohibited from importation or distribution into Hawaii and other litchi-producing States to prevent a possible introduction of *P. litchii*.

We understand the commenters' concerns and have carefully considered them in developing this final rule. We continue to believe that the requirement that the phytosanitary certificate accompanying litchi imported from Thailand into the United States contain an additional declaration stating that the litchi had been inspected and found to be free of *P. litchii* is an adequate mitigation for the risk posed by *P. litchii*.

Several considerations lead us to this conclusion. One is that our prediction in the risk management document that it is unlikely that *P. litchii* would be introduced into the United States has largely been borne out in practice in other circumstances. The regulations in § 319.56–2x presently allow the importation of litchi from two other countries in which *P. litchii* is present, China and India, when the litchi are treated in accordance with 7 CFR 305. (No treatment is available for *P. litchii*; the treatments are applied to neutralize other plant pests that are present in those countries.) There is no special inspection requirement to mitigate the risk posed by *P. litchii* in the regulations for litchi from China and India, although all fruits entering the United States are inspected for quarantine pests.

During the period 2003 through 2006, we received no shipments of litchi from India, but 550 shipments of litchi from China. There were no interceptions of *P. litchii* on these fruit, and no introductions of *P. litchii* in the United States have been reported.

While the Australian risk analysis identified the probability of distribution of *P. litchii* as high, it identified the probability of entry of the fungus as moderate, which is consistent with requiring inspection and an additional declaration on the phytosanitary certificate that certifies freedom from the pest.

Along with the information in the proposed rule, we believe that this information indicates that the mitigation against *P. litchii* in the proposed rule was adequate. We are making no changes to the proposed rule in response to these comments.

Two commenters stated that the host range of *P. litchii* was not adequately represented in the risk management document. One stated that the CABI Abstracts indicate that in nature, the disease is confined to litchi, although in laboratory conditions, tomatoes, papayas, and loofah may also be infected. This commenter, however, also stated that *P. litchii* has also been reported on longan in China (Hoi, H.H., J.Y. Lu and L.Y. Gong. 1984. Observation on asexual reproduction by *Peronophythora litchii*. Mycologia 76:745–747) and on Christmas berry tree, a commonly occurring invasive species in Hawaii. The other commenter stated that *P. litchii* has also been found on tomato and papaya, without the other references.

We typically discount reports of host status based on a species' role as a laboratory or experimental host when completing risk assessments, as there is no clear evidence that the plants would ever be infected with the disease in nature; the CABI citation confirms this. The fact that longan is not listed as a host in the CABI citation, over 20 years after the publication of the Chinese report, argues against placing restrictions on the importation of longan from Thailand based on the Chinese report. Additionally, the commenter did not provide a reference to establish Christmas berry tree as a host of *P. litchii*, and we have been unable to find such a reference. We are making no changes to the proposed rule in response to these comments.

The proposed rule stated that fungicidal field treatments are typically applied to reduce premature fruit drop in commercial litchi production areas where *P. litchii* is present. One commenter stated that this disease control method may result in a higher possibility of disease introduction on fruits. The commenter stated that very few fungicides are therapeutic and kill the pathogen once infection is established. If the results of field fungicide treatments are designed to ''reduce fruit drop,'' then there will be potentially higher infection rates among the fruits that remain on the tree and harbor latent, non-fatal infections.

Two other commenters also referred to this statement, noting that no mention is made of what pesticides would be used and whether they are legally registered for use in the United States. As the commenters noted, imported fruit that has been sprayed with pesticides not legally registered for use on those specific crops in the United States may not be imported into the United States.

Another commenter noted that the proposed rule stated that we believe that most litchi fruit that are infected with *P. litchii* would be culled prior to importation into the United States; trained harvesters, packinghouse personnel, and plant quarantine inspectors can easily detect the distinctive symptoms of the disease on fruit. The commenter stated that APHIS should have more than a belief that this will happen. The commenter also stated that all fruit, not most fruit, infected with this fungus should be culled before litchi are shipped from Thailand to the United States. The commenter also questioned whether the training these workers receive is adequate to perform the task of culling infected fruit.

We appreciate these commenters' concerns. We would like to take this opportunity to clarify that we are not requiring any fungicidal treatment to be applied to litchi imported from Thailand. The statement in the proposed rule and the risk management document simply described the typical response of litchi producers to *P. litchii* infection in a production area. Similarly, the culling described in the proposed rule is part of a characterization of the probability of introduction; exporters would routinely cull litchi intended for export in order to ensure that the fruit is marketable. We are not making culling a required phytosanitary measure. The mitigation we are requiring for *P. litchii* is inspection and phytosanitary certification of freedom from the disease. If a shipment of litchi was

found to be infested with *P. litchii*, the Thai NPPO would not issue a phytosanitary certificate for those litchi, and they would be ineligible for export to the United States. As discussed earlier, we believe that inspection and certification for freedom from the disease is adequate to address the risk posed by *P. litchii*.

The workplan agreed to by the Thai NPPO and APHIS will contain specific provisions requiring compliance with these and all other regulations that apply to the export of these fruits to the United States.

Finally, harvesters and packinghouse personnel can be trained to look for symptoms of pathogens such as *P. litchii*; this process would be included in our bilateral workplan with Thailand.

One commenter stated that the fungus should not be characterized as *Peronophythora litchii* but rather as *Phytophthora litchii*. In this context, the commenter stated that over the last several years, the plant protection community has become aware of several new species of *Phytophthora* that have most likely been introduced into the United States on plant material imported from Asia. Although these introductions were probably directly associated with the importations of plant propagative materials, the commenter was very concerned given the ability of some *Phytophthora* species to hybridize with other species. Therefore, the commenter expressed concern about allowing the importation of a known host (litchi) from a known infested area with nothing more than a visual inspection. The commenter doubted that a thorough host range study has been completed for *P. litchii*. The commenter stated that the increasing number of new *Phytophthora* species moving from Asia to the Western Hemisphere needs to be curtailed and that APHIS should place a higher emphasis on phytosanitary security with regard to this genus.

While some sources have reclassified *Peronophythora litchii* as *Phytophthora litchii*, there has not been a consensus judgment in that regard. As mentioned earlier, CABI continues to refer to the pest as *Peronophythora litchii*, and several other references list the fungus under that name as well. We are making no changes to the proposed rule in response to this comment.

Were the fungus to be classified under *Phytophthora* rather than *Peronophythora,* we would still rely on the scientific evidence available to assess the risk it poses, and we believe the biology of *P. litchii* is sufficiently well characterized in the literature for us to do that.

Two commenters specifically addressed *P. mangiferae*. Referring to our statement that the portion of the total number of mango shipments from Thailand that is expected to be transported to mango-producing areas in California, Florida, Hawaii, or Texas is small, the commenter cited U.S. census data indicating that the Asian American population of the United States is 4 percent. In Hawaii, Asian Americans make up 42 percent of the population, in Florida 2 percent, in California 12 percent, in Texas 3 percent, and Puerto Rico 0.2 percent; all told, the Asian American population represents over 12.4 million Americans. The commenter stated that these statistics clearly demonstrate that there will be demand for mangoes from Thailand. The commenter additionally stated that such demand indicates that *P. mangiferae* would be dispersed by seed in the urban or agricultural areas of Florida, Hawaii, California, Texas, and Puerto Rico.

Another commenter objected to our use of conditional terms, such as our statement that mangos exhibiting symptoms of *P. mangiferae* ''are likely to be detected at harvest and during packing and inspection'' and our statement that, if infected mangos are imported into the United States, the number of mangoes that would be shipped to mango production areas in California, Florida, Hawaii, and Texas is expected to be small.

Our assessment of *P. mangiferae* as posing a risk for which inspection is a suitable mitigation was not based on the idea that there would be no demand in the United States for mangoes imported from Thailand. Rather, our assessment was based on the means by which *P. mangiferae* must be disseminated in order for it to spread. Discarded fruit imported for consumption could create a possible source of inoculum that could provide the means for introduction, but the likelihood that infected mangoes will reach these habitats is low because (1) the host range is limited to mango; (2) the portion of the total number of mango shipments from Thailand that is expected to be transported to mango-producing areas, specifically, in the four named States is small; and (3) the likelihood of fruit being discarded in mango orchards at an appropriate time is likewise very low. All these factors, combined, led us to determine that the probability of introduction of *P. mangiferae* is low. The commenter did not state any reasons for disputing our analysis of the probability of occurrence for each of the specific stages of the pathway for introduction.

Regarding the second commenter's comments, those statements in the proposed rule were part of an analysis of the probability of introduction of *P. mangiferae*, not a set of mitigations that we are requiring. Our conclusion that the probability of introduction for *P. mangiferae* is low led us to propose no mitigations beyond inspection against its introduction.

Labeling

Three commenters stated that each fruit imported from Thailand should be required to have a label stating its country of origin and that irradiation was used as a treatment on the fruit. Two of these commenters also stated that the fruit should be required to be kept in its original containers. One of the commenters stated that, without a labeling requirement, consumers would be unable to distinguish Thai pineapples from Hawaiian pineapples, the latter of which the commenter believed to be of higher quality.

Our regulations in § 305.31(g)(2)(iii) require that the packaging for all fruits and vegetables irradiated prior to arrival in the United States be labeled with treatment lot numbers, packing and treatment facility identification and location, and dates of packing and treatment. If pallets of fruits or vegetables are broken apart into smaller units prior to or during entry into the United States, each individual carton must have the required label information.

Labeling requirements indicating that the fruits have been treated with irradiation do not fall under APHIS' authority, as they do not help to mitigate the pest risk associated with fruit imported from Thailand. However, the Food and Drug Administration requires in 21 CFR 179.26 that, ''for irradiated foods not in package form, the required logo and phrase 'Treated with radiation' or 'Treated by irradiation' be displayed to the purchaser with either (i) the labeling of the bulk container plainly in view or (ii) a counter sign, card, or other appropriate device bearing the information that the product has been treated with radiation. As an alternative, each item of food may be individually labeled. In either case, the information must be prominently and conspicuously displayed to purchasers. The labeling requirement applies only to a food that has been irradiated, not to a food that merely contains an irradiated ingredient but that has not itself been irradiated.''

The bilateral workplan we agree to with the Thai NPPO will contain provisions ensuring compliance with these and other requirements of both APHIS and other Federal agencies that

relate to irradiation and importation of food in general.

Comparable Regulations on the Interstate Movement of Hawaiian Fruits

Several commenters expressed concern that we proposed to allow the importation of mangosteen from Thailand into the United States while that fruit is prohibited from moving interstate from Hawaii to the rest of the United States. The commenters stated that Hawaiian farmers have waited over 6 years for a pest risk analysis to be completed regarding the interstate movement of mangosteen from Hawaii. These commenters stated their belief that Hawaii should be given preference over foreign countries, given the infrastructure available to support interstate movement with treatment, Hawaii's status as a producer of fruit for niche markets, and Hawaii's status as a State.

We process requests for movement of fruits both from Hawaii and from foreign countries as expeditiously as possible. We are developing a proposed rule that would allow the interstate movement of mangosteen, as well as other fruits, from Hawaii to the mainland United States. We also plan to implement a notice-based process for approving commodities for interstate movement from Hawaii, similar to the process recently proposed for foreign commodities. However, it is critically important that we take whatever time is necessary to develop treatment protocols that will safeguard American plant resources from pest invasion and that are acceptable to producers and shippers of fruits and vegetables moved interstate.

With regard to the five fruits other than mangosteen that were included in the July 2006 proposal, we note that the regulations governing the movement of these fruits from Hawaii are substantially less restrictive than the requirements we proposed for their importation from Thailand. The commodities moved interstate from Hawaii may be irradiated at lower doses, and do not have to be grown in a registered production area. In addition, some steps necessary to allow importation of commodities from foreign countries, such as the development of a bilateral workplan, are not necessary when allowing movement of commodities within the United States, which can expedite the approval process for those commodities.

One commenter asked whether Hawaii should have the option to regulate the importation of agricultural commodities into Hawaii based on the risk of introduction of agricultural pests, superseding APHIS' regulations. The commenter was concerned that APHIS might become overwhelmed and ineffective as time goes on.

As noted in the proposed rule and in this final rule under the heading ''Executive Order 12988,'' ''State and local laws and regulations regarding litchi, longan, mango, mangosteen, pineapple, and rambutan imported under this rule will be preempted while the fruit is in foreign commerce.'' We are confident that we will be able to effectively enforce the requirements of this rule.

Economic Issues

Many of the comments we received addressed economic issues, and specifically the economic analysis included in the proposed rule.

Several commenters were concerned that the importation of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand would have adverse economic effects on domestic producers of those fruits. The comments we received focused on adverse effects on producers in the States of Florida and Hawaii.

Several commenters stated that most of Florida's production of the six fruits in the proposal is moved interstate and is not consumed locally. Two commenters stated that estimates of the value of commercial production in Florida of litchi, longan, and mango are over $25 million a year. Two commenters stated that imports of tropical fruits from Mexico have had a devastating effect on domestic grower prices in Florida over the past 5 to 6 years.

Other commenters stated that the majority of Hawaiian production of litchi and the vast majority of Hawaiian production of longan and rambutan is moved interstate to the U.S. mainland. One commenter stated that in 2005, 600,000 pounds of rambutan were treated for interstate movement from Hawaii, and the commenter assumed that the production for the local market exceeded that amount. Two commenters stated that Hawaii has been increasing production of the six fruits named in the proposed rule from year to year, increasing planted acreage as well.

These commenters also stated that the volume of production has allowed for expansion from the traditional market segment for these fruits, ethnic grocery stores, to gourmet grocery stores; the commenters expected that eventually, production of these fruits would reach mainstream grocery stores and produce markets on the U.S. mainland. Many of these commenters also noted that the effects they cited would likely affect small entities. Two commenters specifically cited litchi as being vulnerable to foreign competition, stating that litchi from Taiwan had flooded the Hawaiian litchi market in the fall of 2006 and crowded out Hawaiian production. Another commenter asked APHIS to consider a detailed economic study on the economic impacts that the proposed changes may have on Hawaiian businesses. One commenter stated generally that APHIS should support local agriculture and oppose the practice of shipping fruits over long distances.

Our discussion of the markets for which domestic tropical fruit is produced may not have been clear in the proposed rule. Specifically, our reference to production for the local market needs to be clarified. As the commenters stated, these fruits are destined primarily for specialty stores—ethnic grocery stores and gourmet grocery stores. They have not been produced in commercial quantities for widespread distribution to mainstream grocery stores. We have amended the economic analysis in this final rule to reflect this.

As a signatory to the IPPC, the United States has agreed not to prescribe or adopt phytosanitary measures concerning the importation of plants, plant products, and other regulated articles unless such measures are made necessary by phytosanitary considerations and are technically justified. Protecting domestic tropical fruit producers from foreign competition does not constitute a technical justification. We believe that the mitigations in this final rule will adequately address the risk posed by the importation of these six tropical fruits from Thailand.

The commenters who questioned the data we used in preparing the economic analysis in the proposed rule did not provide any citations of their own. Some of the data supplied by the commenters appear to be incorrect; for example, National Agricultural Statistics Service (NASS) data indicate that 600,000 pounds is more rambutan than was produced for the processed and fresh market combined in 2005. Nevertheless, we have undertaken to find additional data and have updated the economic analysis where appropriate. However, the conclusions of the economic analysis have not changed.

The economic analysis in the proposed rule stated that ''Hawaii's production of pineapples for the fresh market has remained relatively stable over the last two decades.'' Two

commenters questioned this statement. One stated that fresh pineapple production in Hawaii declined by 18 percent from 2003 to 2005. Another stated that, according to NASS data, from 2001 to 2005, annual pineapple production in Hawaii fell from 323,000 to 212,000 tons, value dropped from $96 million to $79 million, and acreage fell from 20,100 to 14,000. These commenters also mentioned that Del Monte-Hawaii recently closed its Hawaiian pineapple production operation because foreign producers could provide pineapples at lower cost.

With regard to the first comment, our statement in the proposed rule was that production has remained relatively stable over the last two decades; we did not focus on the short term, as the commenter did. The decline of 18 percent in Hawaiian fresh pineapple production over the years from 2003 to 2005, when compared with the 54 percent decline in the production of pineapples for the processing market over the same time period, is not large. However, we have expanded our discussion of this issue in the economic analysis below to improve clarity.

The data the second commenter cited, from *http://www.nass.usda.gov/hi/fruit/pine.htm*, match the data cited in the proposed rule. Hawaii produced 323,000 tons of pineapples in 2001 for both the fresh and processed markets, rather than just the fresh market, which was the production referred to in the economic analysis in the proposed rule. The other numbers cited by the commenter also include pineapple production for both the fresh and processed market. We acknowledged in our economic analysis in the proposed rule that Hawaiian pineapple production for the processed market has declined to nearly 19 percent of what it was 20 years ago.

The Del Monte decision predated the publication of the proposed rule.

One commenter stated that stiff anti-dumping penalties have been imposed on shippers of Thai canned pineapple that is exported to the United States.

APHIS does not play any role in investigating or enforcing compliance with international trade laws.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, with the changes discussed in this document.

Note: In our July 2006 proposed rule, we proposed to add the conditions governing the importation of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand as § 319.56–2ss. In this final rule, those conditions are added as § 319.56–2uu.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This final rule amends the fruits and vegetables regulations to allow the importation into the United States of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand. As a condition of entry, these fruits must be grown in production areas that are registered with and monitored by the national plant protection organization of Thailand, treated with irradiation in Thailand at a dose of 400 gray, and subject to inspection. The fruits must also be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit had been treated with irradiation in Thailand. In the case of litchi, the additional declaration must also state that the fruit had been inspected and found to be free of *Peronophythora litchii*, a fungal pest of litchi. Additionally, under this final rule, litchi and longan imported from Thailand may not be imported into or distributed to the State of Florida, due to the presence of the litchi rust mite in Thailand. This action allows the importation of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand into the United States while continuing to provide protection against the introduction of quarantine pests into the United States.

This rule is not expected to have any significant effect on APHIS program operations since the relevant commodities are currently allowed importation into the United States from various other regions subject to different treatments. Current regulations already set out a course of action if, on inspection at the port of arrival, any actionable pest or pathogen is found and identified. The use of irradiation as a pest mitigation measure reduces the Agency's dependence on other mitigations such as methyl bromide fumigation. The final rule prohibits the distribution of litchi and longan from Thailand into Florida due to the litchi rust mite, *A. litchi*.

U.S. Production and Imports

Historically, the United States has not produced the fruits covered in this final rule in any quantity, with the exception of mangoes and pineapples. Mangoes were produced in some quantity in Florida, but production has not been recorded since 1997. Mangoes are still produced in southern Florida along with approximately two dozen other minor tropical fruits. However, these fruits, including litchi, longan, and mango, are primarily destined for the local fresh market, according to a report produced by the Florida Department of Agriculture and Consumer Services.[7]

A record of the production of most of these fruits is kept by the Hawaii Field Office of the National Agricultural Statistics Service. The ''Hawaii Tropical Specialty Fruits'' report published by this office shows that Hawaii produces all of the fruits covered by the final rule; however, mangosteen production is included in the category ''Other'' to avoid disclosure of individual operations. Production and price data for the Hawaiian fruit may be found in table 1. With the exception of pineapple, production figures account for both the processing and fresh markets. Disaggregated data are not available. As evidenced in the table, production of longan, litchi, mango, and rambutan has trended upward over the past few years. This seems to indicate a growth in the specialty tropical fruit industry in Hawaii.

Although Hawaii's production of pineapples for the fresh market has remained relatively stable over the last two decades, production intended for the processed market is merely 19 percent of what it was 20 years ago. More recently, production of pineapple for the fresh market has trended slightly downward. From 2000 to 2005, fresh market production declined by 13 percent. Production of pineapples for the processing market fell 54 percent over the same period. Production of longan, litchi, mango, and rambutan is a fraction of pineapple production in Hawaii and is directed to specialty markets.

[7] Florida Department of Agriculture and Consumer Services. *Florida Agriculture Statistical Directory 2006*. Online publication: *http://www.florida-agriculture.com/pubs/pubform/pdf/Florida_Agricultural_Statistical_Directory.pdf*.

TABLE 1.—PRODUCTION AND FARM PRICES OF TROPICAL FRUIT PRODUCED IN HAWAII, 2000–2005 [1]

Year	Longan		Litchi		Mango		Rambutan		Pineapple[3]	
	Production (1,000 lb)	Farm price ($ per lb)	Production (1,000 lb)	Farm price ($ per lb)	Production (1,000 lb)	Farm price ($ per lb)	Production (1,000 lb)	Farm price ($ per lb)	Production (1,000 lb)	Farm price ($ per lb)
2000	24	4.02	(2)	(2)	207	0.93	220	2.98	244	0.29
2001	37	3.05	(2)	(2)	242	0.86	205	3.01	220	0.31
2002	46	3.20	77	2.64	377	0.92	257	3.01	234	0.31
2003	114	3.33	88	2.84	481	0.86	306	2.73	260	0.30
2004	121	3.41	102	2.42	391	0.92	278	2.60	208	0.32
2005	142	3.09	111	2.61	530	1.11	400	2.51	212	0.30

[1] Mangosteen production is included in a residual category to avoid disclosure of individual operations.
[2] Data not shown separately to avoid disclosure of individual operations.
[3] Pineapple data includes only production destined for the fresh market. Production is not apportioned to the processing and fresh markets for the other commodities.
Source: USDA, National Agricultural Statistics Service (NASS), Hawaii Field Office, ''Hawaii Tropical Specialty Fruits,'' August 8, 2006.

Based on available data, imports of mangoes and pineapples far exceed domestic production (table 2). Furthermore, it appears that imports do not compete with domestic production. In the case of litchis, longans, mangoes, mangosteens, and rambutans, it appears that domestic production is sold mainly in specialty markets. Pineapples, on the other hand, seem more widely distributed, but their production has remained fairly consistent over the years with fluctuations in production in a consistent range despite increased imports from abroad. This information indicates very little correlation between domestic production and foreign imports. Movements of pineapple processing facilities to countries in South America have occurred due to the lower costs of production in these countries rather than increasing imports in the United States.

TABLE 2.—U.S. IMPORTS OF MANGO, MANGOSTEEN, AND PINEAPPLE, 2000–2005

	Mango	Mangosteen[1]	Pineapple
	1,000 lb		
2000	528,868	40	[2] 711,292
2001	541,329	226	[2] 715,651
2002	[3] 587,048	137	894,446
2003	613,816	136	1,050,855
2004	609,237	104	1,126,672
2005	[3] 515,058	52	1,273,401

[1] Statistics include guavas and mangosteens. Source: Global Trade Atlas.
[2] Includes fresh and frozen. Source: Economic Research Service (ERS) Fruit and Tree Nut Yearbook.
[3] Statistics include guavas and mangos. Source: ERS Fruit and Tree Nut Yearbook.

Thailand's Production and Exports

Thailand is the leading producer of pineapple in the world. Much of their production is geared toward international markets, although the majority of this is not fresh production. Over the last 5 years, only 0.27 percent of the country's fresh production has been exported, as seen in table 3. Additionally, Thailand produces a significant amount of mangoes. However, as is the case with pineapples, only a small proportion—0.82 percent—of mango production is exported for the fresh market.

TABLE 3.—THAI PRODUCTION AND EXPORTS OF MANGO AND PINEAPPLE, 2000–2004

	Mango			Pineapple		
	Production	Exports	Exports as percentage of production	Production	Exports	Exports as percentage of production
	(metric tons)			(metric tons)		
2000	1,633,479	8,755	0.54	2,248,375	4,995	0.22
2001	1,700,000	10,829	0.64	2,078,286	6,471	0.31
2002	1,700,000	8,736	0.51	1,738,833	4,561	0.26
2003	1,700,000	8,098	0.48	1,899,424	4,874	0.26
2004	1,700,000	33,097	1.95	1,997,000	5,736	0.29

Source: FAOSTAT data, 2006.

Thailand also produces longans, litchis, mangosteens, and rambutans. Production data for each of these comes from Thailand's Office of Agriculture Economics (OAE). Table 4 shows that production of rambutan far exceeded that of longan and mangosteen. Farm prices, on the other hand, were much higher for longan and mangosteen. In economic terms, this result is not surprising since higher levels of supply foster lower prices. Production and price data on litchis were not available.

TABLE 4.—THAI PRODUCTION AND PRICE OF LONGAN, MANGOSTEEN, AND RAMBUTAN, 2000–2004

	Longan		Mangosteen		Rambutan	
	Production (metric tons)	Farm price ($ per kg)	Production (metric tons)	Farm price ($ per kg)	Production (metric tons)	Farm price ($ per kg)
1999	163,900	0.76	160,800	0.66	601,000	0.41
2000	417,300	0.65	168,200	0.60	618,000	0.33
2001	250,100	0.63	197,200	0.51	617,000	0.25
2002	420,300	0.28	244,900	0.44	619,000	0.15
2003	396,700	0.38	203,800	0.65	651,000	0.19

Source: OAE, 2006.

According to a press release of the Thai Minister of Agriculture and Cooperatives posted on the Web site of the National Bureau of Agricultural Commodity and Food Standards in Thailand, that country is capable of producing approximately 5 million metric tons (MT) of the fruits covered in the final rule. This production may be divided as follows: 80,000 MT of litchi (lychee), 200,000 MT of mangosteen, 500,000 MT of rambutan, 500,000 to 700,000 MT of longan, 1.8 million MT of mango, and 2 million MT of pineapple. Given the production data reported by the OAE, these production values seem reasonable. However, only a fraction of this is likely to be exported given historical export data, as well as the fact that the existing irradiation facility will not be able to accommodate these estimated volumes of fruit. Since a new facility will not be constructed until regulations are in place, it is not likely that Thailand will be able to treat and ship volumes of this magnitude in the immediate future.

Final Regulatory Flexibility Analysis

The Regulatory Flexibility Act requires that agencies consider the economic impact of rule changes on small businesses, organizations, and governmental jurisdictions. Section 604 of the Act requires agencies to prepare and make available to the public a final regulatory flexibility analysis (FRFA) describing any changes made to the rule as a result of comments received and the steps the agency has taken to minimize any significant economic impacts on small entities. Section 604(a) of the Act specifies the content of a FRFA. In this section, we address these FRFA requirements.

Summary of Significant Issues Raised During Comment Period

The majority of the comments received concerned the potential market losses of domestic producers that would result from the implementation of this rule. As a signatory to the IPPC, the United States has agreed not to prescribe or adopt phytosanitary measures concerning the importation of plants, plant products, and other regulated articles unless such measures are made necessary by phytosanitary considerations and are technically justified. Therefore, no changes were made to the rule in response to these comments. Several comments concerned the availability of domestically produced fruit. APHIS only has data on production and farm prices for the fruit in question and was not able to obtain any information on its distribution. However, other comments pointed to the fact that domestically grown fruit is mainly distributed to ethnic grocery stores and produce markets. This would indicate that domestically produced fruit serves specialty markets rather than mainstream retail markets. As no other data were supplied to APHIS as proof of wider distribution, no changes were made to the economic analysis.

A detailed discussion of comments on the economic analysis is available earlier in this document.

Description and Estimated Number of Small Entities Regulated

The final rule may affect domestic producers of the six tropical fruits, as well as firms that import these commodities. It is likely that the entities affected are small according to SBA guidelines. A discussion of these impacts follows.

Affected U.S. tropical fruit producers are expected to be small based on 2002 Census of Agriculture data and SBA guidelines for entities in the farm category Other Noncitrus Fruit Farming (NAICS 111339). The SBA classifies producers in this farm category with total annual sales of not more than $750,000 as small entities. APHIS does not have information on the size distribution of the relevant producers, but according to 2002 Census data, there were a total of 2,128,892 farms in the United States in 2002. Of this number, approximately 97 percent had annual sales in 2002 of less than $500,000, which is well below the SBA's small entity threshold of $750,000 for commodity farms. This indicates that the majority of farms are considered small by SBA standards, and it is reasonable to assume that most of the 623 mango and 34 pineapple farms that may be affected by this rule also qualify as small. In the case of fresh fruit and vegetable wholesalers, establishments in NAICS 424480 with not more than 100 employees are considered small by SBA standards. In 2002, there were a total of 5,397 fresh fruit and vegetable wholesale trade firms in the United States. Of these firms, 4,644 firms operated for the entire year. Of those firms that were in operation the entire year, 4,436 or 95.5 percent employed fewer than 100 employees and were, therefore, considered small by SBA standards. Thus, domestic producers and importers that may be affected by the rule are predominantly small entities.

Based on the data available to APHIS, it does not appear that domestic production of litchi, longan, mango, mangosteen, pineapple, and rambutan markedly competes with imports of these fruits. Domestic production is generally destined for specialty markets, such as ethnic grocery stores and local produce markets. Distribution of these fruits does not appear to be mainstream. Thus, the imports from Thailand are unlikely to substantially affect these markets. Additionally, imports from Thailand are not likely to significantly increase the overall level of imports. It is more reasonable to assume that they will at least partially substitute for imports from other countries like Mexico, depending on relative prices.

Domestic import firms may benefit from more open trade with Thailand, with more import opportunities available to them because of the additional source of these tropical specialty fruits. In any case, it is not likely that the effects of importing litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand will have large repercussions for either domestic producers or importers of these tropical fruits.

Executive Order 12988

This final rule allows litchi, longan, mango, mangosteen, pineapple, and rambutan to be imported into the United States from Thailand. State and local laws and regulations regarding litchi, longan, mango, mangosteen, pineapple, and rambutan imported under this rule will be preempted while the fruit is in foreign commerce. Fresh fruits are generally imported for immediate distribution and sale to the consuming public, and remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this final rule. The environmental assessment provides a basis for the conclusion that the importation of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand under the conditions specified in this rule will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR 1500–1508), (3) USDA regulations implementing NEPA (7 CFR 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR 372).

The environmental assessment and finding of no significant impact may be viewed on the Regulations.gov Web site.[8] Copies of the environmental assessment and finding of no significant impact are also available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579–0308.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

Lists of Subjects

7 CFR Part 305

Irradiation, Phytosanitary treatment, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements.

7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

■ Accordingly, we are amending 7 CFR parts 305 and 319 as follows:

PART 305—PHYTOSANITARY TREATMENTS

■ 1. The authority citation for part 305 continues to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 2. In § 305.2, the table in paragraph (h)(2)(i) is amended by adding, under Thailand, new entries for litchi, longan, mango, mangosteen, pineapple, and rambutan to read as follows:

§ 305.2 Approved treatments.

* * * * *

(h) * * *

(2) * * *

(i) * * *

Location	Commodity	Pest	Treatment schedule
*	*	*	*
Thailand			
*	*	*	*
	Litchi	Plant pests of the class Insecta except pupae and adults of the order Lepidoptera.	IR.
	Longan	Plant pests of the class Insecta except pupae and adults of the order Lepidoptera.	IR.
	Mango	Plant pests of the class Insecta except pupae and adults of the order Lepidoptera.	IR.
	Mangosteen	Plant pests of the class Insecta except pupae and adults of the order Lepidoptera.	IR.
	Pineapple	Plant pests of the class Insecta except pupae and adults of the order Lepidoptera.	IR.
	Rambutan	Plant pests of the class Insecta except pupae and adults of the order Lepidoptera.	IR.
*	*	*	*

[8] Go to *http://www.regulations.gov*, click on the ''Advanced Search'' tab and select ''Docket Search.'' In the docket ID field, enter APHIS–2006–0040, ''Submit,'' then click on the Docket ID link in the search results page. The environmental assessment and finding of no significant impact will appear in the resulting list of documents.

* * * * *

PART 319—FOREIGN QUARANTINE NOTICES

■ 3. The authority citation for part 319 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

■ 4. A new § 319.56–2uu is added to read as follows:

§ 319.56–2uu Administrative instructions: Conditions governing the entry of certain fruits from Thailand.

Litchi (*Litchi chinensis*), longan (*Dimocarpus longan*), mango (*Mangifera indica*), mangosteen (*Garcinia mangoestana* L.), pineapple (*Ananas comosus*) and rambutan (*Nephelium lappaceum* L.) may be imported into the United States from Thailand only under the following conditions:

(a) *Growing conditions.* Litchi, longan, mango, mangosteen, pineapple, and rambutan must be grown in a production area that is registered with and monitored by the national plant protection organization of Thailand.

(b) *Treatment.* Litchi, longan, mango, mangosteen, pineapple, and rambutan must be treated for plant pests of the class Insecta, except pupae and adults of the order Lepidoptera, with irradiation in accordance with § 305.31 of this chapter. Treatment must be conducted in Thailand prior to importation of the fruits into the United States.

(c) *Phytosanitary certificates.* (1) Litchi must be accompanied by a phytosanitary certificate with an additional declaration stating that the litchi were treated with irradiation as described in paragraph (b) of this section and that the litchi have been inspected and found to be free of *Peronophythora litchi.*

(2) Longan, mango, mangosteen, pineapple, and rambutan must be accompanied by a phytosanitary certificate with an additional declaration stating that the longan, mango, mangosteen, pineapple, or rambutan were treated with irradiation as described in paragraph (b) of this section.

(d) *Labeling.* In addition to meeting the labeling requirements in § 305.31, cartons in which litchi and longan are packed must be stamped ''Not for importation into or distribution in FL.''

(Approved by the Office of Management and Budget under control number 0579–0308)

Done in Washington, DC this 15th day of June 2007.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–12023 Filed 6–20–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[TD 9333]

RIN 1545-BG64

Application of Section 6404(g) of the Internal Revenue Code Suspension Provisions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations under section 6404(g)(2)(E) of the Internal Revenue Code on the suspension of any interest, penalty, addition to tax, or additional amount with respect to listed transactions or undisclosed reportable transactions. The temporary regulations reflect changes to the law made by the Internal Revenue Service Restructuring and Reform Act of 1998, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, and the Tax Relief and Health Care Act of 2006. The temporary regulations provide guidance to individual taxpayers who have participated in listed transactions or undisclosed reportable transactions. The text of the temporary regulations also serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section in this issue of the **Federal Register**.

DATES: *Effective Date:* These regulations are effective on June 21, 2007.

Applicability Date: These regulations apply to interest relating to listed transactions and undisclosed reportable transactions accruing before, on, or after October 3, 2004.

FOR FURTHER INFORMATION CONTACT: Stuart Spielman, (202) 622–7950 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document amends the Procedure and Administration Regulations (26 CFR part 301) by adding rules under section 6404(g) relating to the suspension of interest, penalties, additions to tax, or additional amounts with respect to listed transactions or undisclosed reportable transactions. Section 3305 of the Internal Revenue Service Restructuring and Reform Act of 1998, Public Law 105–206 (112 Stat. 685, 743) (RRA 98), added section 6404(g) to the Code, effective for taxable years ending after July 22, 1998. Section 6404(g) generally suspends interest and certain penalties if the IRS does not contact a taxpayer regarding possible adjustments to the taxpayer's liability within a specified period of time. Section 903(c) of the American Jobs Creation Act of 2004, Public Law 108–357 (118 Stat. 1418, 1652) (AJCA), excepted from the general interest suspension rules any interest, penalty, addition to tax, or additional amount with respect to a listed transaction or an undisclosed reportable transaction, effective for interest accruing after October 3, 2004. Section 303 of the Gulf Opportunity Zone Act of 2005, Public Law 109–135 (119 Stat. 2577, 2608–09) (GOZA), modified the effective date of the exception from the suspension rules for certain listed and reportable transactions. Section 426(b) of the Tax Relief and Health Care Act of 2006, Public Law 109–432 (120 Stat. 2922, 2975), provided a technical correction regarding the authority to exercise the ''reasonably and in good faith'' exception to the effective date rules. Section 8242 of the Small Business and Work Opportunity Tax Act of 2007, Public Law 110–28 (121 Stat. 112, 200), extended the current eighteen-month period within which the IRS can, without suspension of interest, contact a taxpayer regarding possible adjustments to the taxpayer's liability to thirty-six months, effective for notices provided after November 25, 2007.

Explanation of Provisions

If an individual taxpayer files a Federal income tax return on or before the due date for that return (including extensions), and if the IRS does not timely provide a notice to that taxpayer specifically stating the taxpayer's liability and the basis for that liability, then the IRS must suspend any interest, penalty, addition to tax, or additional amount with respect to any failure relating to the return that is computed by reference to the period of time the failure continues and that is properly allocable to the suspension period. A notice is timely if provided before the close of the eighteen-month period (thirty-six month period, in the case of notices provided after November 25, 2007) beginning on the later of the date on which the return is filed or the due date of the return without regard to extensions. The suspension period

begins on the day after the close of the eighteen-month period (or thirty-six month period) and ends twenty-one days after the IRS provides the notice. This suspension rule applies separately with respect to each item or adjustment. If, on or after December 21, 2005, a taxpayer provides to the IRS an amended return or other signed written document showing an additional tax liability, then the eighteen-month period (or thirty-six month period) does not begin to run with respect to the items that gave rise to the additional tax liability until that return or other signed written document is provided to the IRS.

The general rule for suspension does not apply to any interest, penalty, addition to tax, or additional amount relating to any reportable transaction with respect to which the requirement of section 6664(d)(2)(A) is not met or a listed transaction as defined in section 6707A(c). This exception applies to interest accruing after October 3, 2004. With respect to interest relating to listed transactions or undisclosed reportable transactions accruing on or before October 3, 2004, the general rule for suspension applies only to (1) a participant in a settlement initiative, (2) a taxpayer acting reasonably and in good faith, or (3) a closed transaction. A *participant in a settlement initiative* is a taxpayer who, as of January 23, 2006, was participating in a settlement initiative described in IRS Announcement 2005–80, 2005–2 CB 967 (see § 601.601(d)(2)(ii)(b)); or had entered into a settlement agreement under Announcement 2005–80 or any other prior or contemporaneous settlement initiative either formally published or directly communicated to taxpayers known to have participated in a tax shelter promotion. A *taxpayer acting reasonably and in good faith* is a taxpayer who the IRS determines has acted reasonably and in good faith, taking into account all the facts and circumstances surrounding a transaction. A *transaction* is a ''closed transaction'' if, as of December 14, 2005, the assessment of all federal income taxes for the taxable year in which the tax liability to which the interest relates is prevented by the operation of any law or rule of law. A transaction is also a closed transaction if a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the transaction.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. A regulatory assessment is therefore not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. For applicability of the Regulatory Flexibility Act (5 U.S.C. chapter 6), please refer to the cross-reference notice of proposed rulemaking published elsewhere in this issue of the **Federal Register**. Pursuant to section 7805(f) of the Internal Revenue Code, these regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is Stuart Spielman of the Office of Associate Chief Counsel (Procedure and Administration).

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Amendments to the Regulations

■ Accordingly, 26 CFR part 301 is amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1**. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 301.6404–0T is added to read as follows:

§ 301.6404–0T Table of contents (temporary).

This section lists the paragraphs contained in § 301.6404–4T.

§ 301.6404–4T Listed transactions and undisclosed reportable transactions (temporary).

(a) [Reserved].

(b)(1) through (b)(4) [Reserved].

(5) Listed transactions and undisclosed reportable transactions.

(i) In general.

(ii) Effective dates.

(iii) Special rule for certain listed or undisclosed reportable transactions.

(A) Participant in a settlement initiative.

(*1*) Participant in a settlement initiative who as of January 23, 2006, had not reached agreement with the IRS.

(*2*) Participant in a settlement initiative who, as of January 23, 2006, had reached agreement with the IRS.

(B) Taxpayer acting in good faith.

(*1*) In general.

(*2*) Presumption.

(*3*) Examples.

(C) Closed transactions.

■ **Par. 3**. Section 301.6404–4T is added to read as follows:

§ 301.6404–4T Listed transactions and undisclosed reportable transactions (temporary).

(a) [Reserved].

(b)(1) through (4) [Reserved].

(5) *Listed transactions and undisclosed reportable transactions*—(i) *In general.* The general rule of suspension under section 6404(g)(1) does not apply to any interest, penalty, addition to tax, or additional amount with respect to any listed transaction as defined in section 6707A(c) or any undisclosed reportable transaction. For purposes of this section, an *undisclosed reportable transaction* is a reportable transaction described in the regulations under section 6011 that is not adequately disclosed under those regulations and that is not a listed transaction. Whether a transaction is a listed transaction or an undisclosed reportable transaction is determined as of the date the IRS provides notice to the taxpayer regarding that transaction that specifically states the taxpayer's liability and the basis for that liability.

(ii) *Effective/applicability dates.* (A) These regulations apply to interest relating to listed transactions and undisclosed reportable transactions accruing before, on, or after October 3, 2004.

(B) The applicability of these regulations expires on or before June 21, 2010.

(iii) *Special rule for certain listed or undisclosed reportable transactions.* With respect to interest relating to listed transactions and undisclosed reportable transactions accruing on or before October 3, 2004, the exception to the general rule of interest suspension will not apply to a taxpayer who is a participant in a settlement initiative with respect to that transaction, to any transaction in which the taxpayer has acted reasonably and in good faith, or to a closed transaction. For purposes of this special rule, a ''participant in a settlement initiative,'' a ''taxpayer acting in good faith,'' and a ''closed transaction'' have the following meanings:

(A) *Participant in a settlement initiative*—(*1*) *Participant in a settlement initiative who, as of January 23, 2006, had not reached agreement with the IRS.* A *participant in a settlement initiative* includes a taxpayer who, as of January 23, 2006, was participating in a settlement initiative described in Internal Revenue Service Announcement 2005–80, 2005–2 CB 967. See § 601.601(d)(2)(ii)(b) of this

chapter. A taxpayer participates in the initiative by complying with Section 5 of the Announcement. A taxpayer is not a participant in a settlement initiative if, after January 23, 2006, the taxpayer withdraws from or terminates participation in the initiative, or the IRS determines that a settlement agreement will not be reached under the initiative within a reasonable period of time.

(*2*) *Participant in a settlement initiative who, as of January 23, 2006, had reached agreement with the IRS.* A *participant in a settlement initiative* is a taxpayer who, as of January 23, 2006, had entered into a settlement agreement under Announcement 2005–80 or any other prior or contemporaneous settlement initiative either offered through published guidance or, if the initiative was not formally published, direct contact with taxpayers known to have participated in a tax shelter promotion.

(B) *Taxpayer acting in good faith*—(*1*) *In general.* The IRS may suspend interest relating to a listed transaction or an undisclosed reportable transaction accruing on or before October 3, 2004, if the taxpayer has acted reasonably and in good faith. The IRS' determination of whether a taxpayer has acted reasonably and in good faith will take into account all the facts and circumstances surrounding the transaction. The facts and circumstances include, but are not limited to, whether the taxpayer disclosed the transaction and the taxpayer's course of conduct after being identified as participating in the transaction, including the taxpayer's response to opportunities afforded to the taxpayer to settle the transaction, and whether the taxpayer engaged in unreasonable delay at any stage of the matter.

(*2*) *Presumption.* If a taxpayer and the IRS promptly enter into a settlement agreement with respect to a transaction on terms proposed by the IRS or, in the event of atypical facts and circumstances, on terms more favorable to the taxpayer, and the taxpayer has complied with the terms of that agreement without unreasonable delay, the taxpayer will be presumed to have acted reasonably and in good faith except in rare and unusual circumstances. Rare and unusual circumstances must involve specific actions involving harm to tax administration. Even if a taxpayer does not qualify for the presumption described in this paragraph (b)(5)(iii)(B)(*2*), the taxpayer may still be granted interest suspension under the general facts and circumstances test set forth in paragraph (b)(5)(iii)(B)(*1*) of this section.

(*3*) *Examples.* The following examples illustrate the rules the IRS uses in determining whether a taxpayer has acted reasonably and in good faith.

Example 1. The taxpayer participated in a listed transaction. The IRS, in a letter sent directly to the taxpayer in July 2005, proposed a settlement of the transaction. The taxpayer informed the IRS of his interest in the settlement within the prescribed time period. The revenue agent assigned to the taxpayer's case was not able to calculate the taxpayer's liability under the settlement or tender a closing agreement to the taxpayer until March 2006. The taxpayer promptly executed the closing agreement and returned it to the IRS with a proposal for arrangements to pay the agreed-upon liability. The IRS agreed with the proposed arrangements for full payment. For purposes of the application of section 6404(g)(2)(E), the taxpayer has acted reasonably and in good faith. Interest accruing on or before October 3, 2004, relating to the transaction in which the taxpayer participated will be suspended.

Example 2. The facts are the same as in *Example 1,* except that the letter was sent by the IRS in February 2006, and the closing agreement was tendered to the taxpayer in April 2006. For purposes of the application of section 6404(g)(2)(E), the taxpayer has acted reasonably and in good faith. Interest accruing on or before October 3, 2004, relating to the transaction in which the taxpayer participated will be suspended.

Example 3. The taxpayer participated in a listed transaction. In response to an offer of settlement extended by the IRS in August 2005, the taxpayer informed the IRS of her interest in entering into a closing agreement on the terms proposed by the IRS. The revenue agent assigned to the transaction calculated the taxpayer's liability under the settlement and tendered a closing agreement to the taxpayer in November 2005. The taxpayer executed the closing agreement but failed to make any arrangement for payment of the agreed-upon liability stated in the closing agreement. Taking into account all the facts and circumstances surrounding the transaction, the taxpayer did not act reasonably and in good faith. Interest accruing on or before October 3, 2004, relating to the transaction in which the taxpayer participated will not be suspended.

Example 4. The taxpayer participated in a listed transaction. In a letter sent by the IRS directly to the taxpayer in July 2005, the IRS extended an offer of settlement. The July 2005 letter informed the taxpayer that, absent atypical facts and circumstances, the taxpayer should not expect resolution of the tax issues on more favorable terms than proposed in the letter. The taxpayer declined the proposed settlement terms of the letter and proceeded to Appeals to present what the taxpayer claimed were atypical facts and circumstances. The administrative file did not contain sufficient information bearing on atypical facts and circumstances, and the taxpayer failed to provide additional information when requested by Appeals to explain how the transaction originally proposed to the taxpayer differed in structure or types of tax benefits claimed, from the transaction as implemented by the taxpayer. Appeals determined that the taxpayer's facts and circumstances were not significantly different from those of other taxpayers who participated in that listed transaction and thus, were not atypical. In September 2006, the taxpayer and Appeals entered into a closing agreement on terms consistent with those originally proposed in the July 2005 letter. The taxpayer has complied with the terms of that closing agreement. For purposes of the application of section 6404(g)(2)(E), this taxpayer is not presumed to have acted reasonably and in good faith; instead, the IRS will apply the general rule to determine whether to suspend interest accruing on or before October 3, 2004, relating to the transaction in which the taxpayer participated.

Example 5. The facts are the same as in *Example 4,* except that Appeals agrees that atypical facts were present that warrant additional concessions by the government. A settlement is reached on terms more favorable to the taxpayer than those proposed in the July 2005 letter. For purposes of the application of section 6404(g)(2)(E), this taxpayer is presumed to have acted reasonably and in good faith, and absent evidence of rare or unusual circumstances harmful to tax administration, is eligible for suspension of interest accruing on or before October 3, 2004, relating to the transaction in which the taxpayer participated.

(C) *Closed transactions.* A transaction is considered closed for purposes of this clause if, as of December 14, 2005, the assessment of all federal income taxes for the taxable year in which the tax liability to which the interest relates is prevented by the operation of any law or rule of law, or a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the transaction.

(c) [Reserved].

Kevin M. Brown,

Deputy Commissioner for Services and Enforcement.

Approved: June 15, 2007.

Eric Solomon,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. E7–12081 Filed 6–20–07; 8:53 am]

BILLING CODE 4830–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213032–7032–01]

RIN 0648 XA91

Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-water Species Fishery by Catcher Processors in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery by catcher processors subject to sideboard limits established under the Central Gulf of Alaska (GOA) Rockfish Program in the GOA. This action is necessary because the 2007 Pacific halibut prohibited species catch (PSC) sideboard limit specified for the shallow-water species fishery for catcher processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the shallow-water species fisheries.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 1, 2007, through 1200 hrs, A.l.t., July 31, 2007.

FOR FURTHER INFORMATION CONTACT: Jennifer Hogan, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2007 Pacific halibut PSC sideboard limit specified for the shallow-water species fishery by catcher processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is 11 metric tons as established by the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007; as corrected by 72 FR 13217, March 21, 2007), for the period 1200 hrs, A.l.t., July 1, 2007, through 1200 hrs, A.l.t., July 31, 2007.

In accordance with § 679.82(d)(9)(ii), the Administrator, Alaska Region, NMFS, has determined that the 2007 Pacific halibut PSC sideboard limit specified for the shallow-water species fishery for catcher processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA is insufficient to support directed fishing for the shallow-water species fisheries. Consequently, in accordance with § 679.82(d)(9)(ii)(A), NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery for catcher processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA. The species and species groups that comprise the shallow-water species fishery for the sideboard limit are shallow-water flatfish and flathead sole.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the shallow-water species fishery for catcher processors subject to sideboard limits established under the Central GOA Rockfish Program in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of June 14, 2007.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 15, 2007,

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E7–12028 Filed 6–20–07; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 119
Thursday, June 21, 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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS–2007–0022]

RIN 0579–AC34

Citrus Canker; Movement of Fruit From Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the citrus canker regulations to modify the conditions under which fruit may be moved interstate from a quarantined area. Under this proposed rule, we would eliminate the requirement that the groves in which the fruit is produced be inspected and found free of citrus canker, and instead require that fruit produced in the quarantined area be treated with a surface disinfectant treatment in a packinghouse operating under a compliance agreement and that each lot of finished fruit be inspected at the packinghouse and found free of visible symptoms of citrus canker. We would, however, retain the current prohibition on the movement of fruit from a quarantined area into commercial citrus-producing States. These proposed changes would relieve some restrictions on the interstate movement of fresh citrus fruit from Florida while maintaining conditions that would help prevent the artificial spread of citrus canker.

DATES: We will consider all comments regarding this proposed rule that we receive on or before July 23, 2007 and all comments regarding the information collection requirements associated with this proposed rule that we receive on or before August 20, 2007.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2007–0022 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0022, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0022.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Poe, Senior Operations Officer, Emergency Domestic Programs, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737–1231; (301) 734–4387.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a plant disease caused by the bacterium *Xanthomonas axonopodis* pv. *citri* (referred to below as *Xac*) that affects plants and plant parts, including fresh fruit, of citrus and citrus relatives (Family Rutaceae). Citrus canker can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It can also cause lesions on the fruit of infected plants, which render the fruit unmarketable, and cause infected fruit to drop from the trees before reaching maturity. The aggressive A (Asiatic) strain of citrus canker can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas. Citrus canker is only known to be present in the United States in the State of Florida.

The regulations to prevent the interstate spread of citrus canker are contained in ''Subpart—Citrus Canker'' (7 CFR 301.75–1 through 301.75–14, referred to below as the regulations). The regulations restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker and provide, among other things, conditions under which regulated fruit may be moved into, through, and from quarantined areas for packing. These regulations are promulgated pursuant to the Plant Protection Act (7 U.S.C. 7701 *et seq.*).

The regulations governing the movement of regulated articles were first promulgated in 1984, at a time when citrus canker had very limited distribution within Florida. Although the regulations have been amended several times since then, the approach of the regulations had remained the same until recently, i.e., to quarantine those areas where the disease was found and promote eradication efforts while allowing the normal movement of regulated fruit and seed from those areas where the disease was not present.

The exceptionally active hurricane seasons in 2004 and 2005 were devastating to the citrus canker eradication program. Surveys showed that citrus canker had become so widespread within Florida that approximately 75 percent of commercial groves in the State were located within 5 miles of a location where the disease had been detected, which is well within the range that the disease could be spread by future hurricanes or other tropical storms. With a significant portion of the commercial citrus acreage in the State either infected with citrus canker or at high risk of becoming infected, it became apparent that it would no longer be possible to identify and quarantine infected citrus acreage quickly enough to prevent further spread of the disease in Florida. Because of that situation, on January 10, 2006, the U.S. Department of Agriculture (USDA) announced that it had determined that the established eradication program was no longer a

scientifically feasible option to address citrus canker in Florida.

In response to the widespread establishment of citrus canker in Florida, we published an interim rule in the **Federal Register** on August 1, 2006 (71 FR 43345–43352, Docket No. APHIS–2006–0114) in which we amended the regulations to list the entire State of Florida as a quarantined area for citrus canker and amended the requirements for the movement of regulated articles from Florida. We also amended the regulations to allow regulated articles that would not otherwise be eligible for interstate movement to be moved to a port for immediate export.

More recently, we published an interim rule in the **Federal Register** on March 22, 2007 (72 FR 13423–13428, Docket No. APHIS–2007–0032) that clarified and amended the citrus canker quarantine regulations to explicitly prohibit, with limited exceptions, the interstate movement of regulated nursery stock from a quarantined area. We included two exceptions to the prohibition. The first exception allowed calamondin and kumquat plants, two types of citrus plants that are highly resistant to citrus canker, to be moved interstate from a quarantined area under a protocol designed to ensure their freedom from citrus canker. We also continued to allow the interstate movement of regulated nursery stock for immediate export, under certain conditions.

Citrus Health Response Program

In January 2006, in response to the widespread establishment of citrus canker in Florida, as well as other challenges to the citrus industry, the Animal and Plant Health Inspection Service (APHIS) convened key stakeholders in citrus protection and production and led a discussion on various options from which came the concept of a Citrus Health Response Program (CHRP). The CHRP is intended to improve the ability of the commercial citrus industry to produce, harvest, process, and ship healthy fruit in the presence of citrus canker. This program provides general guidance to all sectors of the citrus industry on ways to safeguard their products against citrus canker and other citrus pests of concern. While the CHRP is not mandatory for fruit production, the guidance is consistent with good production practices. Together with the State of Florida and other citrus producing States, their industries, and independent researchers, we prepared the CHRP plan, which is available on the Internet at *http://www.aphis.usda.gov/plant_health/index.shtml.*

Pest Risk Analysis

As we worked with States and industry to develop the CHRP, it became clear that the widespread presence of citrus canker in Florida posed a serious threat to the viability of the Florida fresh fruit industry. APHIS saw a need to reevaluate the regulations for the movement of citrus fruit to determine whether the long-standing grove certification and packinghouse requirements for the movement of citrus fruit remained scientifically justified and necessary and to determine whether, in light of widespread citrus canker, a program could be devised that would continue to allow the interstate movement of fresh citrus fruit from Florida and that would maintain adequate safeguards against the spread of citrus canker to other commercial citrus-producing States. As part of APHIS's reevaluation, we conducted a pest risk assessment (PRA) titled, ''Evaluation of asymptomatic citrus fruit (*Citrus* spp.) as a pathway for the introduction of citrus canker disease (*Xanthomonas axonopodis* pv. *citri*).'' The PRA considered all available evidence associated with asymptomatic citrus fruit as a pathway for the introduction of citrus canker. The PRA concluded that asymptomatic, commercially produced citrus fruit, treated with a disinfectant, and subject to other mitigations, is not epidemiologically significant as a pathway for the introduction and spread of citrus canker.

On April 6, 2006, we published a notice in the **Federal Register** (71 FR 17434–17435, Docket No. APHIS–2006–0045), announcing the availability of the PRA. We made the PRA available for comment for 90 days, and submitted it for peer review in accordance with USDA's guidelines for peer review developed in response to the Office of Management and Budget's peer review bulletin. We received 19 comments by the end of the comment period, which we also submitted to the peer review panel members for their consideration. We carefully considered the comments of the public and peer reviewers, and made revisions to the analysis based on concerns they raised.[1] Even with those revisions, the key conclusion of the analysis remains unchanged: Asymptomatic, commercially produced citrus fruit, treated with a disinfectant, and subject to other mitigations, is not epidemiologically significant as a pathway for the introduction and spread of citrus canker.

However, in light of the comments by the public and peer reviewers, it became clear that additional analysis was necessary to apply the conclusions of the PRA to the situation in Florida. In order to do this, we needed to extend the application of the PRA to evaluate methods by which fruit[2] could be produced, processed, treated, inspected, packaged, and shipped without resulting in the spread of citrus canker to commercial citrus-producing areas. (Commercial citrus-producing areas are listed in § 301.75–5 of the regulations and are referred to in this document as commercial citrus-producing States. Those States, listed in § 301.75–5(a), are: American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, Texas, and the U.S. Virgin Islands.)

Risk Management Analysis

To address the considerations described above, APHIS has prepared a risk management analysis (RMA) titled, ''Movement of commercially packed fresh citrus fruit (*Citrus* spp.) from citrus canker (*Xanthomonas axonopodis* pv. *citri*) disease quarantine areas, March 2007,'' that we are making available for comment along with this proposed rule.[3] The RMA will also be submitted for peer review, which will occur concurrently with the public comment period for this proposed rule. The RMA analyzes the potential of fresh commercially packed citrus fruit and associated packing material to serve as a pathway for the introduction and spread of citrus canker into new areas. It also identifies and evaluates options for regulating interstate movement with the goal of reducing the potential for citrus canker introduction and spread. The RMA extends the application of the PRA mentioned earlier to the citrus canker situation in Florida.

To develop the RMA, we reviewed available evidence regarding the biology and epidemiology of *Xac* and the management of citrus canker disease. The RMA concludes that the introduction and spread of *Xac* into other commercial citrus producing States through the movement of

[1] The revised PRA is available on the Regulations.gov Web site and in our reading room (see **ADDRESSES** above) and may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

[2] Given the practical difficulties in ensuring that only asymptomatic fruit enters interstate commerce under any regulatory strategy—the strategy proposed in this document or the strategy currently in place—we refer here to host fruit in general.

[3] The RMA is available on the Regulations.gov Web site and in our reading room (see **ADDRESSES** above) and may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

commercially packed fresh citrus fruit is unlikely because:

- Fresh citrus fruit is produced and harvested using techniques that reduce the prevalence of *Xac*-infected fruit;
- Citrus fruit is commercially packed using techniques that reduce the prevalence of infected or contaminated fruit, including disinfectant treatment that devitalizes epiphytic contamination;
- For a successful *Xac* infection that results in disease outbreaks to occur an unlikely sequence of epidemiological events would have to occur;
- Reports of citrus canker disease outbreaks linked to fresh fruit are absent; and
- Large quantities of fresh citrus fruit shipped from regions with *Xac* have not resulted in any known outbreaks of citrus canker disease.

Nevertheless, the evidence is not currently sufficient to conclude that fresh citrus fruit produced in a *Xac*-infested grove absolutely cannot serve as a pathway for the introduction of *Xac* into new areas. Furthermore, it is not possible to design an operationally feasible system that ensures only uninfected fruit moves from quarantined areas. Resource constraints and other practical considerations make it difficult to implement a grove-centered regulatory systems-approach in Florida that ensures full compliance with the conclusions of the evaluation described above. Therefore, the RMA evaluates several packinghouse-centered risk management options for the interstate movement of fresh commercially-packed citrus fruit from regions infested with citrus canker to regions without the disease:

- *Option 1:* Allow unrestricted distribution of all types and varieties of commercially packed citrus fruit to all U.S. States.
- *Option 2:* Allow distribution of all types and varieties of commercially packed citrus fruit to all U.S. States, subject to packinghouse treatment with APHIS-approved disinfectant and APHIS inspection of finished fruit that has completed the packinghouse washing, disinfection, grading, and inspection processes.
- *Option 3:* Allow distribution of all types and varieties of commercially packed citrus fruit (except tangerines) in U.S. States except commercial citrus-producing States. Allow distribution of commercially packed tangerines to all U.S. States, including commercial citrus-producing States. Require packinghouse treatment of all such citrus fruit with APHIS-approved disinfectant and APHIS inspection of finished fruit (all types and varieties) for citrus canker disease symptoms.
- *Option 4:* Allow distribution of all types and varieties of commercially packed citrus fruit in U.S. States except commercial citrus producing States and require packinghouse treatment of citrus fruit with APHIS-approved disinfectant and APHIS inspection of finished fruit (all types and varieties) for citrus canker disease symptoms.
- *Option 5:* Leave the current regulations for the interstate movement of citrus fruit from citrus canker quarantined areas in place and unchanged.

Each option was considered within the context of available scientific evidence. Option 1 would allow unrestricted distribution of all types and varieties of commercially packed citrus fruit to all U.S. States. Although the available evidence suggests fresh citrus fruit is an unlikely pathway, that evidence is not currently sufficient to unequivocally conclude that fresh citrus fruit cannot serve as a pathway for the introduction of *Xac* into new areas. Therefore, unrestricted movement of citrus fruit from quarantine areas was determined not to be scientifically justified. Consequently, the more restrictive Options 2, 3, 4 and 5 were evaluated and Option 1 was no longer considered.

The objective in designing the proposed risk management options was to ultimately ensure that visibly infected fruit is not shipped and does not reach citrus producing States. To that end, we set out to design an inspection protocol that would achieve the maximum level of sensitivity (the protocol that would allow the fewest fruit with visible symptoms to escape detection by the APHIS packinghouse phytosanitary inspection) given the constraints of operational feasibility.

To assist in evaluating Options 2, 3, and 4, we prepared a quantitative model (Appendix 1 to the RMA) based on Florida production and shipping data to evaluate the efficacy of three levels of phytosanitary inspection in ensuring that symptomatic fruit does not enter commercial citrus-producing States. The three inspection levels were determined by preliminary estimates of PPQ's Citrus Health Response Program staff of inspection levels that might be operationally feasible. The three inspection levels evaluated were 500 fruit per lot, 1,000 fruit per lot, and 2,000 fruit per lot. Statistically, inspection of 500, 1,000 fruit, or 2,000 fruit per lot will ensure, with 95 percent confidence, that the proportion of undetected symptomatic fruit in a cleared lot is no more than 0.75, 0.38, and 0.19 percent, respectively.

The outputs of the quantitative model were probability distributions. The model determined, with 95 percent confidence, that the total number of citrus fruit shipped from Florida to five citrus-producing States (Arizona, California, Hawaii, Louisiana and Texas) over a single shipping season would be 181,283,744 or less if unlimited distribution is permitted. The model determined, with 95 percent confidence, that the number of *Xac*-symptomatic fruit reaching those five States in a single shipping season would be 633,152 or less at the 1,000 fruit inspection levels. We anticipate that about double that number (approximately 1,266,304 or less) of *Xac*-symptomatic fruit would reach those States at the 500 fruit inspectional level. About half that number (approximately 316,576 or less) would reach those States at the 2,000 fruit inspectional level. The model further determined with 95 percent confidence that the number of symptomatic fruit reaching citrus-producing areas within those States in a single shipping season would be 2,135 or less at the 1,000 fruit inspectional level, about double that number (approximately 4270 or less) at the 500 fruit inspectional level and about half that number (approximately 1067 or less) at the 2,000 fruit inspectional level. The base level inspection of 1,000 fruit per lot, was adopted because it is operationally feasible with small adjustments to the current phytosanitary inspection process in Florida.

PPQ Staff from the Melbourne, Florida office of the Citrus Health Response program conducted a small test of the 2,000 fruit sampling protocol to evaluate its operational feasibility. The study found that the normal complement of two inspectors at the packinghouse chosen for the evaluation were physically unable to achieve the 2,000 fruit per lot inspection level. It was estimated that the number of inspectors would have to have been doubled to four in order to inspect 2,000 fruit per lot, but the packinghouse physically had room for only two inspectors. Based on this test and additional input from PPQ operational staff, it was determined that the higher inspection level that achieves 95 percent confidence of detecting at least 0.19 percent rate of symptomatic fruit (about 2,000 fruit per lot), is only feasible with increased inspectional resources and/or more substantial modifications to the packing/phytosanitary inspection processes, and could be justifiable only if the risk

reduction benefits outweighed the cost. An inspection level of 1,000 fruit per lot that achieves a detection rate of 0.38 percent with 95 percent confidence was adopted because it provides the maximum level of detection that is operationally feasible with the phytosanitary inspection resources in Florida. Inspection of 500 fruit per lot was rejected because it did not meet the criteria of achieving the maximum level of detection that was operationally feasible.

The potential for symptomatic fruit to reach citrus producing States, coupled with the aforementioned uncertainty regarding fruit as a pathway, led to the determination that additional mitigations were required.

As mentioned above, Option 2 would allow distribution of all types and varieties of commercially packed citrus fruit to all U.S. States, subject to packinghouse treatment with APHIS-approved disinfectant and APHIS inspection of finished fruit that has completed the packinghouse washing, disinfection, grading, and inspection processes. Despite the determination that commercially packed fresh citrus fruit is an unlikely pathway for the introduction and spread of *Xac*, and a phytosanitary inspection that ensures, with high confidence, that a low level of shipped fruit has symptoms of citrus canker disease, the model indicates the potential for some symptomatic fruit to be shipped to citrus producing States. That potential for symptomatic fruit to reach citrus producing States coupled with the aforementioned uncertainty regarding fruit as a pathway led to the determination that the additional mitigation of limited distribution to non citrus-producing States only was required. Accordingly, Option 2 was no longer considered.

APHIS was asked by representatives of the Florida citrus industry to consider regulating tangerines, which are thought to be more resistant to *Xac* infection than other citrus varieties, differently than other citrus fruit. Option 3 would allow for the movement of tangerines from Florida into all States, including commercial citrus producing States. In order to determine the viability of this option, we needed to determine whether adequate evidence was available to conclude that tangerines warrant different regulatory status than other fruit, so we reviewed published literature on tangerine varieties as well as grove surveys.

Tangerines are generally grouped in the species *Citrus reticulata* and are widely regarded as less susceptible to citrus canker disease than other commercially grown *Citrus* species. But many of the ''tangerine'' varieties grown in Florida are hybrids of *C. reticulata* with other more susceptible *Citrus* species. Clearly, tangerines in Florida are not immune to citrus canker, as APHIS records indicate that, during the 2005–2006 growing season grove surveys, *Xac* was detected on 274 samples from tangerine, tangor, and tangelo groves. APHIS pest interception data indicate that between 1985 and 2006, *Xac* was intercepted 632 times on *C. reticulata* fruit.

The level of susceptibility was expressed as a continuum across ''tangerine'' varieties rather than as a discrete immunity for all varieties. This creates a regulatory problem when an overlap occurs in the level of susceptibility expressed by, for example, a more susceptible tangerine variety and a more resistant non-tangerine citrus variety. Sufficient evidence does not exist to exclude tangerines from regulations applicable to other Florida citrus varieties and as such, Option 3 was rejected.

Option 4 prohibits distribution of all types and varieties of citrus fruit, including tangerines, to citrus-producing States. Option 4 includes all the requirements of Option 3 and further mitigates the risk of *Xac* introduction by prohibiting the distribution of all types and varieties of citrus fruit, including tangerines, from areas with citrus canker disease to U.S. commercial citrus producing States. Option 4 would amend the regulations by substituting a packinghouse inspection for the preharvest grove inspections currently required by the regulations.

Option 4 takes into account the possibility that fruit may be transported into commercial citrus-producing States, despite the prohibition, and compensates for uncertainty generated by that movement by requiring a disinfectant treatment and phytosanitary inspection in addition to the distribution restriction. These measures ensure that even if a given shipment were illegally moved to a commercial citrus-producing State, that shipment would have a low likelihood of containing symptomatic fruit.

A packinghouse-based inspection that could ensure the same level of phytosanitary security as the preharvest grove survey required under the current regulations would be easier and potentially less costly to implement and enforce, and would be more reliable and less easily circumvented. In addition, a phytosanitary packinghouse inspection creates a performance standard for packed fruit that allows citrus producers greater flexibility to determine the most efficient and effective means of producing a product that will be eligible for interstate movement.

Option 5 is the most restrictive option that we considered. It would leave the current regulations in place and unchanged, including the requirement for preharvest grove surveys. APHIS has concluded that a mandatory packinghouse treatment of citrus fruit with APHIS approved disinfectant and phytosanitary inspection, by APHIS, of finished fruit provides an effective safeguard to prevent the spread of *Xac* via the movement of commercially-packed citrus fruit, especially when combined with a limited distribution requirement that excludes shipment to U.S. citrus-producing States.

Of the five options, we determined that Options 1, 2, and 3 are not viable at the present time. Those options would each allow for the movement of at least some types and varieties of fresh citrus fruit from Florida into commercial citrus-producing States. While the conclusions of both our PRA and RMA indicate that fresh citrus fruit is an unlikely pathway for citrus canker infection, we cannot conclusively rule out any type or variety of citrus fruit as a potential source of citrus canker infection at this time. In addition, the probabilistic model presented in our RMA document finds that if such distribution were to take place, fruit with symptoms of citrus canker disease could end up in citrus-producing States. We also determined that Options 4 and 5 offered similar levels of phytosanitary protection, but that Option 4 offered some relief of restrictions for growers of citrus fruit in Florida while maintaining conditions that would help prevent the artificial spread of *Xac*.

We are proposing to implement Option 4 in this document. This option would pair limited distribution of all types and varieties of citrus fruit to non-citrus-producing States with mitigations conducted at packinghouses operating under compliance agreements. Those mitigations would be the use of an approved disinfectant for all fruit and phytosanitary inspection.

The approved disinfectants listed in the regulations in § 301.75–11(a) have been shown to reduce or nearly eliminate any *Xac* bacterium that may exist as a surface contaminant on citrus fruit moving interstate from citrus canker quarantined areas. The RMA discusses the efficacy of currently approved disinfectant treatments in the context of the scientific evidence in greater detail. Decontaminant treatments for fruit are required under the current regulations and would continue to be required under our proposal.

Based on our evaluation of production and processing procedures and their impact on removal of citrus canker from the fresh-fruit pathway, along with our review of the operational feasibility of enforcing various mitigation measures, APHIS has concluded that the mandatory packinghouse inspection of processed fruit provides an effective safeguard against the spread of citrus canker via the movement of commercial citrus fruit. After consultation with operational staff, APHIS determined that—given the resources currently available—the inspection of 1,000 fruit per lot is possible without significant additional resources or disruptions to citrus packing operations. This rate of inspection is sufficient to detect, with a 95 percent level of confidence, lots of fruit containing 0.38 percent or more fruit with visible canker lesions. This determination takes into account operational constraints in packinghouses as well as the availability of APHIS inspectors. The inspection would require visual examination of approximately 1,000 randomly selected fruit per lot, depending on the size of the lot and other factors.

We ruled out inspecting at a rate of 2,000 fruit per lot because of the significant disruptions to citrus packing operations in the State of Florida. The 1,000 fruit inspectional unit is further justified given the added protection provided by allowing distribution only in non-citrus-producing States. Even with the limited distribution requirement, it is necessary to require packinghouse inspection to ensure that very few, if any, symptomatic fruit can move out of the quarantined area. This added safeguard ensures that any fruit moved into citrus-producing States, either inadvertently or intentionally, is very unlikely to be symptomatic. Additionally, we ruled out inspecting at a rate of 500 fruit per lot because inspection at the 1,000 inspectional rate provided a higher level of protection.

A packinghouse phytosanitary inspection would be conducted on fruit immediately before shipping to provide a high level of assurance about the condition of the final product. Because a phytosanitary packinghouse inspection sets a performance standard for the packed fruit, it allows producers and packers greater flexibility in determining optimum methods for achieving that standard. Packinghouse phytosanitary inspections are relatively simple compared with the monitoring of field treatment and grove inspections.

It is important to note that we recognize that different packinghouses may utilize different methods for quality control inspection and employ them at various points in the packing process. Our intention is to allow flexibility for both large and small packinghouses to have the ability to process, treat, pack, and ship fresh citrus fruit provided that all fruit, regardless of the size of the lot being packed, is subjected to inspection at a rate sufficient to detect, with a 95 percent level of confidence, lots of fruit containing 0.38 percent or more fruit with visible canker lesions. This equates to approximately 1,000 fruit per lot. We welcome comments and suggestions regarding the appropriate methodology and inspection level at packinghouses and the appropriate balance between the sensitivity of the inspection and the operational needs and constraints of the packinghouses.

Because of the shift in emphasis from grove-freedom certification to packinghouse inspection and treatments, we wish to emphasize that only fresh citrus fruit that has been treated, inspected, and found free of symptoms of citrus canker and packaged in accordance with the proposed regulations in a packinghouse that is operating under a compliance agreement with APHIS would be eligible for interstate movement. Our proposed provisions would allow any Florida citrus growers, including commercial, gift fruit, and dooryard growers, to move their fruit interstate to non-citrus-producing States provided they comply with the conditions discussed in this proposed rule.

Determination by the Secretary

Under § 412(a) of the Plant Protection Act, the Secretary of Agriculture may prohibit or restrict the movement in interstate commerce of any plant or plant product if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of a plant pest or noxious weed within the United States. Based on information provided in our risk assessment and risk management documents, we have determined that it is not necessary to prohibit the interstate movement of citrus fruit into non-citrus-producing States under the conditions described in this proposed rule. While APHIS has concluded that commercially packed citrus fruit is an unlikely pathway for the introduction and spread of citrus canker, the remaining uncertainty about the precise level of risk associated with the movement of citrus fruit from a quarantined area has led us to maintain the current prohibition on the movement of that citrus fruit into citrus-producing States.

Changes to the Regulations

This proposed rule, if adopted, would amend the citrus canker regulations to modify the conditions under which fruit may be moved interstate from a quarantined area. Under this proposed rule APHIS would:

- Eliminate the requirement that the groves in which the fruit is produced be inspected and found free of citrus canker;
- Require that fruit produced in the quarantined area be treated with a surface disinfectant treatment in a packinghouse operating under a compliance agreement;
- Require that each lot of finished fruit would be inspected in a packinghouse operating under a compliance agreement and found free of visible symptoms of citrus canker prior to interstate movement;
- Retain the current prohibition on the movement of fruit from a quarantined area into commercial citrus-producing States;
- Retain requirements that fruit to be moved interstate must be free of leaves, twigs and other plant parts, except for stems that are less than 1-inch long and attached to the fruit;
- Retain requirements pertaining to the treatment of personnel, vehicles, and equipment in groves within a quarantined area; and
- Require that boxes in which fruit are packed would be marked with a statement that fruit are being moved interstate under limited permit and may not be distributed in commercial citrus-producing States listed in § 301.75–5(a). Only fruit that has been treated, inspected, and found free of evidence of citrus canker may leave packinghouses in boxes marked with the limited permit stamp.

The regulations in § 301.75–7 pertain to the interstate movement of regulated fruit from a quarantined area. Currently, the regulations require that a grove be free of citrus canker prior to movement of any regulated fruit. To certify grove freedom, the grove producing the regulated fruit must have received regulated plants only from nurseries located outside any quarantined areas, or from nurseries where an inspector has found every regulated plant free of citrus canker on each of three successive inspections conducted at intervals of no more than 45 days, with the third inspection no more than 45 days before shipment. In addition, every tree must have been inspected by an inspector and the grove found free of citrus canker no more than 30 days before the beginning of harvest. Further, in groves producing limes, every tree must have been

inspected and the grove found free of citrus canker every 120 days or less thereafter for as long as harvest continued. Currently, if citrus canker is found in a grove when the preharvest inspection is conducted, or at any other time beginning August 1 of the year in which the fruit is to be harvested and extending through the harvest season (including into the next calendar year), fruit from that grove is not eligible for interstate movement for the remainder of the harvest season.

We are proposing to remove provisions relating to the certification of grove freedom from citrus canker. Instead, APHIS would focus on the inspection of individual lots of citrus fruit at packinghouses, as described earlier in this document, to ensure that regulated fruit moving interstate is free of symptoms of citrus canker. Specifically, the new provisions in § 301.75–7(a)(1) would state that every lot of regulated fruit to be moved interstate must be inspected by an APHIS employee at the packinghouse for symptoms of citrus canker. Any lot found to contain fruit with visible symptoms of citrus canker would not be eligible for a limited permit to move interstate. The proposed regulations, as presented in this document, leave open the issue of allowing lots of fruit initially found to be ineligible for a limited permit to be reconditioned and resubmitted for inspection. Because we have not thoroughly examined all operational aspects of the reconditioning of fruit, we would like to invite comments on this topic.

The number of fruit to be inspected would be the quantity that gives a statistically significant confidence, as discussed above, of detecting the disease at a level of infection to be determined by the Administrator. As stated previously, we intend to inspect fruit at a rate of inspection sufficient to detect, with a 95 percent level of confidence, lots of fruit containing 0.38 percent or more fruit with visible canker lesions. This is equivalent to 1,000 fruit per lot for most lots. If at some time in the future conditions warrant changing this rate of inspection, APHIS would provide for public participation in that process through the publication of a notice in the **Federal Register**.

Because APHIS plans to focus on the inspection of individual lots, we would add a definition for the term *lot* in § 301.75–1. The term *lot* would be defined as ''The inspectional unit for fruit composed of a single variety of fruit that has passed through the entire packing process in a single continuous run not to exceed a single work day (*i.e.*, a run started one day and completed the next is considered two lots).''

We would also require that packinghouse owners and operators involved with shipping citrus fruit must enter into a compliance agreement with APHIS in accordance with § 301.75–13, ''Compliance agreements.'' In the compliance agreement, the owner or operator of the packinghouse will agree to treat fruit to be moved interstate with one of the approved treatments according to the procedures specified in § 301.75–11, and to see that this fruit is packed only in boxes marked in accordance with the requirements in § 301.75–7(a)(6). The compliance agreement would also contain (but not to be limited to) specific provisions pertaining to:

- Access to the facility, and to necessary records and documents by APHIS inspectors;
- Means by which lots are designated and notice of estimated lot sizes and run times;
- Need for notice when APHIS inspectors are not present on a regular basis;
- Need for notice when there are significant changes in the amount of fruit being packed;
- Conditions (access to fruit, lighting, safety, etc.) that must be met in order for APHIS inspectors to carry out the required inspections;
- Provisions for handling and storage of fruit, including provisions not allowing the movement of any part of a lot from the packinghouse until APHIS inspection is complete;
- Hazard-free access to decontamination areas so that APHIS inspectors can monitor the concentrations of chemicals used for fruit treatment;
- Provisions for holding fruit when packing is done at a time when an APHIS inspector is not present; and
- Hours of coverage for APHIS packinghouse inspections.

The regulations already provide that any compliance agreement may be canceled orally or in writing by an inspector if the inspector finds that the person who entered into the compliance agreement has failed to comply with this subpart. This provision would remain in effect.

We would retain the provision in § 301.75–7(a)(4) that requires the fruit to be treated in accordance with § 301.75–11(a), but would add a newly approved treatment, peroxyacetic acid, for use on fruit. Treatment instructions would specify that regulated fruit must be thoroughly wetted for at least 1 minute with a solution containing 85 parts per million peroxyacetic acid. At the request of growers in Florida, we evaluated the efficacy of this treatment and determined that the bactericide provides treatment that is at least as efficacious as the currently approved bactericides listed in the regulations.

In addition to the new inspection requirements, we would revise the box marking requirements currently in § 301.75–7(a)(5) to clarify that regulated fruit may only be moved interstate with a limited permit and that the distribution of the fruit is limited to areas that are not designated as commercial citrus-producing States. Specifically, those proposed provisions would state that the regulated fruit must be accompanied by a limited permit issued in accordance with § 301.75–12. In order to be moved interstate, the regulated fruit would have to be packaged in boxes or other containers that are approved by APHIS and that are used exclusively for regulated fruit to be moved interstate. The boxes or other containers in which the fruit is packaged would have to be clearly marked with the statement ''Limited Permit: USDA–APHIS–PPQ. Not for distribution in AZ, CA, HI, LA, TX, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands of the United States.'' Those proposed provisions would also state that only fruit that meets all of the requirements of the section may be packed in boxes or other containers that are marked with the above statement. These additional provisions would help ensure that only fruit that has been handled in accordance with all of the requirements described in § 301.75–7 will be packaged in boxes bearing the limited permit statement.

Miscellaneous

In addition to the changes discussed above, we would amend the definitions for *certificate* and *limited permit* in § 301.75–1. Currently, certificates and limited permits are referred to as ''official documents.'' We would amend those definitions to indicate that a certificate or limited permit may be a ''stamp, form, or other official document.'' This proposed change would provide us with a greater degree of flexibility in the issuance of those documents.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

We are proposing to amend the citrus canker regulations to modify the conditions under which fruit may be moved interstate from a quarantined area. Under this proposed rule, we would eliminate the requirement that the groves in which the fruit is produced be inspected and found free of citrus canker, and instead require that fruit produced in the quarantined area be treated with a surface disinfectant treatment in a packinghouse operating under a compliance agreement and that each lot of finished fruit be inspected and found free of visible symptoms of citrus canker. We would, however, retain the current prohibition on the movement of fruit from a quarantined area into commercial citrus-producing States. These proposed changes would relieve some restrictions on the interstate movement of fresh citrus fruit from Florida while maintaining conditions that would prevent the artificial spread of citrus canker.

For this proposed rule, we have prepared an economic analysis. The analysis, which is summarized below, addresses economic impacts of the proposed new protocol for treatment and inspection of citrus fruit intended for the fresh market. Expected benefits and costs are examined in accordance with Executive Order 12866. Possible impacts on small entities are considered in accordance with the Regulatory Flexibility Act. Copies of the full analysis are available at *http://www.regulations.gov*.

Section 301.75–5 of the regulations lists the designated commercial citrus-producing States as American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the U.S. Virgin Islands. Of these 11 commercial citrus-producing States, only 4 States received fresh citrus interstate shipments from Florida during the 2004–05 and 2005–06 seasons: Arizona, California, Louisiana, and Texas. As of August 1, 2006, these four States no longer receive fresh citrus shipments from Florida. In this analysis, U.S. commercial citrus-producing States other than Florida are referred to as other commercial citrus-producing States.

The overall objective of this proposed rule is to continue to prevent the spread of citrus canker to other commercial citrus-producing States, while relieving restrictions on Florida citrus producers, namely, the requirement for interstate movement of citrus fruit that every tree in the grove in which the fruit is grown be inspected, and that the grove be found to be free of citrus canker not more than 30 days before the beginning of harvest. Under the proposed rule, the citrus fruit would be treated and inspected at the packinghouse prior to interstate movement. We expect the net economic impact of the proposed changes would be positive.

While citrus produced in Florida is primarily intended for the processed market, citrus produced in California, Texas, Arizona, and Louisiana is largely intended for the fresh market. This proposed rule would continue to prohibit the movement of fresh citrus fruit from Florida to other commercial citrus-producing States. The proposed measures are designed to ensure protection of the citrus industries in these States from the introduction of citrus canker and the increased production costs and loss of fresh fruit markets that would result if citrus canker were to be introduced in those States.

Overview of the U.S. Citrus Industry

The total value of U.S. citrus production rose by 16 percent from $2.30 billion to $2.68 billion, between the 2004–05 and 2005–06 seasons. These gains in value reflect increased values for processed utilization for most varieties of citrus in the United States with the exception of grapefruit, which declined in overall value by 4 percent.

Florida is the largest citrus producer in the United States, accounting for approximately 68 percent of U.S. production during the 2005–06 season. California produced approximately 28 percent of the citrus in the United States during the same period, and production in Texas and Arizona comprised the remaining 4 percent. The hurricane season of 2004, which included 4 hurricanes that crossed Florida within a 2-month period, caused significant production losses to Florida's citrus industry and was largely to blame for the 42 percent decline of total utilized production in the United States between the 2003–04 and 2004–05 seasons.

The major citrus varieties produced in Florida are early, mid-, and late-season orange varieties, red and white seedless grapefruit, navels, early tangerines, honey tangerines, temples, and tangelos. Although approximately 89 percent of all Florida citrus is intended for the processed market, the share of production that is processed is highly dependent upon the variety. Approximately 95 percent of all Florida orange production is intended for the processing sector, whereas nearly 68 percent of Florida tangerine production is utilized on the fresh market. During the 2005–06 season, nearly 36 percent of Florida grapefruit production was utilized on the fresh market. During the previous season, the packout rate for Florida fresh grapefruit was approximately 58 percent, suggesting that the post-hurricane higher prices for fresh grapefruit led to a diversion of Florida grapefruit from the processing sector to the fresh market. The reduced packout rate for the 2005–06 season may suggest a return to a more normal fresh market share of about 40 percent.

The major citrus varieties produced in California are navel and Valencia oranges, grapefruit, tangerines, and lemons. Approximately 73 percent of California citrus was utilized on the fresh market during the 2005–06 season, including nearly 72 percent of California's oranges (making California the largest U.S. producer of fresh-market oranges), 88 percent of the State's grapefruit, 75 percent of its tangerines, and 72 percent of its lemons.

The citrus varieties produced in Texas during the 2005–06 season were grapefruit, Valencia oranges, and midseason oranges. Fresh production accounted for approximately 67 percent of total production. Valencia and midseason orange production was destined primarily for the fresh market, accounting for 79 percent of total production. Also, 62 percent of grapefruit production in that State was utilized on the fresh market.

Arizona produces Valencia and navel oranges, grapefruit, tangerines, and lemons. Approximately 58 percent of Arizona citrus was utilized on the fresh market during the 2005–06 season, including 52 percent of the State's orange production, 65 percent of its tangerine production, 55 percent of its lemon production, and all of its grapefruit production.

Total and domestic shipments of Florida fresh citrus remained virtually unchanged during the 2005–06 season over the previous season, showing few signs of recovery from the dramatic decline between the 2003–04 and 2004–05 seasons, when total and domestic shipments declined by 42 percent and 29 percent, respectively. Fresh grapefruit continued to have the largest share of total shipments of fresh Florida citrus including exports, while oranges accounted for the State's largest share of domestic shipments.

Expected Costs and Benefits

The proposed changes described in this document are likely to primarily affect citrus producers and packinghouses in Florida whose operations rely on the interstate shipment of fresh citrus. The proposed changes would also affect the way resources are allocated for citrus canker

mitigation activities at both Federal and State levels.

Effects on Florida Fresh Citrus Shipments

We expect the proposed rule to have little economic effect on the production of fresh citrus in Florida, but the shift from inspection for citrus canker in the citrus groves, tree by tree, to the inspection of fresh citrus fruit at the packinghouse may result in an increase in the quantity of citrus eventually approved for shipment interstate. As such, interstate shipment of fresh citrus fruit originating from groves previously prohibited from shipping outside of quarantined areas could lead to changes in market prices and increased competition. Although the changes to the supply of Florida fresh citrus in non-citrus-producing States resulting from these additional shipments are expected to be small, we are unable to estimate the extent of any such increase due to lack of data. APHIS welcomes public input on the possibility of increased fresh citrus shipments to non-citrus producing States as a result of the proposed changes. Under the proposed protocol, Florida citrus would still be prohibited from distribution to other commercial citrus-producing States.

Effects on Florida Packinghouses and Citrus Growers

Florida packinghouses are the segment of the citrus industry likely to be the most affected by the proposed regulations, since the focus of the new protocol for treatments and inspections would be shifted away from the citrus groves to packinghouse facilities. According to the proposed regulations, citrus packinghouses would be required to operate under an APHIS compliance agreement wherein the packinghouse operator agrees to meet all requirements of the regulations. The provisions in current § 301.75–7 pertaining to the inspection of groves for citrus canker as a prerequisite for the interstate movement of citrus fruit would be removed. While the new regulations would indirectly place a burden on the growers of fresh citrus to transport symptom-free fresh citrus to packinghouses for packing, the inspection and treatment activities that would be required would take place in the packinghouses. A packinghouse charge to the grower for citrus that does not meet the quality requirements is known as an elimination charge, and is an existing industry measure for ensuring high quality, symptom-free fruit. Table 1 outlines the average packinghouse charges for Florida fresh citrus during the 2005–06 season.

TABLE 1.—ESTIMATED AVERAGE TOTAL PACKING CHARGES PAID BY GROWERS, AND ELIMINATION CHARGES PAID BY GROWERS FOR LOTS THAT DO NOT MEET QUALITY REQUIREMENTS, 2005–06 [1]

	Domestic grapefruit	Export grapefruit	Oranges	Temples/ tangelos	Tangerines
	$/Carton [3]				
Total packing charge [2]	$4.016	$4.395	$4.347	$4.614	$5.469
	$/Box [3]				
Drenching charge	$0.181	$0.189	$0.181	$0.184	$0.188
Packinghouse elimination charges	0.545	0.553	0.548	0.548	0.552
Hauling charges for eliminations	0.505	0.534	0.515	0.531	0.534

Source: Ronald P. Muraro, University of Florida-IFAS, Citrus Research and Education Center, Lake Alfred, FL August 2006.

[1] These packing charges are based on charges at four citrus packinghouses in the Interior production region and 13 citrus packinghouses in the Indian River production region.

[2] Total packing charge refers to the charge to the grower for packed fruit, and is based upon packinghouse operational costs. Total packing charges are discussed in detail in the report ''Average Packinghouse Charges for Florida Fresh Citrus—2005–06 Season,'' (*http://edis.ifas.ufl.edu*).

[3] One box is equivalent to two 4/5-bushel cartons.

Focusing regulatory enforcement in the packinghouse via required treatments and inspection of fruit intended for interstate movement is expected to be an economically efficient means of ensuring a high level of confidence that even a small percentage of infected fruit would be detected. Both packinghouses operating under compliance agreements with APHIS and growers seeking to minimize elimination charges and price discounts would have incentives to ensure that only fruit considered to be free from citrus canker would enter a packing facility. Minimizing the charges back to the grower associated the drenching, elimination, hauling of fruit unsuitable for the fresh market through the practice of grove surveys is commonly employed by growers as part of their operations. Tree inspections, which were previously conducted by APHIS and the Florida Department of Agriculture and Consumer Services (FDACS), will, we believe, be conducted as self-surveys by the industry. Given the possibility of elimination charges, growers will apply the additional resources needed to conduct these self-surveys as long as the benefits outweigh the costs.

The inspection process would be largely dependent on the physical layout of each particular packinghouse. Conditions that must be met in order for APHIS inspectors to carry out the required inspections would translate into additional costs to the packinghouse. Inspections would either occur at the roll board prior to the fruit being physically packed or after the fruit is packed. In either case, adequate lighting would be a necessary component for the fruit inspection process. If the inspection occurs after fruit is packed, the packinghouse would be required to provide a table and personnel to repack the boxes after inspection. Lot size would be determined by the packinghouse, and varies according to the size of the packinghouse, the number of packing lines per facility, and the varieties of fresh citrus packed. APHIS field personnel estimate that under ideal circumstances, the inspection of 1,000 pieces of fruit would take approximately 1 hour and 23 minutes (approximately 5 seconds per fruit). If the lot takes longer than that to run, the inspection is not expected to result in a delay. However, a lot that would take less than 1 hour and 23 minutes to run the line may be delayed by the inspection of 1,000 pieces of fruit.

The time it would take to run a lot of fruit varies by packinghouse, and is determined by numerous factors. It is reasonable to assume that an average

time to run a lot of fruit is about 3 hours. On the average, then, the inspection of 1,000 pieces of fruit will not result in delays.

If a packinghouse has its own groves and packs its own fruit, lot sizes are generally larger, and no delays should be expected. Packinghouses that do not pack their own fruit tend to run multiple smaller lots whose identity must be maintained to ensure proper payment to the respective growers. These packinghouses are more likely to experience delays caused by the inspection of 1,000 pieces of fruit.

The decontamination of fruit, as reflected in the drenching charges in Table 1, occurs under the existing regulations and is conducted as a standard practice to extend shelf-life. It also is a requirement in the FDACS/DPI compliance agreement with packers. Therefore, there is no additional cost associated with the proposed provisions.

APHIS requests comment on the costs that would be incurred by packinghouses due to implementation of the proposed compliance agreement provisions.

The proposed compliance agreements would not present an entirely new situation for the packinghouses. Current compliance agreements with the State of Florida issued by the FDACS Division of Plant Industry are required of all packinghouses that ship fresh citrus interstate. They require the packinghouses to adhere to inspection requirements prior to the movement of fresh citrus. According to section IIIA of the FDACS packinghouse compliance agreement:

> Inspection of fruit for citrus canker lesions will take place during the washing/grading process, and a designated number of packed boxes will be required to be pulled, opened and made available for inspection by Federal or State regulatory officials.

Effects on Public Sector Resources

According to APHIS, 10 additional inspectors would be needed to implement the proposed rule at a cost of $450,000 per year. The added cost for increased inspection at the packinghouse is expected to be offset by a reduction in certain operational expenses in other program areas. For example, pre-harvest grove surveys would be reduced to only those required for phytosanitary certification to certain countries.

The State of Florida allocated approximately $10 million for the 2007 fiscal year from the Agricultural Emergency Eradication Trust Fund to the CHRP for grove inspections (generally pre-harvest surveys), regulatory oversight, and nursery surveys. FDACS anticipates a reduction in field staff by 65 percent under the proposed rule, from 340 to 120 field staff members, for a cost savings of approximately $9.9 million. We anticipate that growers would conduct their own grove inspections, as long as the benefits outweigh the cost of resources needed for these self-surveys.

Concluding Statement on Benefits and Costs

The current regulations for the interstate movement for regulated fruit from quarantined areas place several restrictions on the interstate movement of citrus fruit from Florida, including inspections of citrus groves to ensure that they are free of citrus canker, preharvest inspections, treatments, and movement under limited permit.

The proposed regulatory protocol would replace the current protocol for the movement of citrus fruit from citrus canker quarantined areas. A packinghouse that ships fresh citrus interstate would be required to operate under an APHIS compliance agreement wherein the packinghouse operator agrees to meet all requirements of the regulations. Inspections of fresh citrus would occur at the packinghouse level. The proposed regulations also specify treatment requirements for all commercially packed fresh citrus. The required treatment, however, is already employed at the top 50 packinghouses. We believe packinghouses would adjust to the new regulations with little to no economic hardship. Packinghouses currently face similar regulations as required by the Florida compliance agreements for packinghouses.

Packinghouse charges to growers for eliminations and price discounts for fruit diverted from the fresh to the processed market are incentives to growers to ensure fruit sent to the packinghouse for packing is free of symptoms of citrus canker. Growers are thus highly likely to self-survey groves as long as the benefits outweigh the cost of the procedure. The proposed provisions would also provide the added benefit to growers of being able to ship symptom-free fresh citrus from groves which they were previously unable to move interstate due to the presence of canker in the grove.

The proposed rule would also provide opportunities for the Florida packing industry to place in service underutilized packing equipment to treat, pack, and have inspected, interstate shipments of non-commercially produced citrus fruit.

Benefits of this proposed rule may include the possibility of gains from a larger volume of Florida shipments to consumers in non-citrus producing States. Producers would no longer be prohibited from sending to the packinghouses for interstate shipment fruit from citrus groves in which citrus canker has been detected. As long as a lot of citrus fruit is found to be symptom free upon APHIS inspection, the lot would be considered eligible for shipment to non-citrus producing states. Growers with infected groves would have an additional marketing option for their fruit. Local consumers in Florida may benefit from increased market quantities and lower prices of fresh citrus if rejected lots are diverted to in-state fresh markets. We expect that Florida packinghouses that wish to ship interstate would continue to do so, should the new provisions be adopted, as long as financial benefits to them of operating under these provisions exceed their costs.

The additional costs of the proposed regulations to the public sector are expected to be marginal in comparison to the benefits of a more efficient system for fresh citrus fruit movement.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that agencies consider the economic impact of rule changes on small businesses, organizations, and governmental jurisdictions. Section 603 of the Act requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis (IRFA) describing the expected impact of proposed rules on small entities. Sections 603(b) and 603(c) of the Act specify the content of an IRFA. In this section, we address these IRFA requirements for this proposed rule.

Reasons for Action

Based on our evaluation of production and processing procedures and their impact on removal of citrus canker from the fresh fruit pathway, along with our review of the operational feasibility of enforcing various mitigation measures, APHIS has concluded that the mandatory packinghouse inspection of processed fruit provides an effective safeguard to prevent the spread of citrus canker via the movement of commercial citrus fruit. Since the current regulations require groves to be free of citrus canker in order for fruit to be eligible for interstate movement, the changes proposed in this document are necessary in order for the packinghouse-based treatment and inspection protocol to be implemented.

Objectives of and Legal Basis for Rule

Under this proposed rule, we would eliminate the requirement that the groves in which the fruit is produced be inspected and found free of citrus canker, and instead require that fruit produced in the quarantined area be treated with a surface disinfectant treatment in a packinghouse operating under a compliance agreement and that each lot of finished fruit be inspected and found free of visible symptoms of citrus canker at the packinghouse. We would, however, retain the current prohibition on the movement of fruit from a quarantined area into commercial citrus-producing States. These proposed changes would relieve some restrictions on the interstate movement of fresh citrus fruit from Florida while maintaining conditions that would prevent the artificial spread of citrus canker.

Under § 412(a) of the Plant Protection Act, the Secretary of Agriculture may prohibit or restrict the movement in interstate commerce of any plant or plant product if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of a plant pest or noxious weed within the United States. Based on information provided in our risk assessment and risk management documents, we have determined that it is not necessary to prohibit the interstate movement of citrus fruit into non-citrus-producing States under the conditions described in this proposed rule. While APHIS has concluded that commercially packed citrus fruit is an unlikely pathway for the introduction and spread of citrus canker, the remaining uncertainty about the precise level of risk associated with the movement of citrus fruit from a quarantined area has led us to maintain the current prohibition on the movement of that citrus fruit into citrus-producing States.

Description and Estimated Number of Small Entities Regulated

Florida's citrus packinghouses and fresh citrus producers comprise the industries that we expect to be directly affected by the proposed rule. The small business size standards for citrus fruit packing, as identified by the Small Business Administration (SBA) based upon the North American Industry Classification System (NAICS) code 115114 (Postharvest Crop Activities) is $6.5 million or less in annual receipts. According to the County Business Patterns report for Florida published by the U.S. Census Bureau, there were 71 post-harvest operations in Florida in 2004. Although this publication reports the number of employees, the number of firms by employment size, and the annual payroll for firms included in NAICS 115114, it does not report the distribution of annual sales for firms in this category. Neither is information on annual sales published in the Census of Agriculture or the Economic Census. There are at least 142 packinghouses currently registered in Florida.[4] While the classification of these establishments by sales volume is not available, it is believed that there are approximately 50 commercial citrus packinghouses and several small establishments known as gift packers in Florida. The Fresh Shippers Report, as reported by the Citrus Administrative Committee, details quantities of fresh citrus shipments of the top 40 to 50 shippers of each season.[5] That same report indicates that at least 95 percent of Florida fresh citrus shipments are packed through the top 40 packinghouses in the State. During the 2005–06 citrus season, annual sales for 21 of the top 40 shippers (52.5 percent) were below the SBA size standard of $6.5 million. It is estimated that at least 85 percent of citrus packers, including small gift packers, would be considered small according to the SBA size standards.

The proposed changes may also affect producers of fresh citrus in Florida. Most, if not all, of the Florida citrus producers that would be affected by the proposed rule are small, based on 2002 Census of Agriculture data and SBA guidelines for entities classified within the farm categories Orange Groves (NAICS 111310) and Citrus (except Orange) Groves (NAICS 111320). SBA classifies producers in these categories with total annual sales of not more than $750,000 as small entities. According to 2002 Census data, there were a total of 7,653 citrus farms in Florida in 2002. Of this number, approximately 94 percent had annual sales in 2002 of less than $500,000, which is well below the SBA's small entity threshold of $750,000.[6] While it is likely this proposed rule would result in higher packinghouse charges to the grower, costs associated with the proposed rule are expected to be minimal. APHIS invites comment on these costs.

Additionally, the proposed rule would provide marketing opportunities for fresh citrus previously prohibited from interstate shipment. APHIS invites comments on the additional costs of production and marketing opportunities for fresh citrus that would likely result from the implementation of this proposed rule.

Although the proposed regulations will provide additional marketing opportunities for fresh citrus previously prohibited from interstate movement, adequate data is not available to measure the resulting price effects. APHIS invites comment on the possible increase in interstate shipment of fresh citrus and effect on fresh citrus prices that may result from the proposed rule. Description and Estimate of Reporting, Recordkeeping, and other Compliance Requirements.

These considerations are discussed later in this document under the heading ''Paperwork Reduction Act.''

Duplication, Overlap, and Conflict with Existing Rules and Regulations

APHIS has not identified any duplication, overlap, or conflict of the proposed rule with other Federal rules.

Regulatory Alternatives

An in-depth discussion of the alternatives we considered in preparing this proposed rule may be found earlier in this document under the heading ''Risk Management Analysis'' as well as in the accompanying full economic analysis.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

National Environmental Policy Act

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with this proposed domestic citrus canker program, we have prepared an environmental assessment. The environmental assessment was prepared in accordance with: (1) The National Environmental

[4] FDACS, Division of Fruit & Vegetable Inspection (*http://www.doacs.state.fl.us/fruits*).

[5] ''Fresh Shippers Report: 2005–06 Season Through July 31, 2006,'' Citrus Administrative Committee, August 18, 2006 (*http://www.citrusadministrativecommittee.org/*).

[6] Source: SBA and *2002 Census of Agriculture.*

Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

The environmental assessment may be viewed on the *Regulations.gov* Web site or in our reading room. (Instructions for accessing *Regulations.gov* and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this proposed rule.) In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**. We invite the public to comment on the environmental assessment. Comments on the environmental assessment may be submitted in the same way as comments on this proposed rule (see **ADDRESSES** above).

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2007–0022. Please send a copy of your comments to: (1) Docket No. APHIS–2007–0022, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

We are proposing to amend the citrus canker regulations to modify the conditions under which fruit may be moved interstate from a quarantined area. Under this proposed rule, we would eliminate the requirement that the groves in which the fruit is produced be inspected and found free of citrus canker, and instead require that fruit produced in the quarantined area be treated with a surface disinfectant treatment in a packinghouse operating under a compliance agreement and that each lot of finished fruit be inspected at the packinghouse and found free of visible symptoms of citrus canker. We would, however, retain the current prohibition on the movement of fruit from a quarantined area into commercial citrus-producing States. These proposed changes would relieve some restrictions on the interstate movement of fresh citrus fruit from Florida while maintaining conditions that would help prevent the artificial spread of citrus canker.

This proposed rule would, if adopted, require packinghouse operators to enter into a compliance agreement with APHIS. The compliance agreement would contain (but not be limited to) specific provisions pertaining to:

- Access to the facility, and to necessary records and documents by APHIS inspectors;
- Means by which lots are designated;
- Need for notice when APHIS inspectors are not present on a regular basis;
- Need for notice when there are significant changes in the amount of fruit being packed;
- Conditions (access to fruit, lighting, safety, etc.) that must be met in order for APHIS inspectors to carry out the required inspections;
- Provisions for handling and storage of fruit;
- Hazard-free access to decontamination areas so that APHIS inspectors can monitor the concentrations of chemicals used for fruit treatment;
- Provisions for holding fruit when packing is done at a time when an APHIS inspector is not present; and
- Hours of coverage for APHIS packinghouse inspections.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, 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 information collection on those who are to respond (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 1.25 hours per response.

Respondents: 150.

Estimated annual number of respondents: 1.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 150.

Estimated total annual burden on respondents: 188 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 would continue to read as follows:

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

2. In § 301.75–1, the definitions for *certificate* and *limited permit* would be amended by adding the words ''stamp, form, or other'' after the words ''An official'' and a definition of *lot* would be added to read as follows:

§ 301.75–1 Definitions.

* * * * *

Lot. The inspectional unit for fruit composed of a single variety of fruit that

has passed through the entire packing process in a single continuous run not to exceed a single work day (i.e., a run started one day and completed the next is considered two lots).

* * * * *

3. In § 301.75–7, paragraphs (a)(1), (a)(2), and (a)(6) would be revised to read as follows:

§ 301.75–7 Interstate movement of regulated fruit from a quarantined area.

(a) * * *

(1) Every lot of regulated fruit to be moved interstate must be inspected by an APHIS employee at the packinghouse for symptoms of citrus canker. Any lot found to contain fruit with visible symptoms of citrus canker will be ineligible for interstate movement from the quarantined area. The number of fruit to be inspected will be the quantity that is sufficient to detect, with a 95 percent level of confidence, lots of fruit containing 0.38 percent or more fruit with visible canker lesions or another quantity that gives a statistically significant confidence of detecting the disease at a level of infection to be determined by the Administrator.

(2) The owner or operator of any packinghouse that wishes to move citrus fruit interstate from the quarantined area must enter into a compliance agreement with APHIS in accordance with § 301.75–13.

* * * * *

(6) Each lot of regulated fruit found to be eligible for interstate movement must be accompanied by a limited permit issued in accordance with § 301.75–12. Regulated fruit to be moved interstate must be packaged in boxes or other containers that are approved by APHIS and that are used exclusively for regulated fruit that is eligible for interstate movement. The boxes or other containers in which the fruit is packaged must be clearly marked with the statement ''Limited Permit: USDA–APHIS–PPQ. Not for distribution in AZ, CA, HI, LA, TX, and American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands of the United States.'' Only fruit that meets all of the requirements of this section may be packed in boxes or other containers that are marked with this statement.

* * * * *

4. In § 301.75–11, paragraph (a), the introductory text would be amended by adding the words ''at least'' after the words ''treated in'' and a new paragraph (a)(4) would be added to read as follows:

§ 301.75–11 Treatments.

(a) * * *

(4) *Peroxyacetic acid.* The regulated fruit must be thoroughly wetted for at least 1 minute with a solution containing 85 parts per million peroxyacetic acid.

* * * * *

Done in Washington, DC, this 18th day of June 2007.

J. Burton Eller,

Acting Under Secretary for Marketing and Regulatory Programs.

[FR Doc. E7–12041 Filed 6–20–07; 8:45 am]

BILLING CODE 3410–34–P

FARM CREDIT ADMINISTRATION

12 CFR Part 615

RIN 3052–AC25

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Capital Adequacy—Basel Accord

AGENCY: Farm Credit Administration.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: The Farm Credit Administration (FCA or we) is considering revisions to our risk-based capital rules to more closely align minimum capital requirements with risks taken by Farm Credit System (FCS or System) institutions. We are seeking comments to facilitate the development of a proposed rule that would increase the risk sensitivity of the regulatory capital framework without unduly increasing regulatory burden. This ANPRM addresses possible modifications to our risk-based capital rules that are similar to the recent proposals of the other Federal financial regulatory agencies. We are also seeking comments on other aspects of our regulatory capital framework.

DATES: You may send comments on or before November 19, 2007.

ADDRESSES: We offer several methods for the public to submit comments. For accuracy and efficiency reasons, commenters are encouraged to submit comments by e-mail or through the Agency's Web site or the Federal eRulemaking Portal. Regardless of the method you use, please do not submit your comment multiple times via different methods. You may submit comments by any of the following methods:

- *E-mail:* Send us an e-mail at *reg-comm@fca.gov.*
- *Agency Web site: http://www.fca.gov.* Select ''Legal Info,'' then ''Pending Regulations and Notices.''
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Gary K. Van Meter, Deputy Director, Office of Regulatory Policy, Farm Credit Administration, 1501 Farm Credit Drive, McLean, VA 22102–5090.
- *Fax:* (703) 883–4477. Posting and processing of faxes may be delayed, as faxes are difficult for us to process and achieve compliance with section 508 of the Rehabilitation Act. Please consider another means to comment, if possible.

You may review copies of comments we receive at our office in McLean, Virginia, or on our Web site at *http://www.fca.gov.* Once you are in the Web site, select ''Legal Info,'' and then select ''Public Comments.'' We will show your comments as submitted, but for technical reasons we may omit items such as logos and special characters. Identifying information that you provide, such as phone numbers and addresses, will be publicly available. However, we will attempt to remove e-mail addresses to help reduce Internet spam.

FOR FURTHER INFORMATION CONTACT: Laurie Rea, Associate Director, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4232, TTY (703) 883–4434, or Wade Wynn, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4262, TTY (703) 883–4434, or Rebecca Orlich, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4020.

SUPPLEMENTARY INFORMATION:

I. Objectives

The objective of this ANPRM is to gather information to facilitate the development of a comprehensive proposal that would:

1. Promote safe and sound banking practices and a prudent level of regulatory capital;

2. Improve the risk sensitivity of our regulatory capital requirements while avoiding undue regulatory burden;

3. To the extent appropriate, minimize differences in regulatory capital requirements between System institutions and other federally regulated banking organizations; [1] and

4. Foster economic growth in agriculture and rural America through the effective allocation of System capital.

II. Background

The FCA's risk-based capital framework is based, in part, on the

[1] Banking organizations include commercial banks, savings associations, and their respective bank holding companies.

''International Convergence of Capital Measurement and Capital Standards'' (Basel I) as published by the Basel Committee on Banking Supervision (Basel Committee) [2] and is broadly consistent with the capital requirements of the other Federal financial regulatory agencies.[3] We first adopted a risk-based capital framework for the System as part of our 1988 regulatory capital revisions [4] required by the Agricultural Credit Act of 1987 [5] and made subsequent revisions in 1997,[6] 1998 [7] and 2005.[8] Under the current capital framework, each on- and off-balance sheet credit exposure is assigned to one of five broad risk-weighting categories to determine the risk-adjusted asset base, which is the denominator for computing the permanent capital, total surplus, and core surplus ratios. Our minimum regulatory capital requirements are contained in subparts H and K of part 615 of our regulations.[9]

The financial services industry has changed significantly since we adopted the Basel I-based capital framework for the System. Financial markets have become increasingly global and interconnected. Deregulation and consolidation have created larger, more complex financial institutions. Technological innovation has enabled such institutions to create increasingly sophisticated and complex financial products and services. Risk management and measurement techniques have also vastly improved. Financial regulators and industry participants agree that Basel I is no longer the best regulatory capital framework for many of the larger, more complex financial institutions and should be modernized to better reflect recent developments in banking and capital market practices.

For a number of years, the Basel Committee has worked to develop a new accord to incorporate the recent advancements in the financial services industry. In June 2004, it published the ''International Convergence of Capital Measurement and Capital Standards: A Revised Framework'' (Basel II) to promote improved risk measurement and management processes and more closely align capital requirements with risk.[10] In September 2006, the other Federal financial regulatory agencies issued an interagency notice of proposed rulemaking for implementing Basel II in the United States (U.S. Basel II).[11] U.S. Basel II would require core banks [12] and permit opt-in banks [13] (collectively referred to as Basel II banking organizations) to implement the new framework using the advanced internal ratings-based approach [14] to calculate the regulatory capital requirement for credit risk and the advanced measurement approach [15] to calculate the regulatory capital requirement for operational risk.[16]

Given the complexity and cost associated with adopting the advanced approaches, most U.S. banking organizations (collectively referred to as non-Basel II banking organizations) will not be required to implement, or choose to implement, U.S. Basel II. As a result, a bifurcated regulatory capital framework would be created in the United States, which could result in different regulatory capital charges for similar products offered by Basel II and non-Basel II banking organizations. Financial regulators, banking organizations, trade associations and other interested parties have raised concerns that the bifurcated structure could create a competitive disadvantage for non-Basel II banking organizations.

In December 2006, the other Federal financial regulatory agencies addressed these concerns by issuing an interagency notice of proposed rulemaking (Basel IA) to improve the risk sensitivity of the existing Basel I-based capital framework for non-Basel II banking organizations.[17] Basel IA is intended to help minimize the potential differences in the regulatory minimum capital requirements of Basel II and non-Basel II banking organizations. The proposal would allow non-Basel II banking organizations the option of adopting all the revisions of Basel IA or continuing to use the existing Basel I-based capital framework.[18] Proposed Basel IA would: (1) Increase the number of risk-weight categories to which credit exposures may be assigned; (2) expand the use of external credit ratings to risk weight certain exposures; (3) expand the range of recognized collateral and eligible guarantors; (4) employ loan-to-value ratios to determine the risk weight of most residential mortgages; (5) increase the credit conversion factor for some commitments with an original maturity of 1 year or less; (6) assess a risk-based capital charge for early amortizations in securitizations of revolving exposures; and (7) remove the 50-percent limit on the risk weight for certain derivative transactions.[19]

FCA's objective is to develop a proposed rule that better reflects recent advances in banking and capital market practices, minimizes potential competitive distortions that could result from a bifurcated regulatory capital framework in the United States, and more closely aligns our minimum capital requirements with the relative risk factors inherent in the System. We are considering whether we should modify our risk-based capital rules so that they are consistent with Basel IA where appropriate. However, we are also considering how the modifications should be tailored to fit the System's distinct borrower-owned lending cooperative structure and Government-sponsored enterprise (GSE) mission.[20]

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[2] The Basel Committee on Banking Supervision was established in 1974 by central banks with bank supervisory authorities in major industrialized countries. The Basel Committee formulates standards and guidelines related to banking and recommends them for adoption by member countries and others. All Basel Committee documents are available at *http://www.bis.org.*

[3] We refer collectively to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of Thrift Supervision as the ''other Federal financial regulatory agencies.''

[4] *See* 53 FR 39229 (October 6, 1988).

[5] Pub. L. 100–233 (January 6, 1988), section 301. The 1987 Act amended many provisions of the Farm Credit Act of 1971, as amended, which is codified at 12 U.S.C. 2001 et seq.

[6] *See* 62 FR 4429 (January 30, 1997).

[7] *See* 63 FR 39219 (July 22, 1998).

[8] *See* 70 FR 35336 (June 17, 2005).

[9] 12 CFR part 615, subparts H and K.

[10] *See http://www.bis.org/publ/bcbsca.htm* for the 2004 Basel II Accord as well as updates in 2005 and 2006.

[11] *See* 71 FR 55830 (September 25, 2006). This document is at *http://www.federalreserve.gov/generalinfo/base12/USImplementation.htm.*

[12] Core banks are banking organizations that have consolidated total assets of $250 billion or more or have consolidated on-balance sheet foreign exposures of $10 billion or more.

[13] Opt-in banks are banking organizations that do not meet the definition of a core bank but have the risk management and measurement capabilities to voluntarily implement the advanced approaches of Basel II with supervisory approval.

[14] A banking organization computes internal estimates of certain key risk parameters for each credit exposure or pool of exposures and feeds the results into regulatory formulas to determine the risk-based capital requirement for credit risk.

[15] Internal operational risk management systems and processes are used to compute risk-based capital requirements for operational risk.

[16] The proposed rule seeks comments on whether Basel II banking organizations should be permitted to use other credit and operational risk approaches.

[17] 71 FR 77446 (December 26, 2006). This document is at *http://www.federalreserve.gov/generalinfo/basel2/USImplementation.htm.*

[18] A banking organization that chooses to adopt Basel IA can return to the Basel I-based capital framework, provided the change is approved by its primary Federal regulator and is not for the purpose of capital arbitrage. The other Federal financial regulatory agencies have stated that they do not expect banking organizations to alternate between the Basel I and Basel IA risk-based capital rules.

[19] Neither the U.S. Basel II nor the Basel IA proposed rules would affect the existing leverage ratio or prompt corrective action standards.

[20] The System was created by Congress in 1916 and is the oldest GSE in the United States. System institutions provide credit and financially related services to farmers, ranchers, producers or harvesters of aquatic products, and farmer-owned cooperatives. They also make credit available for agricultural processing and marketing activities,

We seek comments from all interested parties to help us develop a comprehensive proposal that would enhance our regulatory capital framework and increase the risk sensitivity of our risk-based capital rules without unduly increasing regulatory burden.

III. Questions

When addressing the following questions, we ask commenters to consider the overarching objectives of Basel II and Basel IA to more closely align capital with the specific risks taken by the financial institution rather than relying on a ''one-size-fits-all'' approach for determining regulatory minimum risk-based capital requirements. The System is a specialized lender to agriculture and rural America with a unique structure and risk profile. One of our objectives is to create a more dynamic risk-based capital framework that is more sensitive to the relative risks inherent in System lending and other mission-related activities. We seek comments on specific criteria that might be used to determine appropriate risk weights that meet this objective without creating undue burden. Specifically, we ask that you support your comments and recommendations with data, to the extent possible, in response to our questions.[21]

A. Increase the Number of Risk-Weight Categories

Our existing risk-based capital rules assign exposures to one of five risk-weight categories: 0, 20, 50, 100, and 200 percent.[22] Basel IA proposes to add three new risk-weight categories to allow for greater differentiation of credit risk and solicits comment on whether a 10-percent risk-weight category would be appropriate for very low risk assets. The proposed risk-weight categories are 35, 75, and 150 percent. The 35 and 75 percent risk-weight categories would provide the opportunity to increase the risk sensitivity for those exposures that are currently assigned a higher risk-based capital charge than may be warranted. The 150-percent risk-weight category would provide a more appropriate risk-based capital charge for higher risk exposures than is currently permitted under our existing capital rules.

Question 1: We seek comment on what additional risk-weight categories, if any, we should consider for assigning risk weights to System institutions' on- and off-balance sheet exposures. If additional risk-weight categories are added, what assets should be included in each new risk-weight category?

B. Use of External Credit Ratings to Risk-Weight Exposures

1. Direct Exposures

In recent years, the FCA has permitted System institutions to use external ratings to assign risk weights to certain credit exposures linked to nationally recognized statistical rating organizations (NRSROs) ratings.[23] For example, in March 2003, we adopted an interim final rule that permitted System institutions to use NRSRO ratings to risk-weight highly rated investments in non-agency asset-backed securities (ABS) and mortgage-backed securities (MBS) to the 20-percent risk-weight category.[24] In April 2004, we expanded the use of NRSRO ratings to assign risk weights to loans to other financing institutions.[25] In June 2005, we adopted a ratings-based approach to assign risk weights to recourse obligations, direct credit substitutes (DCS), residual interests (other than credit-enhancing interest-only strips), and other ABS and MBS investments.[26] Furthermore, we recently permitted the use of NRSRO ratings to assign risk weights to certain electric cooperative credit exposures.[27]

Basel IA proposes to expand the use of NRSRO ratings to determine the risk-based capital charge for exposures to sovereign entities,[28] non-sovereign entities,[29] and securitizations, as displayed in Table 1 (long-term exposures) and Table 2 (short-term exposures) set forth below. External ratings for direct exposures to sovereign entities would be based on the external rating of the exposure or the sovereign entity's issuer rating if the exposure is unrated. Direct exposures to non-sovereign entities and securitizations would be based only on the external rating of the exposure.

TABLE 1.—BASEL IA PROPOSED RISK WEIGHTS BASED ON EXTERNAL RATINGS FOR LONG-TERM EXPOSURES[30]

Long-term rating category	Example	Sovereign risk weight (in percent)	Non-sovereign risk weight (in percent)	Securitization exposure* risk weight (in percent)
Highest investment grade rating	AAA	0	20	20
Second highest investment grade rating	AA	20	20	20
Third highest investment grade rating	A	20	35	35
Lowest investment grade rating-plus	BBB+	35	50	50
Lowest investment grade rating	BBB	50	75	75
Lowest investment grade rating-minus	BBB−	75	100	100
One category below investment grade	BB+, BB	75	150	200
One category below investment grade-minus	BB−	100	200	200
Two or more categories below investment grade	B, CCC	150	200	(*)

rural housing, certain farm-related businesses, agricultural and aquatic cooperatives, rural utilities, and foreign and domestic entities in connection with international agricultural trade.

[21] Please note that any data you submit will be made available to the public in our rulemaking file.

[22] FCA's risk-weight categories are set forth in 12 CFR 615.5211.

[23] An NRSRO is a credit rating organization that is recognized by and registered with the Securities and Exchange Commission (SEC) as a nationally recognized statistical rating organization. *See* 12 CFR 615.5201. *See* also Pub. L. 109–291.

[24] *See* 68 FR 15045 (March 28, 2003).

[25] Other financing institutions are non-System financial institutions that borrow from System banks. *See* 69 FR 29852 (May 26, 2004).)

[26] These changes are consistent with those of the other Federal financial regulatory agencies. *See* 70 FR 35336 (June 17, 2005).

[27] *See* ''Revised Regulatory Capital Treatment for Certain Electric Cooperatives Assets,'' FCA Bookletter BL–053 (February 12, 2007).

[28] A sovereign entity is defined as a central government, including its agencies, departments, ministries, and the central bank. A sovereign entity does not include state, provincial, or local governments, or commercial enterprises owned by a central government.

[29] Non-sovereign entities include securities firms, insurance companies, bank holding companies, savings and loan holding companies, multilateral lending and regional development institutions, partnerships, limited liability companies, business trusts, special purpose entities, associations and other similar organizations.

[30] 71 FR 77452 (December 26, 2006).

TABLE 1.—BASEL IA PROPOSED RISK WEIGHTS BASED ON EXTERNAL RATINGS FOR LONG-TERM EXPOSURES[30]—Continued

Long-term rating category	Example	Sovereign risk weight (in percent)	Non-sovereign risk weight (in percent)	Securitization exposure* risk weight (in percent)
Unrated**	n/a	200	200	(*)

* A securitization exposure includes ABS and MBS, recourse obligations, DCS, and residuals (other than a credit-enhancing interest-only strip). For long-term securitization exposures that are externally rated more than one category below investment grade, short-term exposures that are rated below investment grade, or any unrated securitization exposures, the existing risk-based capital treatment as described in the agencies' recourse rule would be used.

** Unrated sovereign exposures and unrated debt securities issued by non-sovereigns would receive the risk weight indicated in Tables 1 and 2. Other unrated exposures, for example, unrated loans to non-sovereigns, would continue to be risk weighted under the existing risk-based capital rules.

TABLE 2.—BASEL IA PROPOSED RISK WEIGHTS BASED ON EXTERNAL RATINGS FOR SHORT-TERM EXPOSURES [31]

Short-term rating category	Example	Sovereign risk weight (in percent)	Non-sovereign risk weight (in percent)	Securitization exposure* risk weight (in percent)
Highest investment grade rating	A–1, P–1	0	20	20
Second-highest investment grade rating	A–2, P–2	20	35	35
Lowest investment grade	A–3, P–3	50	75	75
Unrated**	n/a	100	100	*

* A securitization exposure includes ABS and MBS, recourse obligations, DCS, and residuals (other than a credit-enhancing interest-only strip). For long-term securitization exposures that are externally rated more than one category below investment grade, short-term exposures that are rated below investment grade, or any unrated securitization exposures, the existing risk-based capital treatment as described in the agencies' recourse rule would be used.

** Unrated sovereign exposures and unrated debt securities issued by non-sovereigns would receive the risk weight indicated in Tables 1 and 2. Other unrated exposures, for example, unrated loans to non-sovereigns, would continue to be risk-weighted under the existing risk-based capital rules.

System institutions provide financing to agriculture and rural America through a variety of lending [32] and investment [33] products. They also hold highly rated liquid investments to manage liquidity, short-term surplus funds, and interest rate risk. Our existing risk-based capital rules assign most agricultural and rural business [34] loans and mission-related investment assets to the 100-percent risk-weight category unless the risk exposure is mitigated by an acceptable guarantee or collateral. The FCA is considering the expanded use of NRSRO ratings to assign risk weights to other externally rated credit exposures in the System, such as corporate debt securities and loans.

Question 2: We seek comments on all aspects of the appropriateness of using NRSRO ratings to assign risk weights to credit exposures. If we expand the use of external ratings, how should we align the risk-weight categories with NRSRO ratings to determine the appropriate capital charge for externally rated credit exposures? Should any externally rated positions be excluded from this new ratings-based approach?

2. Recognized Financial Collateral

Our current risk-based capital rules assign lower risk weights to exposures collateralized by: (1) Cash held by a System institution or its funding bank; (2) securities issued or guaranteed by the U.S. Government, its agencies or Government-sponsored agencies; (3) securities issued or guaranteed by central governments in other OECD [35] countries; (4) securities issued by certain multilateral lending or regional development institutions; or (5) securities issued by qualifying securities firms.

The banking industry has suggested that regulators recognize a wider variety of collateral types for the purpose of reducing risk-based capital requirements. In response, the other Federal financial regulatory agencies have proposed to expand the types of eligible collateral for risk-weighting purposes. Basel IA assigns lower risk weights to exposures collateralized by: (1) Securities issued or guaranteed by sovereigns that are externally rated at least investment grade by an NRSRO (*e.g.*, BBB- or Baa3) or the sovereign entity's issuer rating if the security is not rated; or (2) securities issued by non-sovereign entities that are externally rated at least investment grade by an NRSRO (*e.g.*, BBB or Baa2). The collateralized portion of the exposure would be assigned a risk weight (as listed in Table 1 and Table 2) according to the external rating of the collateral. The uncollateralized portion of the exposure would be assigned a risk weight according to the external rating of the exposure (or a sovereign entity's issuer rating where applicable).

Question 3: We seek comment on whether recognizing additional types of eligible collateral would improve the risk sensitivity of our risk-based capital rules without being overly burdensome.

[31] 71 FR 77452 (December 26, 2006).

[32] The Farm Credit Banks provide wholesale funding to their affiliated associations who, in turn, make retail loans to eligible borrowers. CoBank, ACB, provides both wholesale funding to its affiliated associations and retail loans to cooperatives and other eligible borrowers.

[33] System banks and associations are permitted to make mission-related investments to agriculture and rural America. *See* ''Investments in Rural America—Pilot Investment Programs,'' FCA Informational Memorandum (January 11, 2005).

[34] Agricultural businesses include farmer-owned cooperatives, food and fiber processors and marketers, manufacturers and distributors of agricultural inputs and services, and other agricultural-related businesses. Rural businesses include electric utilities and other energy-related businesses, communication companies, water and waste disposal businesses, ethanol plants, and other rural-related businesses.

[35] OECD stands for the Organization for Economic Cooperation and Development. The OECD is an international organization of countries that are committed to democratic government and the market economy. An up-to-date listing of member countries is available at *http://www.oecd.org* or *http://www.oecdwash.org.*

We also seek comment on what additional types of collateral, if any, we should consider and what effect the collateral should have on the risk weighting of System exposures.

3. Eligible Guarantors

Our existing capital rules permit the use of third party guarantees to lower the risk weight of certain exposures. Guarantors include: (1) The U.S. Government, its agencies or Government-sponsored agencies; (2) U.S. state and local governments; (3) central governments and banks in OECD countries; (4) central governments in non-OECD countries (local currency exposures only); (5) banks in non-OECD countries (short-term claims only); (6) certain multilateral lending and regional development institutions; and (7) qualifying securities firms.

Basel IA proposes to include guarantees from any entity that has long-term senior debt (without credit enhancements) rated at least investment grade by an NRSRO or, if the entity is a sovereign, an issuer rating that is at least investment grade (*e.g.*, BBB- or Baa3 for sovereigns and BBB or Baa2 for non-sovereigns).[36] The guaranteed portion of the exposure would be assigned a risk weight (as detailed in Table 1) according to the NRSRO rating of the eligible guarantor's long-term senior debt or, if the guarantor is a sovereign and its long-term debt is not rated, then the exposure would be assigned a risk weight according to the NRSRO rating of the sovereign. Non-guaranteed portions of the exposure would be assigned to the external rating of the exposure (or a sovereign entity's issuer rating where applicable).

Question 4: We seek comment on what additional types of third party guarantees, if any, we should recognize and what effect such guarantees should have on the risk weighting of System exposures.

C. Direct Loans to System Associations

The FCA is considering ways to better align our risk-based capital requirements for direct loans with System associations. System banks make direct loans to their affiliated associations who, in turn, make retail loans to eligible borrowers. Our current risk-based capital rules assign a 20-percent risk weight to direct loans at the bank level and another risk weight (depending upon the type of loan) to retail loans at the association level.[37] The 20-percent risk weight is intended to recognize the risks to the banks associated with lending to their affiliated associations. The other Federal financial regulatory agencies also assign a 20-percent risk weight to similar GSE and OECD depository institution exposures.[38] We are exploring methods to improve the risk sensitivity of our risk-based capital rules by assigning different risk weights to direct loan exposures based on the System association's distinct risk profile.

Question 5: We seek comment on what evaluative criteria or methods we might use to assign risk weights to direct loans to System associations. How should the criteria be used to adjust the risk weight as the quality of the direct loan changes over time?

D. Small Agricultural and Rural Business Loans

Our existing risk-based capital rules assign small agricultural and rural business loans to the 100-percent risk-weight category unless the credit risk is mitigated by an acceptable guarantee or acceptable collateral. The other Federal financial regulatory agencies are exploring options to permit small business loans to qualify for a 75-percent risk weight.[39] They are also considering criteria for short-term loans that do not amortize, such as working capital loans and other revolving lines of credit.[40]

Question 6: We seek comment on what approaches we might use to improve the risk sensitivity of our risk-based capital rules for small agricultural and rural business loans. More specifically, what qualifying criteria might we use to assign small agricultural and rural business loans to risk-weight categories of less than 100 percent?

E. Loans Secured by Liens on Real Estate

1. First-Lien Loans

The FCA is considering ways to use loan-to-value ratios (LTV) and other criteria to determine the risk-based capital charges for farm real estate and qualified residential loans. Our existing capital rules assign farm real estate loans to the 100-percent risk-weight category and qualified residential loans[41] to the 50-percent risk-weight category. Basel IA proposes to risk weight first-lien residential mortgages, including mortgages held for sale and mortgages held in portfolio, based on LTV as outlined in Table 3 (farm real estate loans are not included in this table).[42] Basel IA proposes to include the risk-mitigating effects of loan-level private mortgage insurance in the calculation of LTV, provided the loan-level insurer is not affiliated with the banking organization and has long-term senior debt (without credit enhancement) externally rated at least the third highest investment grade by an NRSRO (*e.g.*, AA or Aa2).

TABLE 3.—BASEL IA PROPOSED LTV AND RISK WEIGHTS FOR 1–4 FAMILY FIRST LIENS[43]

Loan-to-value ratio (in percent)	Risk weight (in percent)
60 or less	20
Greater than 60 and less than or equal to 80	35

[36] *See* 71 FR 77453 (December 26, 2006). A recognized third party guarantee would have to: (1) Be written and unconditional, and if the third party is a sovereign, be backed by the full faith and credit of the sovereign; (2) cover all or a pro rata portion of contractual payments of the obligor on the reference exposure; (3) give the beneficiary a direct claim against the protection provider; (4) be non-cancelable by the protection provider for reasons other than the breach of the contract by the beneficiary; (5) be legally enforceable against the protection provider in a jurisdiction where the protection provider has sufficient assets against which a judgment may be attached and enforced; and (6) require the protection provider to make payment to the beneficiary on the occurrence of a default (as defined in the guarantee) of the obligor on the reference exposure without first requiring the beneficiary to demand payment from the obligor.

[37] Our risk-based capital rules also assign a 20-percent risk weight to similar GSE and OECD depository institution exposures.

[38] Basel IA would retain the 20-percent risk weight for these types of exposures. *See* 71 FR 77451 and 77454 (December 26, 2006).

[39] *See* 71 FR 77462–77463 (December 26, 2006). The agencies suggest the following criteria for qualifying loans: (1) Total credit exposure to the business must not exceed $1 million; (2) loan(s) must be personally guaranteed by the owner(s) of the business and fully collateralized by the assets of the business; (3) loan(s) must be prudently underwritten, performing, and fully amortize within 7 years; (4) businesses must maintain a minimum debt service coverage ratio of 1.3; (5) loan(s) must not have been restructured; and (6) proceeds are not to be used to service any other outstanding loan obligation.

[40] For example, loans or draws from a revolving line of credit that mature in 18 months could forgo the amortization requirement provided the loan is to be repaid from anticipated proceeds of previously established financial transactions and the proceeds are pledged for the repayment of the loan.

[41] Qualified residential loans are rural home loans (as defined by 12 CFR 613.3030) and single-family residential loans to bona fide farmers, ranchers, or producers or harvesters of aquatic products that meet the requirements listed in 12 CFR 615.5201.

[42] *See* 71 FR 77456 (December 26, 2006). Basel IA proposes to require institutions to calculate LTV at origination using the lower of the purchase price of the property or the value at origination in conformance with appraisal regulations and real estate lending guidelines. LTV would be updated quarterly to reflect any decrease in the principal balance, or if a negative amortization loan, an increase in the principal balance. Property values are updated only if a mortgage is refinanced and the banking organization extends additional funds.

[43] *See* 71 FR 77455 (December 26, 2006).

TABLE 3.—BASEL IA PROPOSED LTV AND RISK WEIGHTS FOR 1–4 FAMILY FIRST LIENS [43]—Continued

Loan-to-value ratio (in percent)	Risk weight (in percent)
Greater than 80 and less than or equal to 85	50
Greater than 85 and less than or equal to 90	75
Greater than 90 and less than or equal to 95	100
Greater than 95	150

The other Federal financial regulatory agencies are also evaluating approaches that would consider borrower creditworthiness in conjunction with LTV to determine the appropriate risk weight for first-lien mortgages.[44] Borrowers would be grouped by credit history using default odds obtained from credit reporting agencies' validation charts. A banking organization would determine a borrower's default odds by mapping the borrower's credit score to the credit reporting agencies' validation charts.

Question 7: We seek comment on all aspects of using LTV to determine the risk-based capital charge for farm real estate and qualified residential loans. Specifically, we ask that you address farm real estate and qualified residential loans separately when answering the following questions:

- *How might we determine the value* (*e.g.*, the denominator of the LTV) of the real estate at origination?
- *How should PMI or guarantees be treated in the calculation of LTV?*
- *How should LTV be adjusted over time?*
- *How should LTV be mapped to risk-weight categories?*
- *How might loan characteristics such as loan size, availability of credit scores, and payment frequency be used in conjunction with LTV?*
- *How might borrower creditworthiness be used in conjunction with LTV and how might they be mapped to risk-weight categories?*

2. Junior-Lien Loans

Our existing regulations permit System institutions to make short- and intermediate-term loans secured by a junior lien on a property as long as the System institution also holds the first lien on the property. Further, System institutions can make loans secured by stand-alone junior liens, provided the financing is used exclusively for repairs, remodeling, or other improvements to qualified rural homes.[45] Loans secured by junior liens are risk-weighted at 50 percent if the institution holds a first lien on a mortgage that is classified as a qualified residential loan. All other loans secured by junior liens are risk-weighted at 100 percent.

Basel IA proposes to risk-weight junior-lien mortgages based on a combined LTV.[46] For example, if a banking organization holds a first lien on a property, then the junior lien loan would be added to the first lien to determine the combined LTV and assigned the appropriate risk weight as outlined in Table 3.[47] For stand-alone junior liens, the banking organization would follow the same procedures, except the junior-lien loan would be combined with all senior-lien loans (all principal amounts outstanding would be aggregated) to determine the LTV and assigned the appropriate risk weight as outlined in Table 4.

TABLE 4.—BASEL IA PROPOSED LTV AND RISK WEIGHTS FOR 1–4 FAMILY JUNIOR LIENS [48]

Loan-to-value ratio (in percent)	Risk weight (in percent)
60 or less	75
Greater than 60 and less than or equal to 90	100
Greater than 90	150

Question 8: We seek comment on all aspects of using combined LTV to risk-weight junior-lien loans. Specifically, how should combined LTV be calculated at origination and adjusted over time? How should the combined LTVs be used to assign stand-alone junior-lien loans to risk-weight categories?

F. Short- and Long-Term Commitments

Under § 615.5212, off-balance sheet commitments are generally risk-weighted in two steps: (1) The off-balance sheet commitment is multiplied by a credit conversion factor (CCF)[49] to determine its on-balance sheet credit equivalent; and (2) the on-balance sheet credit equivalent is assigned to the appropriate risk-weight category in § 615.5211 according to the obligor, after considering any applicable collateral and guarantees.[50] Basel IA proposes to retain the zero-percent CCF for commitments that are unconditionally cancelable[51] but assign a 10-percent CCF to all other short-term commitments. Further, Basel IA seeks comment on alternative approaches that would apply a single CCF of 20 percent to all short- and long-term commitments that are not unconditionally cancelable.

Question 9: We seek comment on what approaches we might use to risk weight short- and long-term commitments that are not unconditionally cancelable.

G. Adjusting Risk Weights on Exposures Over Time

The FCA welcomes comment on additional approaches or criteria (other than NRSRO credit ratings and LTVs addressed in previous sections) that might be used to adjust the risk weight of exposures throughout the life of the asset. Our existing risk-based capital rules assign a static risk weight to assets within a given asset class without allowing for risk-weight adjustments as asset quality improves or deteriorates. For example, most loans to System borrowers are risk-weighted at 100 percent throughout the life of the loan without making risk-weight adjustments based on credit classifications or other credit performance factors.

Question 10: We seek comment on what methods we might use to adjust the risk weight of credit exposures as the asset quality or default probability changes over time.

H. Capital Charge for Operational Risk

The FCA welcomes comments on possible approaches for determining a capital charge for operational risk. The broad risk-weighting categories under our existing capital rules are intended to implicitly cover operational and other types of risks. As we move to a more risk-sensitive capital framework, it may be more appropriate to apply an explicit capital charge for operational risk, especially to cover risks associated with

[44] *See* 71 FR 77456 (December 26, 2006).

[45] *See* 12 CFR 614.4200(b)(4).

[46] *See* 71 FR 77458–77459 (December 26, 2006).

[47] The steps for determining the risk-adjusted value of the unfunded portion of a junior-lien loan (*e.g.*, a line of credit) would be as follows: (1) The unfunded commitment is multiplied by the appropriate credit conversion factor to determine the on-balance sheet credit equivalent; (2) the on-balance sheet credit equivalent is added to the first lien and the funded portion of the junior-lien loan to determine the combined LTV; and (3) the combined LTV is assigned the appropriate risk weight as outlined in Table 3. The unfunded commitment would be adjusted accordingly as the borrower utilizes the junior-lien loan.

[48] *See* 71 FR 77459 (December 26, 2006).

[49] A CCF is a number by which an off-balance sheet item is multiplied to obtain a credit equivalent before placing the item in a risk-weight category.

[50] 50 Our existing regulations assign a zero-percent CCF to unused commitments with an original maturity of 14 months or less. Unused commitments with an original maturity of greater that 14 months can also receive a zero-percent CCF provided the commitment is unconditionally cancelable and the System institution has the contractual right to make a separate credit decision before each drawing under the lending arrangement. All other unused commitments with an original maturity of greater than 14 months are assigned a 50-percent CCF.

off-balance sheet activity. Basel IA is designed to implicitly cover risks other than credit risk, and therefore, does not propose an explicit capital charge for operational risk.

Question 11: We seek comment on whether we should consider a risk-based capital charge for operational risk.

I. Capital Leverage Ratio

We are considering whether we should supplement our existing risk-based capital rules with a minimum capital leverage ratio requirement for all FCS institutions to further promote the safety and soundness of the System. Our existing capital regulations require System banks to maintain a minimum net collateral ratio (NCR) [52] of 103 percent [53] but do not impose a capital leverage ratio on System associations. The NCR provides a level of protection for operating and other forms of risk at System banks, but it does not differentiate higher quality from lower quality capital. The other Federal financial regulatory agencies currently supplement their risk-based capital rules with a leverage ratio of Tier 1 capital to total assets (Tier 1 leverage ratio).[54] The Tier 1 leverage ratio consists of only the most reliable and permanent forms of capital such as common stock, non-cumulative perpetual preferred stock, and retained earnings. Neither the U.S. Basel II nor the Basel IA proposed rules would affect the existing leverage ratio.

Question 12: We seek comment on whether our capital rules should include a minimum capital leverage ratio requirement for all System institutions. We also seek comment on changes, if any, that should be made to the existing regulatory minimum NCR requirement applicable to System banks that would make it more comparable to the Tier 1 ratio used by the other Federal financial regulatory agencies.

J. Regulatory Capital Directives [55]

We are considering whether we should modify our capital rules to specify potential early intervention criteria for the issuance of capital directives. Currently, FCA has the discretion to issue a capital directive [56] when an institution's capital is insufficient. The FCA, however, has not defined capital or other financial early intervention thresholds to require an institution to take corrective action as described in § 615.5355. Early intervention approaches have been used in other contexts, including the System's Market Access Agreement and the statutory requirements applicable to other regulated financial institutions. An early intervention capital directive framework could provide a clearer indication of when we would impose additional and increasing supervisory oversight on an institution to address continuing deterioration in its financial condition and capital position from credit, interest rate, or other financial risks.

Question 13: We seek comment on revising our current capital directive regulations to include an early intervention framework. We also seek comment on potential financial thresholds, such as capital ratios or risk measures, that would trigger an FCA capital directive action.

K. Multi-Dimensional Regulatory Structure

As stated above, one of FCA's objectives is to implement a revised capital framework that improves the risk sensitivity of our capital rules while avoiding undue regulatory burden. There are currently five banks and 95 associations in the System with varying degrees of asset size, complexity of operations, and sophistication in their risk management practices. Some System institutions have the risk management capabilities to apply more complex, risk-sensitive regulatory capital requirements than other System institutions. It may be appropriate for the FCA to adopt more than one set of capital rules to account for these differences. However, this approach could result in different capital requirements for the same type of transaction and increase examination and oversight costs.

The other Federal financial regulatory agencies are proposing more than one set of capital rules for the financial institutions they regulate. For example, implementation of U.S. Basel II would be limited, for the most part, to the largest, internationally active banks that meet certain infrastructure requirements. Basel IA would permit non-Basel II banking organizations the option of applying the revised Basel IA-based capital framework or remaining subject to the existing Basel I-based capital framework.[57] Consequently, a trifurcated regulatory capital framework would be created in the United States.

While our expectation is to implement a revised capital framework similar to Basel IA, we also recognize that some aspects of Basel II may be appropriate for the larger, more complex System institutions. However, we are still reviewing Basel II and its potential application to the System. Therefore, we are not seeking comments on Basel II at this time. Rather, we are considering the overall regulatory capital framework for the System in light of the changes occurring in the financial services industry such as the Basel II and Basel IA proposed rules and recent best practices for economic capital modeling.

Question 14: We seek comment on the most appropriate risk-based capital framework for the System and the reasons we should implement one framework over another. Should we consider creating a uniform regulatory capital structure for the System or a multi-dimensional regulatory structure and allow each System institution the option of choosing which capital framework it will apply? How might this new risk-based capital framework increase the costs or regulatory burden to the System? Would the increased costs be justified by improved risk sensitivity, risk management, and more efficient capital allocation?

Question 15: Additionally, we seek comment on any other methods that may be used to increase the risk sensitivity of our risk-based capital rules.

Dated: June 15, 2007.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. E7–11990 Filed 6–20–07; 8:45 am]

BILLING CODE 6705–01–P

[51] An unconditionally cancelable commitment is one that can be canceled for any reason at any time without prior notice.

[52] The net collateral ratio is a bank's net collateral as defined by 12 CFR 615.5301(c) divided by the bank's adjusted total liabilities.

[53] *See* 12 CFR 615.5335(a).

[54] *See* 12 CFR 3.6(b) and (c); 12 CFR part 208, appendix B and 12 CFR part 225, appendix D; 12 CFR 325.3; and 12 CFR 567.8.

[55] 12 CFR part 615, subpart M.

[56] A capital directive is defined in § 615.5355(a) minimum ratios set forth in 12 CFR 615.5205, 615.5330, and 615.5335, or established under subpart L of part 615, or by a written agreement under an enforcement or supervisory action, or as a condition of approval of an application. The FCA's authority is set forth in sections 4.3(b)(2) and 4.3A(e) of the Farm Credit Act (12 U.S.C. 2154(b)(2) and 2154a(e)).

[57] A banking organization that chooses to apply Basel IA must do so in its entirety. However, a banking organization has the option of risk weighting existing mortgage loans using the existing Basel I-based capital rules. This option would apply only to those mortgage loans that the banking organization owned at the time it chose to apply Basel IA.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28246; Directorate Identifier 2007–CE–048–AD]

RIN 2120–AA64

Airworthiness Directives; Cirrus Design Corporation Models SR20 and SR22 Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Cirrus Design Corporation (CDC) Models SR20 and SR22 airplanes. This proposed AD would require you to inspect and, as necessary, adjust the aileron and rudder rigging and would require you to modify, inspect, and, as necessary, adjust the rudder-aileron interconnect system. This proposed AD results from an on-the-ground jamming of the aileron and rudder controls on a Model SR20 airplane, which resulted in loss of rudder and aileron flight controls. We are proposing this AD to prevent the possibility of jamming of the rudder-aileron interconnect system, which may result in loss of rudder and aileron flight controls.

DATES: We must receive comments on this proposed AD by August 20, 2007.

ADDRESSES: Use one of the following addresses to comment on this proposed AD:

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.

For service information identified in this proposed AD, contact Cirrus Design Corporation, 4515 Taylor Circle, Duluth, Minnesota 55811; telephone: (218) 727–2737; Internet address: *http://www.cirrusdesign.com.*

FOR FURTHER INFORMATION CONTACT: Wess Rouse, Aerospace Engineer, 2300 East Devon Avenue, Room 107, Des Plaines, Illinois 60018; telephone: (847) 294–8113; fax: (847) 297–7834.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, ''FAA–2007–28246; Directorate Identifier 2007–CE–048–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 we receive concerning this proposed AD.

Discussion

We received notification from CDC of an on-the-ground jamming of the aileron and rudder controls under full rudder and aileron cross control inputs on a Model SR20 airplane. During a turn from the taxiway onto the runway for takeoff, the pilot applied full rudder and full opposite aileron for a turn with a crosswind. He then found he could no longer move the controls. Subsequent examination of the airplane revealed the rudder-aileron interconnect system had become locked between the two control cables.

This condition, if not corrected, could result in the possible jamming of the rudder-aileron interconnect system, which may result in loss of rudder and aileron flight controls.

Relevant Service Information

We have reviewed CDC Service Bulletin No. SB 2X–27–14 R1, Issued: May 9, 2007, Revised: May 24, 2007.

The service information describes procedures for inspecting the aileron and rudder rigging and modifying, inspecting, and adjusting, as necessary, the rudder interconnect system.

FAA's Determination and Requirements of the Proposed AD

We are proposing this AD because we evaluated all information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would require you to inspect and, as necessary, adjust the aileron and rudder rigging, and would require you to modify, inspect, and, as necessary, adjust the rudder-aileron interconnect system.

This proposed AD increases mechanical clearances within the rudder-aileron interconnect system and ensures correct rigging/adjustment of the ailerons, the rudder, and the rudder-aileron interconnect.

Costs of Compliance

We estimate that this proposed AD would affect 2,387 airplanes in the U.S. registry.

We estimate the following costs to do the proposed inspections, modification, and any adjustments that may be necessary based on the results of the proposed inspections:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 work-hour × $80 per hour = $80	$18	$98	$233,926

Note: CDC will provide warranty credit to the extent noted in Service Bulletin No. SB 2X–27–14 R1, Issued May 9, 2007, Revised May 24, 2007.

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.

Examining the AD Docket

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information 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 Docket Office (telephone (800) 647–5527) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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:

Cirrus Design Corporation: Docket No. FAA–2007–28246; Directorate Identifier 2007–CE–048–AD.

Comments Due Date

(a) We must receive comments on this airworthiness directive (AD) action by August 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model SR20 airplanes, serial numbers (SN) 1005 through 1796, and Model SR22 airplanes, SN 0002 through 2333, SN 2335 through 2419, and SN 2421 through 2437, that are certificated in any category.

Unsafe Condition

(d) This AD results from an on-the-ground jamming of the aileron and rudder controls on a Model SR20 airplane. We are issuing this AD to prevent the possibility of jamming of the rudder-aileron interconnect system, which may result in loss of rudder and aileron flight controls.

Compliance

(e) To address this problem, you must do the following, unless already done:

Actions	Compliance	Procedures
Inspect and, as necessary, adjust the aileron and rudder rigging and modify, inspect, and, as necessary, adjust the rudder-aileron interconnect system.	Within the next 25 hours time-in-service (TIS) after the effective date of this AD or within the next 3 months after the effective date of this AD, whichever occurs first.	Follow Cirrus Service Bulletin No. SB 2X–27–14 R1, Issued: May 9, 2007, Revised: May 24, 2007.

Note: Temporary revisions to the airplane maintenance manuals (AMM), SR20 AMM Temporary Revision No. 27–1 and SR22 AMM Temporary Revision No. 27–1, both dated May 9, 2007, contain information pertaining to this subject.

(f) Compliance will be acceptable if the above actions are done by following the procedures described in Cirrus Service Bulletin No. SB 2X–27–14, Issued: May 9, 2007. You may take ''unless already done'' credit, and no further action per this AD is necessary.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Chicago Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Wess Rouse, Aerospace Engineer, FAA, 2300 East Devon Avenue, Room 107, Des Plaines, Illinois 60018; telephone: (847) 294–8113; fax: (847) 297–7834. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Related Information

(h) To get copies of the service information referenced in this AD, contact Cirrus Design Corporation, 4515 Taylor Circle, Duluth, Minnesota 55811; telephone: (218) 727–2737; Internet address: *http://www.cirrusdesign.com.* To view the AD docket, go to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at *http://dms.dot.gov.* The docket number is Docket No. FAA–2007–28246; Directorate Identifier 2007–CE–048–AD.

Issued in Kansas City, Missouri, on June 14, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–12006 Filed 6–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–149036–04]

RIN 1545–BG75

Application of Section 6404(g) of the Internal Revenue Code Suspension Provisions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document proposes regulations for the suspension of interest, penalties, additions to tax, or additional amounts under section 6404(g) of the Internal Revenue Code (Code) that explain the general rules for suspension as well as exceptions to those general rules. The proposed regulations reflect changes to the law made by the Internal Revenue Service

Restructuring and Reform Act of 1998, the American Jobs Creation Act of 2004, the Gulf Opportunity Zone Act of 2005, and the Tax Relief and Health Care Act of 2006. The proposed regulations affect individual taxpayers who file timely income tax returns with respect to whom the IRS does not timely provide a notice specifically stating an additional tax liability and the basis for that liability. This document also provides a notice of public hearing on the proposed regulations.

DATES: Written or electronic comments must be received by September 19, 2007. Outlines of topics to be discussed at the public hearing scheduled for October 11, 2007, at 10 a.m. must be received by September 20, 2007.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–149036–04), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–149036–04), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC, or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov* (IRS REG–149036–04). The public hearing will be held in the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Stuart Spielman, (202) 622–7950; concerning submissions of comments, the hearing, or to be placed on the building access list to attend the hearing, Richard Hurst, (202) 622–7180 (not toll-free numbers) or *Richard.A.Hurst@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION:

Background

This document amends the Procedure and Administration Regulations (26 CFR part 301) by adding rules relating to the suspension of interest, penalties, additions to tax, or additional amounts under section 6404(g). Section 6404(g) was added to the Code by section 3305 of the Internal Revenue Service Restructuring and Reform Act of 1998, Public Law 105–206 (112 Stat. 685, 743) (RRA 98), effective for taxable years ending after July 22, 1998. Section 6404(g) was amended by section 903(c) of the American Jobs Creation Act of 2004, Public Law 108–357 (118 Stat. 1418, 1652) (AJCA), enacted on October 22, 2004; by section 303 of the Gulf Opportunity Zone Act of 2005, Public Law 109–135 (119 Stat. 2577, 2608–09) (GOZA), enacted on December 21, 2005; by section 426(b) of the Tax Relief and Health Care Act of 2006, Public Law 109–432 (120 Stat. 2922, 2975), enacted on December 20, 2006; and by section 8242 of the Small Business and Work Opportunity Tax Act of 2007, Public Law 110–28 (121 Stat. 112, 200), enacted on May 25, 2007. The Treasury Department and the Internal Revenue Service are aware that questions have been raised regarding the effective date of the changes made by the Small Business and Work Opportunity Act of 2007 and are considering further guidance. These regulations are prescribed under section 7805.

Explanation of Provisions

General Rule

If an individual taxpayer files a Federal income tax return on or before the due date for that return (including extensions), and if the IRS does not timely provide a notice to that taxpayer specifically stating the taxpayer's liability and the basis for that liability, then the IRS must suspend any interest, penalty, addition to tax, or additional amount with respect to any failure relating to the return that is computed by reference to the period of time the failure continues and that is properly allocable to the suspension period. A notice is timely if provided before the close of the eighteen-month period (thirty-six month period, in the case of notices provided after November 25, 2007) beginning on the later of the date on which the return is filed or the due date of the return without regard to extensions. The suspension period begins on the day after the close of the eighteen-month period (or thirty-six month period) and ends twenty-one days after the IRS provides the notice. This suspension rule applies separately with respect to each item or adjustment.

Amended Returns

The proposed regulations provide guidance on applying section 6404(g) to amended returns and other signed documents that show an increased tax liability, as well as to amended returns that show a decreased tax liability. If, on or after December 21, 2005, a taxpayer provides to the IRS an amended return or other signed written document showing an additional tax liability, then the eighteen-month period (or thirty-six month period) does not begin to run with respect to the items that gave rise to the additional tax liability until that return or other signed written document is provided to the IRS. This rule is mandated by GOZA section 303(b). Except as provided in GOZA section 303(b), the filing of an amended return has no effect on the running of the eighteen-month period (or thirty-six month period) under section 6404(g). Accordingly, if a taxpayer files an amended return or other signed written document showing a decrease in tax liability and the IRS at any time proposes to adjust the changed item or items, any interest, penalty, addition to tax, or additional amount with respect to the changed item or items on the amended return or other signed written document will not be suspended. If married taxpayers file a return claiming a change in filing status to married filing jointly, the general rule authorizing suspension will not apply unless each spouse's separate return, if required to be filed, was timely. An amended return or other written document is provided to the IRS for purposes of these proposed regulations when it is received by the IRS.

Notice of Liability and the Basis for Liability

Notice to the taxpayer must be in writing and specifically state the amount of the liability and the basis for the liability. The notice must provide the taxpayer with sufficient information to identify which items of income, deduction, loss, or credit the IRS has adjusted or proposes to adjust, and the reason for that adjustment. Administrative proceedings pertaining to adjustments to partnership items of partnerships subject to the unified audit and litigation procedures of Subchapter C of Chapter 63 of Subtitle F of the Internal Revenue Code (TEFRA) occur at the partnership level. Each partner has the right to participate in partnership-level administrative proceedings. The tax matters partner (TMP) of a TEFRA partnership has a fiduciary relationship to the partners and must provide the partners with information concerning significant administrative proceedings and actions within 30 days of the action or the receipt of information concerning the partnership matter. TEFRA partnership administrative proceedings at the partnership level concern the treatment of partnership items and the partners' allocable shares of those items rather than the specific tax liability of each partner attributable to the partnership items. Partners can, however, compute the specific tax attributable to adjustments to partnership items based on their interests in the partnership, so notice to the TMP concerning the treatment of partnership items constitutes notice to the partners under section 6404(g).

Exceptions to the General Rule for Suspension

The general rule for suspension does not apply to (1) Any penalty imposed by section 6651 for failing to file a tax return or for failing to pay tax; (2) any interest, penalty, addition to tax, or additional amount in a case involving fraud; (3) any interest, penalty, addition to tax, or additional amount with respect to any tax liability shown on a return; (4) any interest, penalty, addition to tax, or additional amount with respect to any gross misstatement; (5) any interest, penalty, addition to tax, or additional amount with respect to any reportable transaction not meeting the disclosure requirement of section 6664(d)(2)(A) or any listed transaction as defined in section 6707A(c); and (6) any criminal penalty.

The proposed regulations limit the exception pertaining to a case involving fraud to the taxpayer and the taxable year in issue. The proposed regulations also provide that the exception in section 6404(g) for ''a case involving fraud'' means that fraud on the return with respect to any item will preclude suspension under section 6404(g) with respect to all items on the return.

AJCA section 903(b) added subparagraph (D), pertaining to gross misstatements, to section 6404(g)(2), effective for taxable years beginning after December 31, 2003. The proposed regulations define ''gross misstatement'' as the reporting of any item on the original or any amended return if that item is attributable to a gross valuation misstatement as defined in section 6662(h), a substantial omission of income as described in section 6501(e)(1) or section 6229(c), or a frivolous position or a desire to delay or impede the administration of the Federal income tax laws as described in section 6702.

Special Rules

Section 6404(g)(2)(C) provides that interest suspension does not apply to any tax liability shown on a return. Consistent with this exception, any interest, penalty, addition to tax, or additional amount with respect to an erroneous tentative carryback or refund adjustment will not be suspended because the disallowance of the erroneous tentative carryback or refund adjustment does not change the tax liability originally shown on the taxpayer's return. An election under section 183(e) to defer the determination as to whether the presumption applies that an activity is engaged in for profit tolls the notification period and the suspension period described in section 6404(g)(1), in that the election calls for the IRS to defer proposing adjustments regarding the activity.

Proposed Effective Date

The regulations, as proposed, apply as of the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because these regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The IRS and Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be made available for public inspection and copying.

A public hearing has been scheduled for October 11, 2007, beginning at 10 a.m. in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written or electronic comments on September 19, 2007, and an outline of the topics to be discussed, and the time to be devoted to each topic (signed original and eight (8) copies) by September 20, 2007. A period of ten minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is Stuart Spielman of the Office of Associate Chief Counsel (Procedure and Administration).

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 301.6404–0 is amended as follows:

1. The introductory text is revised.
2. Entries are added for § 301.6404–4.

The addition reads as follows:

§ 301.6404–0 Table of contents.

This section lists the paragraphs contained in §§ 301.6404–1 through 301.6404–4.

* * * * *

§ 301.6404–4 Suspension of interest and certain penalties where the Internal Revenue Service does not contact the taxpayer.

(a) Suspension.
(1) In general.
(2) Treatment of amended returns and other documents.
(i) Amended returns filed on or after December 21, 2005, that show an increase in tax liability.
(ii) Amended returns that show a decrease in tax liability.
(iii) Amended return and other documents as notice.
(iv) Joint return after filing separate return.
(3) Separate application.
(4) Duration of suspension period.
(5) Example.
(6) Notice of liability and the basis for the liability.
(i) In general.
(ii) Tax attributable to TEFRA partnership items.
(iii) Examples.
(7) Providing notice by the IRS.

(i) In general.
(ii) Providing notice in TEFRA partnership proceedings.
(b) Exceptions.
(1) Failure to file tax return or to pay tax.
(2) Fraud.
(3) Tax shown on return.
(4) Gross misstatement.
(i) Description.
(5) [Reserved].
(c) Special rules.
(1) Tentative carryback and refund adjustments.
(2) Election under section 183(e).
(d) Effective/applicability date.

Par. 3. Section 301.6404–4 is added to read as follows:

§ 301.6404–4 Suspension of interest and certain penalties where the Internal Revenue Service does not contact the taxpayer.

(a) *Suspension*—(1) *In general.* Except as provided in paragraph (b) of this section, if an individual taxpayer files a return of tax imposed by subtitle A on or before the due date for the return (including extensions) and the Internal Revenue Service (IRS) does not timely provide the taxpayer with a notice specifically stating the amount of any increased liability and the basis for that liability, then the IRS must suspend any interest, penalty, addition to tax, or additional amount with respect to any failure relating to the return. This suspension is computed by reference to the period of time the failure continues to exist. The notice described in this paragraph (a)(1) is timely if provided before the close of the eighteen-month period (thirty-six month period in the case of notices provided after November 25, 2007) beginning on the later of the date on which the return is filed or the due date of the return without regard to extensions.

(2) *Treatment of amended returns and other documents*—(i) *Amended returns filed on or after December 21, 2005, that show an increase in tax liability.* If a taxpayer, on or after December 21, 2005, provides to the IRS an amended return or one or more other signed written documents showing an increase in tax liability, the date on which the return was filed will, for purposes of this paragraph (a), be the date on which the last of the documents was provided. Documents described in this paragraph (a)(2)(i) are provided on the date that they are received by the IRS.

(ii) *Amended returns that show a decrease in tax liability.* If a taxpayer provides to the IRS an amended return or other signed written document that shows a decrease in tax liability, any interest, penalty, addition to tax, or additional amount will not be suspended if the IRS at any time proposes to adjust the changed item or items on the amended return or other signed written document.

(iii) *Amended return and other documents as notice.* As to the items reported, an amended return or one or more other signed written documents showing that the taxpayer owes an additional amount of tax for the taxable year serves as the notice described in paragraph (a)(1) of this section.

(iv) *Joint return after filing separate return.* A joint return filed under section 6013(b) is subject to the rules for amended returns described in this paragraph (a)(2). The IRS will not suspend any interest, penalty, addition to tax, or additional amount on a joint return filed under section 6013(b) unless each spouse, if required to file a return, filed a timely separate return.

(3) *Separate application.* This paragraph (a) shall be applied separately with respect to each item or adjustment.

(4) *Duration of suspension period.* The suspension period described in paragraph (a)(1) of this section begins the day after the close of the eighteen-month period (thirty-six month period, in the case of notices provided after November 25, 2007) beginning on the later of the date on which the return is filed or the due date of the return without regard to extensions. The suspension period ends twenty-one days after the earlier of the date on which the IRS mails the required notice to the taxpayer's last known address, the date on which the required notice is hand-delivered to the taxpayer, or the date on which the IRS receives an amended return or other signed written document showing an increased liability.

(5) *Example.* The following example illustrates the rules of this paragraph (a):

Example. An individual taxpayer timely files an income tax return for taxable year 2004 on the due date of the return, April 15, 2005. On December 11, 2006, the taxpayer mails to the IRS an amended return reporting an additional item of income and an increased tax liability for taxable year 2004. The IRS receives the amended return on December 13, 2006. On January 16, 2007, the IRS provides the taxpayer with a notice stating that the taxpayer has an additional tax liability based on the disallowance of a deduction the taxpayer claimed on his original return and did not change on his amended return. The date the amended return was received substitutes for the date that the original return was filed with respect to the additional item of tax liability reported on the amended return. Thus, the IRS will not suspend interest, penalties, additions to tax, or additional amounts with respect to the additional item of income and the increased tax liability reported on the amended return. The suspension period for the additional tax liability based on the IRS' disallowance of the deduction begins on October 15, 2006, so the IRS will suspend interest, penalties, additions to tax, and additional amounts with respect to the disallowed deduction and additional tax liability from that date through February 6, 2007, which is twenty-one days after the IRS provided notice of the additional tax liability and the basis for that liability.

(6) *Notice of liability and the basis for the liability*—(i) *In general.* Notice to the taxpayer must be in writing and specifically state the amount of the liability and the basis for the liability. The notice must provide the taxpayer with sufficient information to identify which items of income, deduction, loss, or credit the IRS has adjusted or proposes to adjust, and the reason for that adjustment. Notice of the reason for the adjustment does not require a detailed explanation or a citation to any Internal Revenue Code section or other legal authority. The IRS does not have to incorporate all the information necessary to satisfy the notice requirement within a single document or provide all the information at the same time. Documents that may contain information sufficient to qualify as notice, either alone or in conjunction with other documents, include, but are not limited to, statutory notices of deficiency, examination reports (for example, Forms 4549 ''Income Tax Examination Changes,'' Forms 886–A ''Explanation of Items''), Forms 870 ''Waiver of Restrictions on Assessments and Collection of Deficiency in Tax and Acceptance of Overassessment,'' notices of proposed deficiency that allow the taxpayer an opportunity for review in the Office of Appeals (30-day letters), notices pursuant to section 6213(b) (mathematical or clerical errors), and notice and demand for payment of a jeopardy assessment under section 6861.

(ii) *Tax attributable to TEFRA partnership items.* Notice to the partner or the tax matters partner (TMP) of a partnership subject to the Unified Audit and Litigation Procedures of subchapter C of chapter 63 of subtitle F of the Internal Revenue Code (TEFRA) that provides specific information about the basis for the adjustments to partnership items is sufficient notice if a partner could reasonably compute the specific tax attributable to the partnership item based on the proposed adjustments as applied to the partner's individual tax situation. Documents provided by the IRS during a TEFRA partnership proceeding that may contain information sufficient to satisfy the notice requirements include, but are not limited to, a Notice of Final Partnership Administrative Adjustment,

examination reports (for example, Forms 4549, Forms 886–A), or a letter that allows the partners an opportunity for review in the Office of Appeals (60-day letter).

(iii) *Examples.* The following examples illustrate the rules of this paragraph (a)(6).

Example 1. During an audit of Taxpayer A's 2005 taxable year return, the IRS questions a charitable deduction claimed on the return. The IRS provides A with a ''30-day letter'' that proposes a deficiency of $1,000 based on the disallowance of the charitable deduction and informs A that A may file a written protest of the proposed deficiency to the Office of Appeals within 30 days. The letter includes as an attachment a copy of the revenue agent's report that states that ''It has not been established that the amount shown on your return as a charitable contribution was paid during the tax year. Therefore, this deduction is not allowable.'' The information in the 30-day letter and attachment provides A with notice of the specific amount of the liability and the basis for that liability as described in this paragraph (a).

Example 2. Taxpayer B is a partner in partnership P, a TEFRA partnership for taxable year 2005. B claims a distributive share of partnership income on B's Federal income tax return for 2005 filed on April 17, 2006. On October 1, 2007, during the course of a partnership audit of P for taxable year 2005, the IRS provides P's TMP a ''60-day letter'' proposing to adjust P's income by $10,000. The IRS had previously provided the TMP with a copy of the examination report explaining that the adjustment was based on $10,000 of unreported net income. On October 31, 2007, P's TMP informs B of the proposed adjustment as required by § 301.6223(g)-1(b). By accounting for B's distributive share of the $10,000 of unreported income from P with B's other income tax items, B can determine B's tax attributable to the $10,000 partnership adjustment. The information in the 60-day letter and the examination report allows B to compute the specific amount of the liability attributable to the adjustment to the partnership item and the basis for that adjustment and therefore satisfies the notice requirement of paragraph (a). Because the IRS provided that notice to the TMP, B's agent under the TEFRA partnership provisions, within eighteen months of the April 17, 2006, filing date of B's return, any interest, penalty, addition to tax, or additional amount with respect to B's tax liability attributable to B's distributive share of the $10,000 of unreported partnership income will not be suspended under section 6404(g).

(7) *Providing notice by the IRS*—(i) *In general.* The IRS may provide notice by mail or in person to the taxpayer or the taxpayer's representative. If the IRS mails the notice, it must be sent to the taxpayer's last known address under rules similar to section 6212(b), except that certified or registered mail is not required. Notice is considered provided as of the date of mailing or delivery in person.

(ii) *Providing notice in TEFRA partnership proceedings.* In the case of TEFRA partnership proceedings, the IRS must provide notice of final partnership administrative adjustments (FPAA) by mail to those partners specified in section 6223. Within 60 days of an FPAA being mailed, the TMP is required to forward notice of the FPAA to those partners not entitled to direct notice from the IRS under section 6223. Certain partners with small interests in partnerships with more than 100 partners may form a Notice Group and designate a partner to receive the FPAA on their behalf. The IRS may provide other information after the beginning of the partnership administrative proceeding to the TMP who, in turn, must provide that information to the partners specified in § 301.6223(g)–1 within 30 days of receipt. Pass-thru partners who receive notices and other information from the IRS or the TMP must forward that notice or information within 30 days to those holding an interest through the pass-thru partner. Information provided by the IRS to the TMP is deemed to be notice for purposes of this section to those partners specified in § 301.6223(g)–1 as of the date the IRS provides that notice to the TMP. A similar rule applies to notice provided to the designated partner of a Notice Group, and to notice provided to a pass-thru partner. In the foregoing situations, the TMP, designated partner, and pass-thru partner are agents for direct and indirect partners. Consequently, notice to these agents is deemed to be notice to the partners for whom they act.

(b) *Exceptions*—(1) *Failure to file tax return or to pay tax.* Paragraph (a) of this section does not apply and interest will not be suspended with respect to any penalty imposed by section 6651.

(2) *Fraud.* Paragraph (a) of this section does not apply and interest will not be suspended with respect to any interest, penalty, addition to tax, or additional amount in a case involving fraud. Fraud has the same meaning in this paragraph (b) as in section 6501(c)(1) and is not attributed from one taxpayer to another taxpayer. If a taxpayer files a fraudulent return for one year, paragraph (a) of this section may apply to any other tax year of the taxpayer that does not involve fraud. Fraud affecting one item on a return precludes paragraph (a) of this section from applying to any other items on that return.

(3) *Tax shown on return.* Paragraph (a) of this section does not apply and interest will not be suspended with respect to any interest, penalty, addition to tax, or additional amount with respect to any tax liability shown on a return.

(4) *Gross misstatement*—(i) *Description.* Paragraph (a) of this section does not apply and interest will not be suspended with respect to any interest, penalty, addition to tax, or additional amount with respect to a gross misstatement. A *gross misstatement* for purposes of this paragraph (b) means—

(A) A substantial omission of income as described in section 6501(e)(1) or section 6229(c)(2);

(B) A gross valuation misstatement within the meaning of section 6662(h); or

(C) A misstatement to which the penalty under section 6702(a) applies.

(ii) If a gross misstatement occurs, then interest will not be suspended with respect to any items of income omitted from the return and with respect to overstated deductions, even though one or more of the omitted items would not constitute a substantial omission, gross valuation misstatement, or misstatement to which section 6702(a) applies.

(5) [Reserved].

(c) *Special rules*—(1) *Tentative carryback and refund adjustments.* If an amount applied, credited, or refunded under section 6411 exceeds the overassessment properly attributable to a tentative carryback or refund adjustment, any interest, penalty, addition to tax, or additional amount with respect to the excess will not be suspended.

(2) *Election under section 183(e).* If a taxpayer elects under section 183(e) to defer the determination as to whether the presumption applies that an activity is engaged in for profit, the 18-month (or 36-month) notification period described in paragraph (a)(1) of this section or, if that period has passed as of the date the election is made, the suspension period described in paragraph (a)(4) of this section will be tolled for the period to which the election applies. Tolling will begin on the date the election is made and end on the later of the date the return for the last taxable year to which the election applies is filed or is due without regard to extensions.

(d) *Effective/applicability date.* The rules of this section apply as of the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**.

Kevin M. Brown,

Deputy Commissioner for Services and Enforcement.

[FR Doc. E7–12082 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–149036–04]

RIN 1545–BE07

Application of Section 6404(g) of the Internal Revenue Code Suspension Provisions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations and notice of public hearing.

SUMMARY: In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations relating to the application of section 6404(g) of the Internal Revenue Code (Code) suspension provisions. The regulations reflect changes to the law made by the Internal Revenue Service Restructuring and Reform Act of 1998, the American Jobs Creation Act of 2004, the gulf Opportunity zone act of 2005, and the Tax Relief and Health Care Act of 2006. The regulations provide guidance to individual taxpayers who have participated in listed transactions or undisclosed reportable transactions. The text of those regulations also serve as the text of these proposed regulations. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by September 19, 2007. Outlines of topics to be discussed at the public hearing scheduled for October 11, 2007, at 10 a.m. must be received by September 20, 2007.

ADDRESSES: Send submissions to CC:PA:LPD:PR (REG–149036–04), room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–149036–04), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. or sent electronically via the Federal eRulemaking Portal at *http://www.regulations.gov.* (IRS REG–149036–04). The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Stuart Spielman, (202) 622–7950; concerning submissions of comments, the hearing, and to be placed on the building access list to attend the hearing, Richard Hurst, (202) 622–7180 (not toll-free numbers) or *Richard.A.Hurst@irscounsel.treas.gov.*

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provisions

Temporary regulations in the Rules and Regulations section of this issue of the **Federal Register** amend the Regulations on Procedure and Administration (26 CFR part 301) relating to section 6404(g). The temporary regulations add rules relating to the suspension of interest, penalties, additions to tax, or additional amounts with respect to listed or other reportable transactions. The text of those regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the amendments.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. A regulatory assessment is therefore not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because these regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, this regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight (8) copies) or electronic comments that are timely submitted to the IRS. The IRS and Treasury Department request comments on the clarity of the proposed rules and how they can be made easier to understand. All comments will be made available for public inspection and copying.

A public hearing has been scheduled for October 11, 2007, beginning at 10 a.m. in the Auditorium of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written or electronic comments by September 19, 2007, and an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by September 20, 2007. A period of ten minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting information

The principal author of these regulations is Stuart Spielman of the Office of Associate Chief Counsel (Procedure and Administration).

List of Subjects in 26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority citation for part 301 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 301.6404–0 is amended as follows:

1. The introductory text is revised.
2. Entries are added for § 301.6404–4.

The additions read as follows:

§ 301.6404–0 Table of contents.

This section lists the paragraphs contained in §§ 301.6404–1 through 301.6404–4.

* * * * *

§ 301.6404–4 Listed transactions and undisclosed reportable transactions.

[Reserved]. The text of the entries or this section is the same as the text of the entries in § 301.6404T published elsewhere in this issue of the **Federal Register**.

Par. 3. Section 301.6404–4 is added to read as follows:

§ 301.6404–4 Listed transactions and undisclosed reportable transactions.

(a) through (b)(4) [Reserved].

(b)(5) [The text of proposed § 6404–4(b)(5) is the same as the text of § 301.6404–4T(b)(5) published elsewhere in this issue of the **Federal Register**].

(c) and (d) [Reserved].

Kevin M. Brown,

Deputy Commissioner for Services and Enforcement.

[FR Doc. E7–12085 Filed 6–20–07; 8:53 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

28 CFR Part 16

[Docket No. OAG 106; A.G. Order No. 2884–2007]

RIN 1105–AB21

Office of the Attorney General; Production of Certain Information or Testimony by State or Local Law Enforcement or Prosecutive Officials Serving on a Department of Justice Task Force

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The United States Department of Justice is proposing to amend its regulations concerning agency management. The production of certain information or testimony by Department officials in response to subpoenas or demands of courts or other authorities is governed by 28 CFR 16.21–16.29, often referred to as the Department's *Touhy* regulations, *see United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951). The revision avoids any doubt that the *Touhy* regulations cover information acquired by a State or local law enforcement and prosecutive official while serving as a task force official on a Department of Justice task force.

DATES: Comments must be received on or before August 20, 2007.

ADDRESSES: To ensure proper handling of comments, please reference ''Docket No. OAG 106'' on all written and electronic correspondence. Written comments being sent via regular mail should be sent to Robert Hinchman, Senior Counsel, Office of Legal Policy, 950 Pennsylvania Avenue, NW., Room 4252, Washington, DC 20530. Comments may be directly sent to the Office of Legal Policy (OLP) electronically by sending an electronic message to *olpregs@usdoj.gov.* Comments may also be sent electronically through *www.regulations.gov* using the electronic comment form provided on that site. An electronic copy of this document is also available at the *www.regulations.gov* Web site. OLP will accept electronic comments containing MS Word, WordPerfect, Adobe PDF, or Excel files only. OLP will not accept any file format other than those specifically listed here.

FOR FURTHER INFORMATION CONTACT: Robert Hinchman, Senior Counsel, Office of Legal Policy, 950 Pennsylvania Avenue, NW., Room 4252, Washington, DC 20530; Telephone: (202) 514–8059.

SUPPLEMENTARY INFORMATION: State and local law enforcement and prosecutive personnel often participate voluntarily and cooperatively on Department of Justice task forces. The cohesive efforts of task force members serve to multiply the expertise of each participating law enforcement organization in pursuing its law enforcement mission. Examples of these mutually beneficial Department task forces include drug task forces, joint terrorism task forces, gun violence reduction task forces, and fugitive apprehension task forces. Depending upon operational needs, these task forces operate on an *ad hoc* basis or more formally, such as pursuant to written agreement, *see, e.g.*, 21 U.S.C. 873(a)(7); 31 U.S.C. 6305; 28 U.S.C. 566(c) and (c)(1)(B). When such Department task forces are established—whether on an *ad hoc* basis or under formal arrangements, involving, for example, a memorandum of understanding between the participating agencies or the deputation of the participating State and local law enforcement officials—State or local law enforcement and prosecutive officials are frequently provided access to sensitive Department information. The Department has always considered Special Deputy United States Marshals and Special Assistant United States Attorneys to be subject to the Attorney General's direction with respect to carrying out their respective responsibilities. It is also recognized that although Department task force investigations generally will be prosecuted in Federal courts, there may be specific circumstances to indicate that prosecution should be made in State court, depending upon which method of prosecution will result in the greatest benefit to law enforcement and the public.

To clarify that the Department retains appropriate controls over the use and dissemination of such sensitive information by non-Department employees who acquire the information through service on Department task forces, this revision is being proposed to the Department's *Touhy* regulations, Subpart B of part 16, chapter I, Title 28, CFR, *i.e.*, 28 CFR 16.21–16.29. Those regulations take their name for *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951), which held that the Attorney General could validly prescribe regulations regarding the release of government documents and witnesses.

The *Touhy* regulations set forth procedures to be followed for producing or disclosing Department materials or information in response to subpoenas or demands of courts or other authorities. The proposed revision of the regulations would make clear that the regulation now also covers any proceeding relating to a task force investigation where the Department has declined to exercise jurisdiction over a particular case or class of cases. The proposed rule defines the term ''task force official'' as meaning ''an employee of a State or local law enforcement agency or prosecutive office serving on a Department of Justice task force established for a law enforcement or national security purpose under the authority of the Attorney General or one of the components of the Department of Justice.'' In addition, the term ''current and former task force official'' would be inserted in appropriate parts of the regulation to ensure that such officials are subject to the same requirements with respect to responding to demands for information acquired through task force service as apply to current and former Department employees responding to requests for information acquired through their official status.

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed this rule and, by approving it, certifies that it will not have a significant economic impact on a substantial number of small entities because it pertains to personnel and administrative matters affecting the Department. The rule affects only State and local law enforcement and prosecutive officials voluntarily serving under *ad hoc* or formal arrangements on Department task forces and does not impose any economic impact on small entities.

Executive Order 12866

This rule has been drafted and reviewed in accordance with Executive Order 12866, Regulatory Planning and Review, section 1(b), Principles of Regulation. The Department of Justice has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), and accordingly this rule has not been

reviewed by the Office of Management and Budget.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform.

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. The State or local law enforcement agencies and prosecutive offices affected by the rule are not mandated to serve on Department task forces, and the rule affects only officials in such agencies or offices who voluntarily serve on such task forces through *ad hoc* or formal arrangements with Department components. Therefore, in accordance with Executive Order 13132, Federalism, the Department has determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

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 it will not significantly or uniquely affect small governments. Therefore, no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*

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 the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

Accordingly, part 16 of title 28 of the Code of Federal Regulations is proposed to be amended as follows:

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

1. The authority for citation for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. Revise paragraphs (a) and (b) of § 16.21 to read as follows:

§ 16.21 Purpose and scope.

(a) This subpart sets forth procedures to be followed with respect to the production or disclosure of any material contained in the files of the Department, any information relating to material contained in the files of the Department, any information acquired by any person while such person was an employee of the Department as part of the performance of that person's official status or because of that person's official status, or any information acquired by a State or local law enforcement or prosecutive official while serving *ad hoc* or formally as a task force official on a Department of Justice task force:

(1) In all Federal and State proceedings in which the United States is a party; and

(2) In all Federal and State proceedings in which the United States is not a party, including any proceedings in which the Department is representing a government employee solely in that employee's individual capacity or any proceedings relating to a task force investigation in which the Department has declined to exercise jurisdiction over a particular case or class of cases, when a subpoena, order, or other demand (collectively, a ''demand'') of a court or other authority is issued for such material or information.

(b) For purpose of this subpart:

(1) The term *employee of the Department* includes all officers and employees of the United States appointed by, or subject to the supervision, jurisdiction, or control of the Attorney General of the United States, including United States Attorneys, United States Marshals, U.S. Trustees, and members of the staffs of those officials; and

(2) The term *task force official* means an employee of a State or local law enforcement agency or prosecutive office serving on a Department of Justice task force established for a law enforcement or national security purpose under the authority of the Attorney General or one of the components of the Department of Justice.

* * * * *

3. Revise paragraphs (a), (b), and (c) of § 16.22 to read as follows:

§ 16.22 General prohibition of production or disclosure in Federal and State proceedings in which the United States is not a party.

(a) In any Federal or State case or matter in which the United States is not a party, no employee or former employee of the Department of Justice or present or former task force official shall, in response to a demand, produce any material contained in the files of the Department, or disclose any information relating to or based upon material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of that person's official duties or because of that person's official status or because of that person's service on a Department of Justice task force without prior approval of the proper Department official in accordance with §§ 16.24 and 16.25 of this part.

(b) Whenever a demand is made upon an employee or former employee or a present or former task force official as described in paragraph (a) of this section, the employee or task force official shall immediately notify the United States Attorney for the district where the issuing authority is located. The responsible U.S. Attorney shall follow procedures set forth in § 16.24 of this part.

(c) If oral testimony is sought by a demand in any case or matter in which the United States is not a party, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or by his attorney, setting forth a summary of the testimony sought and its relevance to the proceeding, must be furnished to the responsible U.S. Attorney. Any authorization for testimony by a present or former employee or a present or former task force official of the Department shall be limited to the scope of the demand as summarized in such statement.

* * * * *

4. Revise paragraph (a) of § 16.23 to read as follows:

§ 16.23 General disclosure authority in Federal and State proceedings in which the United States is a party.

(a) Every attorney in the Department of Justice in charge of any case or matter in which the United States is a party is authorized, after consultation with the ''originating component'' as defined in paragraph 16.24(a) of this part, to reveal and furnish to any person, including an actual or prospective witness, a grand jury, counsel, or a court, either during

or preparatory to a proceeding, such testimony, and relevant unclassified material, documents, or information secured by any attorney, or investigator of the Department of Justice, or task force official, as such attorney shall deem necessary or desirable to the discharge of the attorney's official duties, *provided:*

(1) Such an attorney shall consider, with respect to any disclosure, the factors set forth in paragraph 16.26(a) of this part; and

(2) An attorney shall not reveal or furnish any material, documents, testimony or information when, in the attorney's judgment, any of the factors specified in paragraph 16.26(b) exists, without the express prior approval by the Assistant Attorney General in charge of the division responsible for the case or proceeding, the Director of the Executive Office for United States Trustees (''EOUST''), or such persons'' designees.

* * * * *

5. Revise paragraphs (a), (b) introductory text, and (c) of § 16.24 to read as follows:

§ 16.24 Procedure in the event of a demand where disclosure is not otherwise authorized.

(a) Whenever a matter is referred under § 16.22 of this part to a U.S. Attorney or, under § 16.23 of this part, to an Assistant Attorney General, the Director of the EOUST, or their designees (collectively, ''responsible official''), the responsible official shall immediately advise the official, or the official's designee, in charge of the bureau, division, office, or agency of the Department:

(1) That was responsible for the collection, assembly, or other preparation of the material demanded; or

(2) That, at the time the person whose testimony was demanded acquired the information in question:

(I) Employed such person; or

(ii) Designated such person as a task force official; (collectively, ''originating component'').

In any instance in which the responsible official is also the official in charge of the originating component, the responsible official may perform all functions and make all determinations that this regulation vests in the originating component.

(b) The responsible official, subject to the terms of paragraph (c) of this section, may authorize the appearance and testimony of a present or former Department employee or a present or former task force official, or the production of material from Department files if:

(1) * * *

(2) * * *

(3) * * *

(c) It is Department policy that the responsible official shall, following any necessary consultation with the originating component, authorize testimony by a present or former employee or a present or former task force official of the Department or the production of material from Department files without further authorization from Department officials whenever possible: provided, that, when information is collected, assembled, or prepared in connection with litigation or an investigation supervised by a division of the Department or by the EOUST, the Assistant Attorney General in charge of such a division or the Director of the EOUST may require that the originating component obtain the division's or the EOUST's approval before authorizing a responsible official to disclose such information. Prior to authorizing such testimony or production, however, the responsible official shall, through negotiation and, if necessary, appropriate motions, seek to limit the demand to information, the disclosure of which would not be inconsistent with the considerations specified in § 16.26 of this part.

* * * * *

Dated: June 15, 2007.

Alberto R. Gonzales,

Attorney General.

[FR Doc. E7–12038 Filed 6–20–07; 8:45 am]

BILLING CODE 4410–09–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2007–0450; FRL–8329–6]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Open Burning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Delaware. This SIP revision pertains to the amendments of Delaware's open burning regulation. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before July 23, 2007.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2007–0450 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *E-mail: cripps.christopher@epa.gov.*

C. *Mail:* EPA–R03–OAR–2007–0450, Christopher Cripps, Acting Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2007–0450. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *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 *www.regulations.gov* or e-mail. The *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 *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.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* 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 in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 814–2182, or by e-mail at *quinto.rose@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 2, 2007, the Delaware Department of Natural Resources and Environmental Control (DNREC) submitted a revision to its SIP for Regulation No. 1113—Open Burning. The SIP revision includes (1) Expanding the open burning ban from New Castle and Kent Counties to statewide; (2) expanding the open burning ban from June 1 through August 31 in the current regulation to May 1 through September 30; and (3) to clarify the prohibitions in the existing regulation and their interaction with other applicable laws and regulations.

II. Summary of SIP Revision

Delaware's Open Burning Regulation, Regulation No. 1113, applies to all open burning activities in the State of Delaware which includes the counties of New Castle, Kent and Sussex. The following are the prohibitions and provisions of open burning activities in the State of Delaware during May 1 through September 30:

(1) The regulation prohibits leaf and refuse burning statewide.

(2) The regulation allows the following without permission from DNREC: domestic burning of branches and limbs from trees and shrubs statewide; and agricultural burning statewide to cultivate and/or prepare soil for the production of crops or the support of livestock.

(3) The regulation requires permission from DNREC for the following types of open burning: prescribed burning for conservation practices, wildlife habitat management, or plant, pest or disease control; and burning of wooden buildings for fire fighting instruction conducted by authorized fire companies.

(4) Commercial operations are not permitted to burn for disposal, e.g. burning of tree limbs, stumps as a result of land clearing, and construction debris.

(5) All allowable types of burning can be conducted between the hours of 8 a.m. to 4 p.m. Approval can be obtained from DNREC to burn outside of those hours for reasons of safety, smoke reduction or a more efficient or complete burn.

(6) The following types of burning are exempt from the regulation, and can be conducted at any time: cooking fires; recreational fires; ceremonial fires; emergency signaling flares; backburning to suppress wildfires; and fire fighting instruction conducted by the Delaware State Fire School.

III. Proposed Action

EPA is proposing to approve the Delaware SIP revision for Regulation No. 1113—Open Burning submitted on May 2, 2007. This regulation will result in the control of volatile organic compound (VOC) and nitrogen oxides (NO_X) emissions by establishing rules for open burning activities in the State of Delaware during the ozone season. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposes to approve State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, 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 proposed rule also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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), because it merely proposes to approve a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

This proposed rule pertaining to Delaware's Open Burning Regulation, does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: June 12, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

[FR Doc. E7–12051 Filed 6–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 61

[AZ and NV–EPA–R09–OAR–2006–1014; FRL–8329–9]

Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to update the Code of Federal Regulations (CFR) tables for delegations to state and local agencies in Region IX of certain New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPs). This document addresses general authorities mentioned in the regulations for NSPS and NESHAPs, proposes to update the delegations tables for Arizona and Nevada, and clarifies those authorities that are retained by EPA. We are taking comments on this proposal and intend to follow with a final action.

DATES: Any comments must arrive by July 23, 2007.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2006–1014, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions.

2. *E-mail: steckel.andrew@epa.gov.*

3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments 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 Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or e-mail. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send e-mail directly to EPA, your e-mail address will be automatically captured and included as part of the public comment. 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.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.*, copyrighted material), and some may not be publicly available in either location (*e.g.*, CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Cynthia G. Allen, EPA Region IX, (415) 947–4120, *allen.cynthia@epa.gov.*

SUPPLEMENTARY INFORMATION: The supplementary information is organized in the following order:

What is the purpose of this document?
Who is authorized to delegate these authorities?
What does delegation accomplish?
What authorities are not delegated by EPA?
Does EPA keep some authority?
Administrative Requirements

What is the purpose of this document?

Through this document, EPA is proposing to accomplish the following objectives:

(1) Update the delegations tables in the Code of Federal Regulations, Title 40 (40 CFR), Parts 60 and 61 to provide an accurate listing of the delegated standards for Arizona and Nevada; and

(2) Clarify those authorities that are retained by EPA and not granted to state or local agencies as part of delegation.

These actions are described below.

Today's action proposes to update the delegation tables in 40 CFR Parts 60 and 61, to allow easier access by the public to the status of delegations in Arizona and Nevada jurisdictions. The updated delegation tables would include the delegations approved in response to recent requests, as well as those previously granted. The proposed tables are shown at the end of this document.

Recent requests for delegation that will be incorporated into the updated CFR tables are identified below. Each individual submittal identifies the specific NSPS and NESHAPs for which delegation was requested. All of these requests have already been approved by letter and simply need to be included in the CFR tables.

Agency	Date of request	Date of EPA approval by letter
Nevada Division of Environmental Protection	December 27, 2004; June 22, 2005; August 17, 2005; April 4, 2006; and October 26, 2006.	September 21, 2005; May 12, 2006; and January 12, 2007.
Maricopa County Air Quality Department	April 21, 2006	May 18, 2006, and June 14, 2006.

Who is authorized to delegate these authorities?

Sections 111(c)(1) and 112(l) of the Clean Air Act, as amended in 1990, authorize the Administrator to delegate his or her authority for implementing and enforcing standards in 40 CFR Parts 60 and 61.

What does delegation accomplish?

Delegation grants a State or local agency the primary authority to implement and enforce Federal standards. All required notifications and reports should be sent to the delegated State or local agency, as appropriate, with a copy to EPA Region IX. Acceptance of delegation constitutes agreement by the State or local agency to follow 40 CFR Parts 60 and 61, and EPA's test methods and continuous monitoring procedures.

What authorities are not delegated by EPA?

In general, EPA does not delegate to State or local agencies the authority to make decisions that are likely to be nationally significant, or alter the stringency of the underlying standards. For a more detailed description of the authorities in 40 CFR Parts 60 and 61 that are retained by EPA, please see the proposed rule published on January 14, 2002 (67 FR 1676).

As additional assurance of national consistency, State and local agencies must send to EPA Region IX Air Division's Enforcement Office Chief a copy of any written decisions made pursuant to the following delegated authorities:

- Applicability determinations that State a source is not subject to a rule or requirement;
- Approvals or determinations of construction, reconstruction, or modification;
- Minor or intermediate site-specific changes to test methods or monitoring requirements; or
- Site-specific changes or waivers of performance testing requirements.

For decisions that require EPA review and approval (for example, major changes to monitoring requirements), EPA intends to make determinations in a timely manner.

In some cases, the standards themselves specify that specific provisions cannot be delegated. State and local agencies should review each individual standard for this information.

Does EPA keep some authority?

EPA retains independent authority to enforce the standards and regulations of 40 CFR parts 60 and 61.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed action merely proposes to delegate authority to implement existing Federal requirements to state and local agencies and imposes no additional requirements. Accordingly, the Administrator certifies that this proposed 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 beyond that required by existing federal law, 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 proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relation 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 67249, November 9, 2000), nor will it 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 13132 (64 FR 43255, August 10, 1999), because it would merely approve a State rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed 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.

In reviewing delegation requests, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a delegation request for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a request for delegation, to use VCS in place of a submission that otherwise satisfies the provisions of the Clean Air Act. Thus, 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. As required by Section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of this action in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This proposed 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.*).

List of Subjects in 40 CFR Parts 60 and 61

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of Sections 111 and 112 of the CAA, as amended (42 U.S.C. 7411 and 7412).

Dated: June 7, 2007.

Deborah Jordan,

Director, Air Division, Region IX.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is proposed to be amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

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

Subpart A—General Provisions

2. Section 60.4 is amended by revising paragraphs (d)(1) and (d)(4) to read as follows:

§ 60.4 Address.

* * * * *

(d) * * *

(1) Arizona. The following table identifies delegations as of May 18, 2006:

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR ARIZONA

Subpart	Air Pollution Control Agency			
	Arizona DEQ	Maricopa County	Pima County	Pinal County
A General Provisions	X	X	X	X
D Fossil-Fuel Fired Steam Generators Constructed After August 17, 1971	X	X	X	X
Da Electric Utility Steam Generating Units Constructed After September 18, 1978	X	X	X	X
Db Industrial-Commercial-Institutional Steam Generating Units	X	X	X	X
Dc Small Industrial Steam Generating Units	X	X	X	X
E Incinerators	X	X	X	X
Ea Municipal Waste Combustors Constructed After December 20, 1989 and On or Before September 20, 1994	X	X	X	X

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR ARIZONA—Continued

Subpart	Air Pollution Control Agency			
	Arizona DEQ	Maricopa County	Pima County	Pinal County
Eb Municipal Waste Combustors Constructed After September 20, 1994	X	X	X	.....
Ec Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996	.....	X	X	.....
F Portland Cement Plants	X	X	X	X
G Nitric Acid Plants	X	X	X	X
H Sulfuric Acid Plant	X	X	X	X
I Hot Mix Asphalt Facilities	X	X	X	X
J Petroleum Refineries	X	X	X	X
K Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	X	X	X	X
Ka Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	X	X	X	X
Kb Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	X	X	X	X
L Secondary Lead Smelters	X	X	X	X
M Secondary Brass and Bronze Production Plants	X	X	X	X
N Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973	X	X	X	X
Na Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983	X	X	X	X
O Sewage Treatment Plants	X	X	X	X
P Primary Copper Smelters	X	X	X	X
Q Primary Zinc Smelters	X	X	X	X
R Primary Lead Smelters	X	X	X	X
S Primary Aluminum Reduction Plants	X	X	X	X
T Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	X	X	X	X
U Phosphate Fertilizer Industry: Superphosphoric Acid Plants	X	X	X	X
V Phosphate Fertilizer Industry: Diammonium Phosphate Plants	X	X	X	X
W Phosphate Fertilizer Industry: Triple Superphosphate Plants	X	X	X	X
X Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X	X	X	X
Y Coal Preparation Plants	X	X	X	X
Z Ferroalloy Production Facilities	X	X	X	X
AA Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983	X	X	X	X
AAa Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983	X	X	X	X
BB Kraft pulp Mills	X	X	X	X
CC Glass Manufacturing Plants	X	X	X	X
DD Grain Elevators	X	X	X	X
EE Surface Coating of Metal Furniture	X	X	X	X
FF (Reserved)	.....	.....	.....	.....
GG Stationary Gas Turbines	X	X	X	X
HH Lime Manufacturing Plants	X	X	X	X
KK Lead-Acid Battery Manufacturing Plants	X	X	X	X
LL Metallic Mineral Processing Plants	X	X	X	X
MM Automobile and Light Duty Trucks Surface Coating Operations	X	X	X	X
NN Phosphate Rock Plants	X	X	X	X
PP Ammonium Sulfate Manufacture	X	X	X	X
QQ Graphic Arts Industry: Publication Rotogravure Printing	X	X	X	X
RR Pressure Sensitive Tape and Label Surface Coating Operations	X	X	X	X
SS Industrial Surface Coating: Large Appliances	X	X	X	X
TT Metal Coil Surface Coating	X	X	X	X
UU Asphalt Processing and Asphalt Roofing Manufacture	X	X	X	X
VV Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry	X	X	X	X
WW Beverage Can Surface Coating Industry	X	X	X	X
XX Bulk Gasoline Terminals	X	X	X	X
AAA New Residential Wool Heaters	X	X	X	X
BBB Rubber Tire Manufacturing Industry	X	X	X	X
CCC (Reserved)	.....	.....	.....	.....
DDD Volatile Organic Compounds (VOC) Emissions from the Polymer Manufacturing Industry	X	X	X	X
EEE (Reserved)	.....	.....	.....	.....
FFF Flexible Vinyl and Urethane Coating and Printing	X	X	X	X
GGG Equipment Leaks of VOC in Petroleum Refineries	X	X	X	X
HHH Synthetic Fiber Production Facilities	X	X	X	X
III Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes	X	X	X	X

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR ARIZONA—Continued

Subpart	Air Pollution Control Agency			
	Arizona DEQ	Maricopa County	Pima County	Pinal County
JJJ Petroleum Dry Cleaners	X	X	X	X
KKK Equipment Leaks of VOC From Onshore Natural Gas Processing Plants	X	X	X	X
LLL Onshore Natural Gas Processing: SO2 Emissions	X	X	X	X
MMM (Reserved)				
NNN Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations	X	X	X	X
OOO Nonmetallic Mineral Processing Plants	X	X	X	X
PPP Wool Fiberglass Insulation Manufacturing Plants	X	X	X	X
QQQ VOC Emissions From Petroleum Refinery Wastewater Systems	X	X	X	X
RRR Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes		X	X	
SSS Magnetic Tape Coating Facilities	X	X	X	X
TTT Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	X	X	X	X
UUU Calciners and Dryers in Mineral Industries	X	X	X	
VVV Polymeric Coating of Supporting Substrates Facilities	X	X	X	X
WWW Municipal Solid Waste Landfills	X	X	X	
AAAA Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commended After June 6, 2001	X	X		
CCCC Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001	X	X		
EEEE Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006				
KKKK Stationary Combustion Turbines				
GGGG (Reserved)				

* * * * *

(4) Nevada. The following table identifies delegations as of January 12, 2007:

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR NEVADA

Subpart	Air pollution control agency		
	Nevada DEP	Clark County	Washoe County
A General Provisions	X	X	X
D Fossil-Fuel Fired Steam Generators Constructed After August 17, 1971	X	X	X
Da Electric Utility Steam Generating Units Constructed After September 18, 1978	X		
Db Industrial-Commercial-Institutional Steam Generating Units	X		
Dc Small Industrial Steam Generating Units	X		
E Incinerators	X	X	X
Ea Municipal Waste Combustors Constructed After December 20, 1989 and On or Before September 20, 1994	X		
Eb Municipal Waste Combustors Constructed After September 20, 1994	X		
Ec Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996	X		
F Portland Cement Plants	X	X	X
G Nitric Acid Plants	X		X
H Sulfuric Acid Plants	X		X
I Hot Mix Asphalt Facilities	X	X	X
J Petroleum Refineries	X		X
K Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978	X	X	X
Ka Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984	X	X	X
Kb Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984	X		
L Secondary Lead Smelters	X	X	X
M Secondary Brass and Bronze Production Plants	X		X
N Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973	X		X

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR NEVADA—Continued

Subpart	Air pollution control agency		
	Nevada DEP	Clark County	Washoe County
Na Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983	X	.....	.....
O Sewage Treatment Plants	X	X	X
P Primary Copper Smelters	X	X	X
Q Primary Zinc Smelters	X	X	X
R Primary Lead Smelters	X	X	X
S Primary Aluminum Reduction Plants	X	.....	X
T Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	X	.....	X
U Phosphate Fertilizer Industry: Superphosphoric Acid Plants	X	.....	X
V Phosphate Fertilizer Industry: Diammonium Phosphate Plants	X	.....	X
W Phosphate Fertilizer Industry: Triple Superphosphate Plants	X	.....	X
X Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities	X	.....	X
Y Coal Preparation Plants	X	X	X
Z Ferroalloy Production Facilities	X	.....	X
AA Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974 and On or Before August 17, 1983	X	.....	X
AAa Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983	X	.....	.....
BB Kraft pulp Mills	X	.....	X
CC Glass Manufacturing Plants	X	.....	X
DD Grain Elevators	X	X	X
EE Surface Coating of Metal Furniture	X	X	X
FF (Reserved)	.....	.....	.....
GG Stationary Gas Turbines	X	X	X
HH Lime Manufacturing Plants	X	X	X
KK Lead-Acid Battery Manufacturing Plants	X	X	X
LL Metallic Mineral Processing Plants	X	X	X
MM Automobile and Light Duty Trucks Surface Coating Operations	X	X	X
NN Phosphate Rock Plants	X	X	X
PP Ammonium Sulfate Manufacture	X	.....	X
QQ Graphic Arts Industry: Publication Rotogravure Printing	X	X	X
RR Pressure Sensitive Tape and Label Surface Coating Operations	X	.....	X
SS Industrial Surface Coating: Large Appliances	X	X	X
TT Metal Coil Surface Coating	X	X	X
UU Asphalt Processing and Asphalt Roofing Manufacture	X	X	X
VV Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry	X	X	X
WW Beverage Can Surface Coating Industry	X	.....	X
XX Bulk Gasoline Terminals	X	.....	X
AAA New Residential Wool Heaters	.....	.....	.....
BBB Rubber Tire Manufacturing Industry	X	.....	.....
CCC (Reserved)	.....	.....	.....
DDD Volatile Organic Compounds (VOC) Emissions from the Polymer Manufacturing Industry	X	.....	.....
EEE (Reserved)	.....	.....	.....
FFF Flexible Vinyl and Urethane Coating and Printing	X	.....	X
GGG Equipment Leaks of VOC in Petroleum Refineries	X	.....	X
HHH Synthetic Fiber Production Facilities	X	.....	X
III Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes	X	.....	.....
JJJ Petroleum Dry Cleaners	X	X	X
KKK Equipment Leaks of VOC From Onshore Natural Gas Processing Plants	X	.....	.....
LLL Onshore Natural Gas Processing: SO_2 Emissions	X	.....	.....
MMM (Reserved)	.....	.....	.....
NNN Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations	X	.....	.....
OOO Nonmetallic Mineral Processing Plants	X	.....	X
PPP Wool Fiberglass Insulation Manufacturing Plants	X	.....	X
QQQ VOC Emissions From Petroleum Refinery Wastewater Systems	X	.....	.....
RRR Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes	X	.....	.....
SSS Magnetic Tape Coating Facilities	X	.....	.....
TTT Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines	X	.....	.....
UUU Calciners and Dryers in Mineral Industries	X	.....	.....
VVV Polymeric Coating of Supporting Substrates Facilities	X	.....	.....
WWW Municipal Solid Waste Landfills	X	.....	.....
AAAA Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commended After June 6, 2001	X	.....	.....
CCCC Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001	X	.....	.....

DELEGATION STATUS FOR NEW SOURCE PERFORMANCE STANDARDS FOR NEVADA—Continued

Subpart	Air pollution control agency		
	Nevada DEP	Clark County	Washoe County
EEEE Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006	X		
KKKK Stationary Combustion Turbines	X		
GGGG (Reserved)			

* * * * *

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

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

Subpart A—General Provisions

2. Section 61.04 is amended by revising paragraphs (c)(9)(i) and (c)(9)(iv) to read as follows:

§ 61.04 Address.

* * * * *

(c) * * *

(9) * * *

(i) Arizona. The following table identifies delegations as of June 14, 2006:

DELEGATION STATUS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR ARIZONA

Subpart	Air Pollution Control Agency			
	Arizona DEQ	Maricopa County	Pima County	Pinal County
A General Provisions	X	X	X	X
B Radon Emissions From Underground Uranium				
C Beryllium	X	X	X	X
D Beryllium Rocket Motor Firing	X	X	X	X
E Mercury	X	X	X	X
F Vinyl Chloride	X	X	X	X
G (Reserved)				
H Emissions of Radionuclides Other Than Radon From Department of Energy Facilities				
I Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H				
J Equipment Leaks (Fugitive Emission Sources) of Benzene	X	X	X	X
K Radionuclide Emissions From Elemental Phosphorus Plants				
L Benzene Emissions from Coke By-Product Recovery Plants	X	X	X	X
M Asbestos	X	X	X	X
N Inorganic Arsenic Emissions From Glass Manufacturing Plants	X	X		X
O Inorganic Arsenic Emissions From Primary Copper Smelters	X	X		X
P Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities	X	X		
Q Radon Emissions From Department of Energy Facilities				
R Radon Emissions From Phosphogypsum Stacks				
S (Reserved)				
T Radon Emissions From the Disposal of Uranium Mill Tailings				
U (Reserved)				
V Equipment Leaks (Fugitive Emission Sources)	X	X	X	X
W Radon Emissions From Operating Mill Tailings				
X (Reserved)				
Y Benzene Emissions From Benzene Storage Vessels	X	X	X	X
Z–AA (Reserved)				
BB Benzene Emissions From Benzene Transfer Operations	X	X	X	X
CC–EE (Reserved)				
FF Benzene Waste Operations	X	X	X	X

* * * * *

(iv) Nevada. The following table identifies delegations as of September 21, 2005:

DELEGATION STATUS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR NEVADA

Subpart	Air Pollution Control Agency		
	Nevada DEP	Clark County	Washoe County
A General Provisions	X	X	

DELEGATION STATUS FOR NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR NEVADA—Continued

Subpart	Air Pollution Control Agency		
	Nevada DEP	Clark County	Washoe County
B Radon Emissions From Underground Uranium	.....	.....	.....
C Beryllium	X	X	X
D Beryllium Rocket Motor Firing	X	X	.....
E Mercury	X	X	X
F Vinyl Chloride	X	X	.....
G (Reserved)	.....	.....	.....
H Emissions of Radionuclides Other Than Radon From Department of Energy Facilities	X	.....	.....
I Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H	X	.....	.....
J Equipment Leaks (Fugitive Emission Sources) of Benzene	X	.....	.....
K Radionuclide Emissions From Elemental Phosphorus Plants	X	.....	.....
L Benzene Emissions from Coke By-Product Recovery Plants	X	.....	.....
M Asbestos	.....	X	X
N Inorganic Arsenic Emissions From Glass Manufacturing Plants	X	.....	.....
O Inorganic Arsenic Emissions From Primary Copper Smelters	X	.....	.....
P Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities	X	.....	.....
Q Radon Emissions From Department of Energy Facilities	.....	.....	.....
R Radon Emissions From Phosphogypsum Stacks	.....	.....	.....
S (Reserved)	.....	.....	.....
T Radon Emissions From the Disposal of Uranium Mill Tailings	.....	.....	.....
U (Reserved)	.....	.....	.....
V Equipment Leaks (Fugitive Emission Sources)	X	.....	.....
W Radon Emissions From Operating Mill Tailings	.....	.....	.....
X (Reserved)	.....	.....	.....
Y Benzene Emissions from Benzene Storage Vessels	X	.....	.....
Z–AA (Reserved)	.....	.....	.....
BB Benzene Emissions From Benzene Transfer Operations	X	.....	.....
CC–EE (Reserved)	.....	.....	.....
FF Benzene Waste Operations	X	.....	.....

* * * * *

[FR Doc. E7–12044 Filed 6–20–07; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AU87

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Endangered and Two Threatened Mussels in Four Northeast Gulf of Mexico Drainages

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Revised proposed rule; reopening of comment period, availability of draft economic analysis and revised proposed critical habitat units, and announcement of public hearings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are reopening the comment period on our proposed designation of critical habitat under the Endangered Species Act of 1973, as amended (Act) for seven southeastern U.S. mussels. On June 6, 2006, we published our original proposed rule to designate critical habitat for five endangered mussel species—fat threeridge, shinyrayed pocketbook, Gulf moccasinshell, Ochlockonee moccasinshell, and oval pigtoe—as well as two threatened species—Chipola slabshell and purple bankclimber (in this document, we refer to all seven species collectively as the seven mussels). We propose the following changes to our original proposed rule: (1) We are enlarging two previously proposed critical habitat units, and (2) we are adding one of the mussels to the list of species associated with one of our previously proposed units. We also have corrected inadvertent oversights in our original proposal. The draft economic analysis estimates potential future impacts associated with conservation efforts for the seven mussels in areas proposed for designation to be $42.7 million to $67.9 million over the next 20 years (undiscounted). The present value of these impacts is $33.0 million to $52.1 million, using a discount rate of three percent (2.21 million to 3.49 million annually), or $24.7 million to $38.8 million, using a discount rate of seven percent (2.31 million to 3.63 million annually). All dollar amounts include those costs coextensive with listing. We now announce public hearings and reopen the comment period to allow all interested parties an opportunity to comment simultaneously on the original proposed rule, the newly available associated draft economic analysis, and the changes to the original proposed rule included in this document. If you previously submitted comments, you need not resubmit them; they are already part of the public record that we will consider in preparing our final rule. With the inclusion of our newly proposed river lengths, our proposed critical habitat area totals 1,908.5 river kilometers (river km) (1,185.9 river miles (river mi)). Aside from the amendments we describe in this document, our original proposed rule of June 6, 2006, stands.

DATES: We will accept public comments until August 6, 2007. We will hold three public hearings, on July 9, 10, and 11, 2007, on the proposed critical habitat designation and the draft economic analysis. See ''Public Hearings'' under **SUPPLEMENTARY INFORMATION** for details.

ADDRESSES: If you wish to comment, you may submit your comments and information concerning this proposal by any one of the following methods:

1. Mail or hand-deliver written comments and information to the Field Supervisor, U.S. Fish and Wildlife Service, Panama City Field Office, 1601 Balboa Avenue, Panama City, FL 32405.

2. Send comments by electronic mail (e-mail) to *FW4ESFRPanamaCity@fws.gov.* Please see the ''Public Comments Solicited'' under **SUPPLEMENTARY INFORMATION** for additional information about this method.

3. Provide oral or written comments at any of the public hearings.

4. Fax your comments to 850–763–2177.

5. Submit comments via the Federal Rulemaking portal at *http://www.regulations.gov.* Follow the instructions on the site.

Please see the ''Public Comments Solicited'' section below for more information about submitting comments or viewing our received materials.

FOR FURTHER INFORMATION CONTACT: Gail Carmody, Field Supervisor, U.S. Fish and Wildlife Service, Panama City, FL 32405; telephone 850–769–0552; facsimile 850–763–2177. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Hearings

We will hold three public hearings on the proposed critical habitat designation and the draft economic analysis. At each location, an information session from 5 p.m. to 6:30 p.m. will precede the hearing. The public hearing will then run from 6:30 p.m. to 8:30 p.m.:

(1) July 9, 2007, Elizabeth Bradley Turner Center, Auditorium, Columbus State University, 4225 University Avenue, Columbus, GA 31807.

(2) July 10, 2007, Academic Auditorium, Room 150, Albany State University, 504 College Drive, Albany, GA 31705.

(3) July 11, 2007, Economic and Workforce Development, Building 38, Tallahassee Community College, 444 Appleyard Drive, Tallahassee, FL 32304.

Public Comments Solicited

We intend that any final action resulting from this proposal be as accurate and as effective as possible. Therefore, we solicit comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. We particularly seek comments concerning:

(1) The reasons why habitat should or should not be designated as critical habitat under section 4 of the Act (16 U.S.C. 1531 *et seq.*), including whether the benefit of designation would outweigh threats to the species caused by designation such that designation of critical habitat is prudent;

(2) Specific information on the amount and distribution of habitat for the seven mussels, particularly what areas we should include in our designations that the species occupied at the time of listing that contain features that are essential for the conservation of the species and why; and what areas the species did not occupy at the time of listing are essential to the conservation of the species and why;

(3) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat;

(4) Any foreseeable economic, national security, or other potential impacts resulting from the proposed designation and, in particular, any impacts on small entities, and the benefits of including or excluding areas that exhibit these impacts;

(5) Information from the Department of Defense to assist the Secretary of the Interior in evaluating critical habitat on lands administered by or under the control of the Department of Defense based on any benefit provided by an Integrated Natural Resources Management Plan (INRMP) to the conservation of the seven mussels; and information regarding impacts to national security associated with the proposed designation of critical habitat;

(6) Whether the draft economic analysis identifies all State and local costs attributable to the proposed critical habitat designation, and information on any costs that we could have inadvertently overlooked;

(7) Whether the draft economic analysis makes appropriate assumptions regarding current practices and likely regulatory changes imposed as a result of the designation of critical habitat;

(8) Whether the draft economic analysis correctly assesses the effect on regional costs associated with any land use controls that may derive from the designation of critical habitat;

(9) Any foreseeable economic or other impacts resulting from the proposed designation of critical habitat, and in particular, any impacts on small entities or families; and other information that would indicate that the designation of critical habitat would or would not have any impacts on small entities or families;

(10) Whether the draft economic analysis appropriately identifies all costs and benefits that could result from the designation;

(11) Whether our approach to critical habitat designation could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concern and comments;

(12) Whether the benefits of exclusion in any particular area outweigh the benefits of inclusion under section 4(b)(2) of the Act; and

(13) Economic data on the incremental effects that would result from designating any particular area as critical habitat.

If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods (see **ADDRESSES**). Please submit comments electronically to *FW4ESFRPanamaCity@fws.gov.* Please also include ''Attn: 7 mussels critical habitat'' in your e-mail subject header and your name and return address in the body of your message. If you do not receive a confirmation from the system that we have received your electronic message, contact us directly by calling the Panama City U.S. Fish and Wildlife Service Office at 850–769–0552. Please note that at the termination of the public comment period we will close out the e-mail address *FW4ESFRPanamaCity@fws.gov.*

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware 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 your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Copies of the draft economic analysis and the proposed rule for critical habitat designation are available on the Internet at *http://www.fws.gov/panamacity* or from the Panama City U.S. Fish and Wildlife Service Office at the address and contact numbers above.

Our final designation of critical habitat will take into consideration all comments and any additional information we received during both comment periods. If you submitted previous comments and information during the initial comment period on the June 6, 2006, proposed rule (71 FR 32746), you need not resubmit them, because they are currently part of our record and we will consider them in our development of our final rule. On the basis of public comment on this analysis and on the critical habitat proposal, and

the final economic analysis, we may, during the development of our final determination, find that areas proposed are not essential, are appropriate for exclusion under section 4(b)(2) of the Act, or are not appropriate for exclusion. We may exclude an area from critical habitat if we determine that the benefits of such exclusion outweigh the benefits of including a particular area as critical habitat, unless the failure to designate such area as critical habitat will result in the extinction of the species. We may exclude an area from designated critical habitat based on economic impacts, national security, or any other relevant impact.

Background

On June 6, 2006, we published a proposed rule to designate a total of 1,864 river km (1,158 river mi) in Alabama, Florida, and Georgia as critical habitat for seven mussels (71 FR 32746). These seven mussels are the fat threeridge (*Amblema neislerii*), shinyrayed pocketbook (*Lampsilis subangulata*), Gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), oval pigtoe (*Pleurobema pyriforme*), Chipola slabshell (*Elliptio chipolaensis*), and purple bankclimber (*Elliptoideus sloatianus*). For more information about each of these species, and our previous Federal actions concerning them, see our original proposed critical habitat rule (June 6, 2006; 71 FR 32746). We will submit for publication in the **Federal Register** a final critical habitat designation for the seven mussels on or before October 31, 2007.

Critical habitat is defined in section 3 of the Act as the specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features essential to the conservation of the species and that may require special management considerations or protection, and specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. Federal agencies proposing actions affecting areas designated as critical habitat must consult with us on the effects of their proposed actions, pursuant to section 7(a)(2) of the Act.

Changes to the Proposed Rule

We announce the following changes to the June 6, 2006, proposed rule (71 FR 32746). We propose to modify the boundaries of 2 of the 11 proposed critical habitat units (Unit 2—Chipola River, and Unit 8—Apalachicola River) based upon new information we received from the States of Alabama and Florida during our first public comment period. We are also adding the fat threeridge to the list of species associated with proposed Unit 7 (Lower Flint River, Georgia), based on new information.

In the original proposed rule, we delineated the full extent of the known post-1990 live occurrence records for the seven mussels in flowing streams as critical habitat. Barriers to the movement of potential fish hosts of the larval life stage of the mussels (dams and salt water) divided the collective extent of occurrence for the 7 species into 11 units, and we proposed each of these 11 units as critical habitat for whichever of the seven species occupy that particular unit. The upstream boundary of a unit in an occupied stream was the first perennial tributary confluence or first permanent barrier to fish passage (such as a dam) upstream of the upstream-most current occurrence record. The downstream boundary of a unit in an occupied stream was the mouth of the stream, the upstream extent of tidal influence, or the upstream extent of an impoundment, whichever comes first, downstream of the downstream-most occurrence record.

Chipola River (Unit 2) Proposed Changes

By letter dated July 28, 2006, the Wildlife and Freshwater Fisheries Division of the Alabama Department of Conservation and Natural Resources (ADCNR) provided survey data for the shiny-rayed pocketbook and the oval pigtoe within the Chipola River Basin in Alabama. In June 2006, ADCNR surveyors found live oval pigtoes and a single live shiny-rayed pocketbook at a site in Big Creek approximately 3.7 river km (2.3 river mi) upstream of the proposed boundary for critical habitat Unit 2. ADCNR surveyors also found live oval pigtoes and shiny-rayed pocketbooks at three sites in Cowarts Creek, which we did not include in the originally proposed Unit 2. These sites are located in Houston County, Alabama, in stream segments that are contiguous with the stream segments we proposed for inclusion in Unit 2—Chipola River.

The mussel survey data provided by ADCNR show that the extent of occurrence of the listed mussels in the Chipola River Basin includes Cowarts Creek and an additional portion of Big Creek that we did not include within our originally proposed boundaries of critical habitat Unit 2. These stream reaches are perennially flowing streams that support two of the seven mussels and are contiguous for the movement of potential fish hosts within Unit 2. Therefore, consistent with the methods we employed in the original proposal, we propose to revise the boundaries of Unit 2 to include an additional portion of Big Creek (5.1 river km (3.2 river mi)) and a portion of Cowarts Creek (33.5 river km (20.8 river mi)). With these revisions, the total stream length we propose for Unit 2 increases from 190.0 river km (118.1 river mi) to 228.7 river km (142.1 river mi). Unit 2 will now include the main stem of the Chipola River and seven of its tributaries. Please see the ''Proposed Regulation Promulgation'' section below for a complete description of Unit 2.

Apalachicola River (Unit 8) Proposed Changes

By letter dated August 4, 2006, the Florida Fish and Wildlife Conservation Commission (FFWCC) provided survey data for the fat threeridge and purple bankclimber within the Apalachicola River Basin in Florida. On June 7, 2000, FFWCC and Florida Department of Environmental Protection (FDEP) biologists found a single live purple bankclimber in the River Styx about 1.21 river km (0.75 river mi) upstream of its confluence with the Apalachicola River, and found live fat threeridges in Kennedy Slough/Kennedy Creek, another tributary of the lower Apalachicola River (EnviroScience 2006). The FFWCC letter also identified two additional unnamed distributaries of the Apalachicola River (small streams flowing from the main channel to Brushy Creek) as streams containing the purple bankclimber and fat threeridge. However, FFWCC staff found only dead shells of both species in one of these two distributaries, and EnviroScience (2006) found only dead shells of the purple bankclimber in the other. All of these sites are located in Liberty County, Florida, in stream segments that are contiguous with the stream segments proposed for inclusion in Unit 8—Apalachicola River.

From the survey data provided by FFWCC, we have determined that the extent of occurrence of the listed mussels in the Apalachicola River Basin includes the River Styx, Kennedy Slough, and Kennedy Creek, which we did not include within our originally proposed boundaries of Unit 8. These stream reaches are perennially flowing streams that support two of the seven mussels and are contiguous for the movement of potential fish hosts with Unit 8. The FFWCC data do not constitute evidence that the two

unnamed distributaries of the Apalachicola River (feeder streams to Brushy Creek) support listed species. Only dead shells of the listed species were found in these streams a relatively short distance from the main channel of the Apalachicola River, where live fat threeridge and purple bankclimber were found. Therefore, consistent with the methods we employed in the original proposal, we propose to revise the boundaries of Unit 8 to include a portion of the River Styx (3.8 river km (2.4 river mi)), Kennedy Slough (0.9 river km (0.5 river mi)), and Kennedy Creek (1.1 river km (0.7 river mi)). With these revisions, the total stream length we propose for Unit 8 increases from 155.4 river km (96.6 river mi) to 161.2 river km (100.2 river mi). Unit 8 will now include the main stem of the Apalachicola River, two of its distributaries, Chipola Cutoff and Swift Slough, and three of its tributaries, River Styx, Kennedy Slough, and Kennedy Creek. Please see the ''Proposed Regulation Promulgation'' section below for a complete description of Unit 8.

Lower Flint River (Unit 7) Proposed Change

We are adding the fat threeridge to the list of species associated with proposed Unit 7 (Lower Flint River, Georgia). Fat threeridges were considered extirpated from the Flint River Basin; however, in August 2006, live individuals were found in the mainstem of the Flint River in Mitchell and Baker Counties, Georgia. This revision does not alter the proposed boundaries of Unit 7, only the listed species for which we consider Unit 7 to be critical habitat. This addition is consistent with our 2003 recovery plan for the seven mussels, in which we stated that reintroduction into a portion of the Flint Basin was necessary for the recovery of the fat threeridge.

In addition to the above substantive revisions to our proposal, we have removed Clayton County, Georgia, from the list of counties that contain proposed critical habitat. Because none of the stream segments we proposed, either originally or now, for designation is located within Clayton County, Georgia, this change is merely an editorial correction.

Summary of Economic Analysis

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific data available, after taking into consideration the economic or any other relevant impact of specifying any particular area as critical habitat. We will continue to review any conservation or management plans that address the species within the areas we have proposed for designation, pursuant to section 4(b)(2) and based on the definition of critical habitat provided in section 3(5)(A) of the Act.

Based on the June 6, 2006, proposed rule (71 FR 32746) to designate critical habitat for the seven mussels, we prepared a draft economic analysis of the proposed critical habitat designation (see ''Public Comments Solicited'' for how to obtain a copy). The draft economic analysis considers the potential economic effects of actions relating to the conservation of the seven mussels, including costs associated with sections 4, 7, and 10 of the Act, which would include costs attributable to designating critical habitat. It further considers the economic effects of protective measures taken as a result of other Federal, State, and local laws that aid habitat conservation for the seven mussels in critical habitat areas. The draft analysis considers both economic efficiency and distributional effects. In the case of habitat conservation, efficiency effects generally reflect the ''opportunity costs'' associated with the commitment of resources to comply with habitat protection measures (such as lost economic opportunities associated with restrictions on land use). This analysis also addresses how potential economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation activities on small entities and the energy industry. Decision-makers can use this information to assess whether the effects of the designation might unduly burden a particular group or economic sector. Finally, this draft analysis looks retrospectively at costs that have been incurred since the date we listed these species as endangered or threatened (March 16, 1998; 63 FR 12664; effective date of listing was April 15, 1998) and considers costs that may occur in the 20 years following a designation of critical habitat.

As stated earlier, we solicit data and comments from the public on this draft economic analysis, as well as on all aspects of our proposal. We may revise the proposal, or its supporting documents, to incorporate or address new information we receive during this comment period.

The draft economic analysis is intended to quantify the economic impacts of all potential conservation efforts for the seven musselslet; some of these costs will likely be incurred regardless of whether critical habitat is designated. It estimates potential future impacts associated with conservation efforts for the seven mussels in areas we have proposed for designation to be $42.7 million to $67.9 million over the next 20 years (undiscounted). The present value of these impacts is $33.0 million to $52.1 million, using a discount rate of 3 percent (2.21 million to 3.49 million annually), or $24.7 million to $38.8 million, using a discount rate of 7 percent (2.31 million to 3.63 million annually). All dollar amounts include those costs coextensive with listing. The analysis measures lost economic efficiency associated with water management and use changes, in the event that flow regimes are modified to provide sufficient flow to conserve the seven mussels. These water management and use changes include agricultural irrigation and recreation. Up to 82 percent of the total impacts estimated in this report are associated with these water management and use changes to conserve the seven mussels. This analysis assumes that conservation efforts for the seven mussels may result in changes to water management and use, and that these changes may result in both economic efficiency and regional economic impacts. This analysis does not, however, make assumptions or recommendations regarding whether or how such water diversions could occur.

Required Determinations—Amended

In our June 6, 2006, proposed rule (71 FR 32746), we indicated that we would be deferring our determination of compliance with several statutes and Executive Orders until the information concerning potential economic impacts of the designation and potential effects on landowners and stakeholders was available in the draft economic analysis. Those data are now available for our use in making these determinations. We now affirm the information contained in original proposed rule concerning Executive Order (E.O.) 13132 (Federalism); E.O. 12988 (Civil Justice Reform); the Paperwork Reduction Act; the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951); and the National Environmental Policy Act. Based on the information made available to us in the draft economic analysis, we are amending our Required Determinations, as provided below, concerning E.O. 12866 and the Regulatory Flexibility Act, E.O. 13211 (Energy Supply, Distribution, or Use), E.O. 12630 (Takings), and the Unfunded Mandates Reform Act.

Regulatory Planning and Review

In accordance with E.O. 12866, this document is a significant rule, because it may raise novel legal and policy issues. However, we do not anticipate that it will have an annual effect on the economy of $100 million or more or affect the economy in a material way. Due to the timeline for publication in the **Federal Register**, the Office of Management and Budget (OMB) did not formally review the proposed rule.

Further, E.O. 12866 directs Federal agencies promulgating regulations to evaluate regulatory alternatives (OMB, Circular A–4, September 17, 2003). Pursuant to Circular A–4, if the agency determines that a Federal regulatory action is appropriate, the agency will need to consider alternative regulatory approaches. Since the determination of critical habitat is a statutory requirement pursuant to the Act, we must then evaluate alternative regulatory approaches, where feasible, when promulgating a designation of critical habitat.

In developing our designations of critical habitat, we consider economic impacts, impacts to national security, and other relevant impacts pursuant to section 4(b)(2) of the Act. Based on the discretion allowable under this provision, we may exclude any particular area from the designation of critical habitat, providing that the benefits of such exclusion outweigh the benefits of specifying the area as critical habitat and that such exclusion would not result in the extinction of the species. We believe that the evaluation of the inclusion or exclusion of particular areas, or combination thereof, in a designation constitutes our regulatory alternative analysis.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (5 U.S.C. 802(2)), whenever an agency is required to publish a proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. In our proposed rule, we withheld our determination of whether this designation would result in a significant effect as defined under SBREFA until we completed our draft economic analysis of the proposed designation so that we would have the factual basis for our determination.

According to the Small Business Administration (SBA), small entities include small organizations, such as independent nonprofit organizations, and small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents, as well as small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation, as well as types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

To determine if the proposed designation of critical habitat for the seven mussels would affect a substantial number of small entities, we considered the number of small entities affected within particular types of economic activities (such as residential and commercial development). We considered each industry or category individually to determine if certification is appropriate. In estimating the numbers of small entities potentially affected, we also considered whether their activities have any Federal involvement; some kinds of activities are unlikely to have any Federal involvement and so will not be affected by the designation of critical habitat. Designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies; non-Federal activities are not affected by the designation.

In our draft economic analysis of the proposed critical habitat designation, we evaluated the potential economic effects on small business entities resulting from conservation actions related to the listing of the seven mussels and proposed designation of their critical habitat. This analysis estimated prospective economic impacts due to the implementation of conservation efforts for the seven mussels in three categories: agricultural irrigation, recreation, and other economic activities (changes in water management facilities, transportation, water quality, species management, and administrative costs of section 7 consultations). The types of small entities that may bear the regulatory costs are associated with these land use activities: irrigated agriculture; recreation; water supply, hydropower, and other impoundment projects; and deadhead logging. The draft economic analysis includes an Initial Regulatory Flexibility Analysis to identify opportunities and minimize the impacts in the final rulemaking. The number of potentially affected small entities for irrigated agriculture is between 4 (a few farms bearing all the impact) and 1,096 (all farms bearing a portion of the impact) with an estimated impact per small entity of $78 to $87,000. Recreation could impact up to 5,100 regional small businesses at an estimated $2,700 per business. Water supply, hydropower, and other impoundment projects could have one hydropower operation affected for an estimated impact of $5,600. Deadhead logging could have ten logging businesses affected for an estimated impact of $2,500 per business. Based on currently available information, the Service believes that this is not a significant economic impact.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501), we make the following findings:

(a) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments,'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide

funding'' and the State, local, or Tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance; or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. Non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat. However, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply; nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(b) As discussed in the draft economic analysis of the proposed designation of critical habitat for the seven mussels, we expect the impacts on nonprofits and small governments to be negligible. It is likely that small governments involved with developments and infrastructure projects will be interested parties or involved with projects involving section 7 consultations for the seven mussels within their jurisdictional areas. Any costs associated with this activity are likely to represent a small portion of a local government's budget. Consequently, we do not believe that the designation of critical habitat for the seven mussels will significantly or uniquely affect these small governmental entities. As such, a Small Government Agency Plan is not required.

Takings

In accordance with E.O. 12630 (''Government Actions and Interference with Constitutionally Protected Private Property Rights''), we have analyzed the potential takings implications of proposing critical habitat for the seven mussels. Critical habitat designation does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. In conclusion, the designation of critical habitat for the seven mussels does not pose significant takings implications.

Author

The primary author of this notice is the Panama City (Florida) Field Office of the U.S. Fish and Wildlife Service.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to further amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as proposed to be amended at 71 FR 32746, June 6, 2006, as follows:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Critical habitat for the seven mussel species (in four northeastern Gulf of Mexico drainages) in § 17.95, which was proposed to be added to the end of paragraph (f) on June 6, 2006, at 71 FR 32746, is proposed to be amended by revising paragraph (f)(1)(iii), the table in paragraph (6), paragraph (8), the introductory text of paragraph (13), and paragraph (14) in the entry for ''Seven mussel species (in four northeast Gulf of Mexico drainages): purple bankclimber (*Elliptoideus sloatianus*), Gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), oval pigtoe (*Pleurobema pyriforme*), shinyrayed pocketbook (*Lampsilis subangulata*), Chipola slabshell (*Elliptio chipolaensis*), and fat threeridge (*Amblema neislerii*),'' to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(f) *Clams and snails.*

* * * * *

Seven mussel species (in four northeast Gulf of Mexico drainages): purple bankclimber (*Elliptoideus sloatianus*), Gulf moccasinshell (*Medionidus penicillatus*), Ochlockonee moccasinshell (*Medionidus simpsonianus*), oval pigtoe (*Pleurobema pyriforme*), shinyrayed pocketbook (*Lampsilis subangulata*), Chipola slabshell (*Elliptio chipolaensis*), and fat threeridge (*Amblema neislerii*).

(1) * * *

(iii) *Georgia:* Baker, Calhoun, Coweta, Crawford, Crisp, Decatur, Dooly, Dougherty, Early, Fayette, Grady, Lee, Macon, Marion, Meriwether, Miller, Mitchell, Peach, Pike, Schley, Spalding, Sumter, Talbot, Taylor, Terrell, Thomas, Upson, Webster, and Worth.

* * * * *

(6) * * *

SEVEN MUSSEL SPECIES, THEIR CRITICAL HABITAT UNITS, AND STATES CONTAINING THOSE CRITICAL HABITAT UNITS

Species	Critical habitat units	States
Purple bankclimber (*Elliptoideus sloatianus*)	Units 5, 6, 7, 8, 9, 10	AL, FL, GA.
Gulf moccasinshell (*Medionidus penicillatus*)	Units 1, 2, 4, 5, 6, 7	AL, FL, GA.
Ochlockonee moccasinshell (*Medionidus simpsonianus*)	Unit 9	FL, GA.
Oval pigtoe (*Pleurobema pyriforme*)	Units 1, 2, 4, 5, 6, 7, 9, 11	AL, FL, GA.
Shinyrayed pocketbook (*Lampsilis subangulata*)	Units 2, 3, 4, 5, 6, 7, 9	AL, FL, GA.
Chipola slabshell (*Elliptio chipolaensis*)	Unit 2	AL, FL.
Fat threeridge (mussel) (*Amblema neislerii*)	Units 2, 7, 8	AL, FL, GA.

* * * * *

(8) Unit 2. Chipola River and Dry, Rocky, Waddells Mill, Baker, Marshall, Big, and Cowarts Creeks; Houston County, Alabama; and Calhoun, Gulf, and Jackson Counties, Florida. This is a critical habitat unit for the fat threeridge, shinyrayed pocketbook, Gulf moccasinshell, oval pigtoe, and Chipola slabshell.

(i) *General Description:* Unit 2 includes the main stem of the Chipola River and seven of its tributaries, encompassing a total length of 228.7 river km (142.1 river mi). In the original proposed rule, we delineated the full extent of post-1990 live occurrence records for the seven mussels in flowing streams as critical habitat. Barriers to the movement of potential fish hosts of the larval life stage of the mussels (dams and salt water) divided the collective extent of occurrence for the 7 species into 11 units, and we proposed each of these 7 units as critical habitat for whichever of the seven species occupy that particular unit. The upstream boundary of a unit in an occupied stream was the first perennial tributary confluence or first permanent barrier to fish passage (such as a dam) upstream of the upstream-most current occurrence record. The downstream boundary of a unit in an occupied stream was the mouth of the stream, the upstream extent of tidal influence, or the upstream extent of an impoundment, whichever comes first, downstream of the downstream-most occurrence record. The main stem of the Chipola River extends from its confluence with the Apalachicola River (−85.09 longitude, 30.01 latitude) in Gulf County, Florida, upstream 144.9 river km (90.0 river mi), including the reach known as Dead Lake, to the confluence of Marshall and Cowarts creeks (−85.27 longitude, 30.91 latitude) in Jackson County, Florida; Dry Creek from the Chipola River upstream 7.6 river km (4.7 river mi) to Ditch Branch (−85.24 longitude, 30.69 latitude), Jackson County, Florida; Rocky Creek from the Chipola River upstream 7.1 river km (4.4 river mi) to Little Rocky Creek (−85.13 longitude, 30.68 latitude), Jackson County, Florida; Waddells Mill Creek from the Chipola River upstream 3.7 river km (2.3 river mi) to Russ Mill Creek (−85.29 longitude, 30.87 latitude), Jackson County, Florida; Baker Creek from Waddells Mill Creek upstream 5.3 river km (3.3 river mi) to Tanner Springs (−85.32 longitude, 30.83 latitude), Jackson County, Florida; Marshall Creek from the Chipola River upstream 13.7 river km (8.5 river mi) to the Alabama-Florida State line (−85.33 longitude, 31.00 latitude), Jackson County, Florida; Cowarts Creek from the Chipola River in Jackson County, Florida, upstream 33.5 river km (20.8 river mi) to the Edgar Smith Road bridge (−85.29 longitude, 31.13 latitude), Houston County, Alabama; and Big Creek from the Alabama-Florida State line upstream 13.0 river km (8.1 river mi) to Limestone Creek (−85.42 longitude, 31.08 latitude), Houston County, Alabama. The short segment of the Chipola River that flows underground within the boundaries of Florida Caverns State Park is not included within this unit.

(ii) *Note:* Unit 2 map follows:

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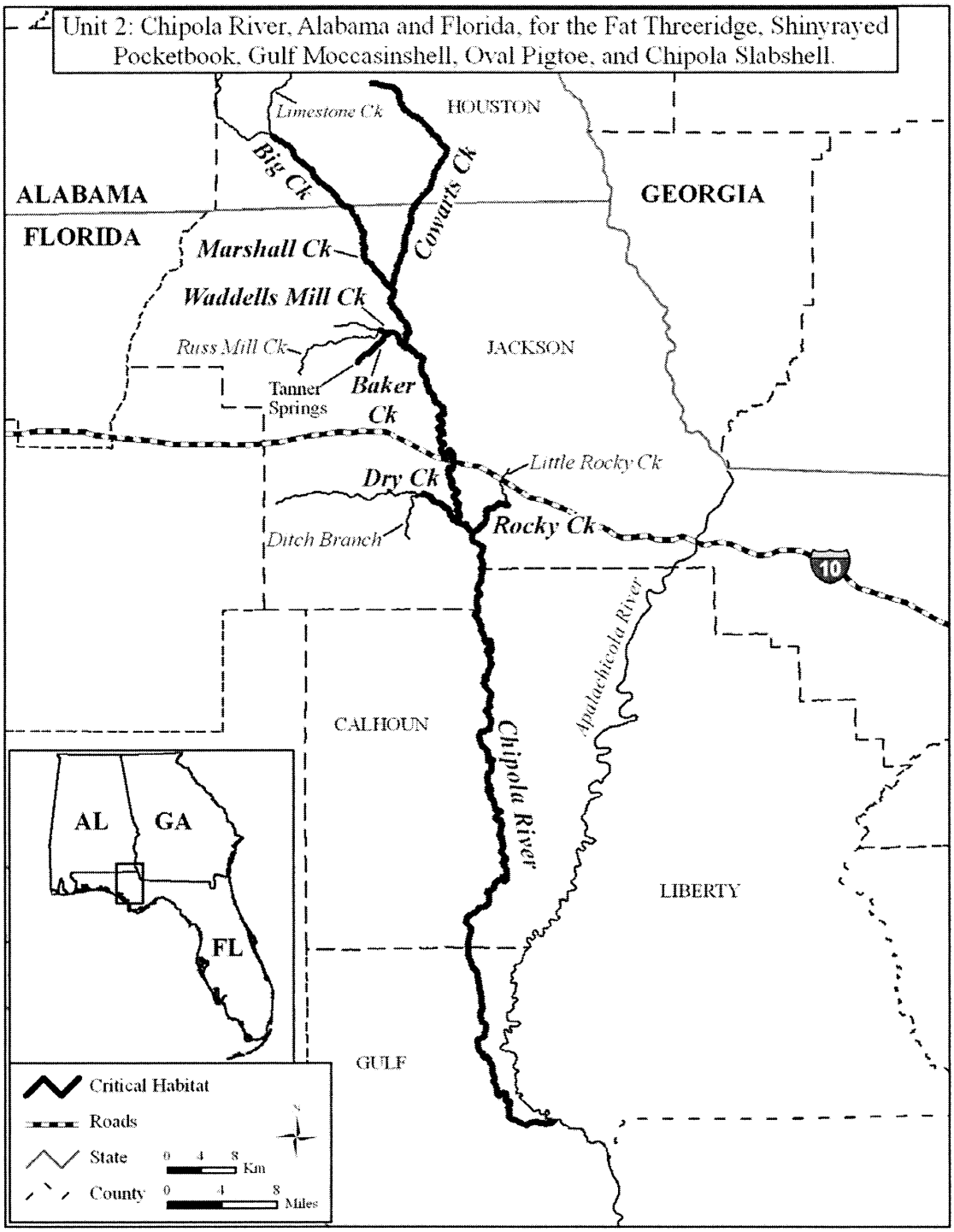


* * * * *

(13) Unit 7. Lower Flint River and Spring, Aycocks, Dry, Ichawaynochaway, Mill, Pachitla, Little Pachitla, Chickasawhatchee, and Cooleewahee creeks in Baker, Calhoun, Decatur, Dougherty, Early, Miller, Mitchell, and Terrell Counties, Georgia. This is a critical habitat unit for the fat threeridge, shinyrayed pocketbook, Gulf moccasinshell, oval pigtoe, and purple bankclimber. * * *

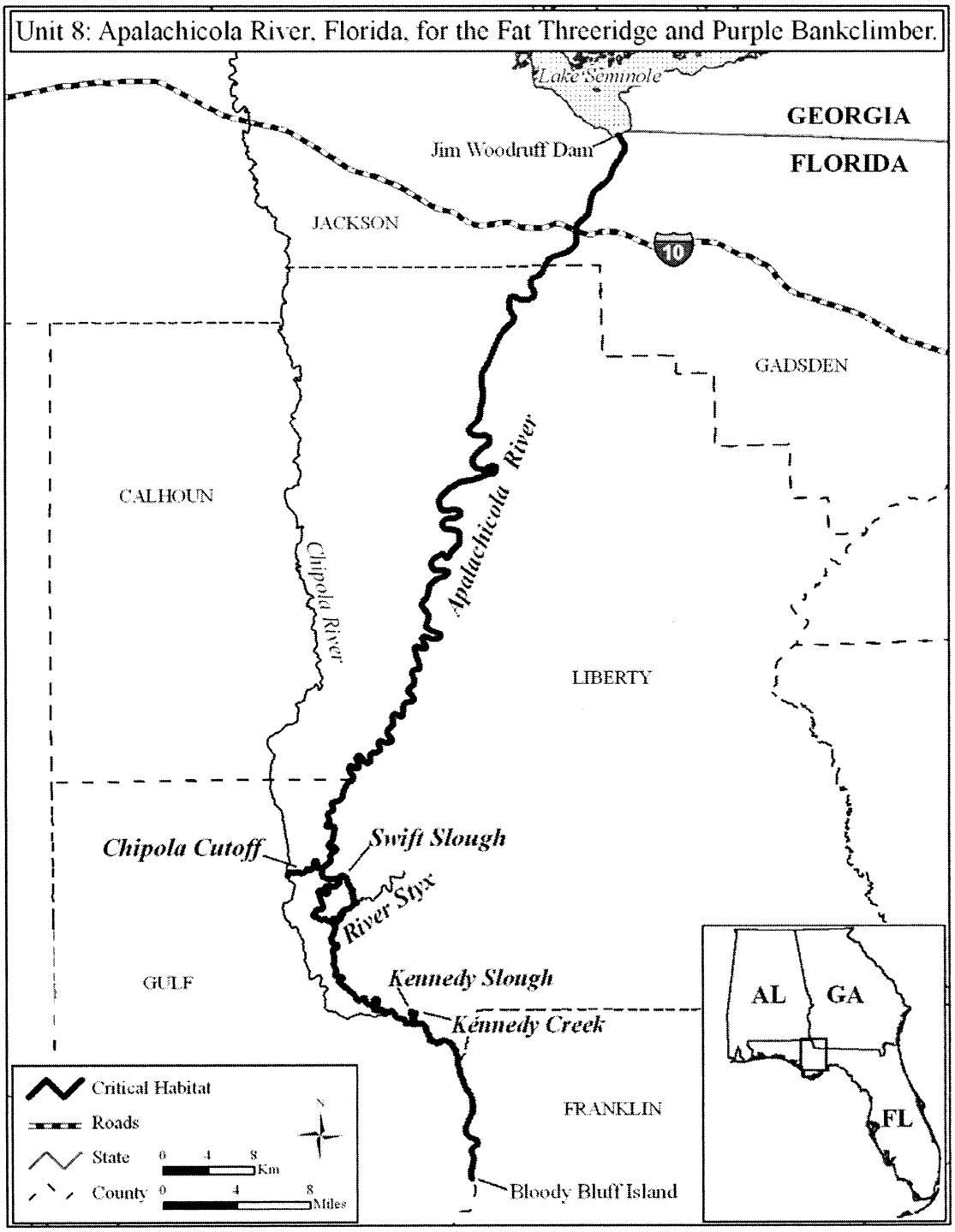
* * * * *

(14) Unit 8. Apalachicola River, Chipola Cutoff, Swift Slough, River Styx, Kennedy Slough, and Kennedy Creek in Calhoun, Franklin, Gadsden, Gulf, Jackson, and Liberty Counties, Florida. This is a critical habitat unit for the fat threeridge and purple bankclimber.

(i) *General Description:* Unit 8 includes the main stem of the Apalachicola River, two of its distributaries, Chipola Cutoff and Swift Slough, and three of its tributaries, River Styx, Kennedy Slough, and Kennedy Creek, encompassing a total length of 161.2 river km (100.2 river mi). The main stem of the Apalachicola River extends from the downstream end of Bloody Bluff Island (river mile 15.3 on U.S. Army Corps of Engineers

Navigation Charts) (−85.01 longitude, 29.88 latitude), Franklin County, Florida, through Calhoun and Liberty Counties, Florida, upstream to the Jim Woodruff Lock and Dam (which impounds Lake Seminole) (−84.86 longitude, 30.71 latitude), Gadsden and Jackson Counties, Florida; Chipola Cutoff from the Apalachicola River in Gulf County, Florida, downstream 4.5 river km (2.8 river mi) to its confluence with the Chipola River; Swift Slough from the Apalachicola River in Liberty County, Florida, downstream 3.6 river km (2.2 river mi) to its confluence with the River Styx (−85.12 longitude, 30.10 latitude); River Styx from the mouth of Swift Slough (−85.12 longitude, 30.10 latitude) in Liberty County, Florida, downstream 3.8 river km (2.4 river mi) to its confluence with the Apalachicola River; Kennedy Slough from (−85.07 longitude, 30.01 latitude) in Liberty County, Florida, downstream 0.9 river km (0.5 river mi) to its confluence with Kennedy Creek; and Kennedy Creek from Brushy Creek Feeder (−85.06 longitude, 30.01 latitude) in Liberty County, Florida, downstream 1.1 river km (0.7 river mi) to its confluence with the Apalachicola River.

(ii) *Note:* Unit 8 map follows:



* * * * *

Dated: June 12, 2007.

David M. Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. E7–11897 Filed 6–20–07; 8:45 am]

BILLING CODE 4310–55–C

Notices

Federal Register
Vol. 72, No. 119
Thursday, June 21, 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

Withdrawal of Notice of Intent To Prepare an Environmental Impact Statement for the Helena National Forest, Broadwater, Lewis & Clark, Meagher, and Powell Counties, MT; Travel Management Plan for the South Belts, Divide, and Blackfoot Project Areas

AGENCY: Forest Service, USDA.

ACTION: Cancellation notice.

SUMMARY: On April 18, 2003, a Notice of Intent (NOI) to prepare an environmental impact statement called the Helena National Forest, Montana; Travel Management Plan for the South Belts, Divide, and Blackfoot Project Areas was published in the 68 FR 19185. This NOI is hereby rescinded due to elapsed time since the appearance of the NOI in the **Federal Register** and changed scope of the proposal as directed by 36 CFR Parts 212, 251, 261, and 295 Travel Management; Designated Routes and Areas for Motor Vehicle Use; Final Rule; November 9, 2005.

Dated: June 5, 2007.

Kevin T. Riordan,

Forest Supervisor.

[FR Doc. E7–12000 Filed 6–20–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF COMMERCE

Economic Development Administration

[Docket No.: 070607177–7178–01]

Solicitation of Applications for the National Technical Assistance, Training, Research and Evaluation Program: Information Dissemination and National Symposium

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and request for applications.

SUMMARY: The Economic Development Administration (EDA) is soliciting applications for FY 2007 National Technical Assistance, Training, Research and Evaluation program (NTA Program) funding. Through this notice, EDA solicits applications for funding that address one or both of the following two projects: (1) Information dissemination to practitioners serving economically distressed areas; and (2) a national symposium to bring together leaders to discuss current and future trends in economic development and how to improve and implement economic development best practices. EDA's mission is to lead the federal economic development agenda by promoting innovation and competitiveness, preparing American regions for growth and success in the worldwide economy. Through its NTA Program, EDA works towards fulfilling its mission by funding research and technical assistance projects to promote competitiveness and innovation in rural and urban regions throughout the United States and its territories. By working in conjunction with its research partners, EDA will help States, local governments, and community-based organizations to achieve their highest economic potential.

DATES: To be considered timely, a completed application, regardless of the format in which it is submitted, must be either: (1) Received by the EDA representative listed below under ''Paper Submissions'' no later than July 23, 2007 at 5 p.m. EST; or (2) transmitted and time-stamped at www.grants.gov no later than July 23, 2007 at 5 p.m. EST. Any application received or transmitted, as the case may be, after 5 p.m. EST on July 23, 2007 will be considered non-responsive and will not be considered for funding. Please see the instructions below under ''Submitting Application Packages'' for information regarding format options for submitting completed applications. The closing date and time are the same for paper submissions as for electronic submissions. By August 20, 2007, EDA expects to notify the applicants selected for investment assistance under this notice. The selected applicants should expect to receive funding for their projects within thirty days of EDA's notification of selection. Applicants choosing to submit completed applications electronically in whole or in part through www.grants.gov should follow the instructions set out below under ''Electronic Access'' and in section IV. of the complete Federal Funding Opportunity (FFO) announcement for this request for applications.

ADDRESSES: *Paper Submissions:* Full or partial paper (hardcopy) applications submitted pursuant to this notice and request for applications may be:

1. E-mailed to William P. Kittredge, Senior Program Analyst, at *wkittredge@eda.doc.gov;* or
2. Hand-delivered or mailed to William P. Kittredge, Senior Program Analyst, Economic Development Administration, Room 7009, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

Applicants submitting full or partial paper submissions are encouraged to do so by e-mail. Applicants are advised that, due to mail security measures, EDA's receipt of mail sent via the United States Postal Service may be substantially delayed or suspended in delivery.

Electronic Submissions: Applicants may submit applications electronically in whole or in part in accordance with the instructions provided at www.grants.gov and in section IV.B. of the FFO announcement. EDA strongly encourages that applicants not wait until the application closing date to begin the application process through www.grants.gov. The preferred file format for electronic attachments (e.g., the project narrative and additional exhibits to Form ED–900A and Form ED–900A's program-specific component) is portable document format (PDF); however, EDA will accept

electronic files in Microsoft Word, WordPerfect, Lotus or Excel formats.

FOR FURTHER INFORMATION CONTACT: For additional information regarding paper submissions, please contact William P. Kittredge, Senior Program Analyst, via e-mail at *wkittredge@eda.doc.gov* (preferred) or by telephone at (202) 482–5442. For additional information regarding electronic submissions, please access the following link for assistance in navigating www.grants.gov and for a list of useful resources: *http://www.grants.gov/applicants/applicant_help.jsp.* If you do not find an answer to your question under *Frequently Asked Questions,* try consulting the *Applicant's User Guide.* If you still cannot find an answer to your question, contact www.grants.gov via email at *support@grants.gov* or telephone at 1–800–518–4726. The hours of operation for www.grants.gov are Monday–Friday, 7 a.m. to 9 p.m. (EST) (except for federal holidays).

Additional information about EDA and its NTA Program may be obtained from EDA's Internet Web site at *http://www.eda.gov.* The complete FFO announcement for this request for applications is available at *http://www.grants.gov* and at *http://www.eda.gov.*

SUPPLEMENTARY INFORMATION:

Background Information: EDA is soliciting applications for FY 2007 NTA Program funding. Through this notice, EDA solicits applications for funding that address one or both of the following two projects: (1) Information dissemination to practitioners serving economically distressed areas; and (2) a national symposium to bring together leaders to discuss current and future trends in economic development and how to improve and implement economic development best practices.

EDA's intent is to implement a coordinated and complementary information dissemination program that, through strategic linkages, reaches the maximum number of economic development practitioners. As described in the FFO announcement, the information dissemination project has three component tasks: (1) Broadcasting of strategy telecasts; (2) preparation and dissemination of monthly electronic newsletters; and (3) preparation and dissemination of a quarterly magazine. Applicants must address each of these three components of the information dissemination project.

The 2008 EDA National Symposium will bring together nationally-recognized leaders to discuss ''what's next'' in economic development and how to implement economic development best practices. Qualified applicants must submit applications for organizing, supporting, promoting, holding and reporting on the symposium. The focus of the symposium is to disseminate and share the strategies, policies and best practices of 21st century economic development.

Application Package: An application package consists of the following three forms:

1. Form ED–900A, *Application for Investment Assistance* (OMB Control No. 0610–0094);

2. Form ED–900A's program-specific component, *National Technical Assistance, Training, and Research and Evaluation Program Requirements* (OMB Control No. 0610–0094); and

3. Form SF–424, *Application for Federal Assistance* (OMB Control No. 4040–0004).

Please note that applicants must submit all three forms in accordance with the instructions provided in sections IV. and VII.B. of the FFO announcement.

Submitting Application Packages: Applications may be submitted in three formats: (1) Full paper (hardcopy) submission; (2) partial paper (hardcopy) submission and partial electronic submission; or (3) full electronic submission, each in accordance with the procedures provided in section IV.B. of the FFO announcement. The content of the application is the same for paper submissions as it is for electronic submissions. Applications completed in accordance with the instructions set forth in the FFO announcement, regardless of the option chosen for submission, will be considered for EDA funding under this request for applications. Incomplete applications and applications submitted by facsimile will not be considered.

Paper Access: Each of the three forms listed above under ''Application Package'' are separate attachments available at *http://www.eda.gov/InvestmentsGrants/Application.xml.* You may print copies of each of these forms from *http://www.eda.gov/InvestmentsGrants/Application.xml.* You also may obtain paper application packages by contacting the EDA representative listed above under ''For Further Information Contact.''

Electronic Access: Applicants may apply electronically through www.grants.gov, and may access this grant opportunity synopsis by following the instructions provided on *http://www.grants.gov/search/basic.do.* The synopsis will have an application package, which is an electronic file that contains forms pertaining to this specific grant opportunity. On *http://www.grants.gov/search/basic.do,* applicants can perform a basic search for this grant opportunity by completing the ''*Keyword Search,*'' the ''*Search by Funding Opportunity Number,*'' or the ''*Search by CFDA Number*'' field, and then clicking the ''*Search*'' button.

Funding Availability: EDA may use funds appropriated under the Revised Continuing Appropriations Resolution, 2007, Pub. L. No. 110–5 (February 15, 2007) to make awards under the NTA Program authorized under section 207 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3147), as amended (PWEDA), and 13 CFR part 306, subpart A. Approximately $2,700,000 is available, and shall remain available until expended, for funding awards pursuant to this notice and request for applications. Based on past awards for similar projects, the range of total expenditures for (1) information dissemination projects has been from $150,000 to $250,000 and (2) national symposia has been from $250,000 to $450,000. EDA anticipates publishing additional FFO announcements (and corresponding notices in the **Federal Register**) under the NTA Program later during this fiscal year. Please note that the FFO announcement published on March 22, 2007 for EDA's economic development assistance programs references program funds allocated for Local Technical Assistance and National Technical Assistance. EDA may allocate additional funds currently available for the NTA Program to the Local Technical Assistance program for additional Local Technical Assistance projects.

Statutory Authority: The authority for the NTA Program is PWEDA. EDA published final regulations (codified at 13 CFR chapter III) in the **Federal Register** on September 27, 2006 (71 FR 56658). The final regulations became effective upon publication and reflect changes made to PWEDA by the Economic Development Administration Reauthorization Act of 2004 (Pub. L. No. 108–373, 118 Stat. 1756 (2004)). The final regulations and PWEDA are accessible on EDA's Internet Web site at *http://www.eda.gov/InvestmentsGrants/Lawsreg.xml.* These regulations will govern an award made under this notice and request for applications.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 11.303, Economic Development—Technical Assistance; 11.312, Economic Development—Research and Evaluation

Eligibility Requirement: Pursuant to PWEDA, eligible applicants for and eligible recipients of EDA investment assistance include a District Organization; an Indian Tribe or a

consortium of Indian Tribes; a State; a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; an institution of higher education or a consortium of institutions of higher education; a public or private non-profit organization or association; and, as provided in section 207 of PWEDA (42 U.S.C. 3147) for the NTA Program, a private individual or a for-profit organization. *See* section 3 of PWEDA (42 U.S.C. 3122) and 13 CFR 300.3.

Cost Sharing Requirement: Generally, the amount of the EDA grant may not exceed fifty (50) percent of the total cost of the project. However, a project may receive an additional amount that shall not exceed thirty (30) percent, based on the relative needs of the region in which the project will be located, as determined by EDA. *See* section 204(a) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(1). Under this competitive solicitation, the Assistant Secretary of Commerce for Economic Development (Assistant Secretary) also has the discretion to establish a maximum EDA investment rate of up to one hundred (100) percent where the project (i) merits and is not otherwise feasible without an increase to the EDA investment rate; or (ii) will be of no or only incidental benefit to the recipient. *See* section 204(c)(3) of PWEDA (42 U.S.C. 3144) and 13 CFR 301.4(b)(4).

While cash contributions are preferred, in-kind contributions, consisting of assumptions of debt or contributions of space, equipment, and services, may provide the non-federal share of the total project cost. *See* section 204(b) of PWEDA (42 U.S.C. 3144). EDA will fairly evaluate all in-kind contributions, which must be eligible project costs and meet applicable federal cost principles and uniform administrative requirements. Funds from other federal financial assistance awards are considered matching share funds only if authorized by statute that allows such use, which may be determined by EDA's reasonable interpretation of the statute. *See* 13 CFR 300.3. The applicant must show that the matching share is committed to the project, available as needed and not conditioned or encumbered in any way that precludes its use consistent with the requirements of EDA investment assistance. *See* 13 CFR 301.5.

Intergovernmental Review: Applications under the NTA Program are not subject to Executive Order 12372, ''*Intergovernmental Review of Federal Programs.*''

Evaluation and Selection Procedures: To apply for an award under this request for applications, an eligible applicant must submit a completed application package to EDA before the closing date and time specified in the **DATES** section of this notice, and in the manner provided in section IV. of the FFO announcement. Any application received or transmitted, as the case may be, after 5 p.m. EST on July 23, 2007 will not be considered for funding. Applications that do not meet all items required or that exceed the page limitations set forth in section IV.C. of the FFO announcement will be considered non-responsive and will not be considered by the review panel. By August 20, 2007, EDA expects to notify the applicants selected for investment assistance under this notice. Unsuccessful applicants will be notified by postal mail that their applications were not selected for funding. Applications that meet all the requirements will be evaluated by a review panel comprised of at least three (3) EDA staff members, all of whom will be full-time federal employees.

Evaluation Criteria: The review panel will evaluate the applications and rate and rank them using the following criteria of approximate equal weight:

1. Conformance with EDA's statutory and regulatory requirements, including the extent to which the proposed project satisfies the award requirements set out below and as provided in 13 CFR 306.2:

a. Strengthens the capacity of local, State or national organizations and institutions to undertake and promote effective economic development programs targeted to regions of distress;

b. Benefits distressed regions; and

c. Demonstrates innovative approaches to stimulate economic development in distressed regions;

2. The degree to which an EDA investment will have strong organizational leadership, relevant project management experience and a significant commitment of human resources talent to ensure the project's successful execution (*see* 13 CFR 301.8(b));

3. The ability of the applicant to implement the proposed project successfully (*see* 13 CFR 301.8);

4. The feasibility of the budget presented; and

5. The cost to the Federal government.

Selection Factors: The Assistant Secretary, as the Selecting Official, expects to fund the highest ranking applications, as recommended by the review panel, submitted under this competitive solicitation. However, the Assistant Secretary may not make any selection, or he may select an application out of rank order for the following reasons: (1) A determination that the application better meets the overall objectives of sections 2 and 207 of PWEDA (42 U.S.C. 3121 and 3147); (2) the applicant's performance under previous awards; or (3) the availability of funding.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements, published in the **Federal Register** on December 30, 2004 (69 FR 78389), are applicable to this competitive solicitation. This notice may be accessed by entering the **Federal Register** volume and page number provided in the previous sentence at the following Internet Web site: *http://www.gpoaccess.gov/fr/retrieve.html.*

Paperwork Reduction Act

This request for applications contains collections of information subject to the requirements of the Paperwork Reduction Act (PRA). The Office of Management and Budget (OMB) has approved the use of Form ED–900A (*Application for Investment Assistance*) under control number 0610–0094. Form ED–900A's program-specific component (*National Technical Assistance, Training, and Research and Evaluation Program Requirements*) also is approved under OMB control number 0610–0094, and incorporates Forms SF–424A (*Budget Information—Non-Construction Programs,* OMB control number 0348–0044) and SF–424B (*Assurances—Non-Construction Programs,* OMB control number 0348–0040). OMB has approved the use of Form SF–424 (*Application for Financial Assistance*) under control number 4040–0004. 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 requirements of the PRA unless the collection of information displays a currently valid OMB control number.

Executive Order 12866

This notice has been determined to be not significant for purposes of Executive Order 12866, ''Regulatory Planning and Review.''

Executive Order 13132

It has been determined that this notice does not contain ''policies that have Federalism implications,'' as that phrase is defined in Executive Order 13132, ''Federalism.''

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: June 15, 2007.

Benjamin Erulkar,

Deputy Assistant Secretary of Commerce for Economic Development and Chief Operating Officer.

[FR Doc. E7–12003 Filed 6–20–07; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In–Quota Rate of Duty

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 21, 2007.

FOR FURTHER INFORMATION CONTACT: Maura Jeffords, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, D.C. 20230, telephone: (202) 482–3146.

SUPPLEMENTARY INFORMATION: Section 702 of the Trade Agreements Act of 1979 (as amended) (''the Act'') requires the Department of Commerce (''the Department'') to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in–quota rate of duty, as defined in section 702(h) of the Act, and to publish an annual list and quarterly updates of the type and amount of those subsidies. We hereby provide the Department's quarterly update of subsidies on articles of cheese that were imported during the period January 1, 2007 through March 31, 2007.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in–quota rate of duty. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in–quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, D.C. 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: June 12, 2007.

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration.

Appendix

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN–QUOTA RATE OF DUTY

Country	Program(s)	Gross[1] Subsidy ($/lb)	Net[2] Subsidy ($/lb)
27 European Union Member States[3]	European Union Restitution Payments	$ 0.00	$ 0.00
Canada	Export Assistance on Certain Types of Cheese	$ 0.30	$ 0.30
Norway	Indirect (Milk) Subsidy	$ 0.00	$ 0.00
	Consumer Subsidy	$ 0.00	$ 0.00
	Total	$ 0.00	$ 0.00
Switzerland	Deficiency Payments	$ 0.00	$ 0.00

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).
[3] The 27 member states of the European Union are: Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, the United Kingdom; and Bulgaria and Romania that completed accession to European Union on January 1, 2007.

[FR Doc. E7–12047 Filed 6–20–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[XRIN: 0648–XA93]

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene public hearings on an Aquaculture Amendment.

DATES: The public hearings will held from July 9 - 12, 2007 at 7 locations throughout the Gulf of Mexico. For specific dates and times, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The public hearings will be held in the following locations: N. Redington Beach and Destin, FL; Biloxi, MS; Orange Beach, AL; New Orleans, LA; Galveston and Corpus Christi, TX. For specific locations, see **SUPPLEMENTARY INFORMATION**.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Wayne Swingle, Executive Director; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council (Council) is preparing an amendment which will require persons to obtain a permit from NMFS to participate in aquaculture by constructing an aquaculture facility in the exclusive

economic zone (EEZ) of the Gulf of Mexico. Each application for a permit must comply with many permit conditions related to record keeping and operation of the facility. These permit conditions will assure the facility has a minimal affect on the environment and on other fishery resources. Compliance with the conditions will be evaluated annually for the duration of the permit as the basis for renewal of the permit for the next year.

The public hearings will begin at 6 p.m. and conclude at the end of public testimony or no later than 10 p.m. at each of the following locations:

Monday, July 9, 2007, Doubletree Beach Resort, 17120 Gulf Blvd., N. Redington Beach, FL 33708, telephone: (727) 391–4000;

Monday, July 9, 2007, Best Western Cypress Creek, 7921 Lamar Poole Road, Biloxi, MS 39532, telephone: (228) 875–7111;

Tuesday, July 10, 2007, City of Orange Beach, Parks & Rec, 27235 Canal Road, Orange Beach, AL 36561,telephone: (251) 981–6028;

Tuesday, July 10, 2007, W New Orleans, 333 Poydras St., New Orleans, LA 70130, telephone: (504) 525–9444;

Wednesday, July 11, 2007, Embassy Suites Hotel, 570 Scenic Gulf Drive, Destin, FL 32550, telephone: (850) 337–7000;

Wednesday, July 11, 2007, San Luis Resort, 5222 Seawall Boulevard, Galveston, TX 77550, telephone: (409) 744–1500;

Thursday, July 12, 2007, Best Western Marina Grand, 300 N. Shoreline Blvd., Corpus Christi, TX 78401, telephone: (361) 883–5111.

Copies of the Amendment a can be obtained by calling the Council office at (813) 348–1630.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: June 18, 2007.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. E7–12004 Filed 6–20–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Practitioner Records Maintenance, Disclosure, and Discipline Before the United States Patent and Trademark Office (USPTO).

Form Number(s): None.

Agency Approval Number: 0651–0017.

Type of Request: Extension of a currently approved collection.

Burden: 10,402 hours annually.

Number of Respondents: 532 responses per year.

Avg. Hours Per Response: The USPTO estimates that practitioners spend 26 hours per year keeping and maintaining records concerning their client's cases. The USPTO estimates that practitioners seeking reinstatement to practice before the agency will spend 60 hours per year keeping and maintaining records showing their compliance with the suspension or exclusion orders. It is estimated that it takes 2 hours to report a complaint/violation. These estimates include the time to maintain the records, and to gather the necessary information and prepare the complaint/violation and submit it to the USPTO.

Needs and Uses: This information is required by 35 U.S.C. 2(b)(2)(D) and 32, and administered by the USPTO through the USPTO Code of Professional Responsibility (37 CFR 10.20 to 10.112) and the Investigations and Disciplinary Proceedings rules (37 CFR 10.130 to 10.170). This information is used by the Director of the Office of Enrollment and Discipline (OED) to investigate and, where appropriate, prosecute for violations of the USPTO Code of Professional Responsibility. Registered practitioners are mandated to maintain proper documentation so that they can fully cooperate with an investigation in the event of a report of an alleged violation. Additionally, practitioners who have been excluded or suspended from practice before the USPTO must keep and maintain records of their steps to comply with the suspension or exclusion order. These records serve as the practitioner's proof of compliance with the order. No forms are associated with this information collection.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by any of the following:

E-mail: *Susan.Fawcett@uspto.gov*. Include ''0651–0017 copy request'' in the subject line of the message.

Fax: 571–273–0112, marked to the attention of Susan K. Fawcett.

Mail: Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, Customer Information Services Group, Public Information Services Division, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before July 23, 2007 to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: June 15, 2007.

Susan K. Fawcett,

Records Officer, USPTO, Customer Information Services Group, Public Information Services Division.

[FR Doc. E7–12005 Filed 6–20–07; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of the Record of Decision (ROD) for the Environmental Impact Statement (EIS) on Base Realignment and Closure (BRAC) Actions at Fort Sam Houston, TX

AGENCY: Department of the Army, DoD.

ACTION: Record of decision.

SUMMARY: The Department of the Army announces the availability of a ROD which documents the potential environmental impacts associated with realignment actions directed by the BRAC Commission at Fort Sam Houston, TX and Camp Bullis, TX.

ADDRESSES: For more information or to obtain a copy of the ROD, please contact Mr. Phillip Reidinger, Public Affairs Office, Building 124, 1212 Stanley Road, Fort Sam Houston, TX 78234; e-mail *Phillip.Reidinger@us.army.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. Phillip Reidinger at (210) 221-1151.

SUPPLEMENTARY INFORMATION: The subject of the ROD, EIS and Proposed Action are the construction and renovation activities and movement of personnel associated with the BRAC directed realignment of Fort Sam Houston. The documents also evaluate effects of Army Modular Force (AMF) transformation activities that will occur at Fort Sam Houston at the same time that the BRAC actions are being implemented.

To implement the applicable portions of the BRAC recommendations, Fort Sam Houston will be receiving personnel, equipment, and missions from various realignment and closure actions within the Department of Defense. Additionally, the Army had planned to conduct a series of non-BRAC transformations to position its forces strategically for the future. Additionally, permanent facilities will be constructed or renovated to house the 470th Military Intelligence Brigade and various Headquarters units of the new Army North and Sixth Army that are currently located in a mix of temporary and existing facilities.

To enable implementation of the BRAC Commission recommendations and accommodation of the concurrent Army initiatives, the Army must provide the necessary facilities/buildings and infrastructure to support the changes in force structure.

Following a rigorous examination of all implementation alternatives, those alternatives found not to be viable were dropped from further analysis in the EIS. Alternatives carried forward included (1) The Preferred Alternative and (2) a No Action Alternative. The Preferred Alternative included construction, renovation, and operation of proposed facilities to accommodate incoming military missions at Fort Sam Houston. Minor siting variations of proposed facilities were also evaluated.

Planned undertakings within the National Historical Landmark (NHL) District, including the demolition of existing buildings and construction of new buildings, will be reviewed using the Installation Design Guide historic review requirements and the Standard Operating Procedures (SOPs) in the Historic Properties Component (HPC) of the Integrated Cultural Resources Management Plan. If demolition cannot be avoided, the determination of effects to cultural resources of the NHL District and required mitigations will be determined per the HPC SOPs.

The EIS analyses indicated that implementation of the preferred alternative would have no long-term, significant impacts on the other environmental resources of Fort Sam Houston, Camp Bullis or their surrounding areas. Potential minor impacts to visual resources from implementation of the preferred alternative would generally occur only within the physical boundaries of Fort Sam Houston and Camp Bullis. No long-term significant impacts to geology, topography, caves, karst features, soils or wetlands will occur at either installation. Potential land use impacts are expected at Fort Sam Houston. Use of utilities and generation of hazardous and non-hazardous wastes will likely increase at both installations but not in significant amounts.

Minor air, noise and transportation impacts would also occur during short-term construction activities under the preferred alternative at both installations and continue after final construction and occupancy. No significant impacts to biological resources (vegetation, wildlife, and threatened and endangered species) are expected from the implementation of the preferred alternative. Alternative siting variations would result in similar impacts and benefits as compared to the preferred alternative.

The ROD has considered the results of the analyses presented in the Final EIS and has determined that the EIS adequately addresses the impacts associated with implementation of the Army's proposed action. As a result of this ROD, the Army will proceed with implementation of the Realignment Alternative as presented Final EIS, with all or any of its assessed siting variations, if required to implement the BRAC Commission's recommendations at Fort Sam Houston. In making this decision, a 30-day waiting period for comments on the Final EIS was observed. No new issues that would require modifying or supplementing the EIS were identified. The Fort Sam Houston ROD also takes into consideration transcripts of scoping and Draft EIS public meetings, oral and written comments received during the public comment periods, and provisions of relevant statutes, regulations, and Executive Orders that bear on the installation disposal process and environmental stewardship responsibilities of the Army.

An electronic version of the ROD can be viewed or downloaded from the following Web site: *http://www.hqda.army.mil/acsim/brac/nepa_eis_docs.htm.*

Dated: June 15, 2007.

Addison D. Davis, IV,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health).

[FR Doc. 07–3056 Filed 6–20–07; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Finding

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality regulations (40 CFR parts 1500–1508), implementing procedural provisions of NEPA, the Department of the Navy (DON) gives notice that a Finding of No Significant Impact (FONSI) has been issued and is available for the Combined Carrier Strike Group Composite Training Unit Exercise/Joint Task Force Exercise that will occur during July and August 2007 (CSG COMPTUEX/JTFEX (Jul/Aug 2007)). In addition, pursuant to Executive Order (EO) 12114, Environmental Effects Abroad of Major Federal Actions, a Finding of No Significant Harm (FONSH) has been issued and is available for Combined CSG COMPTUEX/JTFEX (Jul/Aug 2007).

DATES: The effective date of availability is June 21, 2007.

ADDRESSES: Electronic copies of the FONSI and FONSH are available for public viewing or downloading at *http://www.navydocuments.com.* Single copies of the FONSI and FONSH may be obtained by written request from: Commander, Naval Facilities Engineering Command Atlantic, 6506 Hampton Boulevard, Norfolk, VA 23508–1278 (ATTN: Code EV 21ES).

FOR FURTHER INFORMATION CONTACT: Commander, Second Fleet Public Affairs, Commander Phillips 757–443–9822 or visit *http://www.navydocuments.com.*

SUPPLEMENTARY INFORMATION: Combined CSG COMPTUEX/JTFEX (Jul/Aug 2007) is a major Navy Atlantic Fleet training exercise proposed to occur in July and August 2007 in the offshore Virginia Capes, Cherry Point, and Charleston/Jacksonville Operating Areas (OPAREAs) and adjacent military installations. The purpose of this exercise is to certify naval forces as combat-ready. Activities conducted during the exercise include air-to-ground bombing at land ranges, gunnery

exercises, small craft interdiction operations, maritime interdiction operations, mine exercises, missile exercises, combat search and rescue exercises and anti-submarine warfare, including use of mid-frequency active (MFA) sonar.

The FONSI is based on analysis contained in a Comprehensive Environmental Assessment (EA) addressing environmental impacts associated with land-based training for Major Atlantic Fleet Training Exercises on the East and Gulf Coasts of the U.S. The FONSH is based on analysis contained in a Comprehensive Overseas Environmental Assessment (OEA) and Supplement to the Comprehensive OEA (SOEA) for environmental impacts associated with Navy's conduct of major exercise training in offshore operating areas along the East and Gulf Coasts of the U.S. Environmental concerns addressed in the EA included land use, community facilities, coastal zone management, socioeconomics, cultural resources, airspace, air quality, noise, geology, soils, water resources, biological resources, munitions and hazardous materials management, and safety. The OEAs addressed potential impacts to the ocean physical environment, fish and Essential Fish Habitat; sea turtles and marine mammals; seabirds and migratory birds; endangered and threatened species; socioeconomics; and cultural resources. The SOEA included an updated analysis of MFA sonar use and the potential for gunnery use associated with Combined CSG COMPTUEX/JTFEX (Jul/Aug 2007). Gunnery events using live ordnance were initially scheduled but are not currently proposed as part of the exercise. Endangered Species Act Section 7 consultation between the Navy and National Marine Fisheries Service (NMFS) resulted in a biological opinion from NMFS concluding that the proposed exercise is not likely to jeopardize the continued existence of any threatened or endangered species nor to adversely modify or destroy any designated critical habitat.

This action includes mitigation measures to reduce impacts to a level that is less than significant. Based on information gathered during preparation of the Major Atlantic Fleet Training Exercise EA and OEA and the SOEA, consultation with NMFS, and the evaluation of the nature, scope and intensity of the proposed action, the Navy finds that the conduct of the Combined CSG COMPTUEX/JTFEX (Jul/Aug 2007) will not significantly impact or harm the environment and, therefore, an Environmental Impact Statement or Overseas Environmental Impact Statement is not required.

Dated: June 13, 2007.

L.R. Almand,

Office of the Judge Advocate General, U.S. Navy, Administrative Law Division, Federal Register Liaison Officer.

[FR Doc. E7–12026 Filed 6–20–07; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability (NOA) of a Draft Environmental Assessment for the Use of a More Efficient Shipping Container System for Spent Nuclear Fuel From Naval Aircraft Carriers

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and the Chief of Naval Operations Environmental and Natural Resources Program Manual (OPNAV Instruction 5090.1B), the Department of the Navy, Naval Nuclear Propulsion Program, announces the availability of a draft Environmental Assessment (EA) on the potential environmental impacts associated with using a more efficient shipping container system for spent nuclear fuel to support defueling and refueling U.S. Navy nuclear-powered aircraft carriers at Newport News Shipbuilding and Dry Dock Company (NNS) in Virginia, and the associated rail shipment of this spent nuclear fuel to the Naval Reactors Facility (NRF) in Idaho for temporary storage.

DATES: Interested parties are invited to provide comments on environmental issues and concerns relative to this draft EA, on or before July 24, 2007, to ensure full consideration during the completion of the EA.

ADDRESSES: All comments should include name, organization, and mailing address. Written comments should be addressed to Mr. Alan Denko (08U–Naval Reactors), Naval Sea Systems Command, 1240 Isaac Hull Ave SE. Stop 8036, Washington Navy Yard, DC 20376–8036. Comments provided by E-Mail should use the following address: *snfshippingcontainer@bettis.gov*. Comments provided via phone should use this number: 1–866–369–4802.

Copies of the draft EA are available by submitting a written request to the address above. A copy of the draft EA is also available for public review at the *http://www.snfshippingcontainer.us* web site.

The draft EA may also be reviewed at the following locations: United States Department of Energy Public Reading Room, Idaho Falls, ID; Boise State University, Boise, ID; and Newport News Public Library Main Street Branch, Newport News, VA.

SUPPLEMENTARY INFORMATION: The Environmental Assessment (EA) evaluates the potential environmental impacts of using a proposed new longer, more efficient shipping container system, designated the M–290 shipping container, for transport of naval spent nuclear fuel from nuclear-powered aircraft carriers. Use of the M–290 shipping container would provide improved support for aircraft carrier defueling and refueling schedules to meet the operational needs of the U.S. Navy fleet, while continuing to provide for public safety and environmental protection. The Navy manages naval spent nuclear fuel consistent with ''Department of Energy (DOE) Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Final Environmental Impact Statement (60 FR 20979, Apr. 28, 1995)''; and the 1995 Settlement Agreement/Consent Order among the State of Idaho, the DOE, and the Navy concerning the management of naval spent nuclear fuel. The potential environmental impacts associated with the Proposed Action are similar to those addressed in previous Environmental Impact Statements associated with the use of existing shipping container systems, which concluded that impacts upon the environment would be small. Public comments to this EA must be received by July 24,2007 to ensure their consideration in the preparation of the final EA and determination of whether a Finding of No Significant Impact is appropriate.

Dated: June 18, 2007.

L.R. Almand,

Office of the Judge Advocate General, U.S. Navy, Administrative Law Division, Federal Register Liaison Officer.

[FR Doc. E7–12032 Filed 6–20–07; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 20, 2007.

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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 15, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: Reinstatement.
Title: Ronald E. McNair, Postbaccalaureate Achievement Program.
Frequency: Annually.
Affected Public: Not-for-profit institutions.
Reporting and Recordkeeping Hour Burden:

Responses: 178.
Burden Hours: 890.

Abstract: McNair grantees must submit the report annually. The report provides the Department of Education with information needed to evaluate a grantee's performance and compliance with program requirements and to award experience points in accordance with the program regulations. The data collected is also aggregated to provide national information on project participants and program outcomes.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3394. 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. E7–11982 Filed 6–20–07; 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 July 23, 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: June 15, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Innovation and Improvement

Type of Review: Reinstatement.
Title: Credit Enhancement for Charter School Facilities Performance Report.
Frequency: Annually.
Affected Public: Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.
Reporting and Recordkeeping Hour Burden:

Responses: 23.
Burden Hours: 575.

Abstract: The Department will use the information through this report to monitor and evaluate competitive grants. These grants are made to private, non-profits; governmental entities; and consortia of these entities. These

organizations will use the funds to leverage private capital to help charter schools construct, acquire, and renovate charter 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 3302. 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. E7–11983 Filed 6–20–07; 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 July 23, 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: June 15, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Vocational and Adult Education

Type of Review: New.

Title: Native American Vocational and Technical Education Program (NAVTEP) Performance Reports.

Frequency: Semi-Annually; Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 30.

Burden Hours: 1,213.

Abstract: The Native American Vocational and Technical Education Program (NAVTEP) is requesting approval to collect semi-annual and final performance reports from currently funded NAVTEP grantees. This information is necessary to (1) manage and monitor the current grantees, and (2) effectively close-out the grants at the end of their performance periods. The final performance reports will include final budgets, performance/statistical reports, Government Performance and Results Act (GPRA) reports, and final evaluation reports. The data, collected from the performance reports will be used to determine if the grantees successfully met their project goals and objectives, so that NAVTEP staff can close-out the grants in compliance.

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 3300. 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. E7–11992 Filed 6–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 20, 2007.

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.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 15, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Federal Student Aid

Type of Review: Revision.

Title: EZ-Audit: Electronic Submission of Financial Statements and Compliance Audits.

Frequency: Annually.

Affected Public: Businesses or other for-profit; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 5,900.

Burden Hours: 2,500.

Abstract: EZ-Audit is a web-based process designed to facilitate the submission of compliance and financial statement audits, expedite the review of those audits by the Department, and provide more timely and useful information to public, non-profit and proprietary institutions regarding the Department's review. EZ-Audit establishes a uniform process under which all institutions submit directly to the Department any audit required under Title IV, Higher Education Act (HEA) program regulations, EZ-Audit is reducing the number of financial template line items and general information questions which results in a significant reduction of burden hours. All institutions' burden hours have been reduced by over fifty percent (50%).

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3332. 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. E7–11994 Filed 6–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 20, 2007.

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. The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 15, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Institute of Education Sciences

Type of Review: New.

Title: The Effectiveness of a Program to Accelerate Vocabulary Development in Kindergarten.

Frequency: Semi-annually.

Affected Public: Individuals or household; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 4,241.

Burden Hours: 1,199.

Abstract: The proposed project is a multi-year data collection effort to evaluate the effectiveness of PAVEd for Success (PAVE), an intervention designed to improve teacher's vocabulary instructional practices and thereby promote vocabulary development among kindergarteners in the Delta region of Mississippi. The children in this region are well behind national averages in vocabulary skills, and vocabulary knowledge is an essential component of literacy development that has generally been difficult to improve. The PAVE program is one vocabulary program that has shown promise, but more rigorous testing is required to establish evidence of its effectiveness. The study sample will include 120–160 teachers, and 1,200—1,600 kindergarten students in a randomized control trial in 60–80 schools. Student's literacy skills and teacher's literacy instruction practices will be assessed to determine the impact of PAVE on students and teachers.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3388. 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. E7–11995 Filed 6–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Correction Notice

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On June 12, 2007, a 60-day notice inviting comment from the public was inadvertently published for the ''Title VI Undergraduate International Studies and Foreign Language Program'' in the **Federal Register** (72 FR 32288) dated June 12, 2007. This notice amends the public comment period for this program to 30 days. The IC Clearance Official, Regulatory Information Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 23, 2007.

ADDRESSES: Written comment should be addressed to the Office of Information and Regulatory Affairs, Attention: Nicole Cafarella, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. 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 or should be electronically mailed to the Internet address *ICDocketMgr@ed.gov* or faxed to 202–245–6623.

FOR FURTHER INFORMATION CONTACT: Angela Arrington, (202) 245–6409.

Dated: June 15, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

[FR Doc. E7–11993 Filed 6–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No. 84.133A–3]

Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects (DRRPs)—Burn Model Systems (BMS) Centers

AGENCY: Office of Special Education and Rehabilitative Services; National Institute on Disability and Rehabilitation Research (NIDRR), Department of Education.

ACTION: Notice reopening and updating the BMS Centers grant competition for fiscal year (FY) 2007.

SUMMARY: On February 14, 2007, we published a notice inviting applications for the BMS Centers FY 2007 competition in the **Federal Register** (72 FR 7301). That notice established an April 30, 2007 deadline date for eligible applicants to apply for funding under this program. We received four eligible applications.

As indicated in the February 14, 2007 notice, the Secretary intends on making four awards. In order to fund the highest quality applications in this competition, the Secretary would like to increase the number of applicants. Therefore, the Secretary is reopening the BMS Centers FY 2007 competition to other eligible applicants and updating the submission requirements for the competition. The four eligible applicants need not reapply if they do not wish to make changes in their applications.

All information in the February 14, 2007 notice remains the same for this notice reopening the competition, except for updates to Dates and *6. Other Submission Requirements.*

DATES: *Applications Available:* June 21, 2007.

Deadline for Transmittal of Applications: July 23, 2007.

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 6030, Potomac Center Plaza, Washington, DC 20202. Telephone: (202) 245–7462 or by e-mail: *donna.nangle@ed.gov.*

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Note: Applications for grants under this program must be submitted electronically using the Grants.gov Apply site at *http://www.Grants.gov.* We encourage eligible applicants to submit their applications as soon as possible to avoid any problems with filing electronic applications on the last day.

6. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Disability Rehabilitation Research Projects, CFDA Number 84.133A–3, must be submitted electronically using the Grants.gov Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under Exception to Electronic Submission Requirement.

You may access the electronic grant application for the Disability Rehabilitation Research Projects at *http://www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.133, not 84.133A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC

time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*

• To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

• You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

• You do not have access to the Internet; or

• You do not have the capacity to upload large documents to the Grants.gov system; and

• No later than two weeks before the application deadline date (14 calendar days or, if the second calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two days before the application deadline date.

Address and mail or fax your statement to: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 6029, Potomac Center Plaza, Washington, DC 20202–2700. FAX: (202) 245–7323.

Your paper application must be submitted in accordance with the mail

or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, *Attention:* (CFDA Number 84.133A–3), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, *Attention:* (CFDA Number 84.133A–3), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.133A–3), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5075, Potomac Center Plaza, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: You can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Program Authority: 29 U.S.C. 762(g) and 764(a).

Dated: June 15, 2007.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 07–3040 Filed 6–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–368–001]

Dominion Cove Point LNG, LP; Notice of Compliance Filing

June 14, 2007.

Take notice that on May 8, 2007, Dominion Cove Point LNG, LP (Cove Point) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute First Revised Sheet No. 282, to be effective May 1, 2007.

Cove Point states that the filing is being made in compliance with the Commission's order issued on April 27, 2007 in Docket No. RP07–368–000.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Such protests must be filed on or before the date as indicated below. Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on June 19, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–11948 Filed 6–20–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–469–000]

Northern Natural Gas Company; Notice of Petition for Limited Waiver of Tariff Provisions

June 14, 2007.

Take notice that on May 31, 2007, Northern Natural Gas Company (Northern) filed a Petition for Limited Waiver of Tariff Provisions to waive section 32(L)(iii) of its General Terms and Conditions so it can resolve a prior-period imbalance trading error between Koch Nitrogen Company and Terra Nitrogen Corporation.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time June 21, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–11947 Filed 6–20–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL07–70–000]

Hudson Transmission Partners, LLC Complainant, v. New York Independent System Operator, Inc., Respondent.; Notice of Complaint

June 14, 2007.

Take notice that on June 14, 2007, Hudson Transmission Partners, LLC (HTP), pursuant to section 206 of the Federal Power Act and Rule 206 of the Rules of Practice and Procedure of the Commission's Regulations, 18 CFR 385.206 (2006), tendered for filing a complaint against the New York Independent System Operator, Inc. (NYISO). HTP states that NYISO's interpretation and implementation of the interconnection queueing provision of its tariff are unjust, unreasonable, and unduly discriminatory.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on July 5, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–11946 Filed 6–20–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12793–000]

Energetech America LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

June 14, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12793–000.

c. *Date filed:* April 16, 2007.

d. *Applicant:* Energetech America LLC.

e. *Name of Project:* Florence Wave Park Project.

f. *Location:* The project would be located in the Pacific Ocean about 1 to 2.9 miles offshore Florence, in Lane County, Oregon.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Betsy Macmillan, Energetech America LLC, P.O. Box 903, Deep River, CT 06417, phone: (860) 526–9574.

i. *FERC Contact:* Robert Bell, (202) 502–6062.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) 10 oscillating water column devices having a total installed capacity of 10 megawatts, (2) a proposed 3.4-mile-long, 11 kilovolt transmission line; and (3) appurtenant facilities. The project is estimated to have an annual generation of 35 gigawatt-hours per-unit per-year, which would be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001 (a)(1)(iii) and the instructions on the Commission's web site under ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–11950 Filed 6–20–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2006–0776; FRL–8329–4]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NESHAP for Stationary Combustion Turbines (Renewal), EPA ICR Number 1967.03, OMB Control Number 2060–0540

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before July 23, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA–HQ–OECA–2006–0776 to (1) EPA online using *www.regulations.gov* (our preferred method), or by e-mail to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gregory Fried, Office of Compliance,

Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–7016; fax number: (202) 564–0050; e-mail address: *fried.gregory@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On October 5, 2006 (71 FR 58853), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA–HQ–OECA–2006–0776, which is available for public viewing online at *http://www.regulations.gov*, or in person viewing at the Enforcement and Compliance Information Docket Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center 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 Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Information Docket Center is (202) 566–1752.

Use EPA's electronic docket and comment system at *http://www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *http://www.regulations.gov*, as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to *http://www.regulations.gov.*

Title: NESHAP for Stationary Combustion Turbines (Renewal).

ICR Numbers: EPA ICR Number 1967.03, OMB Control Number 2060–0540.

ICR Status: This ICR is scheduled to expire on June 30, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. 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 in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: These regulations apply to stationary combustion turbines located at major sources of hazardous air pollutants. On August 18, 2004, EPA stayed the effectiveness of two subcategories of turbines subject to these regulations: lean pre-mix gas-fired turbines and diffusion flame gas-fired turbines. Thus, only oil-fired stationary combustion turbines are currently subject to emission limits under these standards. In addition, these regulations apply only new sources that commenced construction or reconstruction after the date of the final rule. Owners or operators of oil-fired stationary combustion turbines subject to these regulations are required to submit initial notifications, conduct initial performance testing, submit periodic compliance reports, and maintain records to demonstrate continuous compliance. New gas-fired stationary combustion turbines are only required to submit an initial notification.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 8 (rounded) hours per response. 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 which have subsequently changed; 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.

Respondents/Affected Entities: New and Reconstructed Stationary Combustion Turbines Located at Major Sources of Hazardous Air Pollutants.

Estimated Number of Respondents: 31.

Frequency of Response: Initial and Semi-Annual.

Estimated Total Annual Hour Burden: 435.

Estimated Total Annual Cost: $40,008, includes $0 annualized Capital Startup costs, $1,500 annualized Operating and Maintenance Costs (O&M), and $38,508 annualized Labor costs.

Changes in the Estimates: There is a decrease of 2,013 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. The decrease in burden from the most recently approved ICR is due to a change in the regulation. On August 18, 2004 (69 FR 51184), the EPA stayed the effectiveness of this standard for gas fired turbines. As a result, only new oil fired turbines located at major HAP sources are subject to emission standards under Subpart YYYY at this time. New gas fired units are only required to submit a one-time initial notification.

Dated: June 14, 2007.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E7–12053 Filed 6–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8329–5]

Proposed Administrative Cost Recovery Settlement Under Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended, 42 U.S.C. 9622(h), Part of PCB Treatment Inc. Superfund Site

AGENCY: Environmental Protection Agency (Agency or 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 (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning part of the PCB Treatment Inc. Superfund Site located at 2100 Wyandotte Street, Kansas City, Jackson County, Missouri, with the following settling parties: Genova Enterprises, Inc. (Genova) and Linda Long. The settlement requires Genova to pay to the Hazardous

Substance Superfund the Net Sale Proceeds it receives through the sale of the 2100 Wyandotte Street Property ($912,000.00) less the closing costs, taxes owed to Jackson County, Missouri and attorneys fees. The settlement requires Linda Long to pay $500.00 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Region VII office located at 901 N. 5th Street, Kansas City, Kansas.

DATES: Comments must be submitted on or before July 23, 2007.

ADDRESSES: The proposed settlement is available for public inspection at the EPA Region VII office, 901 N. 5th Street, Kansas City, Kansas, Monday through Friday, between the hours of 7 a.m. through 5 p.m. A copy of the proposed settlement may be obtained from the Regional Hearing Clerk, 901 N. 5th Street, Kansas City, Kansas, (913) 551–7567. Comments should reference the PCB Treatment, Inc. Superfund Site, EPA CERCLA Docket No. 07–2005–0394 and should be addressed to Audrey Asher, Senior Assistant Regional Counsel, 901 N. 5th Street, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Audrey Asher at (913) 551–7255.

Dated: June 13, 2007.

Cecilia Tapia,

Acting Regional Administrator, Region VII.

[FR Doc. E7–12048 Filed 6–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2007–0483; FRL–8329–7]

Development of Clean Water Act National Pollutant Discharge Elimination System Permits for Discharges Incidental to the Normal Operation of Vessels

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent; request for comments and information.

SUMMARY: This notice provides the public with early notification that EPA is in the process of developing National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act (CWA) for the discharge of pollutants incidental to the normal operation of vessels and is seeking comment and relevant information from the public on this matter. Beginning development of NPDES permitting is necessary in light of a lawsuit in the U.S. District Court for the Northern District of California in which the Court found that an EPA regulation, which excludes certain discharges incidental to the normal operation of vessels from NPDES permitting, exceeded the Agency's statutory authority. The Court issued a final order in September 2006 that will vacate (revoke) the regulatory exclusion for discharges incidental to the normal operation of vessels effective September 30, 2008. As of that date, those discharges incidental to the normal operation of vessels previously excluded from NPDES permitting by the regulation will become prohibited unless the discharge is covered under an NPDES permit. The decision potentially implicates all vessels, both commercial and recreational, that have discharges incidental to their normal operation (e.g., deck runoff, graywater, etc). Although the Government is appealing this decision to the U.S. Court of Appeals for the Ninth Circuit, we believe it is prudent to initiate responsive action now rather than await the outcome of that appeal. Accordingly, today's notice is being issued to make the public aware of this matter and obtain their input, in the form of public comment or relevant information, to further help the Agency in the timely development of an NPDES permitting framework, which has not existed to date for discharges incidental to the normal operation of vessels.

DATES: Comments must be received on or before August 6, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2007–0483, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail: ow-docket@epa.gov.* Attention Docket ID No. OW–2007–0483.
- *Mail:* Water Docket Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW–2007–0483. Please include a total of two copies in addition to the original.
- *Hand Delivery:* EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. OW–2007–0483. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OW–2007–0483. 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 *www.regulations.gov* or e-mail. The *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 *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.* For additional instructions on submitting comments, go to Unit I.B of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *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. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Water Docket, EPA/DC, EPA West,

Room 3334, 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 Water Docket is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: John Lishman, Water Permits Division, Office of Wastewater Management (4203M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 566–1364; fax number: (202) 564–6431; e-mail address: *lishman.john@epa.gov;* or Ruby Cooper, Water Permits Division, Office of Wastewater Management (4203M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–0757; fax number: (202) 564–6431; e-mail address: *cooper.ruby@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

Today's notice does not contain or establish any regulatory requirements. Rather, it (1) provides the public with early notice of EPA's intent to begin development of NPDES permits under section 402 of the CWA for discharges incidental to the normal operation of vessels; (2) explains the U.S. District Court for the Northern District of California's decision (*Northwest Environmental Advocates et al.* v. *EPA,* No. CV 03–05760 SI.) that determined such discharges are subject to NPDES permit requirements and describes the status of that litigation; and (3) requests comment and technical input on matters associated with the development of such permits.

Today's notice will be of interest to the general public, state permitting agencies, other Federal agencies, and owners or operators of commercial or recreational vessels that may have discharges incidental to their normal operation. Information available to us from the U.S. Coast Guard (USCG) indicates that in 2005, vessels equipped with ballast water tanks alone accounted for 8,400 ships, the majority of which are foreign-flagged. However, because the Court's decision is not necessarily limited to vessels with ballast water tanks, the universe of potentially affected vessels also could include over 13 million recreational boats, 81,000 commercial fishing vessels, and 53,000 freight and tank barges operating in U.S. waters. These are examples of some of the types of vessels operating in U.S. waters, and are not intended to be an exhaustive list.

There also is a potentially wide variety of discharges incidental to the normal operation of vessels. For example, under the authority of CWA section 312(n), EPA identified 39 discharges incidental to the normal operation of vessels of the Armed Forces. 40 CFR 1700.4 and 1700.5. Besides ballast water, many of these discharges from military vessels would also be generated as part of the normal operation of non-military vessels; for example, deck runoff and graywater. Although promulgated for purposes of implementing CWA section 312(n), and not the CWA section 402 NPDES program, to the extent those discharges would also be generated by non-military vessels, they would be of interest as the Agency determines what types of discharges incidental to the normal operation of non-military vessels might be implicated by the Court's decision. Further information on the sources and constituents of discharges identified for purposes of CWA section 312(n) can be found in the *Technical Development Document for the Phase I Uniform National Discharge Standards for Vessels of the Armed Forces* (EPA 821–R–99–001), which is available in the docket for today's notice.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *http://www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on 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:

- Identify the notice by docket number and other identifying information (subject heading, **Federal Register** date, and page number).
- 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.
- Explain why you agree or disagree; suggest alternatives; and provide reasons for your suggested alternatives.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible.
- Make sure to submit your comments by the comment period deadline identified.

II. Background on Litigation and Regulation of Vessel Discharges Under CWA

A. What are some of the principal statutory and regulatory provisions relevant to NPDES permitting and discharges incidental to the normal operation of vessels?

Section 301(a) of the CWA provides that ''the discharge of any pollutant by any person shall be unlawful'' unless the discharge is in compliance with certain other sections of the Act. 33 U.S.C. 1311(a). The CWA defines ''discharge of a pollutant'' as ''(A) any addition of any pollutant to navigable waters from any point source, (B) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.'' 33 U.S.C. 1362(12). A ''point source'' is a ''discernible, confined and discrete conveyance'' and includes a ''vessel or other floating craft.'' 33 U.S.C. 1362(14).

The term ''pollutant'' includes, among other things, ''sewage, garbage * * * biological materials * * * and industrial, municipal, and agricultural waste discharged into water.'' [1] One way a person may discharge a pollutant without violating the section 301 prohibition is to obtain a section 402 NPDES permit. 33 U.S.C. 1342. Under section 402(a), EPA may ''issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 1311(a)'' upon certain conditions required by the Act.

Less than one year after the CWA was enacted, EPA promulgated a regulation that excluded discharges incidental to the normal operation of vessels from

[1] As will be further discussed in Unit II C of the **SUPPLEMENTARY INFORMATION** section of this document, the Act's definition of ''pollutant'' specifically excludes ''sewage from vessels or a discharge incidental to the normal operation of a vessel of the Armed Forces.'' 33 U.S.C. 1362(6).

NPDES permitting. 38 FR 13528, May 22, 1973. After Congress re-authorized and amended the CWA in 1977, EPA invited another round of public comment on the regulation. 43 FR 37078, August 21, 1978. In 1979, EPA promulgated the final revision that established the regulation in its current form. 44 FR 32854, June 7, 1979. That regulation identifies several types of vessel discharges as being subject to NPDES permitting, but specifically excludes discharges incidental to the normal operation of a vessel as follows:

> The following discharges do not require NPDES permits:
>
> (a) Any discharge of sewage from vessels, effluent from properly functioning marine engines, laundry, shower, and galley sink wastes, or any other discharge incidental to the normal operation of a vessel. This exclusion does not apply to rubbish, trash, garbage, or other such materials discharged overboard; nor to other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as an energy or mining facility, a storage facility or a seafood processing facility, or when secured to a storage facility or a seafood processing facility, or when secured to the bed of the ocean, contiguous zone or waters of the United States for the purpose of mineral or oil exploration or development. 40 CFR 122.3(a).

Although other subsections of 40 CFR 122.3 and its predecessor were the subject of legal challenges (*See, NRDC* v. *Costle*, 568 F.2d 1369 (DC Cir. 1977)), the regulatory text relevant to discharges incidental to the normal operation of vessels went unchallenged following its promulgation, and has been in effect ever since.

However, in December 2003, that long-standing EPA regulation became the subject of a lawsuit in the U.S. District Court for the Northern District of California. In March 2005 the Court determined that the exclusion exceeded the agency's authority under the CWA. The Court subsequently issued a final order in that case in September 2006 that will vacate (revoke) the regulatory exclusion in 40 CFR 122.3(a) as of September 30, 2008. As a result, effective September 30, 2008 (and assuming the order is not overturned or altered on appeal), discharges incidental to the normal operation of vessels that are currently excluded from NPDES permitting by that regulation will become subject to CWA section 301's prohibition against discharge, unless covered under an NPDES permit. The CWA authorizes civil and criminal enforcement for violations of that prohibition and also allows for citizen suits against violators.

B. How did the lawsuit come about and what did it involve?

The lawsuit arose from a January 13, 1999, rulemaking petition submitted to EPA by a number of parties concerned about the effects of ballast water discharges asking the Agency to repeal its regulation at 40 CFR 122.3(a) that excludes certain discharges incidental to the normal operation of vessels from the requirement to obtain an NPDES permit. The petition asserted that vessels are ''point sources'' requiring NPDES permits for discharges to U.S. waters; that EPA lacks authority to exclude point source discharges from vessels from the NPDES program; that ballast water must be regulated under the NPDES program because it contains invasive plant and animal species as well as other materials of concern (e.g., oil, chipped paint, sediment and toxins in ballast water sediment) and that enactment of CWA section 312(n) (Uniform National Discharge Standards, also known as the ''UNDS'' program) demonstrated Congress' rejection of the exclusion.

In response to that petition, EPA first prepared a detailed report for public comment, *Aquatic Nuisance Species in Ballast Water Discharges: Issues and Options* (September 10, 2001). *See*, 66 FR 49381, September 27, 2001. After considering the comments received, EPA declined to reopen the exclusion for additional rulemaking and denied the petition on September 2, 2003. EPA explained that ever since enactment of the CWA, EPA has consistently interpreted the Act to provide for NPDES regulation of discharges from *industrial* operations that incidentally occur onboard vessels (such as seafood processing facilities or oil exploration operations at sea) and of discharges overboard of materials such as garbage, but *not* of discharges incidental to the normal operation of a vessel (such as ballast water). EPA further explained that Congress had expressly considered and accepted the Agency's regulation in the years since EPA first promulgated it, and that Congress chose to regulate these discharges incidental to the normal operation of vessels through other statutes. Thus, it was EPA's understanding that Congress had acquiesced to EPA's long-standing interpretation of how to implement the CWA's ''vessel or other floating craft'' provisions. Denial of the petition did not reflect a dismissal of the significant impacts of aquatic invasive species, but rather that other specific programs had been enacted to specifically address the issue and that the CWA does not currently provide an appropriate framework for addressing ballast water and other discharges incidental to the normal operation of non-military vessels.

EPA pointed out that when Congress specifically focused on the problem of aquatic nuisance species in ballast water, it did not look to or endorse the NPDES program as the means to address the problem. Instead, as discussed in Units IV A and B of the **SUPPLEMENTARY INFORMATION** section of this document, Congress enacted new statutes in which it directed and authorized the Coast Guard, rather than EPA, to establish a regulatory program for discharges incidental to the normal operation of vessels, including ballast water. Nonindigenous Aquatic Nuisance Prevention and Control Act as amended, 16 U.S.C. 4701 *et seq.*; Act to Prevent Pollution from Ships, 33 U.S.C. 1901 *et seq.* Additionally, Congress demonstrated awareness of and made no effort to repeal legislatively EPA's interpretation or to expressly mandate that discharges incidental to the normal operation of vessels be addressed through the NPDES permitting program. EPA reasoned that such Congressional action and inaction in the face of Congressional awareness of the regulatory exclusion confirmed that Congress accepted EPA's interpretation and chose the Coast Guard as the lead agency under other statutes.

In addition, EPA found significant practical and policy reasons not to re-open the longstanding CWA regulatory exclusion, reasoning that there are a number of ongoing activities within the Federal government related to control of invasive species in ballast water, many of which are likely to be more effective and efficient than use of NPDES permits under the CWA. EPA also noted that nothing in the CWA prevents states from independently regulating ballast water discharges under State law, should they choose to do so. *See,* CWA section 510.

After EPA's September 2003 denial of the petition, a number of groups filed a complaint in the U.S. District Court for the Northern District of California. *Northwest Environmental Advocates et al.* v. *EPA*, No. CV 03–05760 SI. The complaint was brought pursuant to the Administrative Procedure Act, 5 U.S.C. 701 *et seq.* (the ''APA''), and set out two Causes of Action. First, the complaint challenged EPA's promulgation of 40 CFR 122.3(a), an action the Agency took in 1973. The Second Cause of Action challenged EPA's September 2003 denial of their petition to repeal the § 122.3(a) exclusion.

In March 2005, the Court granted summary judgment to the plaintiffs: .

The Court DECLARES that EPA's exclusion from NPDES permit requirements for discharges incidental to the normal operation of a vessel at 40 CFR 122.3(a) is in excess of the agency's authority under the Clean Water Act; and ORDERS the EPA to repeal the regulation.

After this ruling, the Court granted motions to intervene by the States of Illinois, New York, Michigan, Minnesota, Pennsylvania, and Wisconsin (on the side of the plaintiffs) and by the Shipping Industry Ballast Water Coalition (on the side of the Government).

Following submission of briefs and oral argument by the original parties and the intervenors, the Court then issued a final order in September 2006 providing that:

The blanket exemption for discharges incidental to the normal operation of a vessel, contained in 40 CFR 122.3(a), shall be vacated as of September 30, 2008.

Because the Government respectfully disagrees with the District Court's decision, on November 16, 2006, we filed an appeal in the U.S. Court of Appeals for the Ninth Circuit. Oral argument is expected in mid-August of 2007.

Additional material related to the rulemaking petition and the lawsuit are contained in the docket for this notice.

C. Are there NPDES exemptions relevant to vessel discharges unaffected by the Court's ruling?

Although the Court's final order will vacate the NPDES permit exclusions established by 40 CFR 122.3(a) effective September 30, 2008, the vacatur would not affect vessel discharges that are specifically exempt from NPDES permitting under the CWA itself. For example, the CWA provides in section 502(12)(B) that discharges from vessels (i.e., discharges other than those when the vessel is operating in a capacity other than as a means of transportation) do not constitute the ''discharge of a pollutant'' when such discharges occur beyond the limit of the three-mile territorial sea.

Another example of exclusions created by the Act itself can be found in section 502(6)(A), which excludes from the Act's definition of ''pollutant'' sewage from vessels (including graywater in the case of commercial vessels operating on the Great Lakes) and discharges incidental to the normal operation of a vessel of the Armed Forces within the meaning of the CWA § 312. As a result of this statutory exclusion from the definition of ''pollutant,'' both of these discharges would not be subject to CWA section 301's prohibition against discharge without an NPDES permit. Such discharges instead are subject to other regulatory schemes, as briefly described below, specifically tailored by Congress to address those vessel discharges and that do not use a permitting program for implementation.

CWA sections 312(a)–(m) regulate sewage from vessels (including graywater from those commercial vessels operating on the Great Lakes), utilizing a non-permitting scheme in which EPA sets standards of performance for marine sanitation devices and is responsible for approval of State requests for no discharge zones for vessel sewage. The Coast Guard is responsible for testing and certification of marine sanitation devices, regulations governing their installation, and enforcement.

CWA section 312(n), a provision added to the CWA by the National Defense Authorization Act for Fiscal Year 1996 (Pub. L. 104–106, sec. 325(b) to (c)(2)) regulates discharges incidental to the normal operation of a vessel of the Armed Forces. (Vessels of the Armed Forces which are subject to section 312(n) are defined in 40 CFR 1700.3, which excludes some vessels operated by the Department of Defense, such as vessels operated by the Army Corps of Engineers.) That program employs a three-phase process to establish and implement discharge standards for certain discharges from Armed Forces vessels. EPA and the Department of Defense (DOD) first jointly determined the types of vessel discharges requiring control (as well as those which do not). EPA promulgated the regulations making such determinations and identifying those Armed Forces vessel discharges requiring control, and those which do not, in May 1999 at 40 CFR part 1700. For those discharges determined to require control, future joint EPA/DOD rulemakings (Phase 2) will then set standards of performance for control devices or management practices. Following that, DOD will issue regulations (Phase 3) specifying the design, construction, installation, and use of control devices or practices to meet those standards. In addition, EPA is responsible for approval of state-requested no discharge zones for discharges incidental to the normal operation of a vessel under CWA section 312(n)(7).

D. What kinds of dischargers does the current NPDES permitting program address?

The main focus of the NPDES permit program has been on the permitting of stationary municipal and non-municipal (e.g., industrial) dischargers. As of June 30, 2006, the scope and coverage of the NPDES program consisted of approximately 549,900 facilities, entities, and point sources.

With regard to municipal point sources, publicly owned treatment works (POTWs) receive primarily domestic sewage from residential and commercial customers. POTWs will also typically receive and treat wastewater from industrial facilities (indirect dischargers) connected to the POTW sewerage system. The types of pollutants treated by a POTW, therefore, will always include conventional pollutants (BOD5, total suspended solids (TSS), pH, oil and grease, fecal coliform), and will include nonconventional and toxic pollutants depending on the unique characteristics of the commercial and industrial sources discharging to the POTW.

Non-municipal sources, which include industrial and commercial facilities, are unique with respect to the products and processes present at the facility. Unlike municipal sources, the types of raw materials, production processes, treatment technologies utilized, and pollutants discharged at industrial facilities vary widely and are dependent on the type of industry and specific facility characteristics. The operations, however, are generally carried out within a more clearly defined plant area; thus, collection system considerations are generally much less complex than for POTWs. Industrial facilities may have discharges of storm water that may be contaminated through contact with manufacturing activities, or raw material and product storage. Industrial facilities may also have non-process wastewater discharges such as non-contact cooling water.

For more information on how the NPDES program works, see Unit V (Appendix) of the **SUPPLEMENTARY INFORMATION** section of this document.

As the above summary indicates, the main sources traditionally permitted under the NPDES program, with few exceptions, have two basic elements in common: (1) They involve fixed, non-mobile, discharge points that do not frequently transit between receiving waters and (2) necessary treatment equipment and/or best management practices are situated, powered, operated, and maintained as part of a larger overall municipal or industrial facility or operation. Unlike the sources typically permitted under the NPDES program, vessels engaged in the transportation of goods or passengers are highly mobile sources which routinely transit between particular

waterbodies, States, or countries. As further described in Unit IV of the **SUPPLEMENTARY INFORMATION** section of this document, discharges incidental to the normal operation of vessels also can be subject to regulation under a variety of other statutes or international treaties. Additionally, vessels have unique operational constraints related to space and safety. For example, water that washes onboard during storms or rough seas must generally be able to be quickly and efficiently removed in order to protect the lives of crew and passengers and prevent the risk of sinking (and associated environmental harm). Commercial vessels are subject to highly technical and class-specific technical standards in relation to their design, construction and maintenance. *See e.g.*, International Convention for the Safety of Life at Sea (''SOLAS'') Chapter II–1, Regulation 3–1; *see also*, 33 CFR part 183 (non-commercial boats). Any pollution control equipment installed on a vessel needs to be capable of reliable and safe operation when exposed to the rigors of the marine and aquatic environment, and will be operated and maintained while at sea by the ship's ordinary crew. Because the Agency has little practical experience in permitting vessels, we are seeking early public input from the public to assist us in the development of such an NPDES permitting program.

III. Request for Public Input and Comment

A. What kind of vessel permitting issues is the Agency seeking public comment on?

We welcome public comment and input on all technical and programmatic issues which the public believes warrant our consideration in developing an NPDES permitting program appropriate to discharges incidental to the normal operation of vessels. We are primarily interested in obtaining *existing* information on discharges incidental to the normal operation of a vessel. This is because, unless invalidated by the Ninth Circuit Court of Appeals, the Northern District of California's order will vacate the current regulatory exclusion at 40 CFR 122.3(a) as of September 30, 2008. Such a time constraint renders impractical creation of substantial new information or extensive new analyses in time to be useful to EPA's efforts to have appropriate permits in place by that date. The Agency is already coordinating with its Federal partners and has initiated work to collect such existing information. Today's notice is intended to ensure we obtain early public input as well.

While we welcome information and comments on all matters related to NPDES permitting of discharges incidental to the normal operation of vessels, we would especially appreciate public input on the following matters.

(1) *What existing public and private data sources are available for use in identifying, categorizing, and describing the numbers and various types of commercial and recreational vessels currently operating in waters of the U.S. and that may have discharges incidental to their normal operation?* Desirable information under this category would include either citations to databases or documents where such information is available, or, the submission of actual information on vessel numbers and categories together with supporting citations to the underlying source. This information would be useful to the Agency in identifying and categorizing the universe of vessels it may need to address in establishing an NPDES vessel permitting program.

(2) *What is the best way to inform vessel owners of the need to obtain NPDES permit coverage and what existing public and private data sources are available that will assist in identifying vessel owners and operators?* Desirable information under this category would include suggestions on how to best ensure vessel owners are made aware of the upcoming need to obtain NPDES permits for discharges incidental to the normal operation of their vessels. In addition, citations to databases or registries from which the ownership or operational responsibility (and related addresses and points of contact) can be obtained as to vessels operating in U.S. waters would also be helpful. This information would be useful to the Agency in identifying and contacting those who would potentially need to obtain NPDES permit(s). Information or suggestions on how to obtain this information for foreign flagged or owned vessels would be especially useful.

(3) *What existing public and private data sources are available that identify the types of normal operations onboard commercial and recreational vessels that give rise to discharges and the characteristics of such discharges*? Desirable information under this category would include information on the operations or equipment giving rise to discharges incidental to the normal operation of vessels, any operational constraints (e.g., safety concerns) relevant to such discharges, and information on the volumes, discharge rates, and constituents of such discharges. This information would be useful to the Agency in identifying and characterizing the types of wastestreams and pollutants that may be subject to NPDES permitting.

(4) *What existing information is available as to potential environmental impacts of discharges incidental to the normal operation of vessels*? Desirable information under this category would include information on the nature, significance, and duration of effects that might result from any particular discharge incidental to the normal operation of a vessel, and how such effects are/are not controlled by existing regulatory controls, standards, guidance, or vessel operational practices. Where possible, this should include information as to whether particular categories or types of vessels would be associated with the particular discharge being described. This information would be useful to the Agency in setting priorities as to which discharges incidental to the normal operation of a vessel might be a priority for NPDES permitting as well as being useful in identifying such discharges or vessel types that might be of little or no environmental concern (e.g., de minimis discharges).

(5) *What international, federal, and state limitations or controls already exist on discharges incidental to the normal operation of vessels*? Some illustrative examples of relevant statutes and treaties are briefly summarized in Unit IV of the **SUPPLEMENTARY INFORMATION** section of this document, and additional details or information on these and other relevant regulatory regimes would be welcome. Desirable information under this category also would include descriptions of the types of vessels and/or discharges covered, the geographic scope of such limitations, and the specific nature of these limitations. Suggestions as to how to best integrate any such applicable international or domestic requirements with NPDES permitting considerations would also be desirable. This information would be useful to the Agency as it determines how best to minimize duplication or inconsistencies with other applicable regulatory regimes.

(6) *What existing information is available on the types of pollution control equipment or best management practices currently used (or in active development), and what, if any, are the practical limitations on their use*? Desirable information under this category would include descriptions of the equipment or management practices, the types of incidental discharges they are designed to control, costs,

performance of the equipment or management practices, methods of operation and any limitations on their use with regard to vessel size, treatment volume or flow rates, power requirements, crew training needs, or safety concerns. We are interested in obtaining such information not only with regard to currently available equipment or management practices, but also for state-of-the-art equipment or practices, including those that are still in the prototype or developmental stage. In considering this question, readers are invited to refer to the discussion of NPDES technology-based effluent limitations presented in Unit V.C.1 (Appendix) of the **SUPPLEMENTARY INFORMATION** section of this document. This information would be useful to the Agency as it determines what technology-based limitations might be appropriate for inclusion in NPDES permits.

(7) What existing information is available as to commercial and recreational vessel traffic patterns? Desirable information under this category would include descriptions of the nature of voyages (e.g., domestic versus international), volume of vessel traffic by port or waterways, and distributions of commercial or recreational vessels by State and/or harbors. This information would be useful to the Agency in order to identify the most significant ports or waterbodies for purposes of considering receiving water characteristics and determination of what water quality-based limitations might be appropriate for inclusion in NPDES permits. This information also would be useful as the Agency considers how best to take in to account the varying water quality standards that would apply from State-to-State or potentially between waterbodies within a given State.

IV. Selected Examples of Other Regulatory Schemes Addressing Discharges Incidental to the Normal Operation of Vessels

A. What is the International Convention for the Prevention of Pollution from Ships?

The United States is a party to the 1973 ''International Convention for the Prevention of Pollution from Ships,'' as supplemented by a 1978 Protocol. (''MARPOL 73/78''). MARPOL 73/78 addresses a range of operational discharges from vessels, as set out in its six Annexes. The U.S. is a party to Annexes I, II, III, and V of MARPOL 73/78 and is signatory to, but has not yet ratified, Annex VI (air emissions from ships). The U.S. is not a signatory to Annex IV, which primarily addresses sewage from vessels (sewage from vessels is instead regulated in the U.S. under CWA section 312, as described in Unit II.C of the **SUPPLEMENTARY INFORMATION** section of this document). Annexes I, II, and V of MARPOL 73/78 are implemented in the United Sates by the Act to Prevent Pollution from Ships (''APPS''), 33 U.S.C. 1901 *et seq.* APPS assigns the Coast Guard, not EPA, primary responsibility to prescribe and enforce regulations implementing those Annexes of MARPOL 73/78. 33 U.S.C. 1903. The United States is also a party to Annex III of MARPOL 73/78, which is implemented in the United States under authority of the Hazardous Materials Transportation Authorization Act of 1994, as amended. 49 U.S.C. 5901 *et seq.* That Annex also is implemented by regulations issued by the Secretary of Transportation.

The following table summarizes the subject matter of the MARPOL 73/78 Annexes to which the U.S is a party and identifies the principal implementing regulations.

MARPOL 73/78 annex	Subject matter	Principal implementing regulations
I	Oil	33 CFR parts 151, 155, 156, 157.
II	Noxious Liquid Substances (NLS)	33 CFR part 151.
III	Harmful substances in packaged form	46 CFR part 148 49 CFR part 176
V	Garbage	33 CFR part 151.

B. What is the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996, 16 U.S.C. 4701 et seq.?

In 1990, Congress enacted the Nonindigenous Aquatic Nuisance Prevention and Control Act (''NANPCA'') to focus federal efforts on non-indigenous, aquatic nuisance species, including measures to address their potential introduction via ships' ballast water discharges. NANPCA's purposes include prevention of the introduction and dispersal of nonindigenous species into U.S. waters through ballast water management and other requirements and the development and implementation of environmentally sound control methods to prevent, monitor and control unintentional introductions of nonindigenous species from pathways other than ballast water exchange. 16 U.S.C. 4701(b)(1) and (4). NANPCA authorizes the Coast Guard to develop regulations for a mandatory ballast water management (BWM) program for the Great Lakes and the Hudson River, and USCG regulations implementing that directive appear in 33 CFR part 151, subpart C.

Those regulations require that vessels carrying ballast water, and that enter the Great Lakes or the Hudson River north of the George Washington Bridge after operating in waters beyond the U.S. Exclusive Economic Zone (EEZ), manage their ballast water by one of three methods: (1) Conduct mid-ocean ballast water exchange; (2) retain their ballast water on board; or (3) use a Coast Guard-approved alternative treatment method. 33 CFR 151.1510(a). The Coast Guard also has issued voluntary guidelines to address the potential introduction of invasive species by vessels entering the Great Lakes that have declared ''no ballast on board'' (NOBOB). 70 FR 51831, August 31, 2005.

Congress re-authorized and amended NANPCA with the National Invasive Species Act of 1996 (NISA), in which Congress directed the Coast Guard to issue voluntary guidelines to prevent the introduction and spread of non-indigenous species in all other waters of the United States by ballast water operations and other operations of vessels equipped with ballast water tanks. NISA further provided that if the Coast Guard determined that the rate of effective compliance was inadequate or could not be determined, it would issue regulations converting the voluntary program into mandatory, enforceable requirements. The Coast Guard made such a determination in June 2002, and issued final regulations requiring mandatory ballast water management practices for all vessels equipped with ballast water tanks bound for ports or places within the U.S. or entering U.S. waters. 33 CFR 151, subpart D (69 FR 44952, July 28, 2004). Those regulations do not change the previously described

mandatory ballast water management requirements under part 151 subpart D applicable to vessels entering the Great Lakes.

Subject to certain specified voyage or safety constraints (33 CFR 151.2037), under these subpart D national regulations, vessels with ballast water entering U.S. ports or waters after operating beyond the EEZ must manage their ballast water by mid-ocean exchange, use of a Coast Guard-approved treatment alternative, or retain their ballast on board. 33 CFR 151.2035(b). In addition, those regulations require vessels that operate in U.S. waters and which are equipped with ballast water tanks to undertake other mandatory practices with regard to their ballast water and other potential vessel-related pathways for invasive species introductions, regardless of whether they have operated beyond the EEZ. 33 CFR 151.2035(a).

Additional information on NANPCA/NISA and their implementation can be found by visiting this USCG Web site: *http://www.uscg.mil/hq/g-m/mso/estandards.htm.*

C. What is the February 2004 International Convention for the Control and Management of Ships' Ballast Water and Sediment?

Although not yet in force, in February 2004 a treaty (''The International Convention for the Control and Management of Ships' Ballast Water and Sediments'') intended to prevent the introduction and spread of harmful aquatic organisms carried by ships' ballast water and sediments was adopted at an international diplomatic conference held at the International Maritime Organization (IMO). The IMO is the United Nations agency responsible for the safety and security of shipping and the prevention of marine pollution from ships. The United States, through a delegation led by the USCG and with active EPA participation, substantially contributed to the development; basic structure, and drafting of that Convention. The Convention will enter into force 12 months after ratification by 30 States, representing 35 per cent of world merchant shipping tonnage (Article 18). As of May 1, 2007, eight countries representing 3.21% of the world tonnage have become contracting parties to the Convention.

In essence, the Convention applies to ships (other than warships) designed or constructed to carry ballast water and which engage in international voyages (Article 3). Ships subject to the Convention will be required to implement a Ballast Water and Sediment Management Plan and carry out ballast water management according to the Convention (Regulations A–2 and B–1). One of the hallmarks of the Convention is the gradual replacement of ballast water management based on ballast water exchange with an approach that instead mandates ballast water discharges comply with a performance standard limiting the concentrations of organisms that may be discharged (Regulations B–3, B–4, and D–2). In the case of certain recreational or search and rescue craft that carry ballast water, the Convention allows for the use of equivalent compliance measures as determined by guidelines developed under the Convention (Regulation A–5). The Convention also recognizes the right of port States to establish more stringent measures to control the introduction of harmful aquatic organisms and pathogens via ships' ballast water or sediments (Regulation C–1).

In order to allow time for the development and commercial availability of the ballast water treatment equipment necessary for compliance with the Convention's ballast water discharge standard, Regulation B–3 phases in the applicability of that standard over a timeframe of 2009–2016, depending upon a combination of the ship's construction date and its ballast water capacity. In addition, under Regulation D–5 of the Convention, reviews are undertaken to determine whether appropriate technologies are available to timely achieve the discharge standard, with the next such review scheduled to take place at the 56th meeting of the IMO's Marine Environment Protection Committee in July 2007. To date, no ballast water treatment systems have received final approval for use under Regulation D–3 of the Convention. Additional information on the Convention can be found on-line at: *http://www.imo.org/home.asp.*

V. Appendix: Background on NPDES Permitting Program

A. What are the basic kinds of NPDES permits?

An NPDES permit authorizes the discharge of a specified amount of a pollutant or pollutants into a receiving water under certain conditions. The two basic types of NPDES permits that can be issued are individual and general permits. Typically, dischargers seeking coverage under a general permit are required to submit a notice of intent to be covered by the permit. *See*, 40 CFR 122.28(b)(2).

An individual permit is a permit specifically tailored for an individual discharger. Upon submitting the appropriate application(s), the permitting authority develops a draft permit for public comment for that particular discharger based on the information contained in the permit application (e.g., type of activity, nature of discharge, receiving water quality). Following consideration of public comments, a final permit may then be issued to the discharger for a specific time period (not to exceed 5 years) with a requirement to reapply prior to the expiration date.

A general permit also is subject to public comment and is developed and issued by a permitting authority to cover multiple facilities within a specific category for a specific period of time (not to exceed 5 years), after which they must be re-issued. Under 40 CFR 122.28, general permits may be written to cover categories of point sources having common elements, such as facilities that involve the same or substantially similar types of operations, that discharge the same types of wastes, or that are more appropriately regulated by a general permit.

The use of general permits allows the permitting authority to allocate resources in a more efficient manner and to provide more timely permit coverage. For example, a large number of facilities that have certain elements in common may be covered under a general permit without expending the time and resources necessary to issue an individual permit to each of these facilities. Because of the potentially massive number of vessels, the variety in their waste streams, and the short timeframe under which they could become subject to NPDES permitting under the Court's September 2006 order, use of general permit(s) would appear to be an attractive possibility. However, as described in Unit V.C.1 (Appendix) of the **SUPPLEMENTARY INFORMATION** section of this document, general permits still need to contain technology-based effluent limits, as well as any more stringent limits when necessary to meet State water quality standards or the CWA section 403 ocean discharge guidelines.

B. Who is responsible for issuing NPDES permits?

EPA is authorized under section 402(a)(1) of the CWA to issue NPDES permits. Under section 402(b) EPA may approve States, Territories, or Tribes to implement all or parts of the national NPDES permit program. States, Territories, or Tribes applying for such approval may seek the authority to

implement the base program (i.e., issue NPDES permits for industrial and municipal sources), and may seek approval to implement other parts of the national program. If the State entity seeking authorization does not have authority to operate parts of the NPDES program, EPA will implement the other program activities. Currently, 45 states, and the U.S. Virgin Islands, are authorized to administer the base NPDES program.

In general, once a State, Territory, or Tribe is authorized to issue NPDES permits, EPA is prohibited from issuing permits as to those discharges subject to the authorized state program, in which case State-issued NPDES permits would be needed for such discharges within those States' waters. CWA section 402(c). Under the NPDES program, State permitting authorities may charge fees for permit processing. Under CWA section 402(d), EPA generally must be provided with an opportunity to review draft permits prepared by the State, Territory, or Tribe and may formally object to the permit or elements of it that conflict with CWA requirements. If the permitting agency does not address EPA's objection points, EPA assumes the authority to issue the permit directly. Once a State issues a permit, it is enforceable by the authorized State, Territorial, and Federal agencies (including EPA) with legal authority to implement and enforce the permit, and by private citizens (in Federal court).

C. How are NPDES permit limits established?

When developing effluent limits for a NPDES permit, a permit writer must consider limits based on both the technology available to treat the pollutants (*i.e.*, technology-based effluent limits), and limits that are protective of the designated uses of the receiving water (water quality-based effluent limits). Development of NPDES permits involves complex legal, factual, and technical issues, and the following general overview of some of the relevant considerations is provided for the convenience of readers who may be unfamiliar with NPDES permitting. Additional information can be found on-line at *http://cfpub.epa.gov/npdes/*, and readers interested in more information on how NPDES permits are developed can refer to the NPDES Permit Writers Manual (EPA 833–B–96–003), which is available in the docket for today's notice.

1. Technology-Based Limitations

The intent of a technology-based effluent limitation is to require a minimum level of treatment for industrial/municipal point sources based on currently available treatment technologies while allowing the discharger to use any available control technique to meet the limitations. The statutory deadlines specified by CWA section 301(b) for compliance with the Act's technology-based effluent limitations have passed (the latest such date was March 31, 1989). Because permit writers do not have the authority to extend the statutory deadlines in an NPDES permit, all applicable technology-based requirements are applied in NPDES permits without the use of a compliance schedule.

There are two general approaches for developing technology-based effluent limits for industrial facilities. The first of these involves using national effluent limitations guidelines (ELGs). The development of legally defensible effluent guidelines is an extremely complex process that requires the preparation of detailed engineering, economic and environmental analyses typically taking many years to accomplish. Because there are no existing ELGs applicable to discharges incidental to the normal operation of vessels, and the Court's order would potentially result in such discharges becoming subject to NPDES permitting as of September 30, 2008, as a practical matter, ELGs to establish technology-based permit limits for discharges incidental to the normal operation of vessels would not be available at that time.

The second approach, used in the absence of ELGs, employs Best Professional Judgment (BPJ) to set technology-based limits on a case-by-case basis. The authority for development of BPJ permit limits is contained in CWA section 402(a)(1), which authorizes EPA to issue permits containing ''such conditions as the Administrator determines are necessary to carry out the provisions of this Act'' prior to taking the necessary implementing actions, such as the establishment of ELGs. 40 CFR 125.3(c)(2) provides that in setting limitations based on BPJ, the permit writer must include consideration of the factors listed in 40 CFR 125.3(d), which are the same as those required to be considered by EPA in the development of ELGs. For example, under the CWA, non-conventional pollutants (e.g., oil, metals, solvents) are subject to the ''best available technology'' (BAT) standard, and the factors contained in 40 CFR 125.3(d)(3) for development of such limits on a BPJ basis are:

- The age of equipment and facilities involved.
- The process employed.
- The engineering aspects of the application of various types of control techniques.
- Process changes.
- The cost of achieving such effluent reduction.
- Non-water quality environmental impact, including energy requirements.

2. Water Quality-Based Effluent Limitations

In order to protect the quality of the receiving water, permits also may need to include water quality-based effluent limits (WQBELs) to ensure compliance with applicable State water quality standards. Under section 303(c) of the CWA, States are required to develop water quality standards applicable to all water bodies or segments of water bodies that lie within the State. Once those standards are developed, EPA must approve or disapprove them. Water quality standards under the CWA are composed of three parts:

- *Use classifications*—The first part of a State's water quality standard consists of classification of the water bodies within the State's jurisdiction based on the expected beneficial uses of the particular waterbody. The CWA describes various uses of waters that are considered desirable and should be protected. These uses include public water supply, recreation, and propagation of fish and wildlife. The States are free to designate more specific uses (e.g., cold water aquatic life, agricultural), or to designate uses not mentioned in the CWA, with the exception of waste transport and assimilation, which is not an acceptable designated use (see 40 CFR 131.10(a)).
- *Numeric and/or narrative water quality criteria*—The second part of a State's water quality standard consists of the water quality criteria deemed necessary to support the designated uses of each water body. Sections 303(a)–(c) of the CWA require States to adopt criteria sufficient to protect designated uses for State waters. These criteria may be numeric or narrative. For certain toxic pollutants, the CWA requires States to adopt numeric criteria where they are necessary to protect designated uses. All States have adopted narrative criteria to supplement numeric criteria for toxicants. Narrative criteria are statements that describe the desired water quality goal (e.g., ''no toxics in toxic amounts'') and can be the basis for limiting specific pollutants for which the State has no numeric criteria, or to limit discharge toxicity where the toxicity cannot be traced to a specific pollutant.
- *Antidegradation policy*—Finally, each State is required to adopt an

antidegradation policy and to identify the methods it will use for implementing that policy. As more specifically discussed in 40 CFR 131.12, antidegradation policies provide three tiers of protection from degradation of water quality, with maintenance of existing instream water uses and the level of water quality necessary to protect existing uses (''Tier 1'') being the absolute floor of water quality for all waters of the United States.

Under 40 CFR 122.44(d), all effluents must be characterized by the permitting authority to determine the need for WQBELs. If, after technology-based limits are applied, the permit writer projects that a point source discharger may exceed an applicable criterion, a WQBEL will be included in the permit. WQBELs are designed to protect the quality of the specific water body that receives the discharge by ensuring that the State water quality standards applicable to that particular water body are met. When determining whether WQBELs are needed, the permit writer considers, at a minimum: (1) Existing controls on point and nonpoint sources of pollution; (2) the variability of the pollutant or pollutant parameter in the effluent; (3) the sensitivity of the species to toxicity testing; and (4) where appropriate, the dilution of the effluent in the receiving water (40 CFR 122.44(d)(ii)). EPA-issued NPDES permits are subject to certification by the State under section 401 of the CWA as to compliance with State water quality standards and appropriate requirements of State law, and such permits will incorporate requirements as specified in the State's 401 certification. 40 CFR 124.53 and 124.55. In addition, EPA-issued permits are subject to evaluation for consistency with the enforceable policies of approved state coastal zone management programs under the Coastal Zone Management Act. *See*, 16 U.S.C. 1456(c).

3. Other CWA Provisions Relevant to Establishing NPDES Permit Limits

Section 403(a) of the CWA prohibits the issuance of NPDES permits for discharges into the waters of the territorial sea, contiguous zone, or oceans except in compliance with guidelines promulgated under section 403(c) of the Act. Those guidelines are contained in Agency regulations at 40 CFR part 125, subpart M, commonly referred to as the Ocean Discharge Criteria and are used for determining unreasonable degradation of the marine environment, specifying factors to be considered in making that determination. In addition to terms and limitations based on the Act's technology and water quality standards requirements, NPDES permits that are subject to the Ocean Discharge Criteria will, if necessary, contain conditions or limitations to avoid unreasonable degradation of the marine environment.

Under CWA section 402(g), NPDES permits for the discharge of pollutants into the navigable waters from a vessel or other floating craft are subject to any applicable USCG regulations establishing specifications for safe transportation, handling, carriage, storage, and stowage of pollutants. NPDES permits that are subject to this requirement will contain a condition that the discharge shall comply with any such applicable USCG regulations. 40 CFR 122.44(p).

Dated: June 14, 2007.

Benjamin H. Grumbles,

Assistant Administrator for Water.

[FR Doc. E7–12022 Filed 6–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8329–8]

Public Water System Supervision Program Revisions for the State of Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Michigan is revising its approved Public Water System Supervision Program. Michigan has formally requested primary enforcement authority for the Radionuclides Rule, which will reduce exposure to radionuclides in drinking water and reduce the risk of cancer; the Arsenic and Clarifications to Compliance and New Source Monitoring (Arsenic) Rule, which requires community and non-transient non-community water systems to comply with the revised arsenic maximum contaminant level of 0.010 mg/L; the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), which improves public health protection through the control of microbial pathogens, specifically Cryptosporidium, in drinking water; and, the Filter Backwash Recycling Rule (FBRR), which requires changes to the return of recycle flows to a water treatment plant's process that may otherwise compromise microbial control.

EPA has determined that these revisions are no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve these program rules. This approval action does not extend to public water systems (PWSs) in Indian Country, as that term is defined in 18 U.S.C. 1151. By approving these rules, EPA does not intend to affect the rights of federally recognized Indian tribes in Michigan, nor does it intend to limit existing rights of the State of Michigan. Any interested party may request a public hearing. A request for a public hearing must be submitted by July 23, 2007, to the Regional Administrator at the EPA Region 5 address shown below. The Regional Administrator may deny frivolous or insubstantial requests for a hearing. However, if a substantial request for a public hearing is made by July 23, 2007, EPA Region 5 will hold a public hearing. If EPA Region 5 does not receive a timely and appropriate request for a hearing and the Regional Administrator does not elect to hold a hearing on her own motion, this determination shall become final and effective on July 23, 2007. Any request for a public hearing shall include the following information: the name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection at the following offices: Michigan Department of Environmental Quality, Water Bureau, Constitution Hall, 525 W. Allegany Street, 2nd Floor, P.O. Box 30273, Lansing, Michigan 48909–7773, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday, and the United States Environmental Protection Agency, Region 5, Ground Water and Drinking Water Branch (WG–15J), 77 West Jackson Boulevard, Chicago, Illinois 60604, between the hours of 9 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jennifer Kurtz Crooks, EPA Region 5, Ground Water and Drinking Water Branch, at the address given above, by telephone at (312) 886–0244, or at *crooks.jennifer@epa.gov.*

Authority: Section 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 3006–2 (1996), and 40 CFR part 142 of the

National Primary Drinking Water Regulations.

Dated: June 5, 2007.

Walter W. Kovalick, Jr.,

Acting Regional Administrator, Region 5.

[FR Doc. E7–12049 Filed 6–20–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Notice of Sunshine Act Meeting

DATE AND TIME: Tuesday, June 26, 2007 at 10 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Audits conducted pursuant to 2 U.S.C. 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

PERSON TO CONTACT FOR INFORMATION: Mr. Robert Biersack, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Secretary of the Commission.

[FR Doc. 07–3065 Filed 6–19–07; 12:33 pm]

BILLING CODE 6715–01–M

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 July 16, 2007.

A. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. WCB Holdings, Inc.; to become a bank holding company by acquiring 100 percent of the voting shares of Western Commercial Bank, both of Woodland Hills, California.

Board of Governors of the Federal Reserve System, June 18, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–12014 Filed 6–20–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

[File No. 061 0229]

American Petroleum Company, Inc.; Analysis of Agreement Containing Consent Order to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before July 13, 2007.

ADDRESSES: Interested parties are invited to submit written comments. Comments should refer to ''American Petroleum, File No. 061 0229,'' 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 to the following address: Federal Trade Commission/ Office of the Secretary, Room 135-H, 600 Pennsylvania Avenue, NW., Washington, D.C. 20580. Comments containing confidential material must be filed in paper form, must be clearly labeled ''Confidential,'' and must comply with Commission Rule 4.9(c). 16 CFR 4.9(c) (2005).[1] The FTC is requesting that any comment filed in paper form be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions. Comments that do not contain any nonpublic information may instead be filed in electronic form as part of or as an attachment to email messages directed to the following email box: *consentagreement@ftc.gov*. 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, whether filed in paper or electronic form, will be considered by the Commission, and will be available to the public on the FTC website, to the extent practicable, at *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 website. 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: Geoffrey Green (202) 326-2641, Bureau of Competition, Room NJ-6264, 600 Pennsylvania Avenue, NW., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46(f), and § 2.34 of the Commission Rules of Practice, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following

[1] 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).

Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for June 16, 2007), on the World Wide Web, at *http://www.ftc.gov/os/2007/06/index.htm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130-H, 600 Pennsylvania Avenue, NW., Washington, D.C. 20580, either in person or by calling (202) 326-2222.

Public comments are invited, and may be filed with the Commission in either paper or electronic form. All comments should be filed as prescribed in the ADDRESSES section above, and must be received on or before the date specified in the DATES section.

Analysis of Agreement Containing Consent Order to Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a proposed consent order with American Petroleum Company, Inc. (''American Petroleum'' or ''Respondent''), an importer and seller of lubricants with its principal place of business located at Road 865 KM 0.2, Barrio Campanillas, Toa Baja, Puerto Rico 00951.

The agreement settles charges that American Petroleum violated Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, by agreeing with competitors to restrict the importation and sale of lubricants in Puerto Rico. The proposed consent order has been placed on the public record for 30 days to receive comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make the proposed order final.

The purpose of this analysis is to facilitate comment on the proposed order. The analysis does not constitute an official interpretation of the agreement and proposed order, and does not modify their terms in any way. Further, the proposed consent order has been entered into for settlement purposes only, and does not constitute an admission by Respondent that it violated the law or that the facts alleged in the complaint (other than jurisdictional facts) are true.

I. The Complaint

The allegations of the complaint are summarized below:

American Petroleum has for many years been engaged in the business of importing lubricants into, and selling lubricants in, the Commonwealth of Puerto Rico.

Puerto Rico Law 278, enacted in 2004, was intended to create incentives for the safe disposal of used lubricants. The law required all persons in the chain of distribution, from the importer to the end-user, to pay an environmental deposit of fifty cents for each quart of lubricants purchased. The deposit could be recovered after the used lubricating oil was delivered to an authorized collection center. During 2005 and 2006, American Petroleum joined with numerous others in the Puerto Rico lubricants industry to lobby for the delay, modification, and/or repeal of Law 278. These efforts were partially successful. The Legislature postponed the starting date for the law until March 31, 2006.

In March 2006, with the effective date for Law 278 approaching, American Petroleum and several competing importers and sellers of lubricants adopted a new strategy to pressure the Government to repeal Law 278. The companies agreed to cease importing lubricants, beginning on March 31, 2006, and continuing for so long as Law 278 remained in effect. The conspirators issued a public warning that as a result of this joint action, shortages of lubricants would arise throughout the island, and would continue until Law 278 was repealed.

In December 2006, the Puerto Rico Legislature repealed Law 278.

II. Legal Analysis

In several previous cases, the Commission has challenged under Section 5 of the FTC Act boycott activity where the victim was the government in its capacity as a consumer; that is, the conspiring sellers refused to deal in order to exact higher prices from the government.[2] Here, the lubricant importers are alleged to have used their economic might in order to pressure the government in its role as a regulator. As discussed below, the antitrust laws reach this conduct as well.

The conspiracy alleged in the complaint is per se unlawful. A horizontal agreement to restrict output is inherently likely to harm competition, and there is no legitimate efficiency justification for respondent's conduct. *SCTLA*, 493 U.S. 411; *NCAA v. Board of Regents*, 468 U.S. 85 (1984); *Sandy River Nursing Care v. Aetna Casualty*, 985 F.2d 1138 (1st Cir. 1993); *PolyGram Holding, Inc.*, 5 Trade Reg. Rep. (CCH) ¶ 15,453 (FTC 2003) (*available at <http://ftc.gov/os/2003/07/polygramopinion.pdf>), aff'd*, 416 F.3d 29 (D.C. Cir. 2005).

Ordinarily, members of a cartel reduce output across the market in order to force consumers to bid up prices. Here the strategy was to impose pain on consumers in order to coerce the Government of Puerto Rico to accede to the industry's demand that Law 278 be repealed. This raises the possibility of viewing the alleged conspiracy as a form of petitioning activity that arguably is immune from antitrust sanctions. As the Supreme Court has held, it is not the purpose of the antitrust laws to regulate traditional petitioning activity aimed at securing anticompetitive governmental action. *Eastern Railroad Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127 (1961).

On the other hand, where competitors coordinate their commercial activity, conspiring in a manner that harms consumers directly, the fact that the conspirators intended thereby to motivate governmental action is not a defense to liability. *SCTLA*, 493 U.S. 411. An exception to this latter rule governs group boycotts that seek a purely political objective (that is, an objective that involves no special pecuniary benefit for the conspirators). A politically motivated boycott is protected by the First Amendment, and is not subject to antitrust liability. *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 914 (1982) (The First Amendment protects ''a nonviolent, politically motivated boycott designed to force governmental and economic change to effectuate rights guaranteed by the Constitution itself.'').[3]

The conduct alleged in the complaint would not be immune from antitrust sanctions under these precedents. In *Noerr*, the alleged restraint of trade (legislation favoring the conspirators) was the consequence of governmental action, and for this reason was exempt from antitrust review. In the present investigation, the alleged restraint of trade (a constriction in the supply of lubricants) was the means by which the conspirators sought to obtain favorable legislation. It follows that the *Noerr* defense is not applicable.[4] The

[2] *E.g., Superior Court Trial Lawyers Ass'n*, 493 U.S. 411 (1990); *Peterson Drug* Co., 115 F.T.C. 492 (1992); *Michigan State Medical Society*, 110 F.T.C. 191 (1983).

[3] *See also Allied International, Inc. v. International Longshoremen's Ass'n*, 640 F.2d 1368, 1380 (1st Cir. 1981), *aff'd*, 456 U.S. 212 (1982); *Missouri v. National Organization for Women, Inc.*, 620 F.2d 1301 (8th Cir. 1980).

[4] *See In re Brand Name Prescription Drugs Antitrust Litig.*, 186 F.3d 781, 789 (7th Cir. 1999)

Continued

Claiborne Hardware defense is also inapplicable because the Puerto Rico conspiracy was an effort to escape regulation and advance the parochial economic interests of the importers. This was not a politically motivated boycott, as that term is used in the case law.

The present case is similar to *Sandy River Nursing Care v. Aetna Casualty*, 985 F.2d 1138. A group of insurance companies agreed to cease offering workers' compensation policies in Maine in order to coerce the legislature into authorizing higher rates. The Court of Appeals concluded that this concerted refusal to sell insurance was a per se violation of the Sherman Act, and that the legislative agenda of the insurance companies afforded them no defense to liability. The opinion explains: ''[P]rivate actors who conduct an economic boycott violate the Sherman Act and may be held responsible for direct marketplace injury caused by the boycott, even if the boycotters' ultimate goal is to obtain favorable state action.'' 985 F.2d at 1142.

It is not a legitimate antitrust defense to claim that Law 278 is inefficient, and that the repeal thereof would enhance consumer welfare. The legality of an otherwise anticompetitive restraint cannot turn on the wisdom or efficiency of the governmental policy that is targeted by the conspirators.[5]

III. The Proposed Consent Order

American Petroleum has signed a consent agreement containing the proposed consent order. The proposed consent order enjoins American Petroleum from conspiring with competitors to restrict output.

More specifically, American Petroleum would be enjoined from agreeing or attempting to agree with any other seller of lubricants: (i) to restrain, restrict, limit or reduce the import or sale of lubricants; or (ii) to deal with, refuse to deal with, threaten to refuse to deal with, boycott, or threaten to boycott any buyer or potential buyer of lubricants.

The proposed order would not interfere with the company's Constitutional right to engage in legitimate petitioning activity. The proposed order includes a safe harbor provision expressly permitting American Petroleum to exercise rights under the First Amendment to petition any government body concerning legislation, rules, or procedures.

The proposed order will expire in 20 years.

By direction of the Commission.

Donald S. Clark,

Secretary.

FR Doc. E7–12033 Filed 6–20–07; 8:45 am]

BILLING CODE 6750–01;P

(The *Noerr* doctrine ''does not authorize anticompetitive *action* in advance of government's adopting the industry's anticompetitive proposal. The doctrine applies when such action is the consequence of legislation or other governmental action, not when it is the means for obtaining such action . . .'') (emphasis in original).

[5] An analogous defense was considered and rejected by the Commission in *Detroit Auto Dealers Ass'n*, 110 F.T.C. 417 (1989), *aff'd in part and rev'd in part*, 955 F.2d 457 (6th Cir. 1992). *DADA* involved an agreement among competing automobile dealers to limit the hours of operation of their dealerships. Respondents argued, *inter alia*, that the agreement to limit showroom hours was justified because it reduced the likelihood that their employees would join unions. Unionization would potentially lead to higher wages, and hence higher prices for automobiles. The Commission could find ''no merit'' in the proposed efficiency defense. ''Given the national policy favoring the association of employees to bargain in good faith with employers over wages, hours and working conditions, we do not believe that preventing unionization can be a legitimate justification for an otherwise unlawful restraint.'' *Id.* at 498 n. 22.

Just as collective bargaining is part of national labor policy, Law 278 represents the environmental policy of the Commonwealth of Puerto Rico. And just as escaping national labor policy is not a cognizable antitrust defense, altering Puerto Rico environmental legislation is not a cognizable antitrust defense.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Provision of Services in Interstate Child Support Enforcement: Standard Forms.

OMB No.: 0970–0085.

Description: Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, amended 42 U.S.C. 666 to require State and Territory Child Support Enforcement (CSE) IV–D agencies to enact the Uniform Interstate Family Support Act (UIFSA) into State and Territory law by January 1, 1998. Section 311(b) of UIFSA requires States and Territories to use standard interstate forms. 45 CFR 303.7 also requires CSE IV–D agencies to transmit child support case information on standard interstate forms when referring cases to other States and Territories for processing. These forms are expiring in January 2008 and the Administration for Children and Families is taking this opportunity to make some revisions as requested by States and Territories during the 60-day comment period.

Respondents: State and Territory agencies administering the Child Support Enforcement program under title IV–D of the Social Security Act.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Transmittal 1	54	19,278	.25	260,253
Transmittal 2	54	14,458	.08	62,459
Transmittal 3	54	964	.08	4,164
Uniform Petition	54	9,639	.08	41,640
General Testimony	54	11,567	.33	206,124
Affidavit—Paternity	54	4,819	.17	44,238
Locate Data Sheet	54	375	.08	1,620
Notice of Controlling Order	54	964	.08	4,164
Registration Statement	54	8,675	.08	37,476

Estimated Total Annual Burden Hours: 662,138.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed 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 proposed collection of information; (c) the quality, utility, and clarity of the information to be 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 within 60 days of this publication.

Dated: June 14, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–3046 Filed 6–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Financial Institution Data Match.

OMB No.: 0970–0196.

Description: Section 466(a)(17) of the Social Security Act (the Act) requires States to establish procedures under which the State Child Support Enforcement IV–D agencies shall enter into agreements with financial institutions doing business in States for the purpose of securing information leading to the enforcement of child support orders. Under 452(l) and 466(a)(17)(A)(i) of the Act, the Secretary may aid State agencies conducting data matches with financial institutions doing business in multiple States by centrally matching through the Federal Parent Locator Service.

Respondents: Financial institutions doing business in two or more States.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Financial Data Match Tape	4,465	4	.5	8,930
Election Form	71	1	.5	35.5

Estimated Total Annual Burden Hours: 8,965.5.

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *rsargis@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed 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 proposed collection of information; (c) the quality, utility, and clarity of the information to be 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 within 60 days of this publication.

Dated: June 14, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–3047 Filed 6–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Mentoring Children of Prisoners Online Data Collection (OLDC).

OMB No.: 0970–0266.

Description: The Promoting Safe and Stable Families Amendments of 2001 (Pub. L. 107–133) amended Title IV–B of the Social Security Act (42 U.S.C. 629–629e) to provide funding for nonprofit agencies that recruit, screen, train, and support mentors for children with an incarcerated parent or parents. The Family and Youth Services Bureau (FYSB) within the Administration for Children and Families (ACF), United States Department of Health and Human Services, administers the Mentoring Children of Prisoners (MCP) program. The MCP program creates lasting, high quality, one-on-one relationships that provide young people with caring adult

role models. Information from the Mentoring Children of Prisoners Online Data Collection is necessary for ACF's reporting and planning under the Government Performance and Results Act (GPRA), and to support evaluation requirements within GPRA. Information collected will be used for accountability monitoring, management improvement, and research. Data collection ensures that ACF knows if grantees of the MCP program are meeting the established targets (established based on research and benchmarks) recorded in the grant application as required by the GPRA, and that mentoring activities are faithful to characteristics established by research as essential to success. Data collected will also support grantees as they carry out ongoing responsibilities, maintain program service, and manage information for internal uses.

Respondents: Public, faith-based and community organizations receiving funding to implement the MCP program.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
MCP Online Data Collection	238	4	12	11,424

Estimated Total Annual Burden Hours: 11,424.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this documentation in the **Federal Register.** Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: June 14, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–3048 Filed 6–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: National Extranet Optimized Runaway and Homeless Youth Management Information System (NEO–RHYMIS).

OMB No.: 0970–0123.

Description: The Runaway and Homeless Youth Act, as amended by Public Law 106–71 (42 U.S.C. 5701 *et seq.*), mandates that the Department of Health and Human Services (HHS) report regularly to Congress on the status of HHS-funded programs serving runaway and homeless youth. Such reporting is similarly mandated by the Government Performance and Results Act. Organizations funded under the Runaway and Homeless Youth program are required by statute (42 U.S.C. 5712, 42 U.S.C. 5714–2) to meet certain data collection and reporting requirements. These requirements include maintenance of client statistical records on the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project, and the services provided to such youth by the project.

Respondents: Public and private, community-based nonprofit, and faith-based organizations receiving HHS funds for services to runaway and homeless youth.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Youth Profile	536	153	.25	20,502
Street Outreach Report	141	4211	.02	11,875
Brief Contacts	536	305	.15	24,522
Turnaways	536	13	.1	697
Data Transfer	536	2	.5	536

Estimated Total Annual Burden Hours: 58,132.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–6974, Attn: Desk Officer for the Administration for Children and Families.

Dated: June 14, 2007.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 07–3049 Filed 6–20–07; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions and Delegation of Authority

Notice is hereby given that I have delegated to the Principal Deputy Assistant Secretary, Deputy Assistant Secretaries, Program Directors, Program Commissioners, Deputy Director/Commissioner, Office of Child Support Enforcement, and Staff Office Directors the following authority vested in me by the Secretary of Health and Human Services in the memorandum dated August 20, 1991, Delegations of Authority for Social Security Act Programs; 31 U.S.C. 1535; and HHS General Administrative Manual, Chapter 8–77.

(a) Authorities Delegated

1. Authority to administer approved cooperative research, experimental, pilot or demonstration projects under the provisions of sections 1110 and 1115 of the Social Security Act.

2. Authority to approve interagency agreements to procure, provide or exchange services, supplies or equipment.

(b) Limitations

1. The authority listed in #1 above shall be exercised under the condition that projects may be administered by the Office of Planning, Research and Evaluation (OPRE), by the program/staff office or jointly by OPRE with the program/staff office.

2. Where all or any part of an experimental, pilot, demonstration, or other project is wholly financed with Federal funds made available under sections 1110 or 1115 of the Social Security Act, without any State, local or other non-Federal financial participation, that project must be approved by the Secretary of Health and Human Services.

3. This delegation of authority does not include the authority to approve/disapprove projects under section 1115 of the Social Security Act or approve/disapprove waivers of State Plan requirements or costs that would not otherwise be included as expenditures under the provisions of section 1115(a)(1) and (2) of the Social Security Act.

4. The authority to approve interagency agreements to procure, provide, or exchange services, supplies, or equipment requires the concurrence of the ACF Chief Financial Officer if it exceeds $250,000 (including amendments) within a fiscal year or if it requires the signature of the Assistant Secretary, ACF, or the Secretary of HHS.

(c) Effective Date

This delegation is effective upon the date of signature.

(d) Effect on Existing Delegations

As related to this delegation of authority, this delegation supersedes all previous delegations of authority involving the administration of the cross-program authorities delegated herein.

I hereby ratify and affirm any actions taken by the Principal Deputy Assistant Secretary, Deputy Assistant Secretaries, Program Directors, Program Commissioners, Deputy Director/Commissioner, Office of Child Support Enforcement, and Staff Office Directors, which involved the exercise of the authority delegated herein prior to the effective date of this delegation.

Dated: June 13, 2007.

Daniel C. Schneider,

Acting Assistant Secretary for Children and Families.

[FR Doc. E7–12019 Filed 6–20–07; 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; Submission for Office of Management and Budget Review; 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 that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by July 23, 2007.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–6974. All comments should be identified with the OMB control number 0910–0541. Also include the FDA 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: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

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, generally recognized as safe 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.

In the **Federal Register** of March 28, 2007 (72 FR 14581), FDA published a 60-day notice requesting public comment on the information collection provisions. No comments were received.

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 estimates in table 1 of this document 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: June 14, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–11969 Filed 6–20–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0230]

Agency Information Collection Activities; Proposed Collection; Comment Request; Information From United States Processors That Export to the European Community

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 reporting requirements in implementing the lists of U.S. firms/processors exporting shell eggs, dairy products, game meat and game meat products to the European Community (the EC).

DATES: Submit written or electronic comments on the collection of information by August 20, 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.

Information From U.S. Processors That Export to the European Community (OMB Control Number 0910–0320)—Extension

The EC is a group of 27 European countries that have agreed to harmonize their commodity requirements to facilitate commerce among member States. EC legislation for intra-EC trade has been extended to trade with non-EC countries, including the United States. For certain food products, including those listed in this document, EC legislation requires assurances from the responsible authority of the country of origin that the processor of the food is in compliance with applicable regulatory requirements.

FDA requests information from processors that export certain animal-derived products (e.g., shell eggs, dairy products, game meat, game meat products, animal casings, and gelatin) to the EC. FDA uses the information to maintain lists of processors that have demonstrated current compliance with U.S. requirements and provides the lists to the EC quarterly. Inclusion on the list is voluntary. EC member countries refer to the lists at ports of entry to verify that products offered for importation to the EC from the United States are from processors that meet U.S. regulatory requirements. Products processed by firms not on the lists are subject to detention and possible refusal at the port. FDA requests the following information from each processor seeking to be included on the lists:

1. Business name and address;
2. Name and telephone number of person designated as business contact;
3. Lists of products presently being shipped to the EC and those intended to be shipped in the next 6 months;
4. Name and address of manufacturing plants for each product; and
5. Names and affiliations of any Federal, State, or local governmental agencies that inspect the plant, government-assigned plant identifier such as plant number, and last date of inspection.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Products	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Shell Eggs	10	1	10	0.25	3
Dairy	120	1	120	0.25	30
Game Meat and Meat Products	5	1	5	0.25	1
Animal Casings	5	1	5	0.25	1
Gelatin	3	1	3	0.25	1
Collagen	3	1	3	0.25	1
Total					37

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA bases its estimate on the responses received over the past 3 years. We estimate that the annual reporting burden would be approximately 37 hours. The time to respond to the questions should take approximately 15 minutes using any of the technologies available to transmit the information. All of the information asked for should be readily available. No record retention is required. In previous years, FDA estimated that the agency's communication with trade associations and states resulted in a reporting burden of 520 hours. FDA no longer receives information from trade associations and states under this program. Accordingly, the proposed annual burden for this information collection has been reduced by 520 hours. Therefore, the proposed annual burden for this information collection is 37 hours.

Dated: June 14, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–11980 Filed 6–20–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0227]

Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices Third-Party Review Under the Food and Drug Administration Modernization Act

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 information collection requirements for ''Medical Devices Third-Party Review under the Food and Drug Administration Modernization Act of 1997 (FDAMA).''

DATES: Submit written or electronic comments on the collection of information by August 20, 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: Denver Presley, Jr., Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

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.

Medical Devices Third-Party Review Under the Food and Drug Administration Modernization Act--Section 523, Federal Food, Drug, and Cosmetic Act (OMB Control Number 0910–0375)—Extension

Section 210 of FDAMA established section 523 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360m), directing FDA to accredit persons in the private sector to review certain premarket applications and notifications. Participation in this third-party review program by accredited persons is entirely voluntary. A third party wishing to participate will submit a request for accreditation to FDA. Accredited third-party reviewers have the ability to review a manufacturer's 510(k) of the act (21 U.S.C. 360) submission for selected devices. After reviewing a submission, the reviewer will forward a copy of the 510(k) submission, along with the reviewer's documented review and recommendation to FDA. Third-party reviewers should maintain records of their 510(k) reviews and a copy of the 510(k) for a reasonable period of time, usually a period of 3 years. This information collection will allow FDA to continue to implement the accredited person review program established by FDAMA and improve the efficiency of 510(k) review for low- to moderate-risk devices.

Respondents to this information collection are businesses or other for-profit organizations.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Section 523 of the Act	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
Requests for accreditation	1	1	1	24	24
510(k) reviews conducted by accredited third parties	14	24	336	40	13,440
Totals					13,464

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

Section 523 of the Act	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
510(k) reviews by third-party reviewers	14	24	336	10	3,600

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

I. Reporting

A. Requests for Accreditation

FDA now has approximately 8 years of experience with third-party reviews under section 523 of the act. Currently there are 11 active accredited third parties. FDA does not expect to receive more than 1 application for accreditation per year for a total of 14 accredited third parties, who will be conducting third-party reviews.

B. 510(k) Reviews Conducted by Accredited Third Parties

FDA has received 784 510(k)s with a third-party review since 2004. FDA estimates that over the next 3 years, they will accredit 1 third-party reviewer per year for a total of 14 third parties. Each third-party reviewer expects to review a total of 24 510(k) submissions per year for an annual total of 336 applications.

II. Recordkeeping

Third-party reviewers are required to keep records of their review of each submission. At the end of 3 years, the agency expects to have 14 accredited persons for review with each third party reviewing on average 24 510(k) applications per year. The agency anticipates approximately 336 annual submissions of 510(k)s for third-party review.

Dated: June 14, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–11981 Filed 6–20–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007D–0223]

Draft Guidance for Industry on Use of the Computer Crossmatch; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled ''Guidance for Industry: ''Computer Crossmatch'' (Electronic Based testing for the Compatibility between the Donor's Cell Type and the Recipient's Serum or Plasma Type)'' dated June 2007. The draft guidance document provides recommendations to blood establishments consistent with current good manufacturing practice (CGMP) for the use of a ''computer crossmatch,'' also called an ''electronic crossmatch.'' The computer crossmatch is an alternative to serologic crossmatch and may be used to demonstrate incompatibility between the donor's red blood cell type and the recipient's serum or plasma type.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115 (g)(5)), to ensure that the agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit written or electronic comments on the draft guidance by September 19, 2007.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit written comments on the draft guidance 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: Joseph L. Okrasinski, Jr., Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Guidance for Industry: ''Computer Crossmatch'' (Electronic Based Testing for the Compatibility between the Donor's Cell Type and the Recipient's Serum or Plasma Type)'' dated June 2007. The draft guidance document provides recommendations consistent with CGMP for use of a ''computer crossmatch'' also called an ''electronic crossmatch''. The computer crossmatch is an alternative to serologic crossmatch and may be used to demonstrate incompatibility between the donor's red blood cell type and the recipient's serum or plasma type.

A final rule published in the **Federal Register** on August 6, 2001 (66 FR 40886) revised § 606.151(c) (21 CFR 606.151(c)) to allow either a serologic crossmatch or a computer crossmatch. Prior to September 5, 2001, a blood establishment could only use a computer crossmatch if FDA gave its written approval for the use of a computer crossmatch as an alternate procedure under § 640.120 (21 CFR 640.120). With this revision to § 606.151(c), an application to FDA to permit use of computer crossmatch as an alternative procedure under § 640.120 is no longer necessary. Licensed establishments that change procedures to implement computer crossmatch remain subject to § 601.12 (21 CFR 601.12).

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S. C. 3501–3520). The collections of information in 21 CFR 606.100(b) and 606.160 have been approved under OMB control number 0910–0116. The collections of information under § 601.12 have been approved under OMB control number 0910–0338. The collections of information under 21 CFR 606.171 have been approved under OMB control number 0910–0458.

III. Comments

The draft document is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the draft guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in the brackets in the heading of this document. A copy of the draft guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/cber/guidelines.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: June 13, 2007.

Randall W. Lutter,

Acting Deputy Commissioner for Policy.

[FR Doc. E7–11998 Filed 6–20–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0108]

Guidance for Industry: Informed Consent Recommendations for Source Plasma Donors Participating in Plasmapheresis and Immunization Programs; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled ''Guidance for Industry: Informed Consent Recommendations for Source Plasma Donors Participating in Plasmapheresis and Immunization Programs,'' dated June 2007. The guidance document further explains the requirements and recommendations for the informed consent of donors of Source Plasma in plasmapheresis and immunization programs. The guidance document is designed to assist blood establishments that are planning to apply for licensure or revising their existing informed consent procedures. The guidance announced in this notice finalizes the draft guidance of the same title dated April 2006. This guidance supersedes the draft guidance document entitled ''Draft Reviewer's Guide: Informed Consent for Plasmapheresis/ Immunization,'' dated October 1995.

DATES: Submit written or electronic comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Communication, Training, and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit written comments on the guidance 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: Joseph L. Okrasinski Jr., Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Guidance for Industry: Informed Consent Recommendations for Source Plasma Donors Participating in Plasmapheresis and Immunization Programs,'' dated June 2007. The guidance further explains the requirements in § 640.61 (21 CFR 640.61) and makes recommendations for the informed consent of donors of Source Plasma in plasmapheresis and immunization programs. The guidance discusses informed consent issues applicable to all Source Plasma donors, including describing the hazards of the procedures, the importance of affording the donor an opportunity to ask questions, and the potential consequences for the donor if the results of tests for communicable disease agents are reactive, positive, or outside of normal limits. The guidance also discusses additional informed consent issues for a donor who is participating in an immunization program. The information in the guidance will assist those establishments applying for licensure as well as those establishments that are revising their existing informed consent procedures.

In the **Federal Register** of Thursday, April 27, 2006 (71 FR 24857), FDA announced the availability of the draft guidance of the same title dated April 2006. FDA received several comments on the draft guidance, and those comments were considered as the guidance was finalized. The guidance announced in this notice finalizes the draft guidance dated April 2006. This guidance will supersede the draft guidance document entitled ''Draft Reviewer's Guide: Informed Consent for Plasmapheresis/ Immunization,'' dated October 1995.

The guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 640.61 and 21 CFR 640.66 have been approved under OMB control number 0910–0116.

III. Comments

Interested persons may, at any time, submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments regarding the guidance. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the guidance and received comments are available for public examination in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

IV. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/cber/guidelines.htm* or *http://www.fda.gov/ohrms/dockets/default.htm*.

Dated: June 13, 2007.

Randall W. Lutter,

Acting Deputy Commissioner for Policy.

[FR Doc. E7–11997 Filed 6–20–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2002D–0005 (formerly 02D–0005)]

International Cooperation on Harmonisation of Technical Requirements for Approval of Veterinary Medicinal Products (VICH); Revised Draft Guidance for Industry on Pharmacovigilance of Veterinary Medicinal Products: Controlled List of Terms (VICH GL30); Request for Comments; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability for comments of a revised draft guidance for industry (#143) entitled ''Revised Draft Guidance for Industry on Pharmacovigilance of Veterinary Medicinal Products: Controlled List of Terms'' (VICH GL30). This revised draft guidance, which updates a draft guidance on the same topic for which a notice of availability was published in the **Federal Register** of February 6, 2002 (the 2002 guidance), has been developed for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH). This draft VICH guidance document describes the specific data elements to be used for the submission and exchange of spontaneous adverse event reports (AERs) between marketing authorization holders (MAHs) and regulatory authorities (RAs).

DATES: Submit written or electronic comments on the revised draft guidance by July 23, 2007, to ensure their adequate consideration in preparation of the final document. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the revised draft guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revised draft guidance document.

Submit written comments on the revised draft guidance 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*. Comments should be identified with the full title of the revised draft guidance and the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Lynn Post, Center for Veterinary Medicine, (HFV–210), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9062, e-mail: *lynn.post@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical procedures for the development of pharmaceutical products. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the International Conference on Harmonisation of Technical Requirements for Approval of Pharmaceuticals for Human Use for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. VICH is a parallel initiative for veterinary medicinal products. VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH steering committee is composed of member representatives from the European Commission; European Medicines Evaluation Agency; European Federation of Animal Health; Committee on Veterinary Medicinal Products; FDA; the U.S. Department of Agriculture; the Animal Health Institute; the Japanese Veterinary Pharmaceutical Association; the Japanese Association of Veterinary Biologics; and the Japanese Ministry of Agriculture, Forestry and Fisheries.

Four observers are eligible to participate in the VICH steering committee: One representative from the government of Australia/New Zealand, one representative from the industry in Australia/New Zealand, one representative from the government of Canada, and one representative from the industry of Canada. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation for Animal Health (IFAH). An IFAH representative also participates in the VICH steering committee meetings.

II. Revised Draft Guidance on Controlled Lists of Terms

In June 2006, the VICH steering committee agreed that a revised draft guidance entitled ''Pharmacovigilance of Veterinary Medicinal Products: Controlled List of Terms'' (VICH GL30), should be made available for public comment. The draft guidance is a revision of a guidance on the same topic for which a notice of availability was published in the **Federal Register** of February 6, 2002 (67 FR 5605). This revised draft guidance clarifies the 2002 guidance, adding information, and providing consistency with more recently published VICH guidances.

This draft VICH guidance document describes the specific data elements to be used for the submission and exchange of spontaneous AERs between MAHs and RAs. Although the revised draft guidance includes, as Appendix A, a proposed list of terms, FDA prefers the list of terms maintained by the National Cancer Institute's *NCI Thesaurus* and would like to refer to the *NCI Thesaurus* in the final guidance. FDA invites comments regarding which list of terms (Appendix A or the *NCI Thesaurus*) would be the best choice to further the goals set forth in this revised draft guidance. Since Appendix A was included in the revised draft guidance for discussion purposes only, it has not yet been formally considered within the VICH process. FDA expects that the list of terms included in Appendix A will be discussed by a task force chosen from the members of the VICH pharmacovigilance expert working group.

III. Paperwork Reduction Act of 1995

This revised draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in section III of the revised draft guidance have been

approved under OMB Control No. 0910–0284.

IV. Significance of Guidance

This draft document, developed under the VICH process, has been revised to conform to FDA's good guidance practices regulation (21 CFR 10.115). For example, the document has been designated ''guidance'' rather than ''guideline.'' In addition, guidance documents must not include mandatory language such as ''shall,'' ''must,'' ''require,'' or ''requirement,'' unless FDA is using these words to describe a statutory or regulatory requirement.

The draft VICH guidance (#143) is consistent with the agency's current thinking on this topic. This guidance does not create or confer any rights for or on any person and will not operate to bind FDA or the public. An alternative method may be used as long as it satisfies the requirements of applicable statutes and regulations.

V. Comments

This draft guidance document is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit written or electronic comments regarding this draft guidance document to the Division of Dockets Management (see **ADDRESSES**). Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the draft guidance and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

VI. Electronic Access

Electronic comments may also be submitted electronically on the Web site *http://www.fda.gov/dockets/ecomments*. Once on this Internet site, select Docket No. 2002D–0005 entitled ''Revised Draft Guidance for Industry on Pharmacovigilance of Veterinary Medicinal Products: Controlled List of Terms'' (VICH GL30), and follow the directions.

Copies of the draft guidance document entitled ''Revised Draft Guidance for Industry on Pharmacovigilance of Veterinary Medicinal Products: Controlled List of Terms'' (VICH GL30) may be obtained on the Internet from the Center for Veterinary Medicine home page at *http://www.fda.gov/cvm*.

Dated: June 13, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–11996 Filed 6–20–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Geographic Composition of the Contract Health Service Delivery Areas (CHSDA) and Service Delivery Areas (SDA) of the Indian Health Service

AGENCY: Indian Health Service (IHS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The purpose of this notice is to revise and update the list of Contract Health Service Delivery Areas (CHSDA) as defined in 42 CFR part 136, Subparts A–C and Service Delivery Areas (SDA) as established by the Director, Indian Health Service (IHS) administratively to effectuate the intent of Congress. This list replaces and supplements the FR notice dated January 10, 1984 (49 FR 1291) establishing CHSDAs and FR notice dated August 25, 1988 (53 FR 32460) establishing Health Service Delivery Areas (HSDAs).

EFFECTIVE DATE: June 21, 2007.

FOR FURTHER INFORMATION CONTACT: Hankie Ortiz, Director, Division of Regulatory Affairs, 801 Thompson Avenue, Rockville, Maryland 20852, telephone: (301) 443–1116. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 16, 1987, the Department of Health and Human Services (HHS) published new final regulations governing eligibility for the Indian Health Service (IHS) services at 52 FR 35044. In the Fiscal Year 1988 Appropriations Act, Section 315, Public Law 100–202, Congress delayed implementation of the new regulations for one year and imposed a moratorium on the use of appropriated funds for implementation of the new regulations in subsequent fiscal years. In Section 719(a) ofthe Indian Health Care Amendments of 1988, Public Law 100–713, Congress directed that during the moratorium that IHS should provide services pursuant to the criteria for eligibility for such services that were in effect on September 15, 1987. Because the moratorium continues in effect, for the convenience of the public, the HHS republished the eligibility regulations in effect on September 15, 1987. These regulations appear re-designated in the Code of Federal Regulations at Title 42, Part 136, Subparts A–C.

The regulations of September 16, 1987, that are under moratorium, provided that the IHS would designate and publish as a notice in the **Federal Register** specific geographic areas within the United States including Indian reservations and areas surrounding those reservations as Health Service Delivery Areas (HSDAs). The HSDAs are the geographic areas within which *direct* and *contract health services* may be made available by the IHS to eligible individuals who reside within the areas. In anticipation of the Congressional moratorium being lifted, the IHS on August 25, 1988 published at 53 FR 32460 a list of HSDAs. If the Congressional moratorium were lifted, the list was to be effective September 16, 1988 or such later date as may be estblished by Congress. Because the Congressional moratorium continues in effect, the HSDA list never became effective.

As noted above, the IHS currently provides services under regulations in effect on September 15, 1987 and republished at 42 CFR Part 136, Subparts A–C. Subpart C defines a Contract Health Service Delivery Area (CHSDA) as the geographic area within which contract health services will be made available by the IHS to members of an identified Indian community who reside in the area. It should be clearly understood that residence within a CHSDA or Service Delivery Area (SDA) by a person who is within the scope of the Indian health program, as set forth in 42 CFR 136.12, creates no legal entitlement to contract health services but only potential eligibility for services. Services needed but not available at an IHS/tribal facility are provided under the Contract Health Services (CHS) program depending on the availability of funds, the person's relative medical priority, and the actual availability and accessibility of alternate resources in accordance with the regulations.

The purpose of this FR notice is to revise and update the list of CHSDAs and SDAs as last published in 1984. The current eligibility regulations at 42 CFR 136.22(a)(1)–(5) defines certain CHSDAs by designating some States as CHSDAs and certain counties within a state as a CHSDA. In addition, Section 136.22(a)(6) provides that:

With respect to all other reservations (*i.e.*, other than those not specifically listed in 42 CFR 136.22(a)(1)–(5)) within the scope of the Indian health program, the CHSDA shall consist of a county which includes all or part of a reservation, and any county or counties

which have a common boundary with the reservation.

The counties included or excluded from the following list of CHSDAs were determined by applying the regulations at 42 CFR 136.22 except where otherwise provided for by regulations, public laws, or congressional action in the appropriations process.

The list includes those CHSDAs as defined in the regulations at 42 CFR 136.22, including those CHSDAs designated as exceptions within the funded scope and exceptions provided by legislation. In addition, many of the newly recognized tribes do not have reservations and either Congress has legislatively designated counties to serve as SDAs or the Director, IHS exercised reasonable administrative discretion to designate SDAs to effectuate the intent of Congress for these tribes. The SDAs function as CHSDAs for the purposes of operating a CHS program pursuant to the ISDEAA, Pub. L. 93–638. Thus, the CHSDA list incorporates the SDAs that operate as CHSDAs for newly recognized tribes recognized as of the date of publication of this Notice.

The CHSDA and SDA list has been modified and updated to include the name of the tribe, with the respective reservation in parenthesis underneath the name of the tribe, and/or the counties comprising the CHSDA or SDA. Any mistakes in the list of CHSDAs and SDAs should be brought to the attention of Hankie Ortiz, Director, Division of Regulatory Affairs, 801 Thompson Avenue, Rockville, Maryland 20852, telephone: (301) 443–1116. Any corrections of mistaken inclusions or exclusions of a county or counties in a CHSDA or SDA may be made administratively and included in a later FR notice. Redesignation of areas included or excluded from a CHSDA for reasons other than a mistake is governed by 42 CFR 136.22(b) and may be made by the Director, IHS.

The CHSDA and SDA counties for all tribes and reservations within the funded scope of the IHS program are as follows:

CONTRACT HEALTH SERVICE DELIVERY AREAS AND SERVICE DELIVERY AREAS

Tribe/Reservation	County/State
Ak Chin Indian Community (Ak Chin Indian Reservation)	Pinal, AZ.
Alabama-Coushatta Tribe	Polk, TX.[1]
Alaska	Entire State.[2]
Arapaho Tribe (Wind River Reservation)	Hot Springs, WY, Fremont, WY, Sublette, WY.
Aroostook Band of Micmac	Aroostook, ME.[3]
Assiniboine-Sioux Tribe (Fort Peck Reservation)	Daniels, MT, McCone, MT, Richland, MT, Roosevelt, MT, Sheridan, MT, Valley, MT.
Bad River Band of Lake Superior Chippewa (Bad River Reservation)	Ashland, WI, Iron, WI.
Bay Mills Indian Community (Bay Mills Reservation)	Chippewa, MI.
Blackfeet Tribe (Blackfeet Reservation)	Glacier, MT, Pondera, MT.
Bois Forte Band of Chippewa (Nett Lake Reservation)	Itasca, MN, Koochiching, MN, St. Louis, MN.
Brigham City Intermountain School Health Center	([4]).
Bums Paiute Tribe (Bums Paiute Indian Colony)	Harney, OR.
California	Entire State, except for the counties listed in footnote.[5]
Catawba Indian Nation	All Counties in SC,[13] Cabarrus, NC, Cleveland, NC, Gaston, NC, Mecklenburg, NC, Rutherford, NC, Union, NC.
Cayuga Nation of New York	Allegany, NY,[13] Cattaraugus, NY, Chautaugua, NY, Erie, NY, Warren, PA.
Cheyenne River Sioux (Cheyenne River Reservation)	Corson, SD, Dewey, SD, Haakon, SD, Meade, SD, Perkins, SD, Potter, SD, Stanley, SD, Sully, SD, Walworth, SD, Ziebach, SD.
Chippewa-Cree Indians (Rocky Boy Reservation)	Chouteau, MT, Hill, MT, Liberty, MT.
Chitimacha Tribe	St. Mary Parish, LA.
Cocopah Tribe	Yuma, AZ, Imperial, CA.
Coeur D'Alene Tribe (Coeur D'Alene Reservation)	Benewah, ID, Kootenai, ID, Latah, ID, Spokane, WA, Whitman, WA.
Colorado River Indian Tribes (Colorado River Reservation)	La Paz, AZ, Riverside, CA, San Bernardino, CA, Yuma, AZ.
Confederated Salish & Kootenai Tribes (Flathead Reservation)	Flathead, MT, Lake, MT, Missoula, MT, Sanders, MT.
Confederated Tribes of Chehalis (Chehalis Reservation)	Grays Harbor, WA, Lewis, WA, Thurston, WA.
Confederated Tribes of Colville (Colville Reservation)	Chelan, WA,[6] Douglas, WA, Ferry, WA, Grant, WA, Lincoln, WA, Okanogan, WA, Stevens, WA.
Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians	Coos, OR,[7] Curry, OR, Douglas, OR, Lane, OR, Lincoln, OR.
Confederated Tribes of Goshute (Goshute Reservation)	Nevada, Juab, UT, Toole, UT.
Confederated Tribes of Grand Ronde (Grand Ronde Community)	Polk, OR,[8] Washington, OR, Marion, OR, Yamhill, OR, Tillamook, OR, Multnomah, OR.
Confederated Tribes of Siletz (Siletz Reservation)	Benton, OR,[9] Clackamas, OR, Lane, OR, Lincoln, OR, Linn, OR, Marion, OR, Multnomah, OR, Polk, OR, Tillamook, OR, Washington, OR, Yam Hill, OR.
Confederated Tribes of Umatilla (Umatilla Reservation)	Umatilla, OR, Union, OR.
Confederated Tribes of Warm Springs (Warm Springs Reservation)	Clackamas, OR, Jefferson, OR, Linn, OR, Marion, OR, Wasco, OR.
Confederated Tribes & Bands of Yakima Nation (Yakama Reservation)	Klickitat, WA, Lewis, WA, Skamania, WA,[10] Yakima, WA.
Coquille Tribe	Coos, OR,[13] Curry, OR, Douglas, OR, Jackson, OR, Lane, OR.
Coushatta Tribe	Allen Parish, LA, Jefferson Davis, LA.
Cow Creek Band of Umpqua	Coos, OR,[11] Deshutes, OR, Douglas, OR, Jackson, OR, Josephine, OR, Klamath, OR, Lane, OR.
Cowlitz Indian Tribe	Clark, WA,[13] Cowlitz, WA, King, WA, Lewis, WA, Pierce, WA, Skamania, WA, Thurston, WA.
Crow Tribe (Crow Reservation)	Big Horn, MT, Carbon, MT, Treasure, MT,[l4] Yellowstone, MT, Big Horn, WY, Sheridan, WY.
Crow Creek Sioux Tribe (Crow Creek Reservation)	Brule, SD, Buffalo, SD, Hand, SD, Hughes, SD, Hyde, SD, Lyman, SD, Stanley, SD.
Eastern Band of Cherokee Indians (Cherokee Reservation)	Cherokee, NC, Graham, NC, Haywood, NC, Jackson, NC, Swain, NC.

CONTRACT HEALTH SERVICE DELIVERY AREAS AND SERVICE DELIVERY AREAS—Continued

Tribe/Reservation	County/State
Flandreau Santee Sioux Tribe	Moody, SD.
Fond du Lac Band of Chippewa (Fond du Lac Reservation)	Carlton, MN, St. Louis, MN.
Forest County Potawatomi Community	Forest, WI, Marinette, WI, Oconto, WI.
Fort Belknap Indian Community (Fort Belknap Reservation)	Blaine, MT, Phillips, MT.
Fort McDermitt Paiute and Shoshone (Fort McDermitt Reservation)	Nevada, Malheur, OR.
Fort McDowell Yavapai Nation (Fort McDowell Reservation)	Maricopa, AZ.
Fort Mojave Indian Tribe	Nevada, Mohave, AZ, San Bernardino, CA.
Gila River Indian Community (Gila River Reservation)	Maricopa, AZ, Pinal, AZ.
Grand Portage Band of Chippewa (Grand Portage Reservation)	Cook, MN.
Grand Traverse Band of Ottawa & Chippewa	Antrim, MI,[15] Benzie, MI, Charlevoix, MI, Grand Traverse, MI, Leelanau, MI, Manistee, MI.
Hannahville Indian Community	Delta, MI, Menominee, MI.
Haskell Indian Health Center	Douglas, KS.[l6 17].
Havasupai Tribe (Havasupai Reservation)	Coconino, AZ.
Ho-Chunk Nation of Wisconsin (Winnebago Tribe of Wisconsin)	Adams, WI,[18] Clark, WI, Columbia, WI, Crawford, WI, Dane, WI, Eau Claire, WI, Houston, MN, Jackson, WI, Juneau, WI, La Crosse, WI, Marathon, WI, Monroe, WI, Sauk, WI, Shawano, WI, Vernon, WI, Wood, WI.
Hoh Indian Tribe (Hoh Reservation)	Jefferson, WA.
Hopi Tribe	Apache, AZ, Coconino, AZ, Navajo, AZ.
Houlton Band of Maliseet Indians	Aroostook, ME.[19]
Hualapai Indian Tribe (Hualapai Reservation)	Coconino, AZ, Mohave, AZ, Yavapai, AZ.
Huron Potawatomi Inc.	Allegan, MI,[13] Barry, MI, Branch, MI, Calhoun, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Iowa Tribe	Brown, KS, Doniphan, KS, Richardson, NE.
Jamestown S'Klallam Tribe	Clallam, WA, Jefferson, WA.
Jena Band of Choctaw Indians	Grand Parish, LA,[13] LaSalle Parish, LA, Rapides Parish, LA.
Jicarilla Apache Nation (Jicarilla Apache Reservation)	Archuleta, CO, Rio Arriba, NM, Sandoval, NM.
Kaibab Band of Paiute (Kaibab Reservation)	Coconino, AZ, Mohave, AZ, Kane, UT.
Kalispel Indian Community (Kalispel Reservation)	Pend Oreille, WA, Spokane, WA.
Keweenaw Bay Indian Community (L'Anse Reservation)	Baraga, MI, Houghton, MI, Ontonagon, MI.
Kickapoo Tribe of Indians (Kickapoo Reservation)	Brown, KS, Jackson, KS.
Kickapoo Traditional Tribe of Texas	Maverick, TX.[20]
Klamath Indian Tribe	Klamath, OR.[21]
Kootenai Tribe	Boundary, ID.
Lac Courte Oreilles Band of Lake Superior Chippewa (Lac Courte Oreilles Reservation).	Sawyer, WI.
Lac du Flambeau Band of Lake Superior Chippewa (Lac du Flambeau Reservation).	Iron, WI, Oneida, WI, Vilas, WI.
Lac Vieux Desert Band of Lake Superior Chippewa	Gogebic, MI.
Leech Lake Band of Chippewa (Leech Lake Reservation)	Beltrami, MN, Cass, MN, Hubbard, MN, Itasca, MN.
Little River Band of Ottawa Indians	Kent, MI,[22] Muskegon, MI, Newaygo, MI, Oceana, MI, Ottawa, MI, Manistee, MI, Mason, MI, Wexford, MI, Lake, MI.
Little Traverse Bay Bands of Odawa	Alcona, MI,[22] Alger, MI, Alpena, MI, Antrim, MI, Benzie, MI, Charlevoix, MI, Cheboygan, MI, Chippewa, MI, Crawford, MI, Delta, MI, Emmet, MI, Grand Traverse, MI, Iosco, MI, Kalkaska, MI, Leelanau, MI, Luce, MI, Mackinac, MI, Manistee, MI, Missaukee, MI, Montmorency, MI, Ogemaw, MI, Oscoda, MI, Otsego, MI, Presque Isle, MI, Schoolcraft, MI, Roscommon, MI, Wexford, MI.
Lower Brule Sioux Tribe (Lower Brule Reservation)	Brule, SD, Buffalo, SD, Hughes, SD, Lyman, SD, Stanley, SD.
Lower Elwha Tribal Community (Lower Elwha Reservation)	Clallam, WA.
Lower Sioux Indian Community (Lower Sioux Reservation)	Redwood, MN, Renville, MN.
Lummi Tribe (Lummi Reservation)	Whatcom, WA.
Makah Indian Tribe (Makah Reservation)	Clallam, WA.
Mashantucket Pequot Tribe	New London, CT.[23]
Match-e-be-nash-she-wish Band of Pottawatomi	Allegan, MI,[13] Barry, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Menominee Indian Tribe	Langlade, WI, Menominee, WI, Oconto, WI, Shawano, WI.
Mescalero Apache Tribe (Mescalero Reservation)	Chaves, NM, Lincoln, NM, Otero, NM
Miccosukee Tribe	Broward, FL, Collier, FL, Miami-Dade, FL.
Mille Lacs Band of Chippewa (Mille Lacs Reservation)	Aitkin, MN, Kanebec, MN, Mille Lacs, MN, Pine, MN.
Mississippi Band of Choctaw Indians	Attala, MS, Jasper, MS,[24] Jones, MS, Kemper, MS, Leake, MS, Neshoba, MS, Newton, MS, Noxubee, MS, Scott, MS,[25] Winston, MS.
Mohegan Indian Tribe	Fairfield, CT, Hartford, CT, Litchfield, CT, Middlesex, CT, New Haven, CT, New London, CT, Tolland, CT, Windham, CT.
Muckleshoot Indian Tribe	King, WA, Pierce, WA.
Narragansett Indian Tribe	Washington, RI.[26]
Navajo Nation (Navajo Reservation)	Apache, AZ, Bernalillo, NM, Cibola, NM, Coconino, AZ, Kane, UT, McKinley, NM, Montezuma, CO, Navajo, AZ, Rio Arriba, NM, Sandoval, NM, San Juan, NM, San Juan, UT, Socorro, NM, Valencia, NM.
Nevada	Entire State.[27]

CONTRACT HEALTH SERVICE DELIVERY AREAS AND SERVICE DELIVERY AREAS—Continued

Tribe/Reservation	County/State
Nez Perce Tribe	Clearwater, ID Idaho, ID, Latah, ID, Lewis, ID, Nez Perce, ID.
Nisqually Indian Tribe (Nisqually Reservation)	Pierce, WA, Thurston, WA.
Nooksack Indian Tribe	Whatcom, WA.
Northern Cheyenne Tribe (Northern Cheyenne Reservation)	Big Horn, MT, Carter, MT,[28] Rosebud, MT.
Northwestern Band of Shoshone Nation (Washakie)	Box Elder, UT.[29]
Oglala Sioux Tribe (Pine Ridge Reservation)	Bennett, SD, Cherry, NE, Custer, SD, Dawes, NE, Fall River, SD, Jackson, SD, Mellete, SD, Pennington, SD, Shannon, SD, Sheridan, NE, Todd, SD, Washabaugh, SD.
Oklahoma	Entire State.[30]
Omaha Tribe	Burt, NE, Cuming, NE, Monona, IA, Thurston, NE, Wayne, NE.
Oneida Nation	Chenango, NY, Cortland, NY, Herkimer, NY, Madison, NY, Oneida, NY, Onondaga, NY.
Oneida Tribe of Indians	Brown, WI, Outagamie, WI.
Onondaga Nation	Onondaga, NY.
Paiute Indian Tribe of Utah	Iron, UT,[31] Millard, UT, Sevier, UT, Washington, UT.
Pascua Yaqui Tribe	Pima, AZ.[32]
Passamaquoddy Tribe	Aroostook, ME,[33] Washington, ME.
Passamaquoddy Pleasant Point	South Washington, ME from Baring, ME North to Milbridge, ME, South and West to Alexander, ME.[34]
Penobscot Tribe	Aroostook, ME, Penobscot, ME.
Poarch Band of Creek Indians	Baldwin, AL,[35] Escambia, AL, Escambia, FL, Elmore, AL, Mobile, AL, Monroe, AL.
Pokagon Band of Potawatomi Indians	Allegan, MI, Berrien, MI, Cass, MI, Elkhart, IN,[13] Kosciusko, IN, La Porte, IN, Marshall, IN, St. Joseph, IN, Starke, IN, Van Buren, MI.
Ponca Tribe (Northern)	Boyd, NE,[36] Charles Mix, SD, Douglas, NE, Knox, NE, Lancaster, NE, Madison, NE.
Port Gamble Indian Community	Kitsap, WA.
Prairie Band of Potawatomi Nation	Jackson, KS.
Prairie Island Indian Community (Prairie Island Reservation)	Goodhue, MN.
Pueblo of Acoma	Cibola, NM.
Pueblo of Cochiti	Sandoval, NM, Sante Fe, NM.
Pueblo of Jemez	Sandoval, NM.
Pueblo of Isleta	Bernalillo, NM, Cibola, NM, Socorro, NM, Torrance, NM, Valencia, NM.
Pueblo of Laguna	Bemalillo, NM, Cibola, NM, Sandoval, NM, Valencia, NM.
Pueblo of Nambe	Santa Fe, NM.
Pueblo of Picuris	Taos, NM.
Pueblo of Pojoaque	Rio Arriba, NM, Santa Fe, NM.
Pueblo of San Felipe	Sandoval, NM.
Pueblo of San Ildefonso	Los Alamos, NM, Rio Arriba, NM, Sandoval, NM, Santa Fe, NM
Pueblo of San Juan	Rio Arriba, NM.
Pueblo of Sandia	Bernalillo, NM, Sandoval, NM.
Pueblo of Santa Ana	Sandoval, NM.
Pueblo of Santa Clara	Los Alamos, NM, Rio Arriba, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Santo Domingo	Sandoval, NM, Santa Fe, NM.
Pueblo of Taos	Colfax, NM, Taos, NM.
Pueblo of Tesuque	Santa Fe, NM.
Pueblo of Zia	Sandoval, NM.
Puyallup Tribe	King, WA, Pierce, WA, Thurston, WA.
Quechan Tribe (Fort Yuma Indian Reservation)	Yuma, AZ, Imperial, CA.
Quileute Tribe (Quileute Reservation)	Clallam, WA, Jefferson, WA
Quinault Tribe (Ouinalt Reservation)	Grays Harbor, WA, Jefferson, WA.
Rapid City	Pennington, SD.[37]
Red Cliff Band of Lake Superior Band of Chippewa	Bayfield, WI.
Red Lake Band of Chippewa Indians (Red Lake Reservation)	Beltrami, MN, Clearwater, MN, Koochiching, MN, Lake of the Woods, MN, Marshall, MN, Pennington, MN, Polk, MN, Roseau, MN.
Rosebud Sioux Tribe (Rosebud Reservation)	Bennett, SD, Cherry, NE, Gregory, SD, Lyman, SD, Mellette, SD, Todd, SD, Tripp, SD.
Sac & Fox Tribe of the Mississippi in Iowa	Tama, IA.
Sac & Fox Nation of Missouri in Kansas & Nebraska	Brown, KS, Richardson, NE.
Saginaw Chippewa Indian Tribe (Isabella Reservation)	Arenac, MI,[38] Clare, MI, Isabella, MI, Midland, MI, Missaukee, MI.
St. Croix Chippewa Indians(St. Croix Reservation)	Barron, WI, Burnett, WI, Pine, MN, Polk, WI, Washburn, WI.
St. Regis Band of Mohawk Indians	Franklin, NY, St. Lawrence, NY.
Salt River Pima-Maricopa Indian Community (Salt River Reservation)	Maricopa, AZ.
Samish Indian Tribe	Clallam, WA,[13] Island, WA, Jefferson, WA, King, WA, Kitsap, WA, Pierce, WA, San Juan, WA, Skagit, WA, Snohomish, WA, Whatcom, WA.
San Carlos Apache Tribe (San Carlos Reservation)	Apache, AZ Cochise, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Pinal, AZ.
San Juan Southern Paiute Tribe (Navajo Reservation)	Coconino, AZ San Juan, UT.
Santee Sioux (Santee Reservation)	Bon Homme, SD, Knox, NE.
Sauk-Suiattle Indian Tribe	Snohomish, WA, Skagit, WA.

CONTRACT HEALTH SERVICE DELIVERY AREAS AND SERVICE DELIVERY AREAS—Continued

Tribe/Reservation	County/State
Sault St. Marie Tribe of Chippewa	Alger, MI,[39] Chippewa, MI, Delta, MI, Luce, MI, Mackinac, MI, Marquette, MI, Schoolcraft, MI.
Seminole Tribe of Florida	Broward, FL, Collier, FL, Glades, FL, Hendrv, FL.
Seneca Nation	Allegany, NY, Cattaraugus, NY, Chautaugua, NY, Erie, NY, Warren, PA.
Shakopee Mdewakanton Sioux Community (Prior Lake)	Scott, MN.
Shoal Water Bay Tribe (Shoalwater Bay Reservation)	Pacific, WA.
Shoshone Tribe (Wind River Reservation)	Hot Springs, WY, Fremont, WY, Sublette, WY.
Shoshone-Bannock Tribe (Fort Hall Reservation)	Bannock,ID, Bingham, ID, Caribou, ID, Lemhi, ID,[40] Power, ID.
Shoshone-Paiute Tribe (Duck Valley Reservation)	Nevada, Owyhee, ID.
Sisseton-Wahpeton Sioux Tribe (Lake Traverse Reservation)	Codington, SD, Day, SD, Grant, SD, Marshall, SD, Richland, ND, Roberts, SD, Sargent, ND, Traverse, MN.
Skokomish Indian Tribe (Skokomish Reservation)	Mason, WA.
Skull Valley Band of Goshute Indians	Tooele, UT.
Snoqualmie Tribe	King, WA,[13] Snohomish, WA, Pierce, WA, Island, WA, Mason, WA.
Sokaogon Chippewa (Mole Lake)	Forest, WI.
Southern Ute Indian Tribe (Southern Ute Reservation)	Archuleta, CO, La Plata, CO, Montezuma, CO, Rio Arriba, NM, San Juan, NM.
Spirit Lake Tribe (Fort Totten) (Devil's Lake Sioux Reservation)	Benson, ND, Eddy, ND, Nelson, ND, Ramsey, ND.
Spokane Tribe (Spokane Reservation)	Ferry, WA, Lincoln, WA, Stevens, WA.
Squaxin Island Tribe (Squaxin Island Reservation)	Mason, WA.
Standing Rock Sioux Tribe	Adams, ND, Campbell, SD, Corson, SD, Dewey, SD, Emmons, ND, Grant, ND, Morton, ND, Perkins, SD, Sioux, ND, Walworth, SD, Ziebach, SD.
Stockbridge Munsee Community	Menominee, WI, Shawano, WI.
Stillaguamish Tribe	Snohomish, WA.
Suquamish Indian Tribe (Port Madison Reservation)	Kitsap, WA.
Swinomish Indians (Swinomish Reservation)	Skagit, WA.
Three Affiliated Tribes (Fort Berthold Reservation)	Dunn, ND, Mercer, ND, McKenzie, ND, McLean, ND, Mountrail, ND, Ward, ND.
Tohono O'odham Nation (Papago)	Maricopa, AZ, Pima, AZ, Pinal, AZ.
Tonawanda Band of Seneca	Genesee, NY, Erie, NY, Niagara, NY.
Tonto Apache Tribe of Arizona	Gila, AZ.
Trenton Service Unit	Divide, ND,[41] McKenzie, ND, Williams, ND, Richland, MT, Roosevelt, MT, Sheridan, MT.
Tulalip Tribes (Tulalip Reservation)	Snohomish, WA.
Tunica-Biloxi Indian Tribe	Avoyelles, LA, Rapides, LA.[42]
Turtle Mountain Band of Chippewa (See also, Trenton Service Unit)	Rolette, ND.[43]
Tuscarora Nation	Niagara, NY.
Upper Sioux Community (Upper Sioux Reservation)	Chippewa, MN, Yellow Medicine, MN.
Upper Skagit Indian Tribe	Skagit, WA.
Ute Indian Tribe (Uintah & Ouray Reservation)	Carbon, UT, Daggett, UT, Duchesne, UT, Emery, UT, Grand, UT, Rio Blanco, CO, Summit, UT, Uintah, UT, Utah, UT, Wasatch, UT.
Ute Mountain Tribe (Ute Mountain Reservation)	Apache, AZ, La Plata, CO, Montezuma, CO, San Juan, NM, San Juan, UT.
Wampangoag Tribe of Gay Head (Aquinnah)	Dukes, MA.[12]
Washoe Tribe of Nevada & California	Entire State of NV, Entire State of CA, except for the counties listed in footnote.
White Earth Band of Chippewa (White Earth Reservation)	Becker, MN, Clearwater, MN, Mahnomen, MN, Norman, MN, Polk, MN.
White Mountain Apache (Fort Apache Reservation)	Apache, AZ, Coconino, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Navajo, AZ.
Winnebago Tribe	Dakota, NE, Dixon, NE, Monona, IA, Thurston, NE, Wayne, NE, Woodbury, IA.
Yankton Sioux Tribe	Bon Homme, SD, Boyde, NE, Charles Mix, SD, Douglas, SD, Gregory, SD, Hutchinson, SD, Knox, NE.
Yavapai-Apache Nation (Camp Verde Indian Reservation)	Yavapai, AZ.
Yavapai-Prescott Tribe (Yavapai Reservation)	Yavapai, AZ.
Ysleta Del Sur Pueblo of Texas	El Paso, TX.[1]
Zuni Tribe (Zuni Reservation)	Apache, AZ, Cibola, NM, McKinley, NM, Valencia, NM.

[1] Public Law 100–89, Restoration Act for Ysleta Del Sur and Alabama and Coushatta Tribes of Texas establishes service areas for ''members of the tribe'' by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

[2] Entire State of Alaska is included as a CHSDA by regulation (42 CFR 136.22(a)(1)).

[3] Aroostook Band of Micmac was recognized by Congress on November 26, 1991 through the Aroostook Band of Micmac Settlement Act. Aroostook County was defined as the SDA.

[4] Special programs established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility, rather than the eligibility regulations and historically services have been provided at Brigham City (Pub. L. 88–358).

[5] Entire State of California, excluding counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, is designated a CHSDA (25 U.S.C. 1680).

[6] Historically part of the Coleville Service Unit population since 1970.

[7] Members of the tribe residing in these counties were specified as eligible for Federal services and benefits without regard to the existence of a Federal Indian reservation (Pub. L. 98–481, and H. Rept. No. 98–904).

[8] Grande Ronde Tribe of Oregon recognized by Pub. L. 98–165, signed into law on November 22, 1983, provides for eligibility in these six counties without regard to the existence of a reservation.
[9] In order to carry out the Congressional intent of the Siletz Restoration Act, Pub. L. 95–195, as expressed in H. Report No. 95–623, at page 4, Siletz tribal members residing in these counties are eligible for contract health services.
[10] Historically part of the Yakirna Service Unit population since 1979.
[11] Cow Creek Band of Umpqua recognized by Pub. L. 97–391, signed into law on December 29, 1983. House Rept. No. 97–862 designates Douglas, Jackson, and Josephine Counties as a service area without regard to the existence of a reservation. The IRS later exercised administrative discretion to add Coos, Deshutes, Klamath and Lane counties to the service delivery area.
[12] Members of the tribe residing in Martha's Vineyard [are] deemed to be living "on or near an Indian reservation" for the purposes of eligibility for Federal services (Sec. 12, Pub. L. 100–95).
[13] This is a newly recognized tribe, as documented at 67 FR 46329, July 12, 2002. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of the operating a CHS program pursuant to the ISDEAA, Pub. L. 93–638.
[14] Historically part of Crow Service Unit population.
[15] Historically part of the Grande Traverse Service Unit population since 1980.
[16] Historically part of Kansas Service Unit since 1979.
[17] Special programs established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility, rather than the eligibility regulations and historically services have been provided at Haskell (H. Rept. No. 95–392).
[18] The counties included in this CHSDA were designated by regulation (42 CFR 136.22(a)(5)).
[19] Public Law 97–428 provides for eligibility in or around the Town of Houlton without regard to existence of a reservation.
[20] Texas Band of Kickapoo was recognized by Pub. L. 97–429, signed into law on January 8, 1983.The Act provides for eligibility for Kickapoo tribal members residing in Maverick County without regard to the existence of a reservation.
[21] Legislative history states that for the purpose of Federal services and benefits "members of the tribe residing in Klamath County shall be deemed to be residing in or near a reservation". (Pub. L. 99–398, Sec. 2(2)).
[22] The Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians were recognized by Congress (Pub. L. 103–324, Sec. 4(b)(2)) and the listed counties were designated as the SDA, to function as a CHSDA, for the purposes of the operating a CHS program pursuant to the ISDEAA, Pub. L. 93–638.
[23] Mashantucket Pequot Indian Claims Settlement Act, Pub. L. 98–134, signed into law on October 18, 1983, provides for a reservation in New London.
[24] Choctaw Indians residing in Jasper and Noxubee Counties, MS, will continue to be eligible for contract health services. These two counties were inadvertently omitted from 42 CFR 136.22.
[25] Historically part of the Choctaw Service Unit population since 1970.
[26] Narragansett Indians recognized by Pub. L. 95–395, signed into law September 30, 1978. Lands in Washington County are now federally restricted and the Bureau of Indian Affairs considers them as the Narragansett Indian Reservation.
[27] Entire State of Nevada is included as a CHSDA by regulation (42 CFR 136.22(a)(2)).
[28] Historically part of the Northern Cheyenne Service Unit population since 1979.
[29] Land of Box Elder County, Utah, taken into trust for the tribe in 1986.
[30] Entire State of Oklahoma is included as a CHSDA by regulation (42 CFR 136.22(a)(3)).
[31] Paiute Indian Tribe of Utah Reservation Act, Pub. L. 96–227, provides for the extension of services to these four counties without regard to the existence of a reservation.
[32] Legislative history (H.R. Report No. 95–1021) to Pub. L. 95–375, Extension of Federal Benefits to Pascua Yaqui Indians, Arizona, expresses congressional intent that lands conveyed to the tribes pursuant to Act of October 8, 1964. (Pub. L. 88–350) shall be deemed a Federal Indian Reservation.
[33] Included to carry out the intention of Congress to fund and provide contract health services to Penobscot and Passamaquoddy Indians in Aroostook County (Pub. L. 96–420; H. Rept. 96–1353).
[34] Included to carry out the intention of Congress to fund and provide contract health services to Penobscot and Passamaquoddy Indians in Aroostook County (Pub. L. 96–420; H. Rept. 96–1353).
[35] Counties in the Service Unit designated by Congress for the Poarch Band of Creek Indians (see H. Rept. 98–886, June 29, 1984; Cong. Record, October 10, 1984, Pg. H11929).
[36] Ponca Restoration Act, Pub. L. 101–484, recognized members of the tribe residing in Boyd, Douglas, Knox, Madison or Lancaster counties of Nebraska or Charles Mix county of South Dakota shall be deemed to be residing on or near a reservation.
[37] Special programs established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility, rather than the eligibility regulations and historically services have been provided at Rapid City South Dakota Hospital (S. Rept. No. 1154, FY 1967 Interior Approp. 89th Cong. 2d Sess.).
[38] Historically part of Isabella Reservation Area and Eastern Michigan Service Unit population since 1979.
[39] The counties included in this CHSDA were designated by regulation (42 CFR 136.22(a)(4)).
[40] Historically part of the Fort Hall Service Unit population since 1979.
[41] The Secretary acting through the Service is directed to provide contract health services to Turtle Mountain Band of Chippewa Indians that reside in Trenton Service Area of Divide, Mackenzie, and Williams counties in the state of North Dakota and the adjoining counties of Riehl and, Roosevelt, and Sheridan in the state of Montana (Sec. 815, Pub. L. 94–437).
[42] Historically part of the Tunica Biloxi Service Unit population since 1982.
[43] The Secretary acting through the Service is directed to provide contract health services to Turtle Mountain Band of Chippewa Indians that reside in Trenton Service Area of Divide, Mackenzie, and Williams counties in the state of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the state of Montana (Sec. 815, Pub. L. 94–437).

Dated: May 11, 2007

Robert G. McSwaim,

Deputy Director, Indian Health Service.

[FR Doc. 07–3045 Filed 6–20–07; 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: Continuation.

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 consumer 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 activity 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 the unique information needs and distinct health-information-seeking behaviors of its core constituencies, and 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; nonprofit institutions; Federal Government; State, Local, or Tribal Government.

Type of Respondents: Adult patients; members of the public; health care professionals; organizational representatives.

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:* 2,124 for the 3-year clearance period (approximately 708 hours annually). The annualized cost to respondents is estimated at $19,624. 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 30 days of the date of this publication.

Dated: June 13, 2007.

Christy Thomsen,

Director, Office of Communications and Public Liaison, National Center for Complementary and Alternative Medicine, National Institutes of Health.

[FR Doc. E7–11971 Filed 6–20–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2413–07; DHS Docket No. USCIS–2007–0031]

RIN 1615–ZA52

Making Participation in the DORA Pilot Program Optional for Form I–485 Applicants

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

ACTION: Notice.

SUMMARY: This Notice modifies U.S. Citizenship and Immigration Services' District Office Rapid Adjudication (DORA) pilot program so that participation is optional rather than mandatory. The pilot program is open to certain aliens residing in the jurisdiction of the Dallas, El Paso, or Oklahoma City offices seeking to file Form I–485, Application to Register Permanent Residence or Adjust Status, with U.S. Citizenship and Immigration Services.

DATES: This Notice is effective June 21, 2007 and will terminate on September 21, 2007.

FOR FURTHER INFORMATION CONTACT: Kristie Krebs, Adjudications Officer, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW., Suite 1000, Washington, DC 20526, Telephone (202) 272–1001.

SUPPLEMENTARY INFORMATION:

I. Background

In September 2006, U.S. Citizenship and Immigration Services (USCIS) announced the participation requirements for the District Office Rapid Adjudication (DORA) pilot program. *See* 71 FR 55206 (Sept. 21, 2006). This program pilots an alternate procedure for the filing and processing of Form I–485, Application to Register Permanent Residence or Adjust Status. The purpose of the pilot program is to test whether alternate filing procedures will result in reduced Form I–485 processing times.

The DORA pilot program applies to certain Form I–485 applicants residing within the jurisdiction of the Dallas District Office, El Paso District Office, or Oklahoma City Sub-Office. *See* 71 FR at 55206–55207 for eligibility and residence requirements. These applicants only may file Form I–485 by appearing in person at the appropriate USCIS local office after self-scheduling an appointment using Internet-based InfoPass. If the application package is complete at the time of filing, a USCIS officer will conduct any required interview on the same day and will schedule the applicant for biometrics capture. By contrast, normal Form I–485 filing procedures require applicants to mail-in their Form I–485 application package to the Chicago Lockbox Facility and await receipt of an appointment notice from USCIS for both biometrics capture and an interview. *See* Direct Mail Instructions for filing Form I–485.

II. Change to Pilot Program

Under this Notice, eligible applicants are no longer required to participate in the DORA pilot program. Instead, such applicants may choose either to file the Form I–485 package under the DORA pilot program or mail the package pursuant to the Direct Mail Instructions for Form I–485. USCIS is making participation in the DORA pilot program optional for these Form I–485 applicants because of the recent increase in demand for available Infopass appointments. As a result of this increase, Infopass users are waiting an average of three weeks before getting an appointment to appear at a USCIS office. USCIS believes that this increase is a result of a rulemaking in which USCIS proposed to increase the fees on applications and petitions. See 72 FR 4888 (Feb. 1, 2007). Optional filing will accommodate eligible applicants who wish to file their Form I–485 application package immediately by mail under the current fee schedule, rather than wait for an Infopass appointment to file in person under the DORA pilot program and potentially be subject to higher application fees. USCIS will post the optional filing procedures under the DORA pilot program on the Web pages for the Dallas, El Paso, and Oklahoma City offices, accessible from *http://www.uscis.gov.*

III. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163 (1995), all Departments are required to submit to the Office of Management and Budget (OMB), for review and approval, any reporting or recordkeeping requirements. This Notice will not increase the burden for those applicants in the Dallas, El Paso, and Oklahoma City offices, as filing under the pilot program is optional.

Dated: June 5, 2007.

Emilio T. Gonzalez,

Director, U.S. Citizenship and Immigration Services.

[FR Doc. E7–11989 Filed 6–20–07; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 5124–N–10]

Notice of Proposed Information Collection for Public Comment; Requirements for Designating Housing Projects

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, 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:* August 20, 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: Aneita Waites, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Aneita Waites, (202) 402–4114, for copies of the proposed forms and other available documents. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit 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 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 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: Requirements for Designating Housing Projects.

OMB Control Number: 2577–0192.

Description of the Need For the Information and Proposed Use: The information collection burden associated with designated housing is required by statute. Section 10 of the Housing Opportunity and Extension Act of 1996 modified Section 7 of the U.S. Housing Act of 1937. Public Housing Agencies (PHAs) are required to submit, to HUD, a plan for designation before they designate projects for elderly families only, disabled families only, or elderly and disabled families. In this plan, PHAs must document why the designation is needed and what additional housing resources will be available to the non-designated group.

Agency Form Number: None.

Members of Affected Public: State or local government.

Estimation of the Total Number of Hours Needed To Prepare the Information Collection Including Number of Respondents: 176 respondents; one response per respondent annually; 21 hours average per response; 3,358 total reporting burden hours per year.

Status of the Proposed Information Collection: Extension of a previously approved collection.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: June 14, 2007.

Bessy Kong,

Deputy Assistant Secretary, Office of Policy, Program and Legislative Initiatives.

[FR Doc. E7–11966 Filed 6–20–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collection Sent to the Office of Management and Budget (OMB) for Approval; OMB Control Number 1018–0093; Federal Fish and Wildlife Permit Applications and Reports, Management Authority, 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, and 23

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. The ICR, which is summarized below, describes the nature of the collection and the estimated burden and cost. This ICR is scheduled to expire on June 30, 2007. We 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. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

DATES: You must submit comments on or before July 23, 2007.

ADDRESSES: Send your comments and suggestions on this ICR to the Desk Officer for the Department of the Interior at OMB-OIRA at (202) 395–6566 (fax) or OIRA_DOCKET@OMB.eop.gov (e-mail). Please provide a copy of your comments to Hope Grey, Information Collection Clearance Officer, Fish and Wildlife Service, MS 222–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203 (mail); (703) 358–2269 (fax); or hope_grey@fws.gov (e-mail).

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Hope Grey by mail, fax, or e-mail (see ADDRESSES) or by telephone at (703) 358–2482.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1018–0093.

Title: Federal Fish and Wildlife Permit Applications and Reports, Management Authority, 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, and 23.

Service Form Number(s): 3–200–19 through 3–200–37, 3–200–39 through 3–200–53, 3–200–58, 3–200–61, 3–200–64 through 3–200–66, 3–200–69, 3–200–70, 3–200–73, and 3–200–76.

Type of Request: Revision of currently approved collection.

Affected Public: Individuals, biomedical companies, circuses, zoological parks, botanical gardens, nurseries, museums, universities, scientists, antique dealers, exotic pet industry, hunters, taxidermists, commercial importers/exporters of wildlife and plants, freight forwarders/brokers, and local, State, tribal, and Federal governments.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for applications; annually, semiannually, or on occasion for reports.

Estimated Annual Number of Respondents: 8,155.

Estimated Total Annual Responses: 12,097.

Estimated Time per Response: Varies from 15 minutes to 47 hours for applications; varies from 15 minutes to 85 hours for reports.

Estimated Total Annual Burden Hours: 8,950.

Estimated Nonhour Burden Cost: $941,270, associated primarily with application fees.

Abstract: This IC covers permit applications that our Division of Management Authority uses to determine the eligibility of applicants for permits requested in accordance with the criteria in various Federal wildlife conservation laws and international treaties, including:

(1) Endangered Species Act (16 U.S.C. 1531 et seq.).

(2) Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

(3) Lacey Act (16 U.S.C. 3371 et seq.).

(4) Bald and Golden Eagle Protection Act (16 U.S.C. 668).

(5) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (27 U.S.T. 1087).

(6) Marine Mammal Protection Act (16 U.S.C. 1361–1407 et seq.).

(7) Wild Bird Conservation Act (16 U.S.C. 4901–4916 et seq.).

Service regulations implementing these statutes and treaties are in Chapter I, Subchapter B of Title 50, Code of Federal Regulations (CFR). These regulations stipulate general and specific requirements that when met allow us to issue permits to authorize activities that are otherwise prohibited.

This revised IC includes:

(1) Modifications to the format and content of the currently approved application forms so that they are easier to understand and complete.

(2) FWS Forms 3–200–61, 3–200–69, 3–200–70 and 3–200–76, which are currently approved under OMB control numbers 1018–0130, 1018–0022 and 1018–0134.

(3) New forms (3–200–30a, 3–200–39a, and 3–200–40a) for reports associated with permits. The reporting requirements are not new. We developed the new forms to make it easier for permittees to report the required information.

Comments: On February 22, 2007, we published in the **Federal Register** (72 FR 8002) a notice of our intent to request that OMB approve this information collection. In that notice, we solicited comments for 60 days, ending on April 23, 2007. We received one comment. The comment did not address issues surrounding the proposed collection of information or the cost and hour burden estimates, but instead objected to other aspects of our program, such as level of issuance of permits, interpretation of laws, clarity of **Federal Register** notices related to other processes and procedures, and the accuracy of the level of the application fees. We have not made any changes to this collection as a result of the comment.

We again invite comments concerning this information collection on:

(1) whether or not the collection of information is necessary, including whether or not the information will have practical utility;

(2) the accuracy of our estimate of the burden for this collection of information;

(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.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that it will be done.

Dated: June 12, 2007.

Hope Grey,

Information Collection Clearance Officer, Fish and Wildlife Service.

FR Doc. E7–12042 Filed 6–20–07;

BILLING CODE 4310–55–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit for Construction of the Fire Station/ Emergency Medical Services (EMS) 11 Facility in Charlotte County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit (ITP) and Habitat Conservation Plan (HCP). Charlotte County Facilities Construction and Maintenance (applicant) requests an ITP pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The applicant anticipates taking about 4.56 acres (1.85 hectares (ha)) of Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) foraging and sheltering habitat incidental to lot preparation for the construction of the Fire Station/EMS 11 facility and supporting infrastructure in Charlotte County, Florida (project). The applicant's HCP describes the mitigation and minimization measures proposed to address the effects of the project on the Florida scrub-jay.

DATES: We must receive your written comments on the ITP application and HCP on or before July 23, 2007.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** section below for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing to the South Florida Ecological Services Office, Attn: Permit number TE108859–0, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960–3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Trish Adams, Fish and Wildlife Biologist, South Florida Ecological Services Office (see **ADDRESSES**); telephone: (772) 562–3909, ext. 232.

SUPPLEMENTARY INFORMATION: If you wish to comment on the ITP application and HCP, you may submit comments by any one of the following methods. Please reference permit number TE108859–0 in such comments.

1. Mail or hand-deliver comments to our South Florida Ecological Services Office address (see **ADDRESSES**).

2. E-mail comments to *trish_adams@fws.gov*. If you do not receive a confirmation that we have received your e-mail message, contact us directly at the telephone number listed under **FOR FURTHER INFORMATION CONTACT**.

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware 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 your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Construction for the Fire Station/EMS 11 HCP will take place within Section 16, Township 40 South, Range 23 East, Punta Gorda, Charlotte County, Florida, at 2403 Highlands Road, in the Harbor Heights Subdivision. This lot is within scrub-jay occupied habitat.

The lot encompasses about 4.56 acres (1.85 ha), and the footprint of the project facility, infrastructure, and landscaping precludes retention of scrub-jay habitat on this lot. In order to minimize take on site, the applicant proposes to mitigate for the loss of 4.56 acres (1.85 ha) of scrub-jay habitat by restoring and managing 9.02 acres (3.65 ha) of a conservation easement that they have acquired for scrub-jays.

We have determined that the applicant's proposal, including the proposed mitigation and minimization measures, will have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a ''low-effect'' project and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). Low-effect HCPs are those involving (1) minor or negligible effects on federally listed or candidate species and their habitats and (2) minor or negligible effects on other environmental values or resources. Based on our review of public comments that we receive in response to this notice, we may revise this preliminary determination.

We will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act (16 U.S.C. 1531 *et seq.*). If we determine that the application meets the requirements, we will issue the ITP for incidental take of the Florida scrub-jay. We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. We will use the results of this consultation, in combination with the above findings, in the final analysis to determine whether or not to issue the ITP.

Authority: We provide this notice pursuant to Section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: June 8, 2007.

Paul Souza,

Field Supervisor, South Florida Ecological Services Field Office.

[FR Doc. E7–12001 Filed 6–20–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Habitat Conservation Plan, Town of Marana, AZ

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare an environmental impact statement (EIS); announcement of public scoping meeting; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), advise the public that we intend to prepare an EIS to evaluate the impacts of, and alternatives to, the proposed issuance of an incidental take permit (ITP), pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended, to the Town of Marana (Applicant), in Pima County, Arizona. The Town of Marana intends to apply for an ITP through the development and implementation of a Habitat Conservation Plan (HCP), as required by the Act. We also announce a public scoping meeting and public comment period.

DATES: We must receive written comments on alternatives and issues to be addressed in the EIS on August 20, 2007. We will hold public scoping meetings on July 9, 2007 from 6 p.m. to 8 p.m. at the Marana Operations Center (5100 W. Ina Road, Tucson, Arizona, 85743), July 11, 2007 from 6 p.m. to 8 p.m. at the Marana Municipal Complex (11555 W. Civic Center Dr., Marana, Arizona, 85653), and on July 24, 2007 from 6 p.m. to 8 p.m. at the Marana Municipal Complex. We will accept written comments at these meetings.

ADDRESSES: Written comments should be sent to Mr. Steven L. Spangle, Field Supervisor, U.S. Fish and Wildlife Service, 2321 West Royal Palm Road, Suite 103, Phoenix, AZ 85021.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware 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 your personal identifying information from public review, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: For further information on the EIS, contact Mr. Scott Richardson, U.S. Fish and Wildlife Service, Tucson Suboffice, 201 N. Bonita Ave., Suite 141, Tucson, Arizona 85745, at 520–670–6150 x 242.

For further information on the HCP, contact Ms. Jennifer Christelman, Town of Marana, 11555 W. Civic Center Dr., Marana, Arizona 85653 or Ms. Lori Woods, RECON, 525 West Wetmore Road, Suite 111, Tucson, Arizona 85705.

Information regarding the HCP can also be obtained on the Internet at *http://www.marana.com/hcp.*

SUPPLEMENTARY INFORMATION: This notice advises the public that the Service intends to gather information necessary to determine the impacts and formulate alternatives for the EIS related to the issuance of a proposed ITP to the Town of Marana and the development and implementation of the HCP, which will provide measures to minimize and mitigate the effects of incidental take of federally listed species.

Section 9 of the Act and its implementing regulations prohibit the ''taking'' of threatened and endangered species. However, the Service, under limited circumstances, may issue permits to take listed wildlife species incidental to, and not the purpose of, otherwise lawful activities.

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22), and the National Environmental Policy Act (42 U.S.C. 4371 *et seq.*) (NEPA) and its implementing regulations (40 CFR 1506.6).

Background: The Town of Marana in southern Arizona, including its recent annexation of 21,500 acres of State Trust lands along the Tortolita Fan, contains unique natural resource values within much of its undeveloped lands, including ironwood-dominated Arizona Upland and xeroriparian plant communities along the bajadas (fans) and slopes of the Tortolita Mountains and along portions of the Santa Cruz River Corridor.

The Town of Marana is also one of the fastest growing communities in Arizona and recognizes the need to provide a solid economic base and desirable quality of life for its citizens. Given the Town of Marana's rapid growth rate and desire to develop its economic interests, the Town leaders have acknowledged the need to balance economic, environmental, and human interests by implementing a community-wide conservation planning effort. The overall goals of this conservation planning effort are to: identify federal, State Trust, county, and private lands that merit inclusion within a scientifically-based conservation reserve designed to provide long-term protection for multiple species of concern and key natural communities; identify appropriate mechanisms to best conserve these lands over the long-term; provide for regional economic objectives including the orderly and efficient development of certain private and State Trust lands and associated public and private infrastructure; contribute to regional conservation planning efforts in eastern Pima County; and facilitate compliance with the Act's Section 10(a)(1)(B) permit requirements.

Purpose and Need for Action

The purpose for which this EIS is being prepared is to respond to the Town of Marana's application for an ITP for the proposed covered species related to activities that have the potential to result in take of species listed pursuant to the Act. The Town of Marana's proposed HCP will mitigate to the maximum extent practicable the anticipated effects of the covered activities, while striving to balance the protection and conservation of Marana's unique natural resources with on-going economic development and urbanization. The Town of Marana recognizes that the quality of life of its citizens is dependent upon an integrated environment which balances the needs of listed species and their habitats with human needs. The HCP will protect and conserve the covered species and their habitats for the continuing benefit of the people of the United States and provide a means and take steps to conserve the ecosystems depended on by the covered species. The HCP will ensure the long-term survival of the covered species through protection and management of the species and their habitats and ensure compliance with the Act, NEPA, and other applicable laws and regulations.

The need for this action is based on the potential that activities proposed by the Town of Marana on lands under their jurisdiction could result in take of covered species, thus requiring an ITP. The proposed permit would allow approved incidental take that is consistent with the conservation guidelines in the Town of Marana's HCP.

Section 10(a)(1)(B) of the Act contains provisions for issuing ITPs to non-federal entities for take of endangered and threatened species, provided the following criteria are met: The taking will be incidental; the applicant will, to the maximum extent practicable, minimize and mitigate the impact of such taking; the applicant will ensure that adequate funding for the Plan will be provided; the taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP. The development and implementation of the HCP will ensure that the Town of Marana meets the provisions for issuance of the ITP.

Proposed Action

The proposed action is the issuance of an ITP for listed and sensitive species in Pima County, pursuant to section 10(a)(1)(B) of the Act. The Town of Marana will develop and implement the HCP, as required by section 10(a)(2)(A) of the Act. The HCP will provide measures to minimize and mitigate the effects of the taking on listed and sensitive species and their habitats. The biological goal of the HCP is to provide long-term protection for multiple species of concern and key natural communities through maintaining or improving the habitat conditions and ecosystem functions necessary for their survival and to ensure that any incidental take of listed species will not appreciably reduce the likelihood of the survival and recovery of those species.

The purpose of the scoping meetings are to brief the public on the background of the HCP, alternative proposals under consideration for the draft EIS, and the Service's role, as well as the steps that we will take to develop the draft EIS for this conservation planning effort. At the scoping meeting, there will be an opportunity for the public to ask questions and also to provide written comments.

Activities proposed for coverage under the proposed ITP include lawful activities that would occur consistent with the Town of Marana's General Plan and include, but are not limited to, maintenance of Town's operations, implementation of capital improvement projects, and issuance of land-use related permits, including those for

residential and commercial development.

The Town of Marana is expected to apply for an ITP for 13 vulnerable species that would be protected within the proposed permit area. The 13 species include the federally listed lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*) and the federally listed southwestern willow flycatcher (*Empidonax traillii extimus*). In addition, the Town of Marana will seek to address and cover the yellow-billed cuckoo (*Coccyzus americanus* spp. *Occidentalis*), a candidate for listing. The Town of Marana is also seeking to address and cover additional rare and/or sensitive species that occur within the planning area, including the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), lowland leopard frog (*Rana yavapaiensis*), talus snails (*Sonorella* spp.), Tucson shovel-nosed snake (C*hionactis occipitalis klauberi*), ground snake (*Sonora semiannulat*a), Sonoran desert tortoise (*Gopherus agassizii*), Merriam's mouse (*Peromyscus merriami*), Mexican garter snake (*Thamnophis eques megalops*), burrowing owl (*Athene cunicularia*), and the pale Townsend's big-eared bat (*Corynorhinus townsendii*). Unlisted species included in the list above that are considered as if they were listed, and that the Service finds are adequately conserved by the HCP, will be automatically permitted for incidental take should they be listed as federally threatened or endangered species in the future. Numerous other listed and sensitive species for which the Town of Marana is not seeking permit coverage will also benefit from the conservation measures provided in the HCP through protection of similar or overlapping habitat conditions and ecosystem functions.

Alternatives—The proposed action and alternatives that will be developed in the EIS will be assessed against the No Action/No Project alternative, which assumes that some or all of the current and future projects proposed in the Town of Marana would be implemented individually (i.e, one at a time), and be in compliance with the Act.

The No Action/No Project alternative implies that the impacts from these potential projects on sensitive species and habitats would be evaluated and mitigated on a project-by-project basis, as is currently the case. For any activities involving take of listed species due to non-Federal projects/actions, individual Section 10(a)(1)(B) permits would be required. A coordinated, comprehensive ecosystem-based conservation approach for the region would not be developed to more efficiently address the conservation of listed species, and unlisted candidate and sensitive species would not receive proactive action intended to preclude the need to list them in the future. A landscape level approach to conservation and mitigation would not occur to help Federal and non-Federal agencies work toward recovery of listed species. Current independent conservation actions would continue, although some of these are not yet funded.

Other alternatives that may be considered in the EIS include issuance of an incidental take permit for some subset of proposed covered species and/or covered activities. Voluntary participation in the HCP to obtain ITP coverage for certain private development actions that have no further discretionary action by Marana is being considered. In addition, alternatives may consider varying levels of take anticipated and amount, type, and location of mitigation.

Additional Information: The Service anticipates that the Town of Marana will request a permit duration of 25 years. Implementation of the HCP will result in the establishment of measures that will provide for the conservation of covered species and their habitats in perpetuity. Monitoring and adaptive management will be used to facilitate the accomplishment of these measures.

We will conduct an environmental review that analyzes the proposed action, as well as a range of reasonable alternatives and the associated impacts of each. The EIS will be the basis for the Service's evaluation of impacts to the species and the range of alternatives to be addressed. The EIS is expected to provide biological descriptions of the affected species and habitats and an analysis of the socioeconomic effects of the proposed action.

After the environmental review is complete, we will publish a notice of availability and a request for comment on the draft EIS, draft HCP, and the Town of Marana's permit application. The draft EIS is expected to be completed and available to the public by December 2008.

C. Todd Jones,

Acting Regional Director, Region 2, Albuquerque, New Mexico.

[FR Doc. E7–12009 Filed 6–20–07; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

Final General Management Plan and Environmental Impact Statement, Flight 93 National Memorial, PA

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of availability of the Final Environmental Impact Statement for the General Management Plan, Flight 93 National Memorial.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190, as amended), the National Park Service announces the availability of the Final General Management Plan and Environmental Impact Statement (GMP/EIS) for Flight 93 National Memorial, in Somerset County, Pennsylvania. Consistent with Federal laws, regulations, and National Park Service policies, the Final GMP/EIS describes the proposed Federal action to establish a programmatic framework in the form of a General Management Plan to accomplish the objectives set forth in the Flight 93 National Memorial Act (Pub. L. 107–226; 116 Stat. 1345).

The Final GMP/EIS evaluates alternatives to guide the development and future management of the national memorial over the next 15 to 20 years. Alternative 1—No Action provides a baseline evaluation of the existing resource conditions, facilities and management at the Flight 93 National Memorial. Alternative 2, the agency's preferred alternative, focuses on the final selected design from the Flight 93 National Memorial International Design Competition. The Final GMP/EIS describes the affected environment and evaluates the potential environmental consequences of developing a new national memorial in Somerset County, Pennsylvania. Impact topics evaluated include historic and cultural resources, natural resources, land use, transportation, socioeconomic impacts, visual and aesthetic impacts, energy requirements, and public health and safety.

On June 16, 2006, a ''Notice of Availability'' announcing the public availability of the Flight 93 National Memorial Draft General Management Plan/Environmental Impact Statement was published in the **Federal Register** (71 FR 34964). This public review period extended for 60 days from June 16 to August 15, 2006. On July 20, 2006, the National Park Service conducted an open house style public meeting at the Shanksville-Stonycreek School in Shanksville, Pennsylvania.

DATES: The NPS will prepare a Record of Decision no sooner than 30 days following publication by the Environmental Protection Agency of the Notice of Availability of the Final GMP/EIS in the **Federal Register**.

ADDRESSES: The Final GMP/EIS is available online at *http://www.flight93memorialproject.org.* The Final General Management Plan/Environmental Impact Statement is also available at the National Park Service office at the address below.

FOR FURTHER INFORMATION CONTACT: Superintendent, Flight 93 National Memorial, 109 W. Main Street, Suite 104, Somerset, PA 15501.

SUPPLEMENTARY INFORMATION: The Flight 93 National Memorial Act (Pub. L. 107-226; 116 Stat. 1345), enacted on September 24, 2002, authorized ''a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital.'' This legislation enabled the creation and development of the new Flight 93 National Memorial in Stonycreek Township, Somerset County, Pennsylvania and specifically designated the crash site of Flight 93 as the site to honor the passengers and crew of Flight 93. Pub. L. 107–226 authorized the Secretary of the Interior to administer the Flight 93 National Memorial as a unit of the national park system. This Act also created the Flight 93 Advisory Commission and charged it with: (1) Advising the Secretary on the boundary of the memorial site; (2) submitting to the Secretary a report containing recommendations for the planning, design, construction, and long-term management of a permanent memorial at the crash site; and (3) advising the Secretary in the development of a management plan for the site.

On January 14, 2005, the Secretary of the Interior approved a boundary recommendation for the memorial presented by the Flight 93 Advisory Commission. The details of the boundary were published in the **Federal Register** (70 FR 13538) on March 21, 2005. The boundary includes 1,355 acres, which comprises the crash site, the debris field and areas where human remains were found, and lands necessary for viewing and accessing the national memorial. Approximately 907 additional acres comprise the perimeter viewshed, which would be protected through conservation or scenic easements acquired by partners, nonprofit organizations or other governmental agencies.

On September 11, 2004, the Partners opened a two-stage international design competition to solicit a broad range of concepts for the design of the new memorial. More than 1,000 design professionals and members of the public submitted design concepts. During Stage 1 of the competition, five top designs were selected by a jury of professionals, family members and local leaders after extensive public exhibit of the designs. A Stage 2 design jury selected the final design that best achieved the mission of the new memorial. The selected design was announced to the public on September 7, 2005, and is the basis of the preferred alternative in the Draft GMP/EIS. Subsequent to the announcement of the final design and during the public review period for the Draft GMP/EIS, comments were received criticizing the design's primary circular landscape feature, comparing it to an Islamic crescent symbol. The design was subsequently refined. These refinements will be reflected in the final design.

The Environmental Impact Statement assesses the potential effects of implementing the No Action Alternative, which represents existing conditions, and the Preferred Design Concept. During this process, the National Park Service conducted an open and inclusive public scoping process, and an extensive public participation process, involving consultations with local, State, and Federal agencies, as well as nonprofit organizations and the community.

Dated: March 23, 2007.

Chrysandra L. Walter,

Acting Regional Director, Northeast Region, National Park Service.

[FR Doc. E7–12013 Filed 6–20–07; 8:45 am]

BILLING CODE 4312–25–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession of the American Museum of Natural History, New York, NY. The human remains were collected from King County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the American Museum of Natural History professional staff in consultation with representatives of the Puyallup Tribe of the Puyallup Reservation, Washington.

In 1899, human remains representing a minimum of one individual were collected from the surface of Burton, King County, WA, by Harlan I. Smith. Mr. Smith was a member of the Jesup North Pacific Expedition that was sponsored by the American Museum of Natural History. No known individual was identified. No associated funerary objects are present.

The individual has been identified as Native American based on the presence of cranial reshaping. A bioarcheologist who examined the human remains estimated them to be of a recent age. Geographic location is consistent with the traditional and post–contact territory of the S'Homamish people, who were incorporated into the Puyallup Tribe of the Puyallup Reservation, Washington in 1854.

Officials of the American Museum of Natural History have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the American Museum of Natural History also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Puyallup Tribe of the Puyallup Reservation, Washington.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Nell Murphy, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024–5192, telephone (212) 769–5837, before July 23, 2007. Repatriation of the human remains to the Puyallup Tribe of the Puyallup Reservation, Washington may proceed after that date if no additional claimants come forward.

The American Museum of Natural History is responsible for notifying the Puyallup Tribe of the Puyallup Reservation, Washington that this notice has been published.

Dated: May 21, 2007.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–11986 Filed 6–20–07; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Anthropological Studies Center, Archaeological Collections Facility, Sonoma State University, Rohnert Park, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects in the possession of the Anthropological Studies Center, Archaeological Collections Facility, Sonoma State University, Rohnert Park, CA. The human remains and associated funerary objects were recovered from Marin and Sonoma Counties, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Archaeological Collections Facility, Sonoma State University staff in consultation with representatives of the Dry Creek Rancheria of Pomo Indians of California; Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California; Federated Indians of Graton Rancheria, California; Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California; Middletown Rancheria of Pomo Indians of California; and Tuolumne Band of Me–Wuk Indians of the Tuolumne Rancheria of California.

Prior to the enactment of NAGPRA, a repatriation agreement was negotiated by the Archaeological Collections Facility, Sonoma State University with three individuals of Coast Miwok and Southern Pomo ancestry who were identified by the State of California Native American Heritage Commission to be Most Likely Descendants under California state law. Further to this agreement, human remains from CA–MRN–27, CA–MRN–254, CA–SON–159, CA–SON–293, CA–SON–455, and CA-SON–456 were repatriated to officials of Ya Ka Ama Indian Education and Development, Inc., a non–federally recognized Indian group from Forestville, CA, who reburied the human remains in 1992. In 1997, during NAGPRA inventory, additional human remains were discovered in the museum collection for sites CA–SON–293, CA–SON–455, CA–SON–456, CA–MRN–254, and CA–SON–159. In 1997 and 2006, human remains for site CA–MRN–27 that were on loan to various museums were returned to the Archaeological Collections Facility, Sonoma State University.

In 1962, human remains representing a minimum of two individuals were removed from site CA–SON–293, Bodega Head, Sonoma County, CA, during excavations conducted by Western Heritage Incorporated and Dr. David A. Fredrickson. The human remains were accessioned into the collections of the Archaeological Collections Facility, Sonoma State University in 1968 (accession #68–01). At that time, the field notes recorded only one individual, which was reburied in 1992. In 1997, additional human remains not associated with that individual were identified in the collection during a NAGPRA inventory. No known individuals were identified. No associated funerary objects are present.

Artifacts recovered during the excavation of CA–SON–293 indicate that the site likely dates to Upper Emergent and Historic periods (A.D. 1500–A.D. 1900) and that the human remains are Native American.

In 1967, human remains representing a minimum of 164 individuals were removed from the Reedland Woods site (CA–MRN–27), Tiburon, Marin County, CA, during an excavation under the direction of Dr. Fredrickson (accession #67–01). A number of the human remains and associated funerary objects from this site were previously on loan to San Francisco State University and Novato Museum of Prehistory. In 1997, the human remains from Novato Museum of Prehistory were transferred to Tiberon Landmark Society and subsequently returned to the Archaeological Collections Facility, Sonoma State University. In 2006, human remains and associated funerary objects were returned to the Archaeological Collections Facility, Sonoma State University by San Francisco State University. No known individuals were identified. The 216 associated funerary objects are 157 olivella beads, 15 Haliotis beads and bead fragments, 6 bone awls, 3 bone pendants, 5 birdbone tubes, 5 pieces of worked bone, 7 pieces of red ochre, 10 obsidian tools and flakes, 6 chert tools and flakes, 2 pieces of pumice, 2 pieces of micaceous schist, and 2 other lithic tools. Three items on the original manifest of artifacts are considered missing.

Radiocarbon tests from the Reedland Woods site yielded dates of 370 B.C. 190 and 30 B.C. 95. Analysis of the artifacts found at the Reedland Woods site indicate that the human remains were buried during the Upper Archaic period (1500 B.C.–500 B.C.).

In 1968 and 1969, human remains representing a minimum of three individuals were removed from the Gables site (CA–SON–455), Santa Rosa, Sonoma County, CA, during an excavation under the direction of Dr. Fredrickson (accession #68–03). The human remains were subsequently accessioned into the collections of the Archaeological Collections Facility, Sonoma State University. In 1992, some of the human remains were reburied. In 1997, additional human remains were found. No known individuals were identified. No associated funerary objects are present.

The human remains date to Phase II of the Emergent Period (A.D. 1500–A.D.1800).

Between 1969 and 1972, human remains representing a minimum of 23 individuals were removed from site CA–SON–456 near Sebastopol, Sonoma County, CA, by students at Santa Rosa Junior College. The human remains were housed at Santa Rosa Junior College until 1983 when they were transferred to the Archaeological Collections Facility, Sonoma State University. In 1992, some of the human remains were reburied. In 1997, additional human remains were found. No known individuals were identified. No associated funerary objects are present.

Analysis of artifacts found at site CA–SON–456 indicates an occupation from the Middle Archaic period to the Lower Emergent period (3000 B.C.–A.D. 1500). Although the exact age and identity of the individuals is unknown, it is likely that the human remains fall within the periods indicated above and are Native American.

In 1971, human remains representing a minimum of three individuals were removed from site CA–MRN–254 in San Rafael, Marin County, CA, during excavations conducted by C. Slaymaker of Dominican College. This collection was donated to the Archaeological

Collections Facility, Sonoma State University by Jodie Sanchez in 1991. In 1992, some of the human remains were reburied. In 1997, additional human remains were located in the collection. No known individuals were identified. No associated funerary objects are present.

The human remains from site CA–MRN–254 date to an unknown time during prehistory. The site is located within the traditional Coast Miwok territory.

In 1972, 1974, 1975, and 1977, human remains representing a minimum of 21 individuals were removed from site CA–SON–159, Cotati, Sonoma County, CA, as part of an ongoing archeological field methods class at Sonoma State University, under the direction of Dr. James A. Bennyhoff. The collection has been housed at the Archaeological Collections Facility, Sonoma State University since 1977 (accession #72–01, 74–3, 75–28, and 77–11). In 1992, some of the human remains were reburied. In 1997, additional human remains were found. No known individuals were identified. No associated funerary objects are present.

Analysis of artifacts found at site CA–SON–159 indicate an occupation from the Laguna phase of the Middle Period (1000 B.C.–A.D. 500) to the Rincon and Gables phase of the Late Period (A.D. 500–A.D. 1579).

It is believed that prior to 2000 B.C. the occupants of central California were speakers of various Hokan languages. Between 2000 B.C. and 1000 B.C. a new population of Penutian speakers began to arrive from the north and east. Ancestral Miwok and Costonoan peoples were among the first Hokan language speakers to arrive in the San Francisco Bay area. Archeological evidence indicates that Coast Miwok people had settled in Marin County by 1000 B.C., and that southern Sonoma County and the nearby coastal areas probably came under Coast Miwok control by 500 B.C.. Francis Drake documented contact with the Coast Miwok in 1579 near Bodega Bay, CA. By 1850, a few Coast Miwok people were displaced by non–Indians and forced to relocate to areas outside Marin and Sonoma Counties, but many Coast Miwok remained in or returned to their traditional territory. Descendants of the Coast Miwok are members of the Federated Indians of Graton Rancheria, California.

In 1998, the Archaeological Collections Facility, Sonoma State University determined that while there was evidence of a shared group identity (cultural affiliation) between the human remains and a particular Indian group, the human remains were ''culturally unidentifiable'' since the particular Indian group, the Federated Coast Miwok, was not recognized as an Indian tribe by the United States at that time. The Archeological Collections Facility requested that the Native American Graves Protection and Repatriation Review Committee recommend disposition of the human remains to the Federated Coast Miwok. On May 21, 1999, the Review Committee's Designated Federal Officer, writing on behalf of the Secretary of the Interior, recommended disposition of the human remains to the Federal Coast Miwok once concurrence with the proposal was obtained from federally recognized Indian tribes that currently resided in the immediate vicinity of where the human remains were recovered. Officials of the Archaeological Collections Facility, Sonoma State University consulted with five federally recognized Indian tribes: Dry Creek Rancheria of Pomo Indians of California; Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California; Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California; Middletown Rancheria of Pomo Indians of California; and Tuolumne Band of Me–Wuk Indians of the Tuolumne Rancheria of California. All five tribes supported the Federated Coast Miwok request for disposition. In 2000, the Federated Coast Miwok became the federally recognized Federated Indians of Graton Rancheria, California.

Officials of the Archaeological Collections Facility, Sonoma State University determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of 216 individuals of Native American ancestry. Officials of the Archaeological Collections Facility, Sonoma State University also have determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 216 objects described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Archaeological Collections Facility, Sonoma State University have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity can be reasonably traced between the Native American human remains and associated funerary objects and the Federated Indians of Graton Rancheria, California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects should contact Erica Gibson, NAGPRA Project Coordinator, Archaeological Collections Facility, Anthropological Studies Center, Sonoma State University, Rohnert Park, CA 94928, telephone (707) 664–2015, before July 23, 2007. Repatriation of the human remains and associated funerary objects to the Federated Indians of Graton Rancheria, California may proceed after that date if no additional claimants come forward.

The Archaeological Collections Facility, Sonoma State University is responsible for notifying the Dry Creek Rancheria of Pomo Indians of California; Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California; Federated Indians of Graton Rancheria, California; Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California; Middletown Rancheria of Pomo Indians of California; and Tuolumne Band of Me–Wuk Indians of the Tuolumne Rancheria of California that this notice has been published.

Dated: May 30, 2007.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–11985 Filed 6–20–07; 8:45 am]

BILLING CODE 4312–50–S

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1114 and 1115 (Preliminary)]

Certain Steel Nails From China and the United Arab Emirates

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigations.

SUMMARY: On May 29, 2007, the Commission established a schedule for the conduct of the subject investigations (72 FR 30831, June 4, 2007). Subsequently, the Department of Commerce extended the date for its initiation of the investigations from June 18 to July 9, 2007. The Commission, therefore, is revising its schedule to conform with Commerce's new schedule.

The Commission's new schedule for the investigations is as follows: The deadline for filing written briefs is June 26, 2007, and the administrative deadline for transmitting determinations and views to Commerce is July 30, 2007.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* June 21, 2007.

FOR FURTHER INFORMATION CONTACT: Fred Ruggles (202–205–3187/ *fred.ruggles@usitc.gov*), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: June 18, 2007.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–12007 Filed 6–20–07; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Pursuant to Section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9622(d)(2), and 28 CFR 50.7, notice is hereby given that a proposed Consent Decree embodying a settlement in *United States* v. *James Campbell Company LLC,* Civil Action No. 07–00308, was lodged on June 8, 2007, with the United States District Court for the District of Hawaii.

In a Complaint filed concurrently with the lodging of the Consent Decree, the United States alleges that the defendant, James Campbell Company LLC, currently owns the Del Monte Fresh Produce (Hawaii), Inc., site located in Oahu, Hawaii (''Site'') pursuant to Section 107(a)(1) of CERCLA, owned the Site during the time of disposal of hazardous substances pursuant to Section 107(a)(2) of CERCLA, and seeks injunctive relief to require James Campbell Company LLC to remedy the imminent and substantial endangerment at the Site pursuant to Section 106 of CERCLA. 42 U.S.C. 9606, 9607(a)(1), (2).

Under the proposed Consent Decree, James Campbell Company LLC is required to implement specified institutional controls that are consistent with the ongoing remediation of the Site. The Consent Decree, including Appendices A–C to the Consent Decree, apply varied institutional controls to the Site. Generally, the Consent Decree required James Campbell Company LLC to implement institutional controls that restrict use of land and water to prevent exposure to the contaminated soil and the perched and basal aquifer groundwater impacted by Site contaminants; to prevent activities that might interfere with the effectiveness of the remedy; to restrict use in a manner that causes a threat to public health; and to make these restrictions binding on future owners of the property.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to *pubcomment-ee.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United Stated* v. *James Campbell Company LLC,* DOJ Ref. 90–11–3–082771/1.

The Consent Decree may be examined at U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105. During the public comment period, the Consent Decree may also be examined on the following Department of Justice website, *http://www.usdol.gov/enrd/open.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax number (202) 514–0097, phone confirmation number (202) 514–1547. When requesting a copy from the Consent Decree Library, please enclose a check, payable to the U.S. Treasury, in the amount of $65.75 ($.25 per page reproduction cost).

W. Benjamin Fisherow,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–3043 Filed 6–20–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (''CERCLA'')

Consistent with Section 122(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA'') 42 U.S.C. 9622(d), and 28 CFR 50.7, notice is hereby given that on May 24, 2007, a proposed Settlement Agreement with Dean R. Soulliere *et al.* in *United States* v. *Dean R. Soulliere and Colleen A. Soulliere, and Soulliere and Jackson, Inc.,* d/b/a One Hour Martinizing, No. 8:07–cv–00203 (E.D. Missouri), was lodged with the United States District Court for the Eastern District of Missouri.

In this action, the United States sought to establish the amount of the defendant's liability, pursuant to Section 107 of CERCLA, 42 U.S.C. 9607, for the costs incurred and to be incurred by the United States in responding to the release and/or threatened release of hazardous substances at and from the 10th Street Superfund Site in the south-central portion of the City of Columbus in Platte County, Nebraska. Under the proposed Settlement Agreement, Defendants shall pay to the United States and EPA the amount of $100,000.00 to the United States Department of Justice in reimbursement of costs incurred by the United States at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Settlement Agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 200447–7611, and should refer to *United States* v. *Dean R. Soulliere et al.* (Settlement Agreement with Dean R. Soulliere *et al.,* DOJ Ref. No. 90–11–2–07430).

The Settlement Agreement may be examined at U.S. EPA Region 7, 901 North 5th Street, Kansas City, KS 66101. Please reference the EPA Region and Site-Spill ID number 07CS OU2 (contact Gearhardt Braeckel (931) 551–7108). Agreement may also be examined at United States Attorney's Office for the District of Nebraska, 1620 Dodge Street, Suite 1400, Omaha, NE 681027–1506 (contact Laurie Kelly (402) 661–3700). During the public comment period, the

Settlement Agreement may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Settlement Agreement may also be obtained by mail from the Consent Decree Library, U.S. Department of Justice, P.O. Box 7611, Washington, DC 20044–7611 or by faxing, or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 512–0097, phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please refer to *United States* v. *Dean R. Soulliere and Colleen A. Soulliere, and Soulliere and Jackson, Inc.,* d/b/a One Hour Martinizing (Settlement Agreement with Dean R. Soulliere *et al.,* DOJ Ref. No. 90–11–2–07430), and enclose a check in the amount of $2.00 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert E. Maher, Jr.,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 07–3042 Filed 6–20–07; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[OMB Number 1117–0013]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review; Application for Permit to Import Controlled Substances for Domestic and/or Scientific Purposes pursuant to 21 U.S.C. 952—DEA Form 357.

The Department of Justice (DOJ), Drug Enforcement Administration (DEA) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 72, Number 71, page 18668 on April 13, 2007, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until July 23, 2007. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

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

—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 agencies estimate of the burden of the proposed collection of information, including the validity 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 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:* Renewal of an existing collection.

(2) *Title of the Form/Collection:* Application for Permit to Import Controlled Substances for Domestic and/or Scientific Purposes pursuant to 21 U.S.C. 952 (DEA Form 357).

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: DEA Form 357.

Component: Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

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

Primary: Business or other for-profit.

Other: None.

Abstract: Title 21, CFR, Section 1312.11 requires any registrant who desires to import certain controlled substances into the United States to have an import permit. In order to obtain the permit, an application must be made to the Drug Enforcement Administration on DEA Form 357.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 47 respondents, 406 responses, .25 hour per response. A respondent may submit multiple responses. A respondent will take an estimate of 15 minutes to complete each form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 101.5 annual burden hours.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: June 15, 2007.

Lynn Bryant,

Department Clearance Officer, PRA Department of Justice.

[FR Doc. E7–12035 Filed 6–20–07; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review: Comment Request

June 18, 2007.

The Department of Labor (DOL) has submitted the following public information collection request (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 this ICR, with applicable supporting documentation, may be obtained at *http://www.reginfo.gov/public/do/PRAMain,* or contact Ira Mills on 202–693–4122 (this is not a toll-free number) or e-mail: *Mills.Ira@dol.gov.*

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for U.S. Department of Labor/Employment and Training Administration (ETA), Office of Management and Budget, Room 10235, Washington, DC 20503, 202–395–7316 (this is not a toll free number), 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 validity 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 appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment and Training Administration.

Type of Review: Extension without change of a currently approved collection.

Title: Job Corps Enrollee Allotment Determination.

OMB Number: 1205–0030.

Frequency: On Occasion.

Affected Public: Individuals or Households, and Federal Government.

Type of Response: Reporting.

Number of Respondents: 1,100.

Annual Responses: 1,100.

Average Response Time: 3 minutes.

Total Annual Burden Hours: 55 hours.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (operating/maintaining systems or purchasing services): $283.25.

Description: The purpose of this collection is to provide a vehicle to make allotments available to students who both desire an allotment and have a qualifying dependent. The form is completed by the Job Corps admissions counselors or center staff and signed by the student during a personal interview.

Ira L. Mills,

Departmental Clearance Officer/ Team Leader.

[FR Doc. E7–12020 Filed 6–20–07; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Office of the Secretary

Research on Children Working in the Carpet Industry of India, Nepal and Pakistan

AGENCY: Bureau of International Labor Affairs, Department of Labor.

Announcement Type: New. Notice of Availability of Funds and Solicitation for Cooperative Agreement Applications.

Funding Opportunity Number: SGA 07–11.

Catalog of Federal Domestic Assistance (CFDA) Number: Not applicable.

Key Dates: Deadline for Submission of Application is August 3, 2007.

Executive Summary: The U.S. Department of Labor, Bureau of International Labor Affairs, will award up to *USD 3.5 million* through a *Cooperative Agreement* to a qualifying organization or *Association* to carry out research on *children working* in the carpet industry in *India, Nepal,* and *Pakistan.* Research funded under this *Cooperative Agreement* will involve gathering and analyzing data in order to answer the research questions outlined in this solicitation. Applicants must respond to the entire Scope of Work for this award.

I. Funding Opportunity Description

The U.S. Department of Labor (USDOL), Bureau of International Labor Affairs (ILAB), announces the availability of funds to be awarded by a *Cooperative Agreement* to a qualifying organization or *Association* (hereinafter referred to as ''Applicant'') to carry out research on *children working* in the carpet industry in India, Nepal, and Pakistan. Research funded under this *Cooperative Agreement* will involve gathering and analyzing data in order to answer the research questions outlined in this solicitation. Research funded as a result of this solicitation will build and expand upon existing research on child labor in the carpet industry in the three countries.

ILAB is authorized to award and administer a *Cooperative Agreement* for this purpose by Section 20607 of the Revised Continuing Appropriations Resolution 2007, Pub L. 110–05, 121 Stat 8 (2007). The *Cooperative Agreement* awarded under this solicitation will be managed by ILAB's Office of Child Labor, Forced Labor, and Human Trafficking (OCFT). The duration of the research project funded by this solicitation will be up to three years. The start date of project activities will be negotiated upon award of the *Cooperative Agreement,* but will be no later than September 30, 2007.

Please note that Appendix A provides USDOL's definitions for all key terms denoted in *italics* throughout the text of this solicitation. (For ease of reference, the term ''child(ren)'' has not been denoted in *italics,* though its definition is included in Appendix A. Child(ren) are defined by USDOL as individuals under the age of 18 years.)

1. Background

A. USDOL Support for the Global Elimination of Exploitive Child Labor

ILAB conducts research and commissions studies to inform and formulate international economic, trade, immigration and labor policies in collaboration with other U.S. Government agencies and provides technical assistance to countries abroad in support of U.S. foreign labor policy objectives. OCFT, formerly the International Child Labor Program (ICLP), was created at the request of Congress in 1993 to specifically research and report on *child labor* around the world. More recently Congress, through the Trafficking Victims Protection Reauthorization Act of 2005, directed ILAB to include, among its responsibilities, monitoring and combating forced labor and human trafficking. Today, OCFT develops policy, conducts research, and implements technical cooperation projects to eradicate *exploitive child labor, trafficking in persons,* and forced labor worldwide.

Since 1994, ILAB has published over 20 congressionally-mandated reports and has funded various research initiatives on international *child labor,* which have been widely distributed in the United States and abroad. The congressionally-mandated reports appear in ILAB's *By the Sweat and Toil of Children* and *Advancing the Campaign Against Child Labor* report series. Beginning in 2001, the USDOL's *Findings on the Worst Forms of Child Labor* annual report has focused on *child labor* in trade beneficiary countries and countries with which the United States has negotiated free trade agreements. In 2006, ILAB hosted a research symposium, *Linking Theory and Practice to Eliminate the Worst Forms of Child Labor,* to further advance the knowledge base on *child labor,* and provide a forum to promote dialogue between researchers and practitioners on the barriers to education for *working children.* All of these research products can be found at the USDOL Web site, *http://www.dol.gov/ILAB/programs/iclp/.*

In addition to ILAB's research activities, USDOL funds technical cooperation projects that include direct action to prevent and withdraw children from *exploitive child labor,* particularly the *worst forms of child labor,* and carry out various research activities to inform policy and program design. Since 1995, the U.S. Congress has appropriated $595 million to USDOL for efforts to combat *exploitive child labor* internationally. This funding has been used to support

technical cooperation projects to combat *exploitive child labor* in more than 75 countries around the world. Technical cooperation projects funded by USDOL range from targeted action programs in specific sectors of work to more comprehensive programs that support national efforts to eliminate the *worst forms of child labor,* as defined by International Labor Organization (ILO) Convention 182 (Worst Forms of Child Labor Convention, 1999). USDOL places a high level of emphasis on the use of accurate and reliable data and information for the purposes of program planning, policy design and impact measurement. Accordingly, technical cooperation projects have included funding of national *child labor* surveys and the development of creative and innovative methodologies to collect data on *working children.* Survey instruments and research methodologies continue to be refined in order to gather data on children in the *worst forms of child labor* who would otherwise be excluded from traditional survey instruments.

B. Factors Contributing to Exploitive Child Labor and Barriers to Education

The ILO estimated that 218 million children ages 5 to 17 were engaged in *child labor* around the world in 2004. Children engaged in *exploitive child labor* on a full-time basis are generally unable to attend school, and children engaged in *exploitive child labor* on a part-time basis balance economic survival with schooling from an early age, often to the detriment of their education.

Complex factors contribute to children's involvement in *exploitive labor,* including *hazardous work,* as well as barriers to education for children who are engaged in or *at-risk* of entering *exploitive child labor.* These include poverty; education system barriers; infrastructure barriers; legal and policy barriers; resource gaps; institutional barriers; informational gaps; demographic characteristics of children and/or families; cultural and traditional practices; tenuous labor markets; and weak *child labor* law enforcement. While these factors and barriers tend to exist throughout the world in areas with a high incidence of *exploitive child labor,* they manifest themselves in specific ways in the countries of interest in this solicitation.

Some factors unrelated to education that contribute to children entering *exploitive labor* include their families' need for extra income, children's need to provide a livelihood for themselves and/or their siblings, lack of parent(s) or caregiver(s), cultural practices, and lack of awareness of the hazards associated with *exploitive child labor,* including the *worst forms of child labor.* In addition, children have a variety of educational needs and encounter different barriers depending on their work status (e.g., children withdrawn from *exploitive labor,* underage children at risk of dropping out of school and joining the labor force, children engaged in *exploitive labor* in a particular sector).

C. Children Working in the South Asia Carpet Industry

The carpet manufacturing industry in South Asia—particularly concentrated in India, Nepal, and Pakistan—has been under international scrutiny for many years for its use of *child labor.* Carpets and rugs are important export products from these countries, sold primarily within the European and U.S. markets. Manufacturing of carpets provides jobs and livelihoods to many families in the region, but also poses health and safety risks to adults and children, and impedes children's education. However, reliable estimates on the magnitude of children currently work in the carpet industry in these three countries is unknown.

Various types of carpets are manufactured in the region, and as consumer tastes change, suppliers and manufacturers adjust to meet that demand. In the past few years, the industry has trended away from the most labor-intensive, hand-knotted carpets, in favor of hand-hooked or hand-tufted varieties that are quicker to produce, less durable and less expensive for the consumer. However, the impact of these shifts on the use of *child labor* in the industry is unclear. The use of *child labor* has been documented both in the production of the complex, hand-knotted varieties, as well as in the production of the less expensive, more modern types of carpets.

In Pakistan and India, carpet exporters typically engage contractors or middlemen, who place orders with weavers working in small weaving centers or in private homes. This arrangement is often referred to as the ''cottage'' industry. The hidden nature of the ''cottage'' industry in Pakistan and India can lead to greater involvement of children, with children working either directly with their families or as hired labor. In Nepal, carpets are typically produced in factories and the use of *child labor* within these factories has been documented.

Throughout the South Asia region, children migrate along known patterns, unaccompanied or with their families, from poorer and more rural regions to villages or cities to work in the carpet industry. Some migrate across national borders. Children enter into the industry in a variety of ways, including working alongside family members in family workshops or in situations of parental debt bondage; being sent by their families to other areas to work in the carpet industry; being recruited by brokers or trafficked into the industry; or working as apprentices to master weavers.

Many children begin work in the carpet industry at an early age, some as early as 6 or 7 years of age. They work long hours, for little pay, and are vulnerable to a variety of workplace hazards such as injuries from sharp tools, eye disease and strain due to insufficient light, respiratory disease due to inhaling wool fibers, gastrointestinal and skin problems, and skeletal deformation and pain due to cramped working conditions. Indeed, Pakistan's Child Labor Survey (1996) found that of all industries in which children were working in Pakistan, the carpet industry had the highest rate of illness and injuries.

Some children work in the industry under conditions of bondage, working to pay back debts owed by themselves or their families to an employer. In some cases, children accrue debts to their employers for their initial transportation to a work site and for food and lodging at the work site, which their wages are not adequate to cover. Many suffer physical and psychological abuse, including being beaten and denied food. Many also lack access to education or medical care.

All three countries have laws in place prohibiting forced labor and *child labor,* but the problems persist. In response to growing concern over the use of *child labor,* various governmental and non-governmental organizations (NGOs), as well as industry groups, have implemented initiatives to combat *child labor* in the carpet industry. These have focused on improved law enforcement; provision of educational opportunities for former child carpet-weavers; and labeling initiatives that provide guarantees to consumers that carpets were produced without *child labor.* These efforts have clearly led to a reduction in *child labor* in the industry, but the overall magnitude of their impact is unclear.

i. *India.* In 2000, approximately 4.1 percent of children ages 5–14 were counted as working in India. However, accurate estimates of the number of *children working* in carpet-weaving are unavailable. Bonded child labor is

known to occur in the carpet industry in India. Some children are trafficked into these situations of bondage; both Indian children trafficked from other parts of the country and Nepali children trafficked across the border.

Over the past decade, the industry has increasingly shifted toward home-based production, making enforcement and monitoring still more difficult. In addition, the concentration of the industry in the ''carpet belt'' in the eastern part of the State of Uttar Pradesh has given way to more spread-out production, with pockets in the States of Uttar Pradesh, Bihar, Madhya Pradesh, Jharkhand, Haryana, Jaipur, and others. There are indications that some of the newer carpet-producing zones are areas from which children formerly migrated to work in the ''carpet belt.''

ii. *Nepal.* In 1999, approximately 39.6 percent of children ages 5–14 were counted as working in Nepal. However, accurate estimates of the number of *children working* in carpet-weaving are unavailable. Children work in both carpet factories and in informal, ''cottage,'' carpet production in Nepal. The proportion of children working in factory settings compared with cottage settings is reportedly much higher in Nepal than in India or Pakistan. Some children work in the industry under conditions of bondage, but the incidence of child bonded labor in carpet-weaving is reportedly less in Nepal than in the other two countries. A large percentage of children working in carpet factories are members of ethnic minority groups, and many have sisters, brothers, or close relatives already working in carpet-weaving. Some are reportedly trafficked to work in the industry, or brought to employers by employment ''brokers.''

Reports suggest that recent political unrest and armed conflict in Nepal have led to greater migration of children, often unaccompanied, from conflict-affected districts to cities to find work. The majority of carpet factories in Nepal are concentrated in the Kathmandu valley, an attractive location for child migrants. However, the entire industry has experienced a decline in production since its high point in the early 1990s. The impact of the industry decline on the use of *child labor* in the industry is not clear.

iii. *Pakistan.* In 1999–2000, approximately 16.4 percent of children ages 10–14 were counted as working in Pakistan. The number working in the carpet industry is unknown, although a Rapid Assessment carried out by the ILO in 2004 found that children under 15 made up about 40 percent of the sample carpet-weaving population covered by the study. The sample included both adults and children. Carpet-weaving is an important export industry for Pakistan, providing employment for many families; however, the nature of the industry also is likely to increase the risk of *exploitive child labor.* Children are paid very low wages and are sometimes physically or verbally abused at the work site. Many work under conditions of debt bondage, and are confined to the employer's premises until their debts are fully paid. Parents sometimes take advance payments from employers in exchange for their children's labor.

Children work in carpet-weaving throughout Pakistan, and many belong to ethnic minority groups. For instance, in the North-West Frontier Province, carpet-weaving is concentrated among Afghan refugees; in parts of Sindh Province, Bihari and Burmese communities are primarily involved in carpet-weaving; and in Balochistan, Hazara tribes are primarily involved in the industry.

2. Scope of Work

A. General Research Requirements

i. *Research Objective.* USDOL seeks a qualified organization and/or *Association* to carry out research and data collection on *children working* in the carpet industry in India, Nepal, and Pakistan. Given the public attention paid to *child labor* in the carpet industry, the study should be designed to provide the U.S. Government with reliable and accurate data and information on the incidence and nature of *children working* in the carpet industry. Research should include all aspects of the supply chain leading up to the production of carpets (i.e., yarn manufacturing and yarn-dyeing), as well as the weaving itself. To the extent that families play a role in determining the work situation of children (i.e., children under parental debt bondage), research should also be conducted on the impact of family characteristics and the role of parents in children's work status. The results of this study will be used to increase the knowledge base on *child labor* and inform policy and project considerations.

ii. *Research Concepts and Definitions.* Applicants must be familiar with how international standards on and definitions of *child labor* translate into statistical terms. Data analysis on *working children* should be disaggregated to the extent possible between *children working* in *acceptable work* and *exploitive child labor.*

iii. *Research Questions.* Applicants must seek to answer the following primary and secondary questions.

- How prevalent is the use of children in the carpet industry in India, Nepal, and Pakistan?
- What is the incidence of *working children* in the carpet industry in India, Nepal, and Pakistan?
- What are the demographic characteristics of children and families working in the carpet industry?

a. What are the individual characteristics of *children working* in the carpet industry (i.e., age, sex)?

b. What is the educational status of *children working* in the carpet industry, and what is the educational status of their families?

c. What are the household demographics, working status, and socioeconomic status of *working children's* families?

- What is the relationship between a child's working status and educational opportunities?

a. Are there particular educational barriers that make children more vulnerable to working the carpet industry?

- To what extent do children and families migrate to work in the carpet industry?

a. What role does the family play in children's migration?

- To what extent are children working in the carpet industry working under forced and/or bonded labor conditions?

a. To what extent are children trafficked into these situations?

- What particular aspects of the carpet industry encourage or discourage the use of children? Are there aspects of the carpet industry that lead to greater exploitation of children?

a. How do children enter into the carpet industry?

b. What percentage of children work for their families vs. work as hired labor?

c. Are there wage/payment systems that lead to exploitation of child workers?

d. Is more or less *child labor* anticipated in the carpet industry in each country in the future?

- What are children's working conditions in the carpet industry?

a. In what specific activities are children engaged?

b. What are the occupational safety and health hazards to which children are exposed?

c. What are the typical hours of work?

d. How are children paid (piece rate, by time period, etc.), and how does this relate to their overall conditions of work?

e. How does children's work affect their participation in education?

f. To what extent are children abused in the workplace, and by whom? And what is the nature of that abuse?

• In what regions of each country is the carpet industry concentrated, and are there concentrated areas where children are most likely to be working?

• How are market demands and consequent shifts in the carpet industry affecting the use of *child labor?*

a. What changes are occurring in supply and demand in the carpet industry in the South Asian region?

b. To what extent are children working in the carpet sector involved in producing carpets for export?

c. Is the use of *child labor* increasing or decreasing in certain areas due to changes in the industry?

• What have been the best practices to eliminate *child labor* in the carpet industry (e.g., government, industry, employer, and other nongovernmental efforts)?

iv. *Research Knowledge-Base.* Applicants should demonstrate a thorough knowledge of previous research on *child labor* in the carpet industry for each target country and seek to build upon past research efforts. Currently-available research includes, but is not limited to:

• Global Research and Consultancy Services (2006). *Child Labour in Carpet Industry in India: Recent Developments.* International Labor Rights Fund;

• Srivastava, Ravi K. (2005). *Bonded labour in India: its incidence and pattern.* ILO/Special Action Programme on Forced Labour;

• Mueen Nasir, Zafar (2004). *A rapid assessment of bonded labour in the carpet industry of Pakistan.* ILO/Special Action Programme on Forced Labour;

• ILO/IPEC (2002). *A rapid assessment of child labour in the Nepalese carpet sector;* and

• ILO/Special Action Programme on Forced Labour (2002). *Annotated bibliography on forced/bonded labour in India.*

Applicants must make every effort not to duplicate existing research or survey methodologies on *child labor.* Instead, applicants must use, improve, and/or refine existing methodologies, or propose new methodologies for collecting data on *child labor* in the carpet industry. Applicants should be familiar with ILO-IPEC statistical tools developed by the Statistical Information and Monitoring Program on Child Labor (SIMPOC) for collecting information on *exploitive child labor, http://www.ilo.org.* These tools include survey methodologies and data collection instruments.

B. Research Methodology Requirements

Applicants must develop creative and innovative research methodologies to gather information in order to answer the research questions outlined in this solicitation. Applicants are expected to consider the social, economic, and cultural contexts of the target countries when formulating research methodologies. However, methodologies should be designed to allow for the aggregation of data among the three countries and relevant cross-country comparisons. Applicants must take into account country-specific issues that could affect project results, and meaningfully incorporate those into the proposed methodology to reduce threats to successful research implementation.

While Applicants may rely on secondary resources, the main purpose of this study is to conduct primary data collection. The research methodology should include definitions of key concepts and variables; explain the proposed sampling designs; describe the survey instrument(s) that will be used to carry out the data collection activities; develop a data processing plan; and provide a plan for pilot-testing the methodology in the field. In developing the research methodology, Applicants must include the elements listed below.

i. *Research Questions.* Applicants must answer the research questions outlined in Section I. 2.A.iii. of this solicitation. Applicants may propose to USDOL additional research questions that lay out clear, concise hypotheses.

ii. *Research Design.* The research design must be suitable for responding to the research questions, and must involve quantitative research. As appropriate, Applicants should propose to use a combination of quantitative and qualitative approaches. The quantitative research should be carried out through a cross-sectional survey research design. To the extent possible, applicants should propose a research design that results in statistically-valid information at the national, regional, and/or local level on the prevalence and incidence of *child labor* in the carpet industry of each country.

iii. *Survey Design.* Applicants should propose a detailed survey design plan that will guide primary data collection. Applicants should use existing data where applicable, and research and survey questionnaires to help inform primary data collection. Applicants should provide a detailed description of the data collection process including the timing of the data collection taking into account relevant school calendars; development of the survey questionnaires; and pilot-testing the data collection instrument(s) to refine the research methodology. Applicants must develop survey instrument(s) that will most appropriately and accurately capture the information needed to answer the research questions listed above. The survey design may include a variety of data collection methods as appropriate, including household surveys, establishment surveys, key informant interviews, school surveys, capture-recapture methods, and others to most accurately measure *child labor* in the carpet industry. Applicants must explain why the proposed data collection instrument is the most appropriate method to answer the research questions and carry out primary data collection. Applicants must also describe the subjects from whom data will be collected (e.g., children, parents, employers).

iv. *Population and Sample.* Applicants must provide a detailed sampling plan. The sampling plan should describe how the sample will be selected, how many subjects will be surveyed and to what extent the sample will be representative of the number of children working in the carpet industry in each of the countries. Applicants should also include a map showing the regions in the three countries where the carpet industry is concentrated, and those that will be targeted for research.

v. *Data Coding and Management.* Applicants must describe how the data will be inputted, coded and managed, and how a data dictionary and codebook will be developed to identify the variables included in the data set. Applicants must also include in the proposal an explanation of how data quality will be assured, including a discussion of how missing data will be handled.

vi. *Data Analysis.* Applicants must include a detailed data analysis plan. Data analysis on *working children* should be disaggregated to the extent possible between children working in *acceptable work* and *exploitive child labor.* The data analysis plan should propose ways in which the data collected will be analyzed in order to appropriately address all of the research questions listed in Section I.2.A.iii, and differentiate among the categories of *working children.* The data analysis plan must carry out descriptive analysis of the data collected. In instances where Applicants propose to carry out multivariate analyses, the rationale must include a justification, and explanatory and outcome variables of interest must be clearly specified. For descriptive or multivariate analysis of the data, Applicants should describe the computer programs and must specify

the statistical procedures for analyzing the data. In addition, Applicants must propose an outline for the final report in which the final results will be presented. The outline must demonstrate how this format will answer the research questions based on the different categories of *working children.* The analysis should include a comparison of the study findings with those of other studies or anecdotal evidence.

vii. *Dissemination.* Applicants should propose ways in which research findings will be disseminated to stakeholders in the target countries. As part of data collection, Applicants should organize and execute consultative meetings with key stakeholders in each of the three countries, as well as an additional consultative meeting near the end of the research in Washington, DC, with USDOL and other U.S. Government officials, to discuss the findings of all research conducted under this *Cooperative Agreement.* The number of key stakeholders for each country should not exceed 30 participants, and should be determined, after award, in consultation with USDOL.

viii. *Limitations to Study.* Applicants should describe the factors that are anticipated to be limitations to the study.

ix. *Human Subjects and Confidentiality Considerations.* Applicants must describe a plan for ensuring the protection of human subjects and the confidentiality of the respondents.

II. Award Information

Type of assistance instrument for projects to be awarded under this solicitation: *Cooperative Agreement.* USDOL's involvement in project implementation and oversight is outlined in Section VI.2. The duration of the project funded by this solicitation is up to three years. The start date of project activities will be negotiated upon awarding of the *Cooperative Agreement* but will be no later than September 30, 2007.

Up to USD 3.5 million will be awarded under this solicitation for the *child labor* research in the carpet sectors in *India, Nepal* and *Pakistan.* USDOL will award a *Cooperative Agreement* to an individual, organization, or *Association.* The Grantee may not subgrant any of the funds obligated under this *Cooperative Agreement,* but may use subcontracts, See Section IV.5.B for further information on subcontracts and Appendix B for additional clarification on the differences between subgrants and subcontracts.

III. Eligibility Information

1. Eligible Applicants

Any commercial, educational, or non-profit organization(s), including any faith-based, community-based, or public domestic, foreign or international organization(s) capable of successfully conducting scientifically-valid research is eligible to apply. However, the Grantee (or Lead Grantee, in the case of an *Association*) is not allowed to charge a fee (profit). Neutral, non-religious criteria that neither favor nor disfavor religion will be employed in the selection of the *Cooperative Agreement* recipient. Applications from foreign governments and entities that are agencies of, or operated by or for, a foreign state or government will not be considered.

If any entity identified in the application as an Associate does not sign the *Cooperative Agreement,* the Lead Grantee must provide, within 60 days of award, either a written subcontract agreement with such entity, acceptable to USDOL, or an explanation as to why that entity will not be participating in the *Cooperative Agreement.* USDOL reserves the right to re-evaluate the award of the *Cooperative Agreement* in light of any such change in an entity's status and may terminate the award if USDOL deems it appropriate.

For the purposes of this proposal and the *Cooperative Agreement* award, the Lead Grantee will be: (1) The primary point of contact with USDOL to receive and respond to all inquiries, communications and orders under the project; (2) the only entity with authority to withdraw or draw down funds through the Department of Health and Human Services–Payment Management System (HHS–PMS); (3) responsible for submitting to USDOL all deliverables, including all technical and financial reports related to the project, regardless of which Associate performed the work; (4) the sole entity to request or agree to a revision or amendment of the award or the *Project Document;* and (5) responsible for working with USDOL to close out the project. Note, however, that each Associate is ultimately responsible for overall project performance, regardless of any assignment of specific tasks, but Associates may agree, among themselves only, to apportion the liability for such performance. Each Associate must comply with all applicable federal regulations and is individually subject to audit.

In accordance with 29 CFR part 98, entities that are debarred or suspended from receiving federal contracts or grants shall be excluded from Federal financial assistance and are ineligible to receive funding under this solicitation.

2. Other Eligibility Requirements

Applicants must include their Dun and Bradstreet Number (DUNS) in the organizational unit section of Block 8 of the SF 424. For *Associations,* Block 8 of the SF 424 should contain the DUNS number of the proposed Lead Grantee, and a list of the DUNS number(s) of all proposed members of the *Association* should be included as an attachment to the SF 424. DUNS is an acronym which stands for ''Data Universal Numbering System,'' and a DUNS number is a unique nine-digit number used to identify a business. Beginning October 1, 2003, all Applicants for Federal grant funding opportunities are required to include a DUNS number with their application *per* the Office of Management and Budget Notice of Final Policy Issuance, 68 **Federal Register** 38402 (June 27, 2003). The DUNS number is a nine-digit identification number that uniquely identifies business entities. There is no charge for obtaining a DUNS number. To obtain a DUNS number call 1–866–705–5711 or access the following Web site: *http://www.dnb.com/us/.*

Requests for exemption from the DUNS number requirement must be made to the Office of Management and Budget (OMB), Office of Federal Financial Management at 202–395–3993. If no DUNS number is provided in the application, and an Applicant does not provide evidence of an OMB exemption from the DUNS number requirement, then the application will be considered non-responsive.

After receiving a DUNS number, Applicants must also register as a vendor with the Central Contractor Registration through the following Web site: *http://www.ccr.gov* or by phone at 1–888–227–2423. Central Contractor Registration (CCR) should become active within 24 hours of completion. For any questions regarding registration, please contact the CCR Assistance Center at 1–888–227–2423.

After registration, Applicants will receive a confirmation number. The Point of Contact listed by the organization will receive a Trader Partnership Identification Number (TPIN) via mail. The TPIN is, and should remain, a confidential password.

3. Cost Sharing or Matching Funds

This solicitation does not require Applicants to share costs or provide

matching funds, however, Applicants are encouraged to do so, and this is a rating criteria worth up to five (5) additional points [see Section V.1.F]. Applicants who propose matching funds, in-kind contributions, and other forms of cost sharing must indicate their estimated dollar value in the Standard Form (SF) 424 and SF 424A submitted as part of the application. Grantees should note that they will be responsible for reporting on these funds quarterly in financial reports (SF 269s) and are liable for meeting the full amount of these costs during the life of the *Cooperative Agreement.*

IV. Application and Submission Information

1. Application Package

This solicitation contains all of the necessary information, including information on required forms, needed to apply for *Cooperative Agreement* funding. This solicitation is published as part of this **Federal Register** notice. Additional copies of the **Federal Register** may be obtained from your nearest U.S. Government office or public library or online at: *http://www.archives.gov/federal_register/index.html.*

2. Content and Form of Application Submission

Applications may be submitted to USDOL in hard copy or electronically at *http://www.grants.gov.* Applicants electing to submit hard copies must submit one (1) blue ink-signed original, complete application, *plus* three (3) copies of the application. The application must consist of two (2) separate parts, (1) a Cost Proposal and (2) a Technical Proposal, as described below. Applicants should number all pages of the application. All parts of the application must be written in English, in 10–12 pitch font size.

Part I of the application, the Cost Proposal, must contain the Standard Form (SF) 424 Research and Related Form, Application for Federal Assistance, and Sections A-K of the Budget Information Form SF 424 (R&R). Applicants are also required to submit a detailed outputs-based budget that links costs to project activities and an accompanying budget narrative. A sample outputs-based budget are available from ILAB's Web site at *http://www.dol.gov/ilab/grants/bkgrd.htm.* Copies of the SF 424 (R&R) and SF 424 (R&R) Budget are available online at *http://www.grants.gov/agencies/aapproved_standard_forms.jsp.* The individual signing the SF 424 on behalf of the Applicant must be authorized to bind the Applicant.

The Cost Proposal must contain information on the Applicant's indirect costs, using the form provided on ILAB's Web site at *http://www.dol.gov/ilab/grants/bkgrd.htm.* Applicants should note all instructions outlined on this form and include one of the following supporting documents, as applicable, in their application: (1) A current, approved Cost Allocation Plan (CAP); (2) a current Negotiated Indirect Cost Rate Agreement (NICRA); or (3) a Certificate of Direct Costs. In the case of *Associations,* each member of the *Association* must submit a copy of the aforementioned documents.

All Applicants are requested to complete the Survey on Ensuring Equal Opportunity for Applicants (OMB No. 1890–0014), which has been provided in Appendix D.

Part II, the Technical Proposal, demonstrates the Applicant's capabilities to plan and implement the proposed research project in accordance with the provisions of this solicitation. The Technical Proposal must not exceed 45 single-sided (8–1/2″ x 11″), double-spaced pages with 1-inch margins. The Technical Proposal must identify how Applicants will carry out the Scope of Work in Section I.2. of this solicitation. The following information is required:

- A two-page abstract summarizing the proposed project and Applicant profile information including: Applicant name, contact information of the key contact person at the Applicant's organization in case questions should arise (including name, address, telephone and fax numbers, and e-mail address, if applicable), project title, Association members and/or subcontractors (if applicable), proposed research activities, funding level requested and the amount of leveraged resources, if applicable;
- A table of contents listing the application sections;
- A research project description as specified in the Application Evaluation Criteria found in Section V.1. of this solicitation (maximum 45 pages);
- A bibliography that includes completes citations of research referenced in the proposal;
- A *Work Plan* identifying major project activities, deadlines for completing the activities and person(s) or institution(s) responsible for completing these activities.

Please note that the abstract, table of contents, bibliography, and *Work Plan* are *not* included in the 45-page limit for the research project description.

Any applications that do not consist of the above-mentioned parts and conform to these standards will be deemed unresponsive to this solicitation and may be rejected. Any additional information not required under this solicitation will not be considered.

3. Submission Dates, Times, and Address

Applications must be delivered (by hand, mail, or electronically through *http://www.grants.gov*) by 4:45 p.m., Eastern Time, August 3, 2007, to: U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room S–4307, Washington, DC 20210, Attention: Ms. Lisa Harvey, Reference: Solicitation 07–11. Applications sent by e-mail, telegram, or facsimile (FAX) will not be accepted. Applications sent by non-Postal Service delivery services, such as Federal Express or UPS, will be accepted; however, Applicants bear the responsibility for timely submission. The application package must be received at the designated place by the date and time specified or it will be considered unresponsive and will be rejected. Any application received at the Procurement Services Center after the deadline will not be considered unless it is received before the award is made and:

A. It is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at USDOL at the address indicated; and/or

B. It was sent by registered or certified mail not later than the fifth calendar day before the deadline; or

C. It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5 p.m. at the place of mailing two (2) working days, excluding weekends and Federal holidays, prior to the deadline.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. The only acceptable evidence to establish the date of mailing of a late application sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee is the date entered by the Post Office clerk on the ''Express Mail Next Day Service-Post Office to Addressee'' label and the postmark on the envelope or wrapper on the original receipt from the U.S. Postal Service.

If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped, or otherwise placed

impression (not a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, Applicants should request that the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at USDOL is the date/time stamp of the Procurement Service Center on the application wrapper or other documentary evidence of receipt maintained by that office. Confirmation of receipt can be obtained from Ms. Lisa Harvey (see Section VII. for contact information). *All Applicants are advised that U.S. mail delivery in the Washington DC area can be slow and erratic due to concerns involving contamination. All Applicants must take this into consideration when preparing to meet the application deadline.*

Applicants may also apply online at *http://www.grants.gov.* Applicants submitting proposals online are requested to refrain from mailing a hard copy application as well. It is strongly recommended that Applicants using *http://www.grants.gov* immediately initiate and complete the ''Get Registered'' registration steps at *http://www.grants.gov/applicants/get_registered.jsp*. These steps may take multiple days to complete, and this time should be factored into plans for electronic submission in order to avoid facing unexpected delays that could result in the rejection of an application. It is also recommended that Applicants using *http://www.grants.gov* consult the Grants.gov Web site's Frequently Asked Questions and Applicant User Guide, which are available at *http://www.grants.gov/help/faq.jsp,* and *http://www.grants.gov/assets/UserGuide_Applicant.pdf*, respectively.

If submitting electronically through *http://www.grants.gov,* Applicants must save the application document as a .doc, .pdf, .txt or .xls file. Any application received on *http://www.grants.gov* after the deadline will be considered as non-responsive and will not be evaluated.

4. Intergovernmental Review

This funding opportunity is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

5. Restrictions, Unallowable Activities, and Specific Prohibitions

USDOL/ILAB would like to highlight the following restrictions, unallowable activities, and specific prohibitions, as identified in OMB Circular A–122, 29 CFR part 95, 29 CFR part 98, and other USDOL policy, for all USDOL-funded *child labor* technical cooperation projects. If any Grantee has questions regarding these or other restrictions, consultation with USDOL/ILAB is recommended.

A. Pre-Award Costs

Pre-award costs, including costs associated with the preparation of an application submitted in response to this solicitation, are not reimbursable under the *Cooperative Agreement* (see also Section VI.3.E.

B. Subgrants

The funding for this program does not include authority for subgrants. Therefore, the Grantee may not subgrant any of the funds obligated under the *Cooperative Agreement.* Subgranting may not be included in the budget as a line item or in the text of the application. However, subcontracting may be included as a budget line item. Subcontracts must be awarded in accordance with 29 CFR 95.40–48 and are subject to audit, in accordance with the requirements of 29 CFR 95.26(d). Subcontracts awarded after the *Cooperative Agreement* is signed, and not proposed in the application, must be awarded through a formal competitive bidding process, unless prior written approval is obtained from USDOL.

The determination of whether a Grantee's relationship with a subrecipient would constitute a subgrant or subcontract is determined primarily with reference to an agreement's general purpose, programmatic functions, and responsibilities given to the subrecipient. These three elements should be closely examined, together with the usual characteristics (terms and performance standards, scope of work, etc.). In case of doubt, consultations are expected to be held between USDOL and the Grantee with a view to ensuring proper determination of the particular agreement. As a reference tool in determining whether an agreement is a subgrant or a subcontract, see Appendix B. The table in Appendix B is for reference only and does not create any legally binding obligation.

See also Section IV.5.F.-H. for related references on Grantee and subcontractor prohibitions related to Prostitution, Inherently Religious Activities, and Terrorism. In addition, the debarment and suspension rule, as outlined in 29 CFR 95.13 and 29 CFR part 98, applies to all subcontracts issued under the *Cooperative Agreement.* Grantees are responsible for ensuring that all subcontractors meet this requirement. Detailed information on subcontracts may be requested by USDOL during the Best and Final Offer (BAFO) process.

In compliance with Executive Orders 12876, as amended, 13230, 12928 and 13021, as amended, Grantees are strongly encouraged to provide subcontracting opportunities to Historically Black Colleges and Universities, Hispanic-Serving Institutions and Tribal Colleges and Universities.

C. Lobbying and Intent To Influence

Funds provided by USDOL for project expenditures under this *Cooperative Agreement* may not be used with the intent to influence a member of the U.S. Congress, a member of any U.S. Congressional staff, or any official of any federal, state, or local government in the United States (hereinafter ''government official(s)''), to favor, adopt, or oppose, by vote or otherwise, any U.S. legislation, law, ratification, policy, or appropriation, or to influence in any way the outcome of a political election in the United States, or to contribute to any political party or campaign in the United States, or for activities carried on for the purpose of supporting or knowingly preparing for such efforts. This includes awareness raising and advocacy activities that include fund-raising or lobbying of U.S. federal, state, or local governments. (See OMB Circular A–122). This does not include communications for the purpose of providing information about the Grantees and their programs or activities, in response to a request by any government official, or for consideration or action on the merits of a federally-sponsored agreement or relevant regulatory matter by a government official.

Under the *Cooperative Agreement,* no activity, including awareness raising and advocacy activities, may include fund-raising, or lobbying of U.S. Federal, State or Local Governments (see OMB Circular A–122). COOPERATIVE AGREEMENT APPLICANTS CLASSIFIED UNDER THE INTERNAL REVENUE CODE AS A 501(c)(4) ENTITY (*see* 26 U.S.C. 501(c)(4)), MAY NOT ENGAGE ANY IN LOBBYING ACTIVITIES. According to the Lobbying Disclosure Act of 1995, as codified at 2 U.S.C. 1611, an organization, as described in Section 501(c)(4) of the Internal Revenue Code

of 1986, that engages in lobbying activities directed toward the U.S. Government will not be eligible for the receipt of Federal funds constituting an award, grant, Cooperative Agreement, or loan.

D. Funds to Host Country Governments

USDOL funds awarded under *Cooperative Agreements* are not intended to duplicate existing foreign government efforts or substitute for activities that are the responsibility of such governments. Therefore, in general, Grantees may not provide any of the funds obligated under a *Cooperative Agreement* to a foreign government or entities that are agencies of, or operated by or for, a foreign state or government, ministries, officials, or political parties. However, subcontracts with foreign government agencies or entities that are agencies of, or operated by or for, a foreign state or government may be awarded to undertake relevant research activities subject to applicable laws only after the Grantee has determined that no other entity in the country is able to provide these services. In such cases, Grantees must receive *prior* USDOL approval before awarding the subcontract.

E. Miscellaneous Prohibitions

In addition, USDOL funds may not be used to provide for:

- The purchase of land;
- The procurement of goods or services used for private purposes by the Grantee's employees;
- Entertainment, including amusement, diversion, and social activities and any costs directly associated with entertainment (such as tickets, meals, lodging, rentals, transportation, and gratuities). Costs of training or meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes reasonable costs of meals and refreshments, transportation, rental of facilities and other items incidental to such meetings and conferences. Costs related to *child labor* educational activities, such as street plays and theater, are allowable; and
- Alcoholic beverages.

F. Prostitution

The U.S. Government is opposed to prostitution and related activities which are inherently harmful and dehumanizing and contribute to the phenomenon of trafficking in persons. U.S. Grantees, and their subcontractors, cannot use funds provided by USDOL to lobby for, promote or advocate the legalization or regulation of prostitution as a legitimate form of work. Foreign-based NGOs, and their subcontractors, that receive funds provided by USDOL for projects to fight trafficking in persons cannot lobby for, promote or advocate the legalization or regulation of prostitution as a legitimate form of work while acting as a subcontractor on a USDOL-funded project. It is the responsibility of the Grantee to ensure its subcontractors meet these criteria, and this provision must be included in any applicable subcontract that the Grantee awards using USDOL funds and the Grantee will obtain a written declaration to such an effect from the subcontractor concerned.

G. Inherently Religious Activities

The U.S. Government is generally prohibited from providing direct financial assistance for inherently religious activities. The Grantee and/or its Associates may work with and subcontract with religious institutions; however, Federal funding provided under a USDOL-awarded *Cooperative Agreement* may not be used for religious instruction, worship, prayer, proselytizing, other inherently religious activities, or the purchase of religious materials. Neutral, non-religious criteria that neither favor nor disfavor religion were employed in the selection of *Cooperative Agreement* awardees and must be employed by the Grantee in the selection of subcontractors. This provision must be included in all subcontracts issued under the *Cooperative Agreement.* In addition, Grantees must take steps to ensure that inherently religious activities are clearly separated in time or physical space from those funded by USDOL under the *Cooperative Agreement.* For additional guidance, please consult the White House Web site for Faith-Based and Community Initiatives at *http://www.whitehouse.gov/government/fbci/guidance/partnering.html.* In addition, for any matters of uncertainty, USDOL should always be consulted for prior approval.

H. Terrorism

Applicants are reminded that U.S. Executive Orders and U.S. law prohibit transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the policy of USDOL to seek to ensure that none of its funds are used, directly or indirectly, to provide support to individuals or entities associated with terrorism. It is the legal responsibility of the Grantee to ensure compliance with these Executive Orders and laws. Applicants to this solicitation and Grantees subsequently awarded funding by USDOL under this solicitation must check the following Web sites to assess available information on parties that are excluded from receiving Federal financial and nonfinancial assistance and benefits, pursuant to the provisions of 31 U.S.C. 6101, note, E.O. 12549, E.O. 12689, 48 CFR 9.404: *http://www.epls.gov/* and *http://www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf?* This provision must be included in all applicable subcontracts issued under the *Cooperative Agreement.*

6. Review and Selection Process

The Office of Procurement Services at USDOL will screen all applications to determine whether all required elements, as identified in Section IV.2.above, are present and clearly identifiable. If an application does not include all of the required elements, including required attachments, it will be considered unresponsive and will be rejected. Once an application is deemed unresponsive, the Office of Procurement Services will send a letter to the Applicant, which will state that the application was incomplete, indicate which document was missing from the application, and explain that the technical review panel will be unable to rate the application.

The following documents must be included in the application package in order for the application to be deemed complete and responsive:

(1) A Cost Proposal;

(2) A Technical Proposal, including all the attachments listed in section IV.2.;

(3) The Applicant's most recent audit report, and those of any proposed Associates or sub-contractors (as applicable);

(4) Résumés of all key personnel candidates and all other professional personnel;

(5) Signed letters of agreement to serve on the project from all key personnel candidates;

(6) Information on the Applicant's previous and current grants, *Cooperative Agreements*, or contracts with USDOL and other Federal agencies that are relevant to this solicitation; and

(7) Signed partnership agreement(s), if applicable.

Each *complete* application will be objectively rated by a technical review panel against the criteria described in this solicitation. Applicants are advised that panel recommendations to the Grant Officer are advisory in nature. The Grant Officer may elect to select a Grantee on the basis of the initial application submission or the Grant Officer may establish a competitive or

technically acceptable range from which qualified Applicants will be selected. If deemed appropriate, the Grant Officer may call for the preparation and receipt of final revisions of applications, following which the evaluation process described above, may be repeated, in whole or in part, to consider such revisions. The Grant Officer will make final selection determinations based on panel findings and consideration of factors that represent the greatest advantage to the government, such as cost, the availability of funds, and other factors. If USDOL does not receive technically acceptable applications in response to this solicitation, USDOL reserves the right to terminate the competition and not make any award. The Grant Officer's determinations for awards under this solicitation are final.

Note to All Applicants: Selection of an organization as a potential *Cooperative Agreement* recipient does not constitute approval of the *Cooperative Agreement* application as submitted. Before the actual *Cooperative Agreement* is awarded, USDOL may enter into negotiations about such items as program components, funding levels, and administrative systems in place to support *Cooperative Agreement* implementation. If the negotiations do not result in an acceptable submission, the Grant Officer reserves the right to terminate the negotiation and decline to fund the application. In addition, the Grant Officer reserves the right to negotiate program components further after award, during the *project design consolidation phase* and *Project Document* submission and review process. See Section VI.2.

7. Anticipated Announcement and Award Dates

Designation decisions will be made, where possible, within 45 days after the deadline for submission of proposals. USDOL is not obligated to make any awards as result of this solicitation, and only the Grant Officer can bind USDOL to the provision of funds under this solicitation. Unless specifically provided in the *Cooperative Agreement*, acceptance of a proposal and/or award of Federal funds does not waive any *Cooperative Agreement* requirements and/or procedures.

V. Application Review Information

1. Application Evaluation Criteria

This section identifies and describes the criteria that will be used to evaluate applications submitted in response to USDOL's Solicitation for *Cooperative Agreement* Applications on the basis of 100 points. Applicants are required to address all of the following rating factors in their Technical Proposal: Research Background and Significance (20 points), Research Design (40 points), Key Personnel/Management Plan/Staffing (20 points), Organizational Capacity (15 points), and Budget Cost-Effectiveness (5 points). Applicants should note that additional points may be given to applications realistically proposing to include committed non-Federal leveraged resources as described below in section V(1)(F) (Cost-Sharing 5 points).

Please note that all information and requirements presented in Section I.2. Scope of Work and Appendix A: USDOL's Definitions of Key Terms will be taken into consideration when evaluating applications on the basis of the technical rating criteria outlined in this section. Applicants' Cost Proposals will be considered when evaluating the rating criteria Research/Budget Cost-Effectiveness. When preparing the Technical Proposal, Applicants must follow the outline provided in Appendix C and ensure that the Technical Proposal does not exceed the maximum length of 45 pages.

A. Research Background and Significance: 20 points.

B. Research Methodology: 40 points.

C. Key Personnel/Management Plan/Staffing: 20 points.

D. Organizational Capacity: 20 points.

E. Budget Cost-Effectiveness: 5 points.

F. Cost-Sharing: 5 extra points.

Part A and B of the Technical Proposal constitute the ''preliminary project design document'' and serves as the basis of the final *Project Document* to be submitted and approved by USDOL after *Cooperative Agreement* award. Applicants' Technical Proposals must describe in detail the proposed research methodology to carry out the objective of this solicitation.

A. Research Background and Significance (20 Points)

Applicants must discuss their understanding of *child labor* in the carpet industry, research gaps on the topic, and the link to eliminating *exploitive child labor*. Applicants will be rated based on their: (a) knowledge of *children working* in the carpet industry and the specific country contexts that drives the supply and demand for children's work in the carpet industry in India, Nepal, and Pakistan; (b) familiarity with previously conducted research on *child labor* in their carpet industry and their strengths and limitations; (c) awareness of existing interventions to prevent *child labor* in the carpet industry's supply chain, particularly for the export sector; and (d) awareness of the policy and implementing environment in the research countries.

B. Research Methodology (40 Points)

Applicants must discuss their proposed research methodology to address the research objective, research questions, and methodological requirements detailed in Section I.2. Applicants will be rated on the strength of their proposed research methodology, and the feasibility of carrying out all stated research activities within the timeframe of this *Cooperative Agreement.* Applicants must include the sections outlined for the research methodology in Appendix C. All sections of the research methodology listed in Appendix C will be evaluated for the Technical Proposal.

C. Key Personnel/Management Plan/Staffing (20 Points)

Successful performance of the proposed work depends heavily on the management skills and qualifications of the Principal Investigator/Project Director (PI/PD), as well as the project research team. Accordingly, in its evaluation of each application, USDOL will consider the following:

- Whether the PI/PD is appropriately trained and well-suited to carry out the scope of work;
- The appropriateness of the scope of work to the experience level of the PI/PD and other researchers;
- The complementary and integrated expertise of the proposed research team to successfully carry out the scope of work; and
- The potential of the PI/PD and other proposed researchers to translate their previous knowledge, skills and research experience to the areas of study under the current solicitation, and their potential to make significant contributions to the field of *child labor* research and data collection.

In order to promote and increase national and local capacity, USDOL encourages the hiring of qualified national experts and data collection organizations. USDOL also encourages Applicants to consider strategies that aim to develop the capacity of private sector national or local organizations to carry out research and data collection activities on *child labor*. (See section IV.5.D.) Applicants that propose feasible strategies to develop local or national capacity will, all other things being equal, be rated higher on this factor.

i. Key Personnel. Applicants must identify all key personnel/candidates proposed to carry out the requirements of this solicitation. ''Key personnel'' are staff (*PI/PD* and *Child Labor Research Specialist*) that are essential to the successful operation of the project and completion of the proposed work.

(1) The *PI/PD* will be responsible for overall project management, supervision, administration, and implementation of the requirements of the *Cooperative Agreement*. The PI/PD will establish and maintain systems for research operations, including methodological development; ensure that all *Cooperative Agreement* deadlines are met and outputs submitted; maintain working relationships with project stakeholders and partners; and oversee the preparation and submission of progress and financial reports. The *PI/PD* must have a Ph.D. and a minimum of five years of professional experience in a leadership role in implementation of large-scale research studies in the social sciences. Candidates with additional years of experience including experience working with officials of national statistical offices will be rated more highly. Preferred candidates must also have knowledge of *exploitive child labor* issues, and experience in the development of research methodologies to investigate the *worst forms of child labor*. Fluency in English is required.

(2) The *Child Labor Research Specialist* will provide leadership in developing the technical aspects of this project in collaboration with the PI/PD. This person must have at least three years experience in working successfully with research teams, and assisting with the development and implementation of research projects on *child labor* in developing countries. This person must also have demonstrated experience in survey and research design and data analysis. Fluency in English is required.

(3) In addition to key personnel, a technical specialist in sampling design should be included in the project team, but does not have to be dedicated to the project 100 percent of the time.

Applicants must include a résumé, as well as a description of the roles and responsibilities of all key and other professional personnel (as described below) proposed. Résumés must be submitted as an attachment to the application and will not count toward the page limit. At a minimum, each résumé must include the following:

- The educational background and previous work experience for each key and other professional personnel to be assigned to the project, including position title, duties, dates, employing organizations, and clearly defined duties;
- The special capabilities of key personnel that demonstrate prior experience in organizing, managing and performing similar efforts; and
- The current employment status of key personnel and availability for this project.

Applicants must also indicate whether the proposed work will be performed by persons currently employed by the applying organization(s), and if so, for how long, or is dependent upon planned recruitment or subcontracting.

Applicants must also include a completed salary history form SF 1420 for each key personnel candidate in their application. This form is available from the U.S. Agency for International Development's Web site at: *http://www.usaid.gov/forms/AID1420–17.doc.* A link to this form is also available on USDOL's Web site: *http://www.dol.gov/ilab/grants/bkgrd.htm.*

All key personnel must allocate *100 percent* of their time to the project. The PI/PD and Child Labor Research Specialist positions must not be combined. Proposed key personnel candidates must sign letters of agreement to serve on the project and indicate their availability to commence work within 30 calendar days of the *Cooperative Agreement* award. *Please note: If key personnel candidates are not designated, or if letters of agreement to serve on the project or résumés are not submitted as part of the application for each key personnel candidate, the application will be considered unresponsive and will be rejected.* The letters of agreement, résumés, and salary history forms (SF 1420) must be submitted as attachments to the application and will not count toward the page limit.

Key personnel must be employed by the Grantee, not a subcontractor. In the case of an *Association,* the PI/PD must be employed by the Lead Grantee. In cases of *Associations* where Applicants propose that other key personnel would not all be employed by the Lead Grantee, a clear indication of the following must be provided in the application: the rationale for dividing key personnel among the members; the lines of authority among key personnel and other staff; the process of supervision and evaluation of personnel who are not members of the same organization; the process by which all parties would come to agreement on key implementation issues; and mechanisms of conflict resolution should the need arise.

i. Other Professional Personnel. Applicants must identify other program personnel deemed necessary for carrying out the requirements of this solicitation, including data analysts, research assistants, programmers, editors, etc. Applicants must also indicate whether the proposed work by other professional personnel who are employed or have been identified will be performed by persons currently employed by the organization(s).

ii. Management Plan. Applicants will be rated based on the clarity and quality of the information provided in the management plan. The plan must include (a) a description of the functional relationship between elements of the project's management structure; and (b) the responsibilities of project staff and management and the lines of authority between project staff and other elements of the project.

iii. Staff Loading Plan. The staff loading plan must identify all key tasks and the person-days required to complete each task. Labor estimated for each task must be broken down by individuals assigned to the task, including PI/PD, Child Labor Research Specialist, data analysts, research assistants, programmers, editors, consultants, and subcontractors. All key tasks should be charted to show the time required to perform them by months or weeks. Applicants will be rated based on the clarity and quality of the information provided in the staff loading plan.

D. Organizational Capacity (15 Points)

Under this criterion, Applicants must present the qualifications of the organization(s) implementing the project. The evaluation criteria in this category are as follows:

i. International and U.S. Government Grant Experience. Applicants must have international experience conducting scientifically valid research in the social sciences, preferably on *child labor* and in the countries of interest.

The application must include information on previous and current grants, *Cooperative Agreements,* or contracts of the Applicant with USDOL and other Federal agencies that are relevant to this solicitation, including:

(1) The organizations for which the work was done;

(2) A contact person in that organization with his/her current phone number;

(3) The dollar value of the grant, contract, or *Cooperative Agreement* for the project;

(4) The time frame and professional effort involved in the project;

(5) A brief summary of the work performed; and

(6) A brief summary of accomplishments.

This information on previous grants, *Cooperative Agreements,* and contracts held by the Applicant must be provided in appendices and will not count

against the maximum page requirement. USDOL reserves the right to contact the organizations listed and use the information provided in evaluating applications.

Note to All Applicants: In judging organizational capacity, USDOL will take into account not only information provided by an Applicant, but also information from USDOL and others regarding past performance of organizations implementing USDOL-funded *child labor* projects, or activities for USDOL and others. Past performance will be rated by such factors as the timeliness of deliverables and the responsiveness of the organization and its staff to USDOL or grantor communications regarding deliverables and *Cooperative Agreement* or contractual requirements. In addition, the performance of the organization's key personnel on existing projects with USDOL or other entities, whether the organization has a history of replacing key personnel with similarly qualified staff, and the timeliness of replacing key personnel, will also be taken into consideration when rating past performance. Lack of past experience with USDOL projects, *Cooperative Agreements*, grants, or contracts is not a bar to eligibility or selection under this solicitation.

ii. Country Presence and Collaborations. Given the need to conduct in-country research, Applicants will be evaluated on their ability to start up research activities soon after signing a *Cooperative Agreement.* Having country presence, or partnering with in-country organizations, represents the best chance of expediting the implementation of research activities. In their application, Applicants must address their organization's country presence; collaborative arrangements including those with host country governments, NGOs, and national research organizations, as applicable; and ability to start up project activities in a timely fashion.

iii. Fiscal Oversight. Applicants will be evaluated on their ability to demonstrate evidence that the organization has a sound financial system in place. If an Applicant is a U.S.-based, non-profit organization already subject to the single audit requirements, the Applicant's most recent single audit, as submitted to the Federal Audit Clearinghouse, must accompany the application as an attachment. In addition, applications must show that they have complied with report submission timeframes established in OMB Circular A–133. If an Applicant is not in compliance with the requirements for completing their single audit, the application will be considered unresponsive and will be rejected. If an Applicant is a for-profit or foreign-based organization, a copy of its most current independent financial audit must accompany the application as an attachment.

Applicants should also submit a copy of the most recent single audit report for all proposed U.S.-based, non-profit partners, *Association* members and subcontractors that are subject to the Single Audit Act. If the proposed *Association* member(s) or partner(s) is a for-profit or foreign-based organization, a copy of its most current independent financial audit should accompany the application as an attachment.

If the audit submitted by the Applicant reflects any adverse opinions, the application will not be further considered by the technical review panel and will be rejected. USDOL reserves the right to ask further questions on any audit report submitted as part of an application. USDOL also reserves the right to place special conditions on Grantees if concerns are raised in their audit reports.

In order to expedite the screening of applications and to ensure that the appropriate audits are attached to the proposals, Applicants must provide a cover sheet to the audit attachments listing all proposed *Association* members and subcontractors. These attachments will not count toward the application page limit.

E. Budget Cost-Effectiveness (5 Points)

This section will be evaluated on the basis of information contained in Applicants' Cost Proposals in accordance with applicable Federal laws and regulations. The budget must comply with Federal cost principles (which can be found in the applicable OMB Circulars). The requirements for Cost Proposals, including an Outputs-Based Budget, are listed in Section IV.2. A budget summary must be included in the application and should include the cost breakdown.

The evaluation of this section will focus on the extent to which the budget reflects research goals and methodological design consistent with the *Work Plan* in a cost-effective way to reflect budget/performance integration.

All projected costs should be reported, as they will become part of the *Cooperative Agreement* upon award. In their Cost Proposal (Part I of the application), Applicants must reflect a breakdown of the total administrative costs into direct administrative costs and indirect administrative costs. The Grant Officer reserves the right to negotiate administrative cost levels prior to award.

This section of the application must explain the costs for performing all of the requirements presented in this solicitation and for producing all required reports and other deliverables (see Section VI.4.). The project budget must therefore include funds to plan, implement, and report on all research activities and other deliverables (including annual single audits or attestation engagements, as applicable) and finance at lease four trips to be taken by the PI/PD to meet with USDOL officials in Washington, DC.

In addition, the budget should include a contingency provision, calculated at five percent of the project's total direct costs. USDOL has determined that the use of contingency provision funds for USDOL-funded projects is essential to address circumstances affecting specific budget lines that relate to one or more of the following: (1) Inflation affecting specific project costs; (2) UN System or foreign government-mandated salary scale or benefits revisions; and (3) exchange rate fluctuations. USDOL also recognizes that certain extraordinary and unforeseen circumstances may arise that will lead to a need for exceptions to the aforementioned uses of contingency provision funds, related to the need for modifications to budgets or time extensions. These include but are not limited to the following: (1) Changes in a country's security environment; (2) natural disasters; (3) civil or political unrest/upheavals or government transitions; or (4) delays related to loss of or damage to project property. USDOL will not provide additional funding to cover unanticipated costs.

Applicants are also instructed that the project budget submitted with the application must include all necessary and sufficient funds, without reliance on other contracts, grants, or awards, to implement's proposed project activities and to achieve proposed research goals under this solicitation. If anticipated funding from another contract, grant, or award fails to materialize, USDOL will not provide additional funding to cover these costs.

Where applicable, applicants are encouraged to discuss the possibility of exemption from customs and Value Added Tax (VAT) with host government officials during the preparation of an application for this *Cooperative Agreement.* While USDOL encourages host governments to not apply customs or VAT taxes to USDOL-funded programs, some host governments may nevertheless choose to assess such taxes. USDOL may not be able to provide assistance in this regard. Applicants should take into account such costs in budget preparation. If major costs are omitted, a Grantee may not be allowed to include them later.

Note to Applicants: After award, grantees must obtain *prior* approval from USDOL before using unobligated contingency funds. Twelve months before the project ends, after calculating the amounts needed for cost increases in the remaining life of the project, forecasted remaining funds in the contingency provision funds may be used to conduct additional data analysis, report writing, and augment data dissemination plans to increase the availability of the study findings.

F. Cost Sharing (5 extra Points)

USDOL will give up to five (5) additional rating points to applications that include committed non-U.S. federal government resources that significantly expand the dollar amount, size and scope of the project. These programs or activities must complement and enhance project objectives. To be eligible for the additional points, Applicants must list the source(s) of funds, the nature, and possible activities anticipated with these resources under this *Cooperative Agreement*.

VI. Award Administration Information

1. Award Notices

The Grant Officer will notify Applicants of designation results as follows:

Designation Letter: The designation letter signed by the Grant Officer will serve as official notice of an organization's designation. The designation letter will be accompanied by a *Cooperative Agreement* and USDOL–OCFT's 2007 Management Procedures and Guidelines (MPG).

Non-Designation Letter: Any organization not designated will be notified formally of the non-designation. However, organizations not designated must formally request a debriefing in order to be provided with the basic reasons for the determination.

Notification of designation by a person or entity other than the Grant Officer is not valid.

2. Roles and Responsibilities of USDOL and Grantees

The principal purpose of the USDOL-Grantee relationship is the transfer of money, property, services, or anything of value to the recipient in order to accomplish a public purpose of support or stimulation authorized by Federal statute. The Grantee is not allowed to charge a fee (profit). In general, USDOL's Bureau of International Labor Affairs/Office of Child Labor, Forced Labor and Human Trafficking (ILAB/OCFT) uses a *Cooperative Agreement* modality with its Grantees.

USDOL's involvement focuses on working with the Grantee in order to refine the Project Design/*Project Document* and its corresponding budget; and monitor implementation through progress reports. USDOL involvement is generally characterized by written comments and oral feedback tied to the approval of deliverables outlined in the *Cooperative Agreement.* USDOL staff may also conduct field visits to the project.

Applicable provisions of law and regulation, including those provided for in the USDOL *Cooperative Agreement* with the Grantee, apply to subcontracts entered into under USDOL-funded projects.

3. Administrative and National Policy Requirements

A. General

Grantees are subject to applicable U.S. Federal laws (including provisions of appropriations laws) and regulations, Executive Orders, applicable OMB Circulars, and USDOL policies. If during project implementation a Grantee is found in violation of U.S. government laws and regulations, the terms of the *Cooperative Agreement* awarded under this solicitation may be modified by USDOL; costs may be disallowed and recovered; the *Cooperative Agreement* may be terminated; and USDOL may take other action permitted by law. Determinations of allowable costs will be made in accordance with the applicable U.S. Federal cost principles.

B. Project Audits and External Auditing Arrangements

Applicants are reminded to budget for compliance with the annual single audits or attestation engagements as applicable (see below). Costs for these audits or attestation engagements must be included in direct or indirect costs, whichever is appropriate, in accordance with the cost allocation procedures approved by the U.S. Federal cognizant agency.

USDOL has also contracted with an independent external auditor to conduct project-specific attestation engagements at USDOL's expense to supplement the coverage provided by the audits/engagements that Grantees must arrange. Grantees scheduled for examination by USDOL's contractor will be notified approximately two to four weeks prior to the start of the engagement. Please note the following requirements:

i. U.S.-based non-profit Grantees must conduct audits in accordance with 29 CFR parts 96 and 99, which codify the requirements of the Single Audit Act and OMB Circular A–133, and must comply with the timeframes established in those regulations for the submission of their audits to the Federal Audit Clearinghouse. Grantees must send a copy of their single audit to their assigned USDOL Grant Officer Technical Representative (GOTR) at the time it is submitted to the Federal Audit Clearinghouse.

ii. Foreign-based Grantees and private for-profit Grantees that are awarded a *Cooperative Agreement* under this solicitation must arrange for the annual performance of an attestation engagement, conducted in accordance with U.S. Government Auditing Standards, which includes auditor's opinions on (1) compliance with USDOL regulations and the provisions of the *Cooperative Agreement*, and (2) the reliability of the Grantee's financial and performance reports. USDOL will provide an examination guide to be used by the auditor selected by the Grantee to perform the attestation engagement and will provide assistance in the event a Grantee is unable to identify an audit firm qualified to perform an attestation engagement in accordance with U.S. Government Auditing Standards. The Grantee's contract with the auditor to conduct the attestation engagement must include provisions granting access to the auditor's documentation (work papers) to representatives of USDOL, including the Grant Officer, the GOTR, and the USDOL's Office of the Inspector General. The reports for these engagements are to be submitted to the Grant Officer with a copy to the GOTR (1) 30 days after receipt of the auditor's report, or (2) nine months after the end of the Grantee's fiscal year, whichever occurs sooner.

Please Note: USDOL generally allows the costs to be allocated based on the following (applicable to U.S.-based agencies only): (1) A–133 ''single audit'' costs as part of the indirect cost rate/pool for organizations with *more than* one Federal source of funding. Organizations with only one Federal source could charge the A–133 single audit cost as direct costs; (2) A–133 ''*compliance supplement*'' costs—as direct costs for Federal sources only through a cost allocation methodology approved by the Federal cognizant agency; or (3) A–133 *program specific* audits as direct costs. Any deviations from the above must be explained and justified in the application.

C. Administrative Standards and Provisions

Cooperative Agreements awarded under this solicitation are subject to the following administrative standards and provisions outlined in the CFR that pertain to USDOL, and any other applicable standards that come into effect during the term of the *Cooperative*

Agreement, if applicable to a particular Grantee:

ii. 29 CFR Part 2 Subpart D—Equal Treatment in Department of Labor Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.

iii. 29 CFR Part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964.

iv. 29 CFR Part 32—Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.

v. 29 CFR Part 33—Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Labor.

vi. 29 CFR Part 35—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.

vii. 29 CFR Part 36—Federal Standards for Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.

viii. 29 CFR Part 93—New Restrictions on Lobbying.

ix. 29 CFR Part 95—Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations, and with Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments and International Organizations.

x. 29 CFR Part 96—Federal Standards for Audit of Federally Funded Grants, Contracts and Agreements.

xi. 29 CFR Part 98—Federal Standards for Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).

xii. 29 CFR Part 99—Federal Standards for Audits of States, Local Governments, and Non-Profit Organizations.

Copies of all regulations referenced in this solicitation are available at no cost, online, at *http://www.dol.gov.* A copy of Title 29 of the CFR referenced in this solicitation is available at no cost, online, at *http://www.dol.gov/dol/allcfr/Title_29/toc.htm.*

Grantees should be aware that terms outlined in this solicitation, the *Cooperative Agreement,* and the MPGs are all applicable to the implementation of projects awarded under this solicitation.

D. Key Personnel

As noted in Section V.1.C., Applicants must list all Key Personnel candidates. The Grantee must inform the GOTR in the event that key personnel cannot continue to work on the project as planned. The Grantee is expected to nominate, through the submission of a formal project revision, new personnel. (Further information on project revisions will be provided to Grantees after award). However, the Grantee must obtain approval from the Grant Officer before any change to key personnel is formalized. If the Grant Officer is unable to approve the personnel change, s/he reserves the right to terminate the *Cooperative Agreement* or disallow costs.

E. Encumbrance of Cooperative Agreement Funds

Cooperative Agreement funds may not be encumbered/obligated by a Grantee before or after the period of performance. Encumbrances/obligations outstanding as of the end of the *Cooperative Agreement* period may be liquidated (paid out) after the end of the *Cooperative Agreement* period. Such encumbrances/obligations may involve only specified commitments for which a need existed during the *Cooperative Agreement* period and that are supported by approved contracts, purchase orders, requisitions, invoices, bills, or other evidence of liability consistent with a Grantee's purchasing procedures and incurred within the *Cooperative Agreement* period.

All encumbrances/obligations incurred during the *Cooperative Agreement* period must be liquidated within 90 calendar days after the end of the *Cooperative Agreement* period, unless a longer period of time is granted by USDOL.

Federal Regulations require Grantees to submit annually an inventory listing of federally-owned property in their custody to USDOL. See 29 CFR 95.33(a). Such property must be inventoried and secured throughout the life of the project. At the end of the project, USDOL and the Grantee are expected to determine how to best allocate such property.

F. Site Visits

USDOL, through its authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. USDOL intends to make every effort to notify the Grantee at least two weeks in advance of any trip to the USDOL-funded project site. If USDOL makes any site visit on the premises of a Grantee or a subcontractor(s) under the *Cooperative Agreement,* the Grantee must provide, and must require its subcontractors to provide, all reasonable facilities and assistance for the safety and convenience of government representatives in the performance of their duties. All site visits and evaluations are expected to be performed in a manner designed to not unduly delay the implementation of the project.

4. Reporting and Deliverables

A Grantee must report to USDOL on a semi-annual basis, or more frequently if deemed necessary by USDOL, on the implementation of the program. Guidance on USDOL procedures and management requirements will be provided to Grantees in the MPGs that are provided with the *Cooperative Agreement.* Unless otherwise indicated, a Grantee must submit copies of all required reports to USDOL by the specified due dates. *Exact timeframes for completion of deliverables will be addressed in the Cooperative Agreement and the MPGs.*

After award of the *Cooperative Agreement* the following specific deliverables will be required.

A. Project Document

Within 60 calendar days of project award, the Grantee must deliver a final draft, for approval by USDOL, of the *Project Document,* based on the application submitted in response to this solicitation and including the results of additional consultations with project stakeholders, government officials in the target countries, local partners, and USDOL. The *Project Document* must include a detailed activities-based *Work Plan,* including plans to carry out a mapping of the carpet industry and pilot test survey instruments in the three countries. An annual *Work Plan* that updates the initial *Work Plan* must be submitted to USDOL annually with the September technical progress report.

B. Terms of Reference

Within 90 calendar days of award, Grantees must develop a draft general Terms of Reference (TOR), for approval by USDOL, to guide the in-country research conducted by the Grantee's subcontractors. The TOR must outline the objective, scope, and deliverables for the subcontractors that includes the timeframe and associated costs for proposed tasks. Within 120 calendar days of award, the Grantee must submit

draft country-specific TORs and submit potential candidates/subcontractors for data collection.

C. Report Outline

Within 90 calendar days of award, Grantees must submit for USDOL approval a general draft report outline that adequately addresses all of the research questions, and at a minimum describes the data collection methodologies used, pilot test findings, information on the country context including cultural, demographic, educational, socio-economic, and legal and institutional frameworks, conclusions and recommendations. Grantees may submit suggestions for report formats as well as relevant dissemination plans.

D. Methodological Plans and Survey Instruments

Within 210 calendar days of award, the Grantee must draft detailed methodological plans and survey instruments to USDOL. Draft methodological plans and survey instruments should include input from data collection subcontractors and other technical advisors and key experts knowledgeable on issues related to *child labor* in South Asia, particularly the carpet industry, and on *child labor* data collection.

E. Technical Progress and Financial Reports

The format for the technical progress reports will be provided in the MPG distributed to Grantees after the award. Grantees must submit a typed technical progress report to USDOL on a semi-annual basis by 31 March and 30 September of each year during the *Cooperative Agreement* period. However, USDOL reserves the right to require up to four technical progress reports a year, as necessary. Grantees must also submit a quarterly financial report (SF 269) electronically to USDOL through the E–Grants system, and a copy of the Federal Cash Transactions Report (PSC 272) to USDOL upon its submission to the HHS–PMS.

F. Final Report

At least 90 days prior to the completion of the project, the Grantee must submit a draft report to USDOL. The final report is subject to USDOL approval based on the report outline specified above.

VII. Agency Contacts

All inquiries regarding this solicitation should be directed to: Ms. Lisa Harvey, U.S. Department of Labor, Procurement Services Center, 200 Constitution Avenue, NW., Room S–4307, Washington, DC 20210; telephone (202) 693–4570 (please note that this is not a toll-free-number) or e-mail: *harvey.lisa@dol.gov.* For a list of frequently asked questions on USDOL's Solicitation for *Cooperative Agreements*, please visit *http://www.dol.gov/ILAB/faq/faq36.htm.*

VIII. Other Information

1. Coordination With ILO/IPEC, other USDOL Grantees, and Other U.S. Government-Funded Projects

Recognizing the important work and vast experience of ILO/IPEC in reducing *exploitive child labor* and developing research methodologies to measure *child labor* world wide, and USDOL's substantial funding and support for this organization, Grantees are encouraged to establish good relationships with ILO and IPEC-specific field offices, IPEC/SIMPOC researchers and statisticians in Geneva, and other U.S. Government-funded research projects such as those supported by the U.S. Department of State's Global Trafficking in Persons (GTIP) Office, and the U.S. Agency for International Development (USAID) in the countries where they work. Similarly, USDOL intends to inform Grantees of other organizations that are working on related issues in countries with USDOL-funded projects. Establishing this type of relationship is especially important to avoid duplication of efforts and to build synergies between organizations working in the same issue area.

Grantees must also become familiar with methodological developments, standard concepts, and definitions regarding *child labor* that are currently used by the ILO, including Convention 138 (Minimum Age Convention, 1973) and Convention 182 (Worst Forms of Child Labor Convention, 1999) and their accompanying recommendations.

2. Privacy and Freedom of Information Act

Any information submitted in response to this solicitation is subject to the provisions of the Privacy Act and the Freedom of Information Act, as appropriate.

Lisa Harvey,

Grant Officer.

Appendix A: USDOL'S Definitions of Key Terms

Acceptable Work is work that is performed by children of legal working age, in accordance with national legislation and international standards, namely the International Labor Organization's Conventions 138 and 182; work that is non-exploitive and non-hazardous and does not prevent a child from receiving the full benefit of an education. *Acceptable work* would generally include, for example, light work that is compatible with national minimum age legislation and education laws.

Association(s) are considered Grantees by USDOL. *Associations* are two or more organizations (that do not constitute a single legal entity) who join in applying for an award. Each member of the *Association* must be individually eligible for award and must sign, and agree to be bound jointly and severally by the *Cooperative Agreement.* The *Association* must designate one Associate as the Lead Grantee. Specific obligations of the Lead Grantee are included in the *Cooperative Agreement.* All references to ''Applicant(s)'' and ''Grantee(s)'' refer to *Associations* as well as individual Applicants.

At-risk An ''at-risk'' situation refers to a set of conditions or circumstances (e.g., family environment or situation, proximity to economic activities prone to employ children) under which a child lives or to which it is exposed that make it more likely that the child will be employed in *exploitive child labor.* A project-specific definition of ''at-risk,'' clearly articulating the defining characteristics of the target group, must be provided with the application, though this definition may be refined after award in the *Project Document* as a result of baseline data collection. For example, siblings of children formerly engaged in *exploitive labor* could be considered at-risk.

Basic education comprises both formal schooling (primary and sometimes lower secondary) as well as a wide array of non-formal and informal public and private educational activities offered to meet the defined basic learning needs of groups of people of all ages. (Source: UNESCO, Education for All: Year 2000 Assessment: Glossary [CD–ROM], Paris, 2001.

A *Child* is, for the purposes of this solicitation considered to be an individual under the age of 18 years.

Child Labor (see definition of *Exploitive Child Labor*).

Children Working (see definition of *Working Children*).

Cooperative Agreement is a form of a grant where substantial involvement is anticipated between the donor (USDOL) and the Grantee during the performance of the proposed activities. The level of monitoring and accountability required by USDOL under a *Cooperative Agreement* is less than what is required in a contract, but more than in a regular grant.

Exploitive Child Labor refers to the *worst forms of child labor* outlined in ILO Convention 182, and all types of work that prevent a child from obtaining an education or impede a child's ability to learn as outlined in ILO Convention 138.

ILO Convention 182, Article 3, defines the *worst forms of child labor* as comprised of:

(a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict;

(b) The use, procuring or offering of a child for prostitution, the production of

pornography or for pornographic performances;

(c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

ILO Convention 138, Minimum Age Convention, Article 7.1(b) is also used to identify *exploitive child labor*. Article 7.1(b) states that children within a particular age range shall not participate in work that will ''prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.''

Hazardous work refers to work that falls under Article 3(d) of ILO Convention 182. ILO Recommendation 190, which accompanies ILO Convention 182 on the Worst Forms of Child Labor, gives additional guidance on identifying *hazardous work*. ILO Recommendation 190 states in Section II. Hazardous work, paragraph 3, ''In determining the types of work referred to under Article 3(d) of the Convention [ILO Convention 182], and in identifying where they exist, consideration should be given'' to:

(a) Work which exposes children to physical, psychological or sexual abuse;

(b) Work underground, under water, at dangerous heights or in confined spaces;

(c) Work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;

(d) Work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;

(e) Work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer In some cases, the work conditions of children involved in *hazardous work* may be improved so as to make the work conditions acceptable for children. This may include, for example, reducing hours of work or changing the type of work children perform (i.e., disallowing children in agriculture from working with heavy machinery or pesticide applications). However, conditions can only be improved for children who are legal to work according to the specific laws of the target countries. If, for example, a child is 9 years old and working in hazardous child labor in a country whose minimum age is 15 years, this child should be completely withdrawn from child labor, since conditions cannot be improved to make it legally acceptable for the child to work.

Project Design Consolidation Phase lasts no longer than one year after award. During this phase, the Grantee outlines the goals and objectives of the project; identifies activities of the project that support the stated goals and objectives; establishes specific deadlines and responsibilities for carrying out the activities of the project; and determines a timeframe for measuring the progress and achievements of the project. The *Project Design Consolidation Phase,* therefore, includes the development of a *Project Document* and *Work Plan.* Grantees must also address minimum requirements identified in the *Cooperative Agreement,* which includes but is not limited to defining and describing the research methodology; detailed description of activities; and budget and cost effectiveness. USDOL may provide technical assistance to Grantees to refine the *Project Document* and *Work Plan,* which, as deliverables, are subject to approval by USDOL.

The *Project Document* serves a number of functions. It describes the situation that gave rise to a particular project, explains ''why'' a project was started, establishes the plan for what must be done, outlines what must be produced, by when, and by whom, and what is expected to happen after the project ends. It can serve as a reference point for all of the implementing partners involved in a project. The *Project Document* also provides the basis for assessing the success of a project. (The format for the *Project Document* will be provided to Grantees after award). For the most part, Grantees are expected to have already presented an essentially complete Project Design strategy as part of their application submitted in response to this solicitation. The *Project Document* (including a project budget) is a more refined and revised version of the application and sets the technical parameters and reference points for the project according to the standardized format outlined by USDOL. The original proposal is expected to serve as the basis for the Grantee's *Project Document*.

Trafficking refers to the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion, for the purpose of exploitation.

Unconditional Worst Forms of Child Labor refers to the *worst forms of child labor* that fall under ILO Convention 182 Article 3 parts (a)–(c). Children involved in the *unconditional worst forms of child labor*, as defined in ILO Convention 182 Article 3 parts (a)–(c) above (see definition of *exploitive child labor*), must no longer be working to be considered as withdrawn from *exploitive labor.* That is, no improvements in the working conditions of children involved in slavery or slavery-like practices, prostitution or pornography, or illicit activities will create an acceptable environment for children to work, even for one hour.

Work Plan must identify major project activities, deadlines for completing those activities, and person(s) or institution(s) responsible for completing these activities. The *Work Plan* must correspond to activities identified in the rest of the application. The *Work Plan* may vary depending on what is the most logical form. It may, for example, be divided by project component, country, or region.

Working Children includes both children working in *acceptable work* and *exploitive child labor*.

Worst Forms of Child Labor refers to the forms of child labor that falls under ILO Convention 182 Article 3 parts (a)–(d), comprised of the forms of work referred to as ''*unconditional worst forms of child labor*'' [parts (a)–(c)] and ''*hazardous work*'' [part (d)].

Youth are individuals aged 17 and under.

APPENDIX B: DEFINITIONS AND USUAL CHARACTERISTICS OF SUBGRANTS VS. SUBCONTRACTS

[U.S. Department of Labor Office of Child Labor, Forced Labor, and Human Trafficking]

	Subgrants	Subcontracts
Definitions:		
*General Purpose	Subject to an agreement that provides for the transfer of money or property to accomplish a public purpose of support or stimulation as authorized under Federal statute.	Subject to an agreement in which the purpose is primarily to acquire goods and services.
*Focus	Carries out one or more major programmatic functions.	Provides goods and services that are ancillary or supportive to the operation of the Federal program.
*Recipient Responsibility	Has responsibility for programmatic decision making, adherence to applicable Federal program compliance requirements, and is able to determine which participants are eligible to receive Federal financial assistance.	Responsibility for programmatic decision making rests primarily with the party providing payment and inspecting deliverables. Is subject to procurement regulations, but not programmatic compliance requirements.
Usual Characteristics:		

APPENDIX B: DEFINITIONS AND USUAL CHARACTERISTICS OF SUBGRANTS VS. SUBCONTRACTS—Continued

[U.S. Department of Labor Office of Child Labor, Forced Labor, and Human Trafficking]

	Subgrants	Subcontracts
Recipients	Awarded largely to non-profits, institutions of higher education, and state and local governments. Fewer commercial enterprises are recipients.	Awarded largely to commercial enterprises, although non-profits and state or local governments may respond to a bid or negotiated solicitation.
Terms & Performance Standards	Less rigorous according to their terms and conditions than contracts. Performance is measured against whether the objectives of the Federal program are met (for example, to eliminate exploitive child labor).	More rigorous according to their terms and conditions. Performance is measured against the delivery of goods and services.
Operational Environment	Less likely to operate in a competitive environment and usually provides services for a public purpose.	Operates in a competitive environment and provides goods and services to many different purchasers
Monitoring	Less regulated. If the task is not accomplished, there may be fewer legal and financial ramifications.	More heavily regulated and more likely to carry substantial legal or financial risk.
Scope of Work	Scope of work, deliverables and delivery schedule are more flexible and easier to amend when changes are necessary.	Scope of work may be less flexible and more difficult to amend. Firm delivery schedule with deliverables subject to rigorous inspection.
Payment Schedule	Funds usually drawn down by recipient or paid in a lump sum. Payments are based on budgeted amounts rather than the unit cost of services.	Payment is usually made by invoice only after goods are delivered or services rendered. Advances are made under specific, limited circumstances. Payments are related to goods delivered or services rendered.

* The distinction between subgrants vs. subcontracts should be made primarily based on these three definitions. Even if an agreement has some or many of the ''usual characteristics'' of a subgrant, project managers and auditors should closely examine its purpose, focus, and recipient responsibilities (using the definitions provided above) before determining whether it meets the definition of a subgrant or subcontract.

Appendix C: Technical Proposal Format

A. Research Background and Significance.
B. Research Methodology/Budget-Cost Effectiveness.
i. Research Design.
ii. Population and Sample.
iii. Data Sources and Collection.
iv. Data Coding and Management.
v. Data Analysis.
vi. Dissemination.
vii. Limitations to Study.
viii. Human Subjections Considerations.
ix. Budget-Cost Effectiveness (with cost of activities linked to Outputs-Based Budget).
C. Organizational Capacity.
i. International and U.S. Government Grant Experience.
ii. Country Presence.
iii. Fiscal Oversight.
D. Key Personnel/Management Plan/Staffing.
i. Key Personnel.
ii. Other Professional Personnel.
iii. Management Plan.
iv. Staff Loading Plan.

BILLING CODE 4510–28–P

Appendix D

SURVEY ON ENSURING EQUAL OPPORTUNITY FOR APPLICANTS

OMB No. 1890-0014 Exp. 02/28/09

Purpose: The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

Instructions for Submitting the Survey: *If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.*

Applicant's (Organization) Name: _____

Applicant's DUNS Number: _____

Federal Program: _____ **CFDA Number:** _____

1. Has the applicant ever received a grant or contract from the Federal government?

❑ Yes ❑ No

2. Is the applicant a faith-based organization?

❑ Yes ❑ No

3. Is the applicant a secular organization?

❑ Yes ❑ No

4. Does the applicant have 501(c)(3) status?

❑ Yes ❑ No

5. Is the applicant a local affiliate of a national organization?

☐ Yes ☐ No

6. How many full-time equivalent employees does the applicant have? *(Check only one box).*

☐ 3 or Fewer
☐ 4-5
☐ 6-14
☐ 15-50
☐ 51-100
☐ over 100

7. What is the size of the applicant's annual budget? *(Check only one box.)*

☐ Less Than $150,000
☐ $150,000 - $299,999
☐ $300,000 - $499,999
☐ $500,000 - $999,999
☐ $1,000,000 - $4,999,999
☐ $5,000,000 or more

Survey Instructions on Ensuring Equal Opportunity for Applicants

Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.

1. Self-explanatory.

2. Self-identify.

3. Self-identify.

4. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.

5. Self-explanatory.

6. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.

7. Annual budget means the amount of money your organization spends each year on all of its activities.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1890-0014. The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information

collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** The Agency Contact listed in this grant application package.

OMB No. 1890-0014 Exp. 02/28/09

[FR Doc. E7–12011 Filed 6–20–07; 8:45 am]
BILLING CODE 4510–28–C

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0056]

Training Grant Application; Extension of the Office of Management and Budget's 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 its Training Grant Application authorized by Section 21 of the Occupational Safety and Health Act of 1970 (the ''OSH Act'') (29 U.S.C. 670).

DATES: Comments must be submitted (postmarked, sent, or received) by August 20, 2007.

ADDRESSES: *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, Docket No. OSHA–2007–0056, 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 the ICR (OSHA–2007–0056). 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 *www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Cynthia Bencheck at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Cynthia Bencheck, Office of Training and Educational Programs, OSHA Directorate of Training and Education, 2020 S. Arlington Heights Road, Arlington Heights, Illinois 60005; telephone: (847) 297–4810; e-mail: *bencheck.cindy@dol.gov*; or facsimile: (847) 297–4874.

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 minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. Section 21 of the OSH Act (29 U.S.C. 670) authorizes the Occupational Safety and Health Administration (OSHA) to conduct education and training courses directly, or through grants and contracts. These courses must ensure an adequate number of qualified personnel to fulfill the purposes of the Act, provide them with short-term training, inform them of the importance and proper use of safety and health equipment, and train employers and employees to recognize, avoid, and prevent unsafe and unhealthful working conditions.

Under section 21, the Agency awards grants to non-profit organizations to provide part of the required training. To obtain such a grant, an organization must complete the training grant application. OSHA uses the information in this application to evaluate: The organization's competence to provide the proposed training (including the qualifications of the personnel who manage and implement the training); the goals and objectives of the proposed training program; the work plan that describes in detail the tasks that the organization will implement to meet these goals and objectives; the appropriateness of the proposed costs; and compliance with Federal regulations governing nonprocurement debarment and suspension, maintaining a drug-free workplace and lobbying activities. Also required is a program summary that Agency officials use to review and evaluate the highlights of the overall proposal.

After awarding a training grant, OSHA uses the work plan and budget information provided in the application to monitor the organization's progress in meeting training goals and objectives. An organization must submit a separate application for the initial award.

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 the Agency'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 information collection requirements contained in the Training Grant Application. The Agency will summarize the comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of currently approved information collection requirements.

Title: Training Grant Application (Susan Harwood Training Grant Program).

OMB Number: 1218–0020.

Affected Public: Not-for-profit institutions.

Number of Respondents: 184.

Frequency: Annually.

Total Responses: 184.

Average Time Per Response: 55.25 hours.

Estimated Total Burden Hours: 10,166.

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 (Docket No. OSHA–2007–0056). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or a 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 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 Web site, and for assistance in using the Internet to locate docket submissions.

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 June 14, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E7–12021 Filed 6–20–07; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Susan Harwood Training Grant Program, FY 2007

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Initial announcement of availability of funds and solicitation for grant applications.

Funding Opportunity No.: SHTG–FY–07–01.

Catalog of Federal Domestic Assistance No.: 17.502.

SUMMARY: The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) awards funds to nonprofit organizations to provide training and education programs for employers and employees about safety and health topics selected by OSHA. Nonprofit organizations, including community-based and faith-based organizations, that are not an agency of a State or local government are eligible to apply. Additionally, State or local government-supported institutions of higher education are eligible to apply in accordance with 29 CFR part 95. This notice announces grant availability for Susan Harwood Training Program grants. This notice contains all of the necessary information and forms needed to apply for grant funding.

DATES: Grant applications must be received electronically by the Grants.gov system no later than 4:30 p.m., E.T., on Friday, July 20, 2007, the application deadline date.

ADDRESSES: Applications for grants submitted under this competition must be submitted electronically using the Government-wide Grants.gov Apply site at *http://www.grants.gov.* If applying online poses a hardship to any applicant, the OSHA Directorate of Training and Education will provide assistance to ensure that applications are submitted online by the closing date. Applicants must contact the OSHA Directorate of Training and Education office listed on the announcement at least one week prior to the application deadline date, (or no later than 4:30 p.m., E.T., on Friday, July 13, 2007) to speak to a representative who can provide assistance to ensure that applications are submitted online by the closing date. Requests for extensions to this deadline will not be granted. Further information regarding submitting your grant application electronically is listed in Section IV, Item 3, Submission Date, Times, and Addresses.

FOR FURTHER INFORMATION CONTACT: Any questions regarding this SGA should be directed to Cynthia Bencheck, Program Analyst, e-mail address: *bencheck.cindy@dol.gov*, tel: 847–297–4810 (note that this is not a toll-free number), or Jim Barnes, Director, Office of Training and Educational Programs, e-mail address *barnes.jim@dol.gov*, tel: 847–297–4810. To obtain further information on the Susan Harwood Training Grant Program of the U.S. Department of Labor, visit the OSHA Web site of the Occupational Safety and Health Administration at *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

Overview of the Susan Harwood Training Grant Program

The Susan Harwood Training Grant Program provides funds for programs to train employees and employers to recognize, avoid, and prevent safety and health hazards in their workplaces. The program emphasizes four areas:

- Educating employees and employers in small businesses. For purposes of this grant program, a small business is one with 250 or fewer employees.
- Training employees and employers about new OSHA standards.
- Training at-risk employer and employee populations.
- Training employees and employers about high risk activities or hazards identified by OSHA through the Department of Labor's Strategic Plan, or as part of an OSHA special emphasis program.

Grant Category Being Announced

Under this solicitation for grant applications, OSHA will accept applications for the Targeted Topic training grant category.

Topics for the Targeted Topic Training Category

Organizations funded for Targeted Topic training category grants are expected to develop and provide occupational safety and health training and/or educational programs addressing one of the topics selected by OSHA, recruit employees and employers for the training, and conduct and evaluate the training. Grantees are also expected to conduct follow-up evaluations with individuals trained by their program to determine what, if any, changes were made to reduce hazards in their workplaces as a result of the training. If your organization plans to train employees or employers in any of the 26 states operating OSHA-approved State Plans, State OSHA requirements for that state must be included in the training.

Fourteen different training topics were selected for this grant announcement. OSHA may award grants for some or all of the listed Targeted Topic training topics. Applicants wishing to address more than one of the announced grant topics must submit a separate grant application for each topic. Each application must propose a plan for developing and conducting training programs addressing the recognition and prevention of safety and health hazards for one of the topics listed below.

Construction Industry Hazards

Programs that train employees and employers in the recognition and prevention of safety and health hazards on one of the following topics.

- Focus Four construction hazards (falls, electrocution, caught-in and struck-by).
- Residential Construction general safety and health hazards, including falls.
- Excavation and Trenching hazards.
- Residential and Commercial Roofing hazards, including falls.

General Industry Hazards

Programs that train employees and employers in the recognition and prevention of safety and health hazards on one of the following topics.

- Electrical Hazards, including Arc Flash (based on 29 CFR Part 1910, Subpart S, revised 02/14/07).
- Combustible Dust.
- Powered Industrial Vehicles.
- Process Safety Management in Refineries.
- Process Safety Management for Anhydrous Ammonia.
- Night Time Sanitation and Maintenance, Third Shift Maintenance and Cleanup, including Lockout/Tagout and Confined Space Hazards.
- Health Hazards in Food Processing.
- Preparing Small Business Workplaces for Influenza Pandemic. Training should incorporate information from OSHA publication OSHA 3327–02N 2007: ''Guidance on Preparing Workplaces for an Influenza Pandemic'' which is available on-line at *http://www.osha.gov/Publications/OSHA3327pandemic.pdf*; and/or from OSHA publication OSHA 3328–05 2007: ''Pandemic Influenza Preparedness and Response Guidance for Healthcare Workers and Healthcare Employers) which is available on-line at *http://www.osha.gov/Publications/OSHA_pandemic_health.pdf.*

Other Safety and Health Topic Areas

Programs that train employees and employers in the recognition and prevention of safety and health hazards on one of the following topics.

- Driver Safety, prevention of work-related motor vehicle accidents and fatalities.
- Native American Tribal Safety and Health Issues.

II. Award Information

Targeted Topic training grants will be awarded for a 12-month period. The project period for these grants begins September 30, 2007, and ends September 30, 2008. There is approximately $10.1 million available for this grant category. The average federal award will be $175,000.

III. Eligibility Information

1. Eligible Applicants

Nonprofit organizations, including community-based and faith-based organizations, that are not an agency of a State or local government are eligible to apply. Additionally, State or local government supported institutions of higher education are eligible to apply in accordance with 29 CFR part 95. Eligible organizations can apply independently for funding or in partnership with other eligible organizations, but in such a case, a lead organization must be identified. Sub-contracts must be awarded in accordance with 29 CFR 95.40–48, including OMB circulars requiring free and open competition for procurement transactions.

A 501(c)(4) nonprofit organization, as described in 26 U.S.C. 501(c)(4), that engages in lobbying activities will not be eligible for the receipt of federal funds constituting an award, grant or loan. See 1 U.S.C. 1611.

Applicants other than State or local government supported institutions of higher education will be required to submit evidence of nonprofit status, preferably from the Internal Revenue Service (IRS).

2. Cost Sharing or Matching

Applicants are not required to contribute non-federal resources.

3. Other Eligibility Requirements

A. Legal Rules Pertaining to Inherently Religious Activities by Organizations That Receive Federal Financial Assistance

The U. S. Government is generally prohibited from providing ''direct'' financial assistance for inherently religious activities.[1]

The Grantee may be a faith-based organization or work with and partner with religious institutions; however, ''direct'' federal assistance provided under grants with the U. S. Department

[1] In this context, the term direct financial assistance means financial assistance that is provided directly by a government entity or an intermediate organization, as opposed to financial assistance that an organization receives as the result of the genuine and independent private choice of a beneficiary. In other contexts, the term ''direct'' financial assistance may be used to refer to financial assistance that an organization receives directly from the Federal government (also know as ''discretionary'' assistance), as opposed to assistance that it receives from a State or Local government (also know as ''indirect'' or ''block'' grant assistance). The term ''direct'' has the former meaning throughout this solicitation for grant applications (SGA).

of Labor may not be used for religious instruction, worship, prayer, proselytizing or other inherently religious practices. 29 CFR Part 2, Subpart D governs the treatment in Department of Labor government programs of religious organizations and religious activities; the Grantee and sub-contractors are expected to be aware of and observe the regulations in this subpart.

IV. Application and Submission Information

1. Application Package

All information and forms needed to apply for this funding opportunity are published as part of this **Federal Register** notice, and in the **Federal Register**, which may be obtained from your nearest federal depository library or online at *http://www.archives.gov/federal-register/index.html.* For informational purposes, the complete **Federal Register** notice and application forms are also posted on the OSHA Susan Harwood Training Grant Program Web site at *http://www.osha.gov/dcsp/ote/sharwood.html.*

2. Content and Form of Application Submission

Each grant application must address only one of the announced topics. Organizations interested in applying for grants for more than one of the announced grant topics must submit a separate application for each grant topic.

A. Required Contents

A complete application will contain the following forms and narrative sections.

(1) Application for Federal Assistance form (SF 424). The individual signing the SF 424 form on behalf of the applicant must be authorized to bind the applicant.

Your organization is required to have a Data Universal Number System (DUNS) number from Dun and Bradstreet to complete this form. Information about ''Obtaining a DUNS Number—A Guide for Federal Grant and Cooperative Agreement Applicants'' is available at *http://www.whitehouse.gov/omb/grants/duns_num_guide. pdf.*

(2) Survey on Ensuring Equal Opportunity for Applicants (Faith-Based EEO Survey) form OMB No. 1890–0014.

(3) Program Summary (described further in subsection B below). The program summary is a short one-to-two page single-sided abstract that succinctly summarizes the proposed project and provides information about the applicant organization.

(4) Budget Information form (SF 424A).

(5) Detailed Project Budget Backup. The detailed budget backup will provide a detailed break out of the costs that are listed in Section B of the SF 424A Budget Information form. If applicable: Provide a copy of approved indirect cost rate agreement and statement of program income.

(6) A description of any voluntary non-federal resource contribution to be provided by the applicant, including source of funds and estimated amount.

(7) Technical Proposal program narrative (described further in subsection B below), not to exceed 30 single-sided pages, double-spaced, 12-point font, containing: Problem Statement/Need for Funds; Administrative and Program Capability; and Work Plan.

(8) Assurances form (SF 424B).

(9) Combined Assurances, ED 80–0013.

(10) Organizational Chart.

(11) Evidence of Non-Profit status, preferably from the Internal Revenue Service (IRS), if applicable. (Does not apply to State and local government-supported institutions of higher education.)

(12) Accounting System Certification, if applicable. Organizations that receive less than $1 million annually in federal grants must attach a certification signed by your certifying official stating that your organization has a functioning accounting system that meets the criteria below. Your organization may also designate a qualified entity (include the name and address in the documentation) to maintain a functioning accounting system that meets the criteria below. The certification should attest that your organization's accounting system provides for the following:

(a) Accurate, current and complete disclosure of the financial results of each federally sponsored project.

(b) Records that identify adequately the source and application of funds for federally sponsored activities.

(c) Effective control over and accountability for all funds, property and other assets.

(d) Comparison of outlays with budget amounts.

(e) Written procedures to minimize the time elapsing between the transfer of funds.

(f) Written procedures for determining the reasonableness, allocability and allowability of costs.

(g) Accounting records, including cost accounting records that are supported by source documentation.

(13) Any attachments such as resumes of key personnel or position descriptions, exhibits, information on prior government grants, and signed letters of commitment to the project.

To be considered responsive to this solicitation, the application must consist of the above mentioned separate parts. Major sections and sub-sections of the application should be divided and clearly identified, and all pages shall be numbered. Standard forms, attachments, exhibits and the Program Summary abstract are not counted toward the page limit.

The forms listed above are included as a part of this **Federal Register** notice. The forms are also available on the OSHA grant Web site *http://www.osha.gov/dcsp/ote/sharwood.html.*

B. Budget Information

Applicants must include the following grant project budget information.

(1) Budget Information form (SF 424A).

(2) A Detailed Project Budget that clearly details the costs of performing all of the requirements presented in this solicitation. The detailed budget will break out the costs that are listed in Section B of the SF 424A Budget Information form.

Applicants are reminded to budget for compliance with the administrative requirements set forth. (Copies of all regulations that are referenced in this solicitation for grant applications (SGA) are available on-line at no cost at *http://www.osha.gov/dcsp/ote/sharwood.html.*) This includes the costs of performing activities such as travel for two staff members, one program and one financial, to the Chicago area to attend a new grantee orientation meeting; financial audit, if required; project closeout; document preparation (e.g., quarterly progress reports, project document); and ensuring compliance with procurement and property standards.

The Detailed Project Budget should break out administrative costs separately from programmatic costs for both federal and non-federal funds. Administrative costs include indirect costs from the costs pool and the cost of activities, materials, meeting close-out requirements as described in Section VI, and personnel (e.g., administrative assistants) who support the management and administration of the project but do not provide direct services to project beneficiaries. Indirect cost charges, which are considered administrative costs, must be supported with a copy of an approved Indirect Cost Rate Agreement form. Administrative costs cannot exceed 25% of the total grant budget. The project budget should

clearly demonstrate that the total amount and distribution of funds is sufficient to cover the cost of all major project activities identified by the applicant in its proposal, and must comply with federal cost principles (which can be found in the applicable OMB Circulars).

(3) A description of any voluntary non-federal resource contribution to be provided by the applicant, including source of funds and estimated amount.

C. Program Summary and Technical Proposal

The Program Summary and the Technical Proposal will contain the narrative segments of the application. The Program Summary abstract is not to exceed two single-sided pages. The Technical Proposal program narrative section is not to exceed 30 single-sided (8½″ × 11″ or A4), double-spaced, 12-point font, typed pages, consisting of the Problem Statement/Need for Funds, Administrative and Program Capability, and Work Plan. Reviewers will only consider Technical Proposal information up to the 30-page limit. The Technical Proposal must demonstrate the capability to successfully administer the grant and to meet the objectives of this solicitation. The Technical Proposal will be rated in accordance with the selection criteria specified in Section V.

The Program Summary and Technical Proposal must include the following sections.

(1) Program Summary. An abstract of the application, not to exceed two single-sided pages, that must include the following information.

- Applicant organization's full legal name.
- Project director's name, title, street address, and mailing address if it is different from the street address, telephone and fax numbers, and e-mail address. The Project Director is the person who will be responsible for the day-to-day operation and administration of the program.
- Certifying Representative's name, title, street address, and mailing address if it is different from the street address, telephone and fax numbers, and e-mail address. The Certifying Representative is the official in your organization who is authorized to enter into grant agreements.
- Funding requested. List how much federal funding you are requesting. If your organization is contributing non-federal resources, also list the amount of non-federal resources and the source of those funds.
- Grant Topic. List the grant topic and industry or subject area your organization has selected to target in its application.
- Summary of the Proposed Project. Write a brief program summary of your proposed grant project.
- Applicant Background. Describe your applicant organization, including its mission, identify the type of non-profit organization it is, and provide a description of your membership, if any.

(2) The Technical Proposal program narrative segment, which is not to exceed 30 single-sided, double-spaced, 12-point font pages in length, must address each section listed below.

- Problem Statement/Need for Funds. Describe the hazards that will be addressed in your program, the target population(s) that will benefit from your training and education program, and the barriers that have prevented this population from receiving adequate training. When you discuss target populations, include geographic location(s), and the number of employees and employers.
- Administrative and Program Capability. Briefly describe your organization's functions and activities. Relate this description of functions to your organizational chart that you will include in the application. If your organization is conducting, or has conducted within the last five years, any other government (federal, State, or local) grant programs, the application must include an attachment (which will not count towards the page limit) providing information regarding previous grants including (a) the organization for which the work was done, and (b) the dollar value of the grant. If your organization has not had previous grant experience, you may partner with an organization that has grant experience to manage the grant. If you use this approach, the management organization must be identified and its grant program experience discussed.

Program Experience. Describe your organization's experience conducting the type of program that you are proposing. Include program specifics such as program titles, numbers trained and duration of training. Experience includes safety and health experience, training experience with adults, and programs operated specifically for the selected target population(s). Nonprofit organizations, including community-based and faith-based organizations, that do not have prior experience in safety and health may partner with an established safety and health organization to acquire safety and health expertise.

Staff Experience. Describe the qualifications of the professional staff you will assign to the program. Include resumes of staff already on board. If some positions are vacant, include position descriptions/minimum hiring qualifications instead of resumes. Qualified staff are those with safety and health experience, training experience, or experience working with the target population.

- Work Plan. The 12-month work plan should correlate with the grant project period that will begin September 30, 2007, and end September 30, 2008. An outline of specific items required in your work plan follows:

Plan Overview. Describe your plan for grant activities and the anticipated outcomes. The overall plan will describe such things as the development of training materials, the training content, recruiting of trainees, where or how training will take place, and the anticipated benefits to employees and employers receiving the training.

Activities. Break your overall plan down into activities or tasks. For each activity, explain what will be done, who will do it, when it will be done, and the results of the activity. When you discuss training, include the subjects to be taught, the length of the training sessions, and training location (classroom, worksites). Describe how you will recruit trainees for the training.

Quarterly Projections. For training and other quantifiable activities, estimate how many (e.g., number of advisory committee meetings, classes to be conducted, employees and employers to be trained, etc.,) you will accomplish each quarter of the grant (grant quarters match calendar quarters, i.e., January to March, April to June) and provide the training number totals for the grant. Quarterly projections are used to measure your actual performance against your plans. If you plan to conduct a train-the-trainer program, estimate the number of individuals you expect to be trained during the grant period by those who received the train-the-trainer training. These second tier training numbers should only be included if your organization is planning to follow up with the trainers to obtain this data during the grant period.

Materials. Describe each educational material you will produce under the grant, if not treated as a separate activity under Activities above. Provide a timetable for developing and producing the material. OSHA must review and approve training materials for technical accuracy and suitability of content before the materials may be used in your grant program. Therefore, your timetable must include provisions for an OSHA review of draft and camera-ready products. Acceptable formats for

training materials include Microsoft Office 2003 and Adobe Reader 7. For Targeted Topic training grants, any previously developed training materials you are proposing to utilize in your grant training must also go through an OSHA review before being used.

Evaluations. There are three types of evaluations that should be conducted. First, describe plans to evaluate the training sessions. Second, describe your plans to evaluate your progress in accomplishing the grant work activities listed in your application. This includes comparing planned vs. actual accomplishments. Discuss who is responsible for taking corrective action if plans are not being met. Third, describe your plans to assess the effectiveness of the training your organization is conducting. This will involve following-up, by survey or on-site review, if feasible, with individuals who attended the training to find out what changes were made to abate hazards in their workplaces. Include timetables for follow-up and for submitting a summary of the assessment results to OSHA.

(3) An organizational chart of the staff that will be working on this grant and their location within the applicant organization.

Attachments: Summaries of other relevant organizational experiences; information on prior government grants; resumes of key personnel and/or position descriptions; and signed letters of commitment to the project.

3. Submission Date, Times, and Addresses

Date: The deadline date for receipt of applications is Friday, July 20, 2007. Applications must be received by 4:30 p.m., E.T., on the closing date at *http://www.grants.gov.* Any application received after the deadline will not be accepted.

Electronic Submission of Applications: Applications for Susan Harwood grants under this competition must be submitted electronically using the Grants.gov Apply site at *http://www.grants.gov.* Through this site you will be able to download a copy of the application package, complete it offline, and then upload and submit your full application. Applications sent by mail or other delivery services, e-mail, telegram, or facsimile (FAX) will not be accepted. Applications that do not meet the conditions set forth in this notice will not be honored.

For applicants using Grants.gov for the first time, it is strongly recommended that they immediately initiate and complete the ''Get Started'' steps to register with Grants.gov, at *http://www.grants.gov/GetStarted.* These steps will probably take multiple days to complete, which should be factored into an applicant's plans for electronic application submission in order to avoid unexpected delays that could result in the rejection of the application. Acceptable formats for document attachments submitted as a part of a Grants.gov grant application include Microsoft Office 2003 and Adobe Reader 7.

If you have questions regarding the process for submitting your application through Grants.gov, or are experiencing problems with electronic submissions, you may contact the Grants Program Management Office via one of the methods below:

- E-mail at *support@grants.gov;*
- Telephone the Grants.gov Contact Center Phone: 1–800–518–4726. The Contact Center hours of operation are Monday–Friday, 7 a.m. to 9 p.m., Eastern Time; closed on federal holidays.
- When contacting the Grants Program Management Office, the following information will help expedite your inquiry:
  - Funding Opportunity Number (FON).
  - Name of Agency You Are Applying To.
  - Specific Area of Concern.

If applying online poses a hardship to any applicant, the OSHA Directorate of Training and Education will provide assistance to ensure that applications are submitted online by the closing date. Applicants must contact the OSHA Directorate of Training and Education office listed on the announcement at least one week prior to the application deadline date (or no later than 4:30 p.m., E.T., on Friday, July 13, 2007) to speak to a representative who can provide assistance to ensure that applications are submitted online by the closing date. Requests for extensions to this deadline will not be granted.

4. Intergovernmental Review

The Harwood Training Grant Program is not subject to Executive Order 12372 Intergovernmental Review of Federal Programs.

5. Funding Restrictions

Grant funds may be spent on the following.

(a) Conducting training.

(b) Conducting other activities that reach and inform employees and employers about workplace occupational safety and health hazards and hazard abatement.

(c) Conducting outreach and recruiting activities to increase the number of employees and employers participating in the program.

(d) Developing educational materials for use in training.

Grant funds may not be used for the following activities under the terms of the grant program.

(a) Any activity that is inconsistent with the goals and objectives of the Occupational Safety and Health Act of 1970.

(b) Training individuals not covered by the Occupational Safety and Health Act.

(c) Training employees or employers from workplaces not covered by the Occupational Safety and Health Act. Examples include:

State and local government employees in non-State Plan States, and employees referenced in section 4 (b)(1) of the Act.

(d) Training on topics that do not cover the recognition, avoidance, and prevention of unsafe or unhealthy working conditions. Examples of unallowable topics include: Workers' compensation, first aid, and publication of materials prejudicial to labor or management.

(e) Assisting employees in arbitration cases or other actions against employers, or assisting employers and employees in the prosecution of claims against federal, State or local governments.

(f) Duplicating services offered by OSHA, a State under an OSHA-approved State Plan, or consultation programs provided by State designated agencies under section 21(d) of the Occupational Safety and Health Act.

(g) Generating membership in the grantee's organization. This includes activities to acquaint nonmembers with the benefits of membership, inclusion of membership appeals in materials produced with grant funds, and membership drives.

(h) The cost of lost-time wages paid by you or other organizations to students while attending grant-funded training.

(i) Administrative costs cannot exceed 25% of the total grant budget.

While the activities described above may be part of an organization's regular programs, the costs of these activities cannot be paid for by grant funds, whether the funds are from non-federal matching resources or from the federally funded portion of the grant.

Determinations of allowable costs will be made in accordance with the applicable federal cost principles, e.g., Nonprofit Organizations—2 CFR part 230, formerly OMB Circular A–122; Educational Institutions—2 CFR part 220, formerly OMB Circular A–21. Disallowed costs are those charges to a grant that the grantor agency or its

representative determines to not be allowed in accordance with the applicable federal cost principles or other conditions contained in the grant.

No applicant at any time will be entitled to reimbursement of preaward costs.

V. Application Review Information

Grant applications will be reviewed by technical panels comprised of OSHA staff. The results of the grant reviews will be presented to the Assistant Secretary of OSHA, who will make the selection of organizations to be awarded grants. OSHA may award grants for some or all of the listed topic areas. It is anticipated that the grant awards will be announced in September 2007.

1. Evaluation Criteria

The technical panels will review grant applications against the criteria listed below on the basis of 100 maximum points. Targeted Topic training grant category applications will be reviewed and rated as follows.

A. Technical Approach, Program Design—50 Points Total

Program Design

(1) The proposed training and education program must address the recognition and prevention of safety and health hazards for one of the Targeted Topic subject areas identified in Section I of this SGA. (1 point)

(2) The proposal plans to train employees and/or employers, clearly estimates the numbers to be trained, and clearly identifies the types of employees and employers to be trained. The training will reach employees and employers from multiple employers. (4 points)

(3) If the proposal contains a train-the-trainer program, the following information must be provided: (4 points)

- What ongoing support the grantee will provide to new trainers;
- The number of individuals to be trained as trainers;
- The estimated number of courses to be conducted by the new trainers;
- The estimated number of students to be trained by these new trainers; and
- A description of how the grantee will obtain data from the new trainers documenting their classes and student numbers.

(4) There is a well-developed work plan, and activities and training are adequately described. The planned activities and training are appropriately tailored to the needs and levels of the employees and employers to be trained. The target audience to be served through the grant program is described. (20 points)

(5) The training materials and training programs are tailored to the training needs of one or more of the following target audiences; and the need for training is established: small businesses; new businesses; limited English proficiency, non-literate and low literacy workers; youth; immigrant and minority workers, and other hard-to-reach workers; and employees in high-hazard industries and industries with high fatality rates. Organizations proposing to develop Spanish-language training materials should utilize the OSHA Dictionaries (English-to-Spanish and Spanish-to-English) for terminology. The dictionaries are available on the OSHA Web site at: *http://www.osha.gov/dcsp/compliance_assistance/spanish_dictionaries.html.* Organizations proposing to develop materials in languages other than English will also be required to provide an English version of the materials. (10 points)

(6) There is a sound plan to recruit trainees for the program. (4 points)

(7) If the proposal includes developing educational materials for use in the training program, there is a plan for OSHA to review the educational materials for technical accuracy and suitability of content during development. If previously-developed training products will be used for the Targeted Topic training program, applicants have a plan for OSHA to review the materials before using the products in their grant program. (1 point)

(8) There are plans for three different types of evaluation. The plans include evaluating your organization's progress in accomplishing the grant work activities and accomplishments, evaluating your training sessions, and evaluating the program's effectiveness and impact to determine if the safety and health training and services provided resulted in workplace change. This includes a description of the evaluation plan to follow up with trainees to determine the impact the program has had in abating hazards and reducing worker injuries. (5 points)

(9) The application is complete, including forms, budget detail, narrative and work plan, and required attachments. (1 points)

B. Budget—20 Points Total

(1) The budgeted costs are reasonable. No more than 25% of the total budget is for administration. (12 points)

(2) The budget complies with federal cost principles (which can be found in the applicable OMB Circulars) and with OSHA budget requirements contained in the grant application instructions. (3 points)

(3) The cost per trainee is less than $500 and the cost per training hour is reasonable. (5 points)

C. Past Performance—15 Points Total

(1) The organization applying for the grant demonstrates experience with occupational safety and health. Applicants that do not have prior experience in providing safety and health training to employees or employers may partner with an established safety and health organization to acquire safety and health expertise. (4 points)

(2) The organization applying for the grant demonstrates experience training adults in work-related subjects or in recruiting, training and working with the target audience for this grant. (4 points)

(3) The application organization demonstrates that the applicant has strong financial management and internal control systems. (4 points)

(4) The applicant organization has administered, or will work with an organization that has administered, a number of different federal and/or State grants over the past five years. (3 points)

D. Experience and Qualification of Personnel—15 Points Total

(1) The staff to be assigned to the project has experience in occupational safety and health, the specific topic chosen, and in training adults. (10 points)

(2) Project staff has experience in recruiting, training, and working with the population your organization proposes to serve under the grant. (5 points)

2. Review and Selection Process

OSHA will screen all applications to determine whether all required proposal elements are present and clearly identifiable. Applications that do not may be deemed non-responsive and may not be evaluated. A technical panel will objectively rate each complete application against the criteria described in this announcement. The panel recommendations to the Assistant Secretary are advisory in nature. The Assistant Secretary may establish a minimally acceptable rating range for the purpose of selecting qualified applicants. The Assistant Secretary will make a final selection determination based on what is most advantageous to the government, considering factors such as panel findings, geographic presence of the applicants, Agency

priorities, the best value to the government, cost, and other factors. The Assistant Secretary's determination for award under this solicitation for grant applications (SGA) is final.

3. Anticipated Announcement and Award Dates

Announcement of these awards is expected to occur by September 30, 2007.

The grant agreement will be awarded by no later than September 2007.

VI. Award Administration Information

1. Award Process

Organizations selected as grant recipients will be notified by a representative of the Assistant Secretary, usually from an OSHA Regional Office. An applicant whose proposal is not selected will be notified in writing.

Notice that an organization has been selected as a grant recipient does not constitute approval of the grant application as submitted. Before the actual grant award, OSHA will enter into negotiations concerning such items as program components, staffing and funding levels, and administrative systems. If the negotiations do not result in an acceptable submittal, the Assistant Secretary reserves the right to terminate the negotiation and decline to fund the proposal.

Note: Except as specifically provided, OSHA's acceptance of a proposal and an award of Federal funds to sponsor any program(s) does not provide a waiver of any grant requirement or procedures. For example, if an application identifies a specific sub-contractor to provide the services, the USDOL OSHA award does not provide the justification or basis to sole-source the procurement, i.e., to avoid competition.

2. Administrative and National Policy Requirements

All grantees, including faith-based organizations, will be subject to applicable federal laws and regulations (including provisions of appropriations law) and the applicable Office of Management and Budget (OMB) Circulars. The grant award(s) awarded under this SGA will be subject to the following administrative standards and provisions, as applicable to the particular grantee:

29 CFR Part 2, Subpart D, new equal treatment regulations.

29 CFR Parts 31, 32, 35 and 36 as applicable.

29 CFR Part 93, new restrictions on lobbying.

29 CFR Part 95, which covers grant requirements for nonprofit organizations, including universities and hospitals. These are the Department of Labor regulations implementing 2 CFR Part 215, formerly OMB Circular A–110.

29 CFR Part 98, government-wide debarment and suspension (nonprocurement) and government-wide requirements for drug-free workplace (grants).

2 CFR Part 220, formerly OMB Circular A–21, which describes allowable and unallowable costs for educational institutions.

2 CFR Part 230, formerly OMB circular A–122, which describes allowable and unallowable costs for other nonprofit organizations.

OMB Circular A–133, 29 CFR parts 96 and 99, which provide information about audit requirements.

Certifications. All applicants are required to certify to a drug-free workplace in accordance with 29 CFR part 98, to comply with the New Restrictions on Lobbying published at 29 CFR part 93, to make a certification regarding the debarment rules at 29 CFR part 98, and to complete a special lobbying certification.

Training Audience. Grant-funded training programs must serve multiple employers and their employees. Grant-funded training programs must serve individuals covered by the Occupational Safety and Health Act of 1970. As a part of the grant close-out process, grantees must self-certify that their grant-funded programs and materials were not provided to ineligible audiences.

Other. In keeping with the policies outlined in Executive Orders 13256, 12928, 13230, and 13021 as amended, the grantee is strongly encouraged to provide subgranting opportunities to Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities.

3. Special Program Requirements

OSHA review of educational materials. OSHA will review all educational materials produced by the grantee for technical accuracy and suitability of content during development and before final publication. OSHA will also review previously-developed training curricula and purchased training materials for technical accuracy and suitability of content before the materials are used. Grantees developing training materials must follow all copyright laws and provide written certification that their materials are free from copyright infringements.

When grant recipients produce training materials, they must provide copies of completed materials to OSHA before the end of the grant period. OSHA has a lending program that circulates grant-produced audiovisual materials. Audiovisual materials produced by the grantee as a part of its grant program may be included in this lending program. In addition, all materials produced by grantees must be provided to OSHA in hard copy as well as in a digital format (CD Rom/DVD) for possible publication on the Internet by OSHA. Two copies of the materials must be provided to OSHA. Acceptable formats for training materials include Microsoft Office 2003 and Adobe Reader 7.

As stated in 29 CFR 95.36, the Department of Labor reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use for federal purposes any work produced under a grant, and to authorize others to do so. Applicants should note that grantees must agree to provide the Department of Labor a paid-up, nonexclusive and irrevocable license to reproduce, publish, or otherwise use for federal purposes all products developed, or for which ownership was purchased, under an award including, but not limited to, curricula, training models, technical assistance products, and any related materials, and to authorize the Department of Labor to do so. Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronic or otherwise.

Acknowledgment of USDOL Funding. In all circumstances, all approved grant-funded materials developed by a grantee shall contain the following disclaimer:

This material was produced under grant number _____ from the Occupational Safety and Health Administration, U.S. Department of Labor. It does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

Public reference to grant: When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds must clearly state:

- The percentage of the total costs of the program or project that will be financed with federal money;
- The dollar amount of federal financial assistance for the project or program; and

• The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Use of U.S. Department of Labor (USDOL) OSHA Logo: The USDOL–OSHA logo may not be applied to any grant products developed with grant funds without advance written authority from OSHA.

4. Reporting

Grantees are required by Departmental regulations to submit program and financial reports each calendar quarter. All reports are due no later than 30 days after the end of the fiscal quarter and shall be submitted to the appropriate OSHA Regional Office.

The Grantee(s) shall submit financial reports on a quarterly basis. The first reporting period shall end on the last day of the fiscal quarter (December 31, March 31, June 30, or September 30) during which the grant was signed. Financial reports are due within 30 days of the end of the reporting period (i.e., by January 30, April 30, July 30, and October 30).

The Grantee(s) shall use Standard Form (SF) 269, Financial Status Report, to report the status of funds, at the project level, during the grant period. A final SF269 shall be submitted no later than 90 days following completion of the grant period.

Grantees will use the U.S. Department of Health and Human Services Payment Management System (HHS PMS) to receive federal funds and to report federal expenditures, and must also send USDOL copies of the PSC 272 that it submits to HHS, on the same schedule.

Technical Progress Reports: After signing the agreement, the Grantee(s) shall submit technical progress reports to USDOL/OSHA Regional Offices at the end of each fiscal quarter. Technical progress reports provide both quantitative and qualitative information and a narrative assessment of performance for the preceding three-month period. OSHA Form 171 shall be used for reporting training numbers and a narrative report shall be provided that details grant activities conducted during the quarter, information on how the project is progressing in achieving its stated objectives, and notes any problems or delays along with corrective actions proposed. The first reporting period shall end on the last day of the fiscal quarter (December 31, March 31, June 30, or September 30) during which the grant was signed. Quarterly progress reports are due within 30 days of the end of the report period (i.e., by January 30, April 30, July 30, and October 30.) Between reporting dates, the Grantees(s) shall also immediately inform USDOL/OSHA of significant developments and/or problems affecting the organization's ability to accomplish work.

(Authority: The Occupational Safety and Health Act of 1970, (29 U.S.C. 670), and the Revised Continuing Appropriations Resolution for Fiscal Year 2007, Pub. L. 110–5.)

Signed at Washington, DC, this 13th day of June, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

Project Document Format

SF 424, Application for Federal Assistance form
  Your organization is required to have a Data Universal Number System (DUNS) number (received from Dun and Bradstreet) to complete this form. Information about ''Obtaining a DUNS Number—A Guide for Federal Grant and Cooperative Agreement Applicants'' is available at *http://www.whitehouse.gov/omb/grants/duns_num_guide.pdf.*
Survey on Ensuring Equal Opportunity for Applicants (Faith-Based EEO Survey) form, (OMB No. 1890–0014)
Program Summary (not to exceed two single-sided pages)
Budget Information, SF 424A form
Detailed Project Budget Backup
  If applicable: provide a copy of approved indirect cost rate agreement, and statement of program income.
Technical Proposal, program narrative, not to exceed 30 single-sided pages, double-spaced, 12-point font, containing:
  Problem Statement/Need for Funds
  Administrative and Program Capability
  Work plan
Assurances (SF 424B)
Combined Assurances, ED 80–0013
Organizational Chart
Evidence of Nonprofit status, (letter from the IRS) if applicable
Accounting System Certification, if applicable

Organizations that receive less than $1 million annually in federal grants must attach a certification signed by your certifying official stating that your organization has a functioning accounting system that meets the criteria below. Your organization may also designate a qualified entity (include the name and address in the documentation) to maintain a functioning accounting system that meets the criteria below. The certification should attest that your organization's accounting system provides for the following:

1. Accurate, current and complete disclosure of the financial results of each federally sponsored project.

2. Records that identify adequately the source and application of funds for federally sponsored activities.

3. Effective control over and accountability for all funds, property and other assets.

4. Comparison of outlays with budget amounts.

5. Written procedures to minimize the time elapsing between the transfer of funds.

6. Written procedures for determining the reasonableness, allocability and allowability of costs.

7. Accounting records, including cost accounting records, that are supported by source documentation.

Attachments such as:

Summaries of other relevant organizational experience; information on prior government grants; resumes of key personnel or position descriptions; signed letters of commitment to the project.

Attachments (forms)

SF–424, Application for Federal Assistance
Survey on Ensuring Equal Opportunity for Applicants (Faith-Based EEO Survey) form, (OMB No. 1890–0014)
SF–424A, Budget Information form
SF 424B, Assurances
Combined Assurances, ED 80–0013

The forms are also available at:
http://www.grants.gov
http://www.osha.gov/dcsp/ote/sharwood.html—(information purposes only).

BILLING CODE 4510–26–P

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

* 1 Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☐ New	
☐ Application	☐ Continuation	* Other (Specify)
☐ Changed/Corrected Application	☐ Revision	

* 3 Date Received:	4. Applicant Identifier:
Completed by Grants gov upon submission	

5a. Federal Entity Identifier:	* 5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:	7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

* b. Employer/Taxpayer Identification Number (EIN/TIN):	* c. Organizational DUNS:

d. Address:

* Street1:	
Street2:	
* City:	
County:	
* State.	
Province.	
* Country:	USA: UNITED STATES
* Zip / Postal Code:	

e. Organizational Unit:

Department Name:	Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:		* First Name:	
Middle Name:			
* Last Name:			
Suffix:			

Title:

Organizational Affiliation:

* Telephone Number	Fax Number:

* Email:

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

9. Type of Applicant 1: Select Applicant Type:

Type of Applicant 2: Select Applicant Type.

Type of Applicant 3: Select Applicant Type:

* Other (specify).

*** 10. Name of Federal Agency:**

NGMS Agency

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

*** 12. Funding Opportunity Number:**

MBL-SF424FAMILY-ALLFORMS

* Title:

MBL-SF424Family-AllForms

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

*** 15. Descriptive Title of Applicant's Project:**

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

16. Congressional Districts Of:

* a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: * b End Date.

18. Estimated Funding ($):

* a. Federal
* b. Applicant
* c. State
* d. Local
* e. Other
* f. Program Income
* g. TOTAL

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐ c. Program is not covered by E.O 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☐ No Explanation

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☐ **** I AGREE**

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number

* Email:

* Signature of Authorized Representative. Completed by Grants gov upon submission. * Date Signed: Completed by Grants gov upon submission

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Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-102

OMB Number: 4040-0004
Expiration Date: 01/31/2009

Application for Federal Assistance SF-424 Version 02

*** Applicant Federal Debt Delinquency Explanation**

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 4040-0006
Expiration Date 04/30/2008

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)					$
j. Indirect Charges					$
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Prescribed by OMB (Circular A -102)

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTAL (sum of lines 8-11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal	$				
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL (sum of lines 16 - 19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

21. Direct Charges: 22. Indirect Charges:

23. Remarks:

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Standard Form 424A (Rev. 7-97) Page 2

OMB Approval No. 4040-0007
Expiration Date 04/30/2008

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including 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 the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9 Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U S.C. §276c and 18 U S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205)

12 Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.)

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18 Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

* SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	* TITLE
Completed on submission to Grants gov	
* APPLICANT ORGANIZATION	* DATE SUBMITTED
	Completed on submission to Grants.gov

Standard Form 424B (Rev. 7-97) Back

Survey on Ensuring Equal Opportunity For Applicants

OMB No. 1890-0014 Exp. 2/28/2009

Purpose:

The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

Instructions for Submitting the Survey

If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

Applicant's (Organization) Name:

Applicant's DUNS Name:

Federal Program:

CFDA Number:

1. Has the applicant ever received a grant or contract from the Federal government?

☐ **Yes** ☐ **No**

2. Is the applicant a faith-based organization?

☐ **Yes** ☐ **No**

3. Is the applicant a secular organization?

☐ **Yes** ☐ **No**

4. Does the applicant have 501(c)(3) status?

☐ **Yes** ☐ **No**

5. Is the applicant a local affiliate of a national organization?

☐ **Yes** ☐ **No**

6 How many full-time equivalent employees does the applicant have? (Check only one box.)

☐ **3 or Fewer** ☐ **15-50**

☐ **4-5** ☐ **51-100**

☐ **6-14** ☐ **over 100**

7. What is the size of the applicant's annual budget? (Check only one box.)

☐ **Less Than $150,000**

☐ **$150,000 - $299,999**

☐ **$300,000 - $499,999**

☐ **$500,000 - $999,999**

☐ **$1,000,000 - $4,999,999**

☐ **$5,000,000 or more**

Survey Instructions on Ensuring Equal Opportunity for Applicants

OMB No. 1890-0014 Exp. 2/28/2009

Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.

1. Self-explanatory.

2. Self-identify.

3. Self-identify.

4. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.

5. Self-explanatory.

6. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.

7. Annual budget means the amount of money your organization spends each year on all of its activities.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1890-0014.** The time required to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: The Agency Contact listed in this grant application package.

Combined Assurance

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Agency determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 --

A The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the address provided in the application instructions. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

*Address

*City

County

*State Zip

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to the address provided in the application instructions. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

* NAME OF APPLICANT

* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

Prefix: * First Name: Middle Name

* Last Name: Suffix: * Title:

SIGNATURE

This field will be completed on submission to Grants.gov

DATE

This field will be completed on submission to Grants.gov

ED 80-0013

12/98

[FR Doc. 07–3001 Filed 6–20–07; 8:45 am]

BILLING CODE 4510–26–C

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0030]

National Technical Systems, Inc.; Renewal of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: This notice announces the Occupational Safety and Health Administration's final decision granting the renewal of recognition of National Technical Systems, Inc., (NTS) as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7.

DATES: The renewal of recognition becomes effective on June 21, 2007.

FOR FURTHER INFORMATION CONTACT: MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–3655, Washington, DC 20210, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the renewal of recognition of National Technical Systems, Inc., (NTS) as a Nationally Recognized Testing Laboratory (NRTL). This renewal covers NTS's existing scope of recognition, which may be found in the following informational Web page: *http://www.osha.gov/dts/otpca/nrtl/nts.html.*

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification.

The Agency processes applications by an NRTL for initial recognition or for expansion or renewal of this recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. We maintain an informational Web page for each NRTL that details its scope of recognition. These pages can be accessed from our Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

National Technical Systems, Inc., (NTS) initially received OSHA recognition as a Nationally Recognized Testing Laboratory on December 10, 1998 (63 FR 68306) for a five-year period ending on December 10, 2003. Appendix A to 29 CFR 1910.7 stipulates that the period of recognition of an NRTL is five years and that an NRTL may renew its recognition by applying not less than nine months, nor more than one year, before the expiration date of its current recognition. NRTLs submitting requests within this allotted time period retain their recognition during OSHA's renewal process. NTS submitted a request, dated February 13, 2003 (see Exhibit 7), to renew its recognition. This request fell within the allotted time period, and NTS retained its recognition pending OSHA's final decision in this renewal process. In connection with the renewal, an NRTL Program assessor performed an on-site review the NRTL's site. Based upon this review, the assessor recommended the renewal of NTS's recognition in a memo dated July 22, 2005 (see Exhibit 7–1).

The preliminary notice announcing the renewal application was published in the **Federal Register** on August 17, 2006 (71 FR 47534). Comments were requested by September 1, but no comments were received in response to this notice.

The most recent application processed by OSHA specifically related to the recognition of NTS granted its initial recognition, and the final notice for this recognition was published as noted above.

You may obtain or review copies of all public documents pertaining to the NTS application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N2625, Washington, DC, 20210. Docket No. OSHA–2006–0030 (formerly, NRTL1–98) contains all materials in the record concerning the NTS application.

The current address of the NTS facility (site) already recognized by OSHA and included as part of the renewal is:

National Technical Systems, Inc., 1146 Massachusetts Avenue, Boxborough, MA 01719.

Final Decision and Order

NRTL Program staff has examined the application, the assessor's report, and other pertinent information. Based upon this examination and the assessor's recommendation, OSHA finds that NTS has met the requirements of 29 CFR 1910.7 for renewal of its recognition, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby renews the recognition of NTS, subject to these limitations and conditions.

Limitations

1. Test Standards and Site

OSHA limits the renewal of the NTS recognition to the one site listed above and to testing and certification of products for demonstration of conformance to the test standards listed below. OSHA has determined that each of these standards meets the requirements for an appropriate test standard, within the meaning of 29 CFR 1910.7(c).

UL 484—Room Air Conditioners.

UL 489—Molded-Case Circuit Breakers, Molded-Case Switches, and Circuit-Breaker Enclosures.

UL 499—Electric Heating Appliances.

UL 544—Medical and Dental Equipment.

UL 1012—Power Units Other Than Class 2.

UL 1778—Uninterruptible Power Systems.

UL 1863—Communications-Circuit Accessories.

UL 1995—Heating and Cooling Equipment.

UL 60601–1—Medical Electrical Equipment, Part 1: General Requirements for Safety.

UL 60950—Information Technology Equipment.

UL 61010A–1—Electrical Equipment For Laboratory Use; Part 1: General Requirements.

UL 61010B–1—Electrical Measuring and Test Equipment; Part 1: General Requirements.

The designations and titles of the above test standards were current at the time of the preparation of the preliminary notice.

OSHA's recognition of NTS, or any NRTL, for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third-party testing and certification before use in the

workplace. Consequently, if a test standard also covers any product(s) for which OSHA does not require such testing and certification, an NRTL's scope of recognition does not include that product(s).

Many UL test standards also are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience, we use the designation of the standards developing organization for the standard as opposed to the ANSI designation. Under our procedures, any NRTL recognized for an ANSI-approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard. You may contact ANSI to find out whether or not a test standard is currently ANSI-approved.

2. Supplemental Programs

The renewal is also limited to continued use by NTS of the following supplemental programs, all of which are currently in its scope.

Program 4: Acceptance of witnessed testing data.

Program 8: Acceptance of product evaluations from organizations that function as part of the International Electrical Commission Certification Body (IEC–CB) Scheme.

Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents.

In developing these programs, OSHA responded to industry requests and allowed certain of their ongoing practices to continue but in a manner controlled by OSHA criteria. In this sense, they are special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, these programs help to define the scope of that recognition.

Conditions

NTS must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

OSHA must be allowed access to NTS's facility and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If NTS has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the test standard developing organization of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

NTS must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, NTS agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

NTS must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

NTS will meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition; and

NTS will continue to meet the requirements for recognition in all areas where it has been recognized.

Signed at Washington, DC, this 4th day of June, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E7–12024 Filed 6–20–07; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Revise an Information Collection

AGENCY: National Science Foundation.

ACTION: Submission for OMB Review; Comment Request Under the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed continuing information collection. This is the third notice for public comment; the first was published in the **Federal Register** at 71 FR 38428 and one comment that had no significant suggestions for altering the data plans was received. The second notice was published at 71 FR 78226, simultaneous with submission of the clearance package to OMB. The information collection request was withdrawn on March 29, 2007 to allow the program to clarify burden hours and participants. NSF is now forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this third notice.

DATES: Comments regarding these information collections are best assured of having their full effect if received by OMB within 30 days of publication in the **Federal Register**.

ADDRESSES: Written comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of NSF, including whether the information will have practical utility; (b) the accuracy of NSF's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to 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 should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725–17th Street, NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send e-mail to *splimpto@nsf.gov*. Copies of the submission may be obtained by calling (703) 292–7556.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, NSF Reports Clearance Officer at (703) 292–7556 or send e-mail to *splimpto@nsf.gov*.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION:

Title of Collection: Evaluation of the Research Experiences for Undergraduates (REU) Program in the NSF Directorate for Engineering (ENG).

OMB Number: 3145–0121.

Type of Request: Intent to seek approval to renew an information collection for three years.

Proposed Project: NSF has supported the REU Program since 1987. The Program was evaluated after three and five years and as part of a larger study of all NSF undergraduate research opportunities (URO) in 2003. The proposed project will enable NSF's Directorate for Engineering (ENG) to learn about the activities, outcomes, and

impacts of the REU awards made by that Directorate, as well as lessons learned to improve the results of future REU awards. Two types of REU awards will be studied, REU sites and REU supplements. REU Site awards fund groups of undergraduates to work with faculty members at an institution. Half of the undergraduates in an REU site must come from other institutions. ENG also makes REU Supplement awards to NSF-funded Engineering Research Centers and to other NSF-funded researchers for comparable involvement of undergraduates.

The proposed study will be similar to the 2003 URO study. It will focus on undergraduate ENG REU participants and the faculty members who are responsible for the ENG REU awards during summer 2006 through spring 2007, and will examine in detail for the first time the activities, outcomes, and impacts of REU awards made in a single NSF directorate—ENG. The study will evaluate the longer-term effects of REU experiences with a follow-up survey of the students approximately two years later. The REU program officers in the NSF's Division of Engineering Education and Centers (EEC) particularly want to learn in depth about the EEC REU Site and ERC REU Supplement awards from former REU students and awardees, any differences between the Sites and ERC Supplements, and lessons learned for subsequent proposal review and advising prospective PIs. Information will also be used for ENG Program reporting requirements. The study will examine (1) the role of the REU program in aiding participating undergraduates in a decision to pursue graduate education or careers in engineering; and (2) the relationship between how REU activities are structured and managed and participants' subsequent education and career decisions and actions.

The survey data collection will be done on the World Wide Web.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 30 minutes per response.

Respondents: Individuals.

Estimated Number of Respondents: 10,529.

Estimated Total Annual Burden on Respondents: 5,094 hours.

Frequency of Response: One time for faculty, two times for students.

Dated: June 15, 2007.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 07–3054 Filed 6–20–07; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on July 11–13, 2007, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, November 15, 2006 (71 FR 66561).

Wednesday, July 11, 2007, Conference Room T–2B3, Two White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:15 a.m.: Sampling Methodology and Statistical Thresholds for Selecting ITAACs for Inspection (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the feasibility of the ACRS review of the sampling methodology and statistical thresholds proposed by the NRC staff for selecting Inspections, Tests, Analyses, and Acceptance Criteria (ITAACs) for inspection, and related matters.

10:30 a.m.–12:15 p.m.: Dissimilar Metal Weld Issue (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and nuclear industry regarding the preliminary results of the advanced finite element analysis performed by the industry to provide basis for leak-before-break.

1:15 p.m.–2:15 p.m.: Activities in the Safeguards and Security Areas (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding ongoing and planned activities in the safeguards and security areas, items that are expected to be submitted to the ACRS for review, and the associated schedule.

Note: A portion of this session may be closed to protect information classified as National Security Information as well as Safeguards Information pursuant to 5 U.S.C. 552b(c)(1) and (3).

2:30 p.m.–3:30 p.m.: Revisions to Draft Final NUREG–1852, ''Demonstrating the Feasibility and Reliability of Operator Manual Actions in Response to Fire'' (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the changes made to draft final NUREG–1852 to address ACRS Comments and recommendations.

3:45 p.m.–6 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting, as well as a proposed ACRS report on Technology-Neutral Framework for Future Plant Licensing.

Thursday, July 12, 2007, Conference Room T–2B3, Two White Flint North, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–10:30 a.m.: Draft NUREG–0654, Supplement 3, ''Criteria for Protective Action Recommendations for Severe Accidents'' (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding draft NUREG–0654, Supplement 3, ''Criteria for Protective Action Recommendations for Severe Accidents''.

10:45 a.m.–12:15 p.m.: Browns Ferry Nuclear Plant Unit 1 Restart Activities (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the findings and recommendations of the Browns Ferry Unit 1 Restart Panel, activities associated with restart, any problems encountered prior to, during, and after restart as well as current status of the plant.

1:15 p.m.–2 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including anticipated workload and member assignments.

2 p.m.–2:15 p.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

2:15 p.m.–2:30 p.m.: Subcommittee Report on State-of-the-Art Reactor Consequence Analysis (SOARCA) Project) (Open)—The Committee will hear a report by and hold discussions with the Chairman of the ACRS Subcommittee on Regulatory Policies and Practices regarding the SOARCA Project that was discussed by the Subcommittee on July 10, 2007.

2:45 p.m.–3:45 p.m.: Status Report on the Quality Assessment of Selected NRC Research Projects (Open)—The Committee will hold discussions with the members of the ACRS Panels regarding the status of the quality assessment of selected NRC research projects.

3:45 p.m.–7 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports.

Friday, July 13, 2007, Conference Room T–2B3, Two White Flint North, Rockville, Maryland

8:30 a.m.–1 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue discussion of proposed ACRS reports.

1 p.m.–1:30 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not

completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 2, 2006 (71 FR 58015). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting. Persons desiring to make oral statements should notify the Cognizant ACRS staff named below five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Cognizant ACRS staff prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

In accordance with Subsection 10(d) Pub. L. 92–463, I have determined that it may be necessary to close a portion of this meeting to protect information classified as National Security Information as well as Safeguards Information pursuant to 5 U.S.C. 552b (c) (1) and (3).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, as well as the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Sam Duraiswamy, Cognizant ACRS staff (301–415–7364), between 7:30 a.m. and 4 p.m., (ET). ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) 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 ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual 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: June 15, 2007.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. E7–12016 Filed 6–20–07; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

Facility Tours

AGENCY: Postal Regulatory Commission.

ACTION: Notice of Commission tours.

SUMMARY: On Thursday afternoon, June 22, 2007, Postal Rate Commission and advisory staff members will tour Hallmark Headquarters and Visitors Center in Kansas City, Missouri. On Friday afternoon, June 23, 2007, Commissioners and advisory staff members will tour a DST Systems, Inc. facility in Kansas City, Missouri. The purpose of the Hallmark tour is to discuss shape-based postage rates and to observe Hallmark operations. The purpose of the DST Systems, Inc. tour is to observe company operations, including the interface with U.S. Postal Service operations.

DATES: June 22 (1 p.m.) and June 23, 2007 (2 p.m.).

FOR FURTHER INFORMATION CONTACT: Ann C. Fisher, Chief of Staff, Postal Regulatory Commission, at 202–789–6803 or *ann.fisher@prc.gov.*

Steven W. Williams,

Secretary.

[FR Doc. 07–3051 Filed 6–20–07; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55913; File No. SR–Amex–2007–13]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Approving Proposed Rule Change as Modified by Amendment No. 1 Relating to the Codification of Exchange Policy Regarding Specialist Commissions

June 15, 2007.

I. Introduction

On January 29, 2007, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Amex Rule 154—AEMI and Amex Rule 154—AEMI-One to expand the scope of its rules that specify when specialists may charge commissions. The proposed rule change was published for comment in the **Federal Register** on April 2, 2007.[3] The Commission received three comment letters regarding the proposal.[4] On May 29, 2007, Amex filed Amendment No. 1 to the proposed rule change.[5] This order approves the proposed rule change, as modified by Amendment No. 1.

II. Description

The Exchange proposes to adopt Amex Rule 154–AEMI(k) to prohibit specialists from charging a commission for orders or portions of orders that have not been executed. The proposed rule would extend the prohibitions on specialist commissions contained in Amex Rule 154(b) to Exchange-Traded Funds (''ETFs'') and equities trading on the AEMI System. These restrictions prohibit specialists from (i) charging a commission on off floor orders that are electronically delivered to the specialist except in cases of orders that require special handling by the specialist or for which the specialist provides a service, and (ii) billing customers for electronically delivered orders that are executed automatically by the Exchange's order processing facilities upon receipt. In addition, proposed Rule 154–AEMI(k) would reference Rule 152–AEMI(c), which prohibits specialists from charging a commission where they act as principal in the execution of an order entrusted to them as agent. Lastly, the proposed rule sets forth the types of orders specialists would be allowed to bill a commission. These orders would include: (i) Limit orders that remain on the book for more than two minutes; (ii) tick sensitive orders (*e.g.*, an order to sell short in a security subject to the Commission's ''tick-test''); (iii) stop or stop limit orders; (iv) fill-or-kill and immediate-or-

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 55533 (March 26, 2007), 72 FR 15733.

[4] *See* letters to Nancy M. Morris, Secretary, Commission, from Samuel F. Lek, Lek Securities Corporation, dated April 26, 2007 (''Lek Letter''); from Jonathan Q. Frey, Managing Partner, J. Streicher & Co. L.L.C., Brendan E. Cryan, Brendan E. Cryan and Company, LLC, Robert B. Nunn, Cohen Specialists LLC, and Michael Marchisi, AIM Specialists, dated April 17, 2007 (''Equity Specialist Firms Letter''); and from Jerry O'Connell, Chief Regulatory Officer, Susquehanna Investment Group, to, dated February 13, 2007 (''Susquehanna Letter'').

[5] In Amendment No. 1, Amex removed all references to Amex Rule 154—AEMI-One in the proposed rule change because the AEMI-One rules have been replaced by the AEMI rules. This is a technical amendment and is not subject to notice and comment.

cancel orders; and (v) orders for the account of a competing market maker.

III. Summary of Comments

The Commission received three comment letters regarding the proposed rule change. One comment letter, submitted by Lek Securities Corporation, supported the proposed rule change, agreeing with the Exchange's rationale for the proposed rule change.[6] In this regard, the commenter asserted that commissions on cancellations are particularly harmful to fair and orderly markets'' and that cancellation fees ''amount to a tax or toll on an instrumentality of the exchange.''[7] This commenter also asserted that permitting a specialist ''to bill for transactions that involve no work sanctions an abuse of the specialist's privileged position.''[8]

Another comment letter, submitted by a group of equity specialist firms active on Amex, stated that they are not taking a position regarding the ''substantive terms'' of the proposed rule change but, rather, are expressing ''strong disagreement with the Exchange's stated rationale'' for the proposed rule change.[9] The specialist firms noted that Amex's stated rationale for the proposed rule change is that ''specialist commissions weaken the Exchange's competitive position.''[10] The specialist firms suggested that, rather than focusing on costs, the focus should be on whether specialists bring value in excess of their costs.[11] These specialist firms also suggested that it ''might be more productive for the Amex to focus on reducing its own rather more significant costs rather than specialist commissions.''[12]

The third comment letter, submitted by Susquehanna, opposed the Exchange's proposal. Susquehanna, in particular, expressed concern about the timing of the proposal, as it believed ''exponential increases in order and cancel volume levels are expected with the implementation of Regulation NMS.''[13] Susquehanna asserted that these increased levels of volume on the Exchange could have a significant impact on the ability of specialists to fulfill their agency obligations.[14] In this regard, Susquehanna asserted that the Exchange should not eliminate the ability of specialists ''to charge for providing agency functions'' until the Exchange determines whether the increased order and cancel volume levels significantly affect the ability of specialists to perform their agency obligations.[15] Susquehanna also requested that ''[i]f this proposal is approved * * * any specialist agency responsibility for orders and cancels on AEMI be set forth so that the respective specialist is duly advised as to such attendant obligations.''[16]

IV. Discussion

The Commission has carefully reviewed the proposed rule change and the comment letters received, and the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act[17] and the rules and regulations thereunder applicable to a national securities exchange.[18] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[19] because 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. The Commission also believes that the proposed rule change is consistent with Section 11(A)(a)(1)(C) of the Act[20] which states that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure, among other things, economically efficient execution of securities transactions, and fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets.

The Commission notes that it previously approved a substantially similar Amex rule that prohibited specialist commissions for equities traded on the Exchange's legacy system.[21] The Exchange is now proposing to: (i) Apply the prohibition on specialist commissions to equities and ETFs traded on the AEMI System; (ii) expand the prohibition on specialist commissions to market at the close orders and limit at the close order; and (iii) specify that specialist commissions can only be charged for orders that are executed and not for orders that are cancelled or expire unexecuted. One commenter, Susquehanna, expressed concern about the timing of the proposal in light of the implementation of Regulation NMS.[22] The Commission notes that Amex-traded equities and ETFs have been trading on the AEMI System, which the Exchange designed to comply with Regulation NMS, since February 5, 2007, a period of nearly four months. In response to Susquehanna's request that it be advised of its specialist agency responsibilities for orders and cancels on AEMI if the proposed rule change is approved,[23] the Commission notes that its approval of the proposed rule change does not change a specialist's agency responsibilities under the federal securities laws or agency law principles.

In addition, the Commission finds that the proposal is consistent with Section 6(e)(1) of the Act,[24] because it is not designed to permit unfair discrimination between customers, issuers, brokers and dealers, or to impose any schedule or fix rates of commissions, allowances, discounts, or other fees to be charged by its members. Section 6(e) of the Act[25] was adopted by Congress in 1975 to statutorily prohibit the fixed minimum commission rate system. As noted on a report of the House of Representatives one of the purposes of the legislation was to ''reverse the industry practice of charging fixed rates of commission for transaction on the securities exchanges.''[26] The fixed minimum commission rate system allowed exchanges to set minimum commission rates that their members had to charge their customers, but allowed members to charge more. Amex's proposal, by contrast, does not establish a minimum commission rate, but instead prohibits the Exchange's specialists from charging a commission for handling an equity

[6] *See* Lek Letter at 2.

[7] *Id.* at 2.

[8] *Id.* at 3.

[9] *See* Equity Specialist Firms Letter at 1.

[10] *Id.* at 1–2.

[11] *Id.* at 2–4.

[12] *Id.* at 2.

[13] *See* Susquehanna Letter at 1–2.

[14] *Id.* at 1–3.

[15] *Id.* at 2–4.

[16] *Id.* at 4.

[17] 15 U.S.C. 78f.

[18] In approving this proposed rule change the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78f(b)(5).

[20] 15 U.S.C. 78k–1(a)(1)(C).

[21] *See* Securities Exchange Act Release No. 55008 (December 22, 2006), 72 FR 597 (January 5, 2007) (Approval of amendment to Amex Rule 154 regarding prohibition of specialist commissions for equity orders). The Commission also approved a rule prohibiting specialist commissions on options orders. *See* Securities Exchange Act Release No. 51235 (February 22, 2005), 70 FR 9687 (February 28, 2005) (Approval of CBOE Rule 8.85(b)(iv)). The New York Stock Exchange, Inc. (''NYSE'') recently adopted a rule prohibiting specialists from charging commissions on orders in their speciality securities. *See* Securities Exchange Act Release No. 54850 (November 30, 2006), 71 FR 71217 (December 8, 2006) (Notice of Filing and Immediate Effectiveness of Amendments to NYSE Rule 123B and Adoption of NYSE Rule 104B).

[22] *See* Susquehanna Letter at 1–2.

[23] *Id.* at 4.

[24] 15 U.S.C. 78f(e)(1).

[25] U.S.C. 78f(e).

[26] H.R. Rep. No. 94–123, 94th Cong., 1st Sess. 42 (1975).

order that is executed on an opening or reopening or an equity order (or portion thereof) that is executed against the specialist as principal, or for the execution of an off-floor equities order delivered to the specialist through the Exchange's electronic order routing systems, subject to certain exceptions. Accordingly, the Commission does not believe that the Amex's proposal constitutes fixing commissions, allowances, discounts, or other fees for purposes of Section 6(e)(1) of the Act.[27] The Commission also notes that Amex's limits on fees that specialists may charge applies only to members who choose to be specialists on Amex. By limiting fees, the Amex is merely imposing a condition, which is consistent with the Act, on a member's appointment as a specialist.

V. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Sections 6(b)(5) and 6(e)(1) of the Act.[28]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[29] that the proposed rule change (SR–Amex–2007–13), as modified by Amendment No. 1, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–12015 Filed 6–20–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–55917; File No. SR–NYSEArca–2007–22]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Approving Proposed Rule Change as Amended by Amendments No. 1, 2, and 3 Thereto Relating to Listing and Annual Fees for Derivative Securities Products, Closed-End Funds and Structured Products

June 15, 2007.

I. Introduction

On February 27, 2007, the NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange''), through its wholly owned subsidiary, NYSE Arca Equities, Inc., filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposal to restructure and amend its Schedule of Fees and Charges (''Fee Schedule'') to revise fees applicable to Derivative Securities Products, Closed-End Funds, and Structured Products listed on NYSE Arca, L.L.C., the equities facility of NYSE Arca Equities. NYSE Arca filed Amendment No. 1 to the proposed rule change on May 1, 2007 and filed Amendment No. 2 to the proposed rule change on May 3, 2007. The proposed rule change was published for comment in the **Federal Register** on May 14, 2007.[3] On June 12, 2007, NYSE Arca filed Amendment No. 3 to the proposed rule change.[4] The Commission received no comments regarding the proposal. This order approves the proposed rule change, as amended.

II. Description of the Proposal

NYSE Arca proposes to substantially revise its Fee Schedule. In particular, as detailed in its proposal,[5] NYSE Arca proposes to (1) eliminate the Application Processing Fee for Derivative Securities Products,[6] Closed-End Funds,[7] and Structured Products; (2) impose an original listing fee of $5,000 per Derivative Securities Product; (3) amend the annual fee for some Derivative Securities Products; and (4) establish a separate listing and annual fees for Closed-End Funds. NYSE Arca also proposes a number of related modifications to the Fee Schedule, including fee discounts, limitations, minimums and caps for Closed-End Funds.[8]

NYSE Arca proposes to implement these revised fees, as applicable, to all issuers of Derivative Securities Products, Closed-End Funds, and Structured Products retroactively as of January 1, 2007 with the exception of listing fees for Closed-End Funds, which would take effect as of the date of Commission approval of the proposed rule change.

Amendment No. 3

In Amendment No. 3, NYSE Arca proposes minor revisions to the Fee Schedule to correct the grammar in certain sections of the rule text and to conform the rule text to proposed rule changes that were recently approved by the Commission. Amendment No. 3 does not change the proposal substantively. Specifically, NYSE Arca amended the rule text to clarify the three examples in which the listing fee cap for Closed-End Funds would apply, in particular: (1) When shares are issued in conjunction with a merger or consolidation where a listed company survives; (2) subsequent public offerings of a listed security; or (3) where there are conversions of convertible securities into a listed security. Amendment No. 3 also clarified that when listing additional Closed-End Funds, the issuer will be billed a listing fee that is the greater of $2,500 or the fee calculated on a per share basis.

III. Discussion

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange[9] and, in particular, the requirements of Section 6 of the Act.[10] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[11] which requires, among other things, that the rules of a national securities exchange be 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

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 55720 (May 7, 2007), 72 FR 27160 (''Notice'').

[4] For a description of Amendment No. 3, *see* Description of the Proposal, *infra.* Amendment No. 3 is a technical amendment, therefore it is not subject to notice and comment.

[5] *See* Notice, *supra* note 3.

[6] For purposes of this proposal, Derivative Securities Products include securities qualified for listing and trading on NYSE Arca under the following NYSE Arca Equities Rules: Rule 5.2(j)(3) (Investment Company Units), 5.2(j)(5) (Equity Gold Shares), 8.100 (Portfolio Depositary Receipts), 8.200 (Trust Issued Receipts), 8.201 (Commodity-Based Trust Shares), 8.202 (Currency Trust Shares), 8.300 (Partnership Units), and 8.400 (Paired Trust Securities), as these rules may be amended from time to time.

[7] Closed-End Funds are a type of investment company registered under the Investment Company Act of 1940 that offer a fixed number of shares. Their assets are professionally managed in accordance with the Closed-End Fund's investment objectives and policies, and may be invested in stocks, fixed income securities or a combination of both.

[8] In addition, NYSE Arca proposed to amend the Fee Schedule to specify that for other structured products the $20,000 Listing Fee applies to an initial listing (*e.g.*, a listing transfer to NYSE Arca from another exchange) in addition to Initial Public Offerings.

[9] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(5).

[27] 15 U.S.C. 78f(e)(1).

[28] 15 U.S.C. 78f(b)(5) and 78f(e)(1).

[29] 15 U.S.C. 78s(b)(2).

[30] 17 CFR 200.30–3(a)(12).

general, to protect investors and the public interest. The Commission also finds that the proposed rule change is consistent with Section 6(b)(4) of the Act,[12] which requires that the rules of the exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

NYSE Arca's proposal specifies the listing fees and annual fees applicable to Derivative Securities Products, Closed-End Funds, and Structured Products. Numerical examples on how fees are calculated provide appropriate clarification, where necessary.[13] The Commission notes that the amended Fee Schedule will in some cases reduce and in some cases increase the applicable listing fees and annual fees owed by issuers, depending on various factors including the number of funds listed by the same issuer, the shares outstanding for each fund, and with respect to Closed-End Funds, the applicability of fee discounts, limitations, minimums and caps.

The Commission notes that the revised Annual Fee for Derivative Securities Products would be billed quarterly in arrears, beginning after the first calendar quarter in 2007, effective as of January 1, 2007.[14] The proposed Annual Fee for Closed-End Funds would apply as of January 1, 2007, and, for issuers listed in calendar year 2007, will be pro-rated based on days listed in 2007. The proposed listing fees for Derivative Securities Products would also be effective as of January 1, 2007 while the listing fees for Closed-End Funds will be effective as of the date of this approval order. NYSE Arca represented that the retroactive fees would affect only a few issuers, specifically two issuers of Investment Company Units (Derivative Securities Products) [15] and three Closed-End Funds, all of which are aware of the proposed listing and annual fees.

The Commission believes the Fee Schedule overall is consistent with the Act. The Commission notes that the proposed annual and listing fees are identical to the fee schedule for Closed-End Funds and Derivative Securities Products of the New York Stock Exchange LLC (''NYSE'') as set forth in Sections 902.04 and 902.07 of the NYSE Listed Company Manual. The Commission notes that applying sections of the amended Fee Schedule, effective as of January 1, 2007, will enable the Exchange to apply its Fee Schedule uniformly to all affected issuers listed on the Exchange, including those listed in the first quarter of 2007, who may benefit from cost savings resulting from the revised Fee Schedule.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change, as amended, (SR–NYSEArca–2007–22) is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–12017 Filed 6–20–07; 8:45 am]

BILLING CODE 8010–01–P

[12] 15 U.S.C. 78f(b)(4).

[13] For example, the Fee Schedule specifies that treasury stock, restricted stock and shares issued in conjunction with the exercise of an over-allotment option, if applicable, are included in the number of shares a Closed-End Fund is billed for at the time a security is first listed.

[14] Billing for the first calendar quarter of 2007, for example, will be based on the number of shares outstanding for an issue on March 30, 2007. For example, for an issue with 45 million shares outstanding on March 30, 2007, the Annual Fee payable for the quarter would be $1,000 ($4,000 Annual Fee divided by 4). If, at the end of the second calendar quarter of 2007, the number of shares outstanding for such issue increased to 55 million, the Annual Fee payable for such quarter would be $2,000 ($8,000 Annual Fee divided by 4). For the list of revised annual fees, *see* Notice, *supra* note 3.

[15] NYSE Arca represented that the retroactive fees would not affect the Derivative Securities Products currently listed on the Exchange. The Investment Company Units of one issuer with two separate trusts was a transfer from another national securities exchange and not subject to a listing fee in accordance with Commentary .04 to the Exchange's Fee Schedule (which will cease to have effect on December 31, 2007). An additional issuer, which listed a series of Investment Company Units on the Exchange on March 28, 2007, would incur $5,000 under the proposed fee schedule, rather than the current $20,000 initial listing fee and, thus, benefit from this proposal.

[16] 15 U.S.C. 78s(b)(2).

[17] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 5839]

Bureau of Economic, Energy, and Business Affairs; List of May 03, 2007, of Participating Countries and Entities (Hereinafter Known as ''Participants'') Under the Clean Diamond Trade Act of 2003 (Public Law 108–19) and Section 2 of Executive Order 13312 of July 29, 2003

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: In accordance with Sections 3 and 6 of the Clean Diamond Trade Act of 2003 (Public Law 108–19) and Section 2 of Executive Order 13312 of July 29, 2003, the Department of State is identifying all the Participants eligible for trade in rough diamonds under the Act, and their respective Importing and Exporting Authorities, and revising the previously published list of December 26, 2006 (Volume 71, Number 247, page 77435) to include Liberia.

FOR FURTHER INFORMATION CONTACT: Sue Saarnio, Special Advisor for Conflict Diamonds, Bureau of Economic and Business Affairs, Department of State, (202) 647–1713.

SUPPLEMENTARY INFORMATION: Section 4 of the Clean Diamond Trade Act (the ''Act'') requires the President to prohibit the importation into, or the exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme (KPCS). Under Section 3(2) of the Act, ''controlled through the Kimberley Process Certification Scheme'' means an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is either (i) carried out in accordance with the KPCS, as set forth in regulations promulgated by the President, or (ii) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the KPCS. The referenced regulations are contained at 31 CFR part 592 (''Rough Diamonds Control Regulations'') (69 FR 56936, September 23, 2004).

Section 6(b) of the Act requires the President to publish in the **Federal Register** a list of all Participants, and all Importing and Exporting Authorities of Participants, and to update the list as necessary. Section 2 of Executive Order 13312 of July 29, 2003 delegates this function to the Secretary of State. Section 3(7) of the Act defines ''Participant'' as a State, customs territory, or regional economic integration organization identified by the Secretary of State. Section 3(3) of the Act defines ''Exporting Authority'' as one or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate a Kimberley Process Certificate. Section 3(4) of the Act defines ''Importing Authority'' as one or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regarding imports, including the verification of

the Kimberley Process Certificate accompanying the shipment.

List of Participants

Pursuant to Section 3 of the Clean Diamond Trade Act (the Act), Section 2 of Executive Order 13312 of July 29, 2003, and Delegation of Authority No. 294 (July 6, 2006), I hereby identify the following entities as of May 03, 2007, as Participants under section 6(b) of the Act. Included in this List are the Importing and Exporting Authorities for Participants, as required by Section 6(b) of the Act. This list revises the previously published list of December 26, 2006 (Volume 71, Number 247 77435).

Angola—Ministry of Geology and Mines.

Armenia—Ministry of Trade and Economic Development.

Australia—Exporting Authority—Department of Industry, Tourism and Resources; Importing Authority—Australian Customs Service.

Bangladesh—Ministry of Commerce.

Belarus—Department of Finance.

Botswana—Ministry of Minerals, Energy and Water Resources.

Brazil—Ministry of Mines and Energy.

Bulgaria—Ministry of Finance.

Canada—Natural Resources Canada.

Central African Republic—Ministry of Energy and Mining.

China—General Administration of Quality Supervision, Inspection and Quarantine.

Democratic Republic of the Congo—Ministry of Mines

Croatia—Ministry of Economy.

European Community—DG/External Relations/A.2.

Ghana—Precious Minerals and Marketing Company Ltd.

Guinea—Ministry of Mines and Geology.

Guyana—Geology and Mines Commission.

India—The Gem and Jewellery Export Promotion Council.

Indonesia—Directorate General of Foreign Trade of the Ministry of Trade.

Israel—The Diamond Controller.

Ivory Coast—Ministry of Mines and Energy.

Japan—Ministry of Economy, Trade and Industry.

Republic of Korea—Ministry of Commerce, Industry and

Energy.

Laos—Ministry of Finance.

Lebanon—Ministry of Economy and Trade.

Lesotho—Commissioner of Mines and Geology.

Liberia—Ministry of Lands, Mines and Energy.

Malaysia—Ministry of International Trade and Industry.

Mauritius—Ministry of Commerce.

Namibia—Ministry of Mines and Energy.

New Zealand—Ministry of Foreign Affairs and Trade.

Norway—The Norwegian Goldsmiths' Association.

Russia—Gokhran, Ministry of Finance.

Sierra Leone—Government Gold and Diamond Office.

Singapore—Singapore Customs.

South Africa—South African Diamond Board.

Sri Lanka—National Gem and Jewellery Authority.

Switzerland—State Secretariat for Economic Affairs.

Taiwan—Bureau of Foreign Trade.

Tanzania—Commissioner for Minerals.

Thailand—Ministry of Commerce.

Togo—Ministry of Mines and Geology.

Ukraine—State Gemological Centre of Ukraine.

United Arab Emirates—Dubai Metals and Commodities Center.

United States of America—Importing Authority—United States Bureau of Customs and Border Protection; Exporting Authority—Bureau of the Census.

Venezuela—Ministry of Energy and Mines.

Vietnam—Ministry of Trade.

Zimbabwe—Ministry of Mines and Mining Development.

This notice shall be published in the **Federal Register**.

John D. Negroponte,

Deputy Secretary of State, Department of State.

[FR Doc. E7–12034 Filed 6–20–07; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF STATE

[PUBLIC NOTICE 5842]

Culturally Significant Objects Imported for Exhibition; Determinations: ''Déjà Vu? Revealing Repetition in French Masterpieces''

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 objects to be included in the exhibition ''Déjà Vu? Revealing Repetition in French Masterpieces'', imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Walters Art Museum, Baltimore, Maryland, from on or about October 7, 2007, until on or about January 1, 2008, and at the Phoenix Art Museum, Phoenix, Arizona, from on or about January 20, 2008, until on or about May 4, 2008, and at possible additional exhibitions or 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 objects, 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: June 14, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–12030 Filed 6–20–07; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5841]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Global Undergraduate Exchange Program

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/A/E/USS–08–01.

Catalog of Federal Domestic Assistance Number: 00.000.

Key Dates: Application Deadline: August 16, 2007.

Executive Summary: The Office of Academic Exchange Programs of the Bureau of Educational and Cultural Affairs (ECA) announces an open competition for one to three assistance awards to provide administrative services for the FY 2008 Global Undergraduate Exchange Program (Global UGRAD Program). Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3) may

submit proposals to cooperate with the Bureau in the administration and implementation of academic exchange activities for promising undergraduate students from underrepresented sectors of the population in the following regions: East Asia and the Pacific; Eurasia and Central Asia; and, the Western Hemisphere. For a list of participating countries by region, please see the Project Objectives, Goals, and Implementation document (POGI) that accompanies this announcement. Organizations may apply to administer the program in one or more geographic regions. However, organizations with less than four years experience in conducting international exchange programs are not eligible for this competition. It is anticipated that the total amount of funding available for all FY 2008 activities will be $8,000,000 and will involve the management of approximately 330 students.

I. Funding Opportunity Description

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Purpose

The U.S. Department of State is dedicated to increasing its engagement with undergraduate student leaders worldwide who represent indigenous, disadvantaged or underrepresented communities. ECA's outreach includes providing merit-based programs for underserved sectors of society that increase participants' knowledge and understanding of the United States.

The principal objective of the Global Undergraduate Exchange Program (hereafter referred to as the Global UGRAD Program) is to provide a substantive exchange experience at a U.S. college or university to a diverse group of emerging student leaders from underrepresented sectors of the population in East Asia and the Pacific, Eurasia and Central Asia, and the Western Hemisphere. The grantee organization(s) will ensure that participants are enrolled full-time in a non-degree course of study at U.S. institutions alongside American peers, and will provide the participants with opportunities to experience American society, institutions, and culture in and out of the classroom. Program participants will return to their home countries at the conclusion of the exchange program to complete their degree in their home colleges and universities there, and to re-integrate with their home societies.

The Global UGRAD Program will provide approximately 330 scholarships for non-degree academic study at institutions of higher education to outstanding students from non-elite sectors. This number includes 40 full academic-year and 50 one-semester scholarships for students from East Asia and the Pacific, 140 full academic-year scholarships for students from Eurasia and Central Asia, and 30 full academic-year and 70 one-semester scholarships for students from the Western Hemisphere. In addition, the grantee organization(s) will be responsible for providing pre-academic intensive English language instruction as specified in the ''Region Specific Guidelines'' in the Project Objectives, Goals, and Implementation document (POGI). Scholarships will be granted primarily to students currently enrolled in an undergraduate program in their home country, and who have completed their first, second, or third year of undergraduate study. The grantee organization(s) will place one-semester and academic-year program participants in non-degree programs at both U.S. four-year colleges and universities, and community colleges.

The grantee organization(s) will enhance the participants' academic education by developing enrichment activities that may include having students make local presentations about their countries, performing community service, and taking part in internships. All participants will be required to return to their home countries immediately upon the conclusion of their scholarship program. ECA will not consider participant transfers from the Global UGRAD Program to any other U.S. institution or Exchange Visitor Program.

The grantee organization(s) will make all university placements and serve as the principal liaison(s) among Global UGRAD Program host institutions and ECA. Further details on specific program responsibilities can be found in the Project Objectives, Goals, and Implementation (POGI) document. Interested organizations should read the entire **Federal Register** announcement for all information prior to preparing proposals. Programs must comply with J–1 visa regulations. Please refer to the Solicitation Package for further instructions.

The Bureau requires sub-grant agreements from all applicant organizations that intend to work with other organizations in the implementation of this program. All sub-grantees are subject to the same requirements as principal grantee organizations.

In a cooperative agreement, the Office of Academic Exchange Programs, Study of the United States Branch (ECA/A/E/USS) is substantially involved in program activities beyond routine grant monitoring. ECA/A/E/USS activities and responsibilities for this program are as follows:

1. Participating in the design and direction of program activities;
2. Final selection of all program participants;
3. Approval of key personnel;
4. Approval and input for all program agendas and timelines;
5. Providing guidance in the execution of all project components;
6. Monitoring the target goal for the number of participants and the expenditure of funds toward meeting that goal;
7. Providing guidance on content and speakers for workshops;
8. Assisting with SEVIS-related issues;
9. Assisting with participant emergencies;
10. Providing background information related to participants' home countries and cultures;
11. Providing liaison with Public Affairs Sections of the U.S. Embassies, bi-national Fulbright Commissions, and country desk officers at the State Department;
12. Providing ECA evaluation mechanisms.

II. Award Information

Type of Award: Cooperative Agreement.

ECA's level of involvement in this program is detailed under number I above.

Fiscal Year Funds: 2008.

Approximate Total Funding: $8,000,000, pending availability of FY 2008 funds. ($4,000,000 for Eurasia and Central Asia; $2,000,000 for East Asia and the Pacific; $2,000,000 for Western Hemisphere).

Approximate Number of Awards: 1 to 3.

Ceiling of Award Range: $8,000,000.

Anticipated Award Date: Pending availability of funds, November 1, 2007.

Anticipated Project Completion Date: September 30, 2009.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew these awards for two additional fiscal years.

III. Eligibility Information

III.1. Eligible applicants

Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3). The Bureau will give preference to organizations proposing to place students at accredited small colleges and universities that will provide students with a supportive environment and personalized attention, including community colleges, Historically Black Colleges and Universities (HBCUs), and Hispanic-serving institutions.

III.2. Cost Sharing or Matching Funds

There is no minimum or maximum percentage required for this competition. However, ECA encourages applicants to provide maximum levels of possible cost sharing and funding in support of its programs.

If cost sharing is proposed, the cooperating organization must provide the amount stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, written records must be maintained to support all costs which are claimed as contribution, as funding provided by the federal government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110, (Revised), Subpart C.23—Cost Sharing and Matching. In the event that the amount of cost sharing as stipulated in the approved budget is not provided, ECA's contribution will be reduced in like proportion.

III.3. Other Eligibility Requirements

ECA grant guidelines require that organizations with less than four years experience in conducting international exchanges be limited to $60,000 in Bureau funding. ECA anticipates awarding one or more grants, in an amount up to $8,000,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, ECA staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 Contact Information to Request an Application Package

Please contact the Office of Academic Exchange Programs, ECA/A/E/USS, Room 314, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, (202) 453–8532, fax: (202) 453–8533, e-mail: *walshbm@state.gov* to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/A/E/USS–08–01 located at the top of this announcement when making your request.

Alternatively, an electronic application package may be obtained from grants.gov. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document which consists of required application forms, and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Bureau Program Officer Brendan M. Walsh and refer to the Funding Opportunity Number ECA/A/E/USS–08–01 located at the top of this announcement on all other inquiries and correspondence.

IV.2. To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/rfgps/menu.htm,* or from the Grants.gov Web site at *http://www.grants.gov.* Please read all information before downloading.

IV.3. Content and Form of Submission

Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f.

''Application Deadline and Methods of Submission'' section below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This 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 1–866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF—424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget. Please Refer to the Solicitation Package. It contains the mandatory Proposal Submission Instructions (PSI) document and the Project Objectives, Goals and Implementation (POGI) document for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1 *Adherence to all Regulations Governing the J Visa.* The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of the Exchange Visitor Programs as set forth in 22 CFR part 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements. The Grantee will be responsible for issuing DS–2019 forms to participants in this program.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 203–5029, Fax: (202) 453–8640. Please refer to Solicitation Package for further information.

IV.3d.2. *Diversity, Freedom and Democracy Guidelines.* Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the ''Support for Diversity'' section for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. *Program Monitoring and Evaluation.* Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. ECA recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. ECA expects that the cooperating organization will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. The evaluation plan should include a description of the program's objectives, the anticipated project outcomes, and how and when these outcomes (performance indicators) will be measured. The more that outcomes are ''smart'' (specific, measurable, attainable, results-oriented, and placed in a reasonable timeframe), the easier it will be to conduct the evaluation. The evaluation plan should also show how your project objectives link to the goals of the program described in this RFGP.

The monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

Assessing the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance) is encouraged:

1. *Participant satisfaction* with the program and exchange experience.

2. *Participant learning,* such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. *Participant behavior*, concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. *Institutional changes*, such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of the monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (i.e., surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will be deemed less competitive under the present evaluation criteria.)

The cooperating organization will be required to provide reports analyzing their evaluation findings to ECA in regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to ECA upon request.

IV.3e. Please consider the following information when preparing the budget:

IV.3e.1. Applicants must submit a comprehensive budget for the entire program. The award for overall administration of the Global UGRAD Program may not exceed $8,000,000. The award limit for administration of the Global UGRAD Program in each of the geographic regions is specified in the Project Objectives, Goals, and Implementation. All proposals must contain a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. A comprehensive narrative must accompany the budget, clearly explaining all proposed costs (staff salaries and time on task must be supported by appropriate documentation and certified as true and accurate representations of actual costs and percentage of task).

The Bureau encourages applicant organizations to provide maximum levels of cost sharing and funding from private sources in support of its programs.

IV.3e.2. Allowable costs for the program include the following:

(1) Program Expenses
(2) Domestic Administration
(3) Overseas Administration

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: August 16, 2007.

Reference Number: ECA/A/E/USS–08–01.

Methods of Submission: Electronic and Hard Copy.

Applications may be submitted in one of two ways:

1. In hard-copy, via a nationally recognized overnight delivery service (i.e., DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.);

2. Or, electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1. *Submitting Printed Applications.* Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* provide notification upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to ''ECA/EX/PM''.

The original and eight copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/E/USS–08–01, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants submitting hard-copy applications must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal in text (.txt) format on a CD–ROM. ECA will provide these files electronically to the appropriate Public Affairs Section(s) at the U.S. embassies for their review.

IV.3f.2—*Submitting Electronic Applications.* Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the ''Find'' portion of the system. Please follow the instructions available in the ''Get Started''' portion of the site (*http://www.grants.gov/GetStarted*). Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov. Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support. Contact Center Phone: 800–518–4726. Business Hours: Monday–Friday, 7a.m.–9p.m. Eastern Time. E-mail: *support@grants.gov.*

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Applicants will receive a confirmation e-mail from grants.gov upon the successful submission of an application. ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

Optional—IV.3f.3 You may also state here any limitations on the number of applications that an applicant may submit and make it clear whether the limitation is on the submitting organization, individual program director or both.

IV.3g. Intergovernmental Review of Applications: Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. Review Process

ECA will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to ECA grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for cooperative agreements resides with the ECA's Grants Officer.

Review Criteria

Proposals will be subject to compliance with Federal and ECA regulations and guidelines and forwarded to ECA senior grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with an ECA Grants Officer. ECA reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and availability of funds.

The submission will be reviewed with the following review criteria in mind:

1. *Program Development and Management:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission. Objectives should be reasonable, feasible, and flexible. Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above. Proposals should clearly demonstrate how the program will meet the program's objectives and plan.

2. *Multiplier Effect/Impact:* Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and

establishment of long-term institutional and individual linkages.

3. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

4. *Institutional Capacity and Record:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grants Staff. Proposals also should demonstrate the capacity to place students at geographically diverse, accredited small colleges and universities that can provide students with personalized attention. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

5. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives is recommended.

6. *Cost-effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

VI. Award Administration Information

VI.1a. Award Notices

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal ECA procedures. Successful applicants will receive an Assistance Award Document (AAD) from the ECA's Grants Office. The AAD and the original grant proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2 Administrative and National Policy Requirements

Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, ''Cost Principles for Nonprofit Organizations.''

Office of Management and Budget Circular A–21, ''Cost Principles for Educational Institutions.''

OMB Circular A–87, ''Cost Principles for State, Local and Indian Governments''.

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information: *http://www.whitehouse.gov/omb/grants. http://exchanges.state.gov/education/grantsdiv/terms.htm#articleI.*

VI.3. *Reporting Requirements:* You must provide ECA with a hard copy original plus one copy of the following reports:

1. A final program and financial report no more than 90 days after the expiration of the award;

2. Two interim reports that address significant activities of the period and new planned activities for the next period.

Financial reports must adhere to the quarterly reporting requirements mandated by Congress and be submitted quarterly. Please note that all program and financial reports should be sent to the Grants Division.

The cooperating organization will be required to provide reports analyzing their evaluation findings to ECA in its regular program reports. (Please refer to IV. Application and Submission Instructions (IV.3.d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to ECA upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

Program Data Requirements: Organizations awarded grants will be required to maintain specific data on program participants and activities in an electronically accessible database format that can be shared with the Bureau as required. As a minimum, the data must include the following:

(1) Name, address, contact information and biographic sketch of all persons who travel internationally on funds provided by the grant or who benefit from the grant funding but do not travel.

(2) Itineraries of international and domestic travel, providing dates of travel and cities in which any exchange experiences take place. Final schedules for in-country and U.S. activities must be received by the ECA Program Officer at least three work days prior to the official opening of the activity.

VII. Agency Contacts

For questions about this announcement, contact: Program Officer Brendan M. Walsh, Office of Academic Exchange Programs, ECA/A/E/USS, Room 314, Reference Number: ECA/A/E/USS–08–01, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547, (202) 453–8532, fax: (202) 453–8533, e-mail: *walshbm@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/E/USS–08–01. Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, ECA staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any ECA representative. Explanatory information provided by ECA that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. ECA reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: June 12, 2007.

C. Miller Crouch,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–12027 Filed 6–20–07; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 5840]

Bureau of Educational and Cultural Affairs (ECA) Request for Grant Proposals: Study of the United States Institutes for Student Leaders From the Western Hemisphere

Announcement Type: New Cooperative Agreement.

Funding Opportunity Number: ECA/A/E/USS–08–02.

Catalog of Federal Domestic Assistance Number: 00.000.

Key Dates: January–February, June–August 2008.

Application Deadline: August 16, 2007.

Executive Summary: The Branch for the Study of the United States, Office of Academic Exchange Programs, announces an open competition for six Study of the United States Institutes for Student Leaders from selected countries of the Western Hemisphere, a series of five-week academic programs, three of which will take place at three distinct host institutions during January and February 2008, while the remaining three will take place at three distinct host institutions during June, July, and August 2008. Each Institute should be similar in structure and content, take place at accredited post-secondary education institutions, and provide a group of up to 20 highly motivated undergraduate students from the Western Hemisphere with an integrated academic and educational travel program that will give them a deeper understanding of U.S. society and culture, while enhancing their leadership skills.

Three programs will take place in January and February of 2008. The first winter program will target undergraduate students of indigenous backgrounds from Bolivia and Peru, and will be conducted in Spanish as the primary language of instruction. The second winter program will be conducted in English for undergraduate students from Argentina, Chile, and Uruguay. The third will be a program for undergraduates from Brazil and will also be conducted in English.

Three programs will take place in June, July, and August of 2008. The first summer program will target undergraduate students of indigenous backgrounds from Guatemala and Mexico, and will be conducted in Spanish as the primary language of instruction. The second of these summer programs will also be conducted in Spanish for undergraduate students from Costa Rica, the Dominican Republic, El Salvador, Honduras, Nicaragua, and Panama. The third summer program for undergraduates will invite students from Colombia, Ecuador, and Venezuela, and will be conducted in English.

ECA plans to award a single grant for the administration of this program. The award will be contingent upon the availability of FY–2008 funds.

I. Funding Opportunity Description

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through legislation.

Purpose

In March 2007, President Bush traveled to Brazil, Uruguay, Colombia, Guatemala, and Mexico to highlight the Administration's commitment to advance the cause of social justice in the Western Hemisphere. This region has made great strides toward freedom and prosperity—strengthening democratic institutions and the rule of law and bringing stability to their economic structures. Yet despite these advances, tens of millions in the Western Hemisphere remain deep in poverty. The President has pledged to help these democracies advance further economically and politically and has announced a new partnership for Latin American youth to help thousands more young people improve their English and have the opportunity to study in the United States.

As part of this new initiative, the Bureau of Educational and Cultural Affairs, Branch for the Study of the U.S., will administer a series of Study of the U.S. Institutes for up to 120 undergraduate student leaders from the Western Hemisphere during the winter and summer of 2008. Study of the U.S. Institutes for Student Leaders are intensive academic programs whose purpose is to provide groups of undergraduate student leaders with a deeper understanding of the United States, while concurrently enhancing their leadership skills.

The principal objective of the Institutes is to heighten the participants' awareness of the history and evolution of U.S. society, culture, and values. All campus programs should include cultural enrichment activities and should actively engage American undergraduate or graduate student peers as mentors or escorts for the participants.

In addition to promoting a better understanding of the United States, an important objective of the Institutes is to develop the participants' leadership and collective problem-solving skills. In this context, the academic program should include group discussions, training, and exercises that focus on such topics as leadership, teambuilding, collective problem-solving skills, effective communication, and management skills for diverse organizational settings. There should also be a community service component, in which the students experience firsthand how not-for-profit organizations and volunteerism play a key role in American civil society.

Local site visits and educational travel should provide opportunities to observe varied aspects of American life and to discuss lessons learned in the academic program. The program should also include opportunities for participants to meet American citizens from a variety of backgrounds, to interact with their American peers, and to speak to appropriate student and civic groups about their experiences and life in their home countries.

Administering Organization

The Bureau is seeking detailed proposals for the Institutes from public and private non-profit organizations, or consortia of such organizations with expertise in administering academic exchange programs, which will administer the Institute directly or in collaboration with partner institutions. Consortia must designate a lead institution to receive the grant award. Organizations that choose to include sub-grant arrangements should clearly outline all duties and responsibilities of the sub-grant partner organization,

ideally in the form of sub-grant agreements and accompanying budgets.

Each institute should take place on a U.S. college or university campus. Host institutions must be selected from among accredited four-year liberal arts colleges, community colleges, universities, other not-for-profit academic organizations or a consortia of these institutions with an established reputation in one or more of the following fields: political science, international relations, law, history, sociology, American studies, and/or other disciplines or sub-disciplines related to the study of the United States.

Organizations or consortia applying for this grant must demonstrate their (or their partners') capacity for conducting projects of this nature. ECA strongly prefers that each institution host only one institute per season, meaning that a host institution is discouraged from hosting two winter (January–February) programs or two summer (June–August) programs. However, a single institution may host both a winter and a summer program.

Program Design

Each Study of the U.S. Institute for Student Leaders should provide a group of up to 20 students with a uniquely designed program that focuses on U.S. society and culture. Each Institute will consist of a challenging academic program, as well as educational travel to illustrate the various topics explored in class. Each Institute should be tailored for the particular group of students and include a discussion of relevant issues facing their countries and region. The Bolivia-Peru program and the Mexico-Guatemala program should include a component on Native American issues within the broader context of U.S. society.

Each program should be five weeks in length; participants will spend four weeks at the host institution for the academic program, and approximately one week on the related educational study tour, including two to three days in Washington, DC, at the conclusion of the Institute. The educational travel component should directly complement the academic program, and should include visits to cities and other sites of interest in the region around the host institution.

Each Institute should be designed as an intensive academic program with an educational travel component that is organized through a carefully integrated series of panel presentations, seminar discussions, debates, individual and group activities, lectures and reading assignments, as well as local site visits, regional educational travel, and participation in community service activities.

The Institute must not simply replicate existing or previous lectures, workshops, or group activities designed for American students. Rather, it should be a specially designed and well-integrated seminar that creatively combines lectures, discussions, readings, debates, local site visits and educational travel into a coherent whole. The grantee institution should take into account that the participants may have little or no prior knowledge of the United States and varying degrees of experience in expressing their opinions in a classroom setting; it should tailor the curriculum and classroom activities accordingly. Every effort should be made to encourage active student participation in all aspects of the Institute. The program should provide ample time and opportunity for discussion and interaction among students, lecturers and guest speakers, not simply standard lectures or broad survey reading assignments.

Applicants are encouraged to select accredited four-year liberal arts colleges, community colleges, universities, academic organizations or a consortium of these institutions to design thematically coherent programs in ways that draw upon the particular strengths, faculty and resources of their institutions, as well as upon the nationally recognized expertise of scholars and other experts throughout the United States.

Program Administration

The grantee organization should designate a project director to oversee all of the Institutes, coordinate logistical and administrative arrangements, ensure an appropriate level of continuity between the various host institution programs, and serve as the principal liaison between ECA and all the host institutions and thus, as ECA's primary point of contact.

The grantee organization should also designate an academic director at each host institution who will be present throughout the program to ensure the continuity, coherence and integration of all aspects of the academic program, including the related educational study tour. In addition to the academic director, an administrative coordinator should be assigned at each host institution to oversee all student support services, including supervision of the program participants and budgetary, logistical, and other administrative arrangements. For purposes of this program, it is important that the grantee organization also retain qualified mentors or escorts at each host institution who exhibit cultural sensitivity, an understanding of the program's objectives, and a willingness to accompany the students throughout the program.

Participants

Participants will be identified and nominated by the U.S. Embassies, Consulates and/or Fulbright Commissions in the participating countries, with final selection made by ECA. Each Institute will host up to 20 participants, for a total of approximately 120 students. Participation in the six Institutes will be organized by country, or region, as follows:

(1) Bolivia and Peru (Spanish, winter).

(2) Argentina, Chile, and Uruguay (English, winter).

(3) Brazil (English, winter).

(4) Guatemala and Mexico (Spanish, summer).

(5) Costa Rica, the Dominican Republic, El Salvador, Honduras, Nicaragua, and Panama (Spanish, summer).

(6) Colombia, Ecuador, and Venezuela (English, summer).

Participants in the Study of the U.S. Institutes for Student Leaders will be highly motivated undergraduate students from colleges, universities and other institutions of higher education in selected countries overseas who demonstrate leadership through academic work, community involvement, and extracurricular activities. Their major fields of study will be varied, and will include the sciences, social sciences, humanities, education and business.

Recruitment of participants will be focused on historically underserved, indigenous groups and ethnic minority communities. Every effort will be made to select a balanced mix of male and female participants, and to recruit participants who are from non-elite or underprivileged backgrounds, from both rural and urban areas, and have had little or no prior experience in the United States or elsewhere outside of their home country.

Program Dates

The Institutes should be five weeks in length. The three winter programs should begin on or around the same date in January 2008, while the three summer programs should begin on or around the same date in late June 2008.

Program Guidelines

It is essential that proposals provide a detailed and comprehensive narrative describing how the partner organizations and/or host institutions will achieve the objectives of the

Institutes; the title, scope and content of each session; planned site visits, including educational travel; and how each session relates to the overall institute theme.

The proposal must list the institutions that will host the various programs, and for which group of students.

A sample template should be provided that lays out the academic program, including lectures, panel discussions, group presentations or other activities. A description of plans for public and media outreach in connection with the Institutes should also be included.

Please Note: Since three of the six programs will be conducted in Spanish, it is imperative that the applicant demonstrate their (or their partners') capacity to implement an academic program in Spanish. All principal staff for these three programs (academic director, administrative coordinator, student mentors) must be fluent in Spanish. Arrangements for professionally-trained, Spanish-English interpreters should be made for guest speakers, local site visits, and other circumstances when needed.

Overall, proposals will be reviewed on the basis of their responsiveness to RFGP criteria, coherence, clarity, and attention to detail.

Please Note: In a cooperative agreement, the Bureau is substantially involved in program activities above and beyond routine grant monitoring. The Bureau will assume the following responsibilities for the Institutes: participate in the selection of participants; review and confirm syllabi and proposed speakers for each of the Institutes; monitor the Institutes through one or more site visits; meet with participants in Washington, DC at the conclusion of the Institute; work with the cooperating agency to publicize the program through various media outlets; and engage in follow-on communication with the participants after they return to their home countries.

The Bureau may request that the grantee institution make modifications to the academic residency and/or educational travel components of the program. The recipient will be required to obtain approval of any significant program changes in advance of their implementation.

Note: All materials, publicity, and correspondence related to the program must acknowledge this as a program of the Bureau of Educational and Cultural Affairs, U.S. Department of State. The Bureau will retain copyright use of and distribute materials related to this program as it sees fit.

II. Award Information

Type of Award: Cooperative Agreement. ECA's level of involvement in this program is detailed in the previous paragraph.

Fiscal Year Funds: FY–2008 (pending availability of funds).

Approximate Total Funding: $1,500,000.

Approximate Number of Awards: 1.

Anticipated Award Date: Pending availability of funds, November 1, 2007.

Anticipated Project Completion Date: December 31, 2008.

Additional Information: Pending successful implementation of this program and the availability of funds in subsequent fiscal years, it is ECA's intent to renew this grant for two additional fiscal years, before openly competing it again.

III. Eligibility Information

III.1. *Eligible Applicants:* Applications may be submitted by public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3).

III.2. *Cost Sharing or Matching Funds:* There is no minimum or maximum percentage required for this competition. However, the Bureau strongly encourages applicants to provide maximum levels of cost sharing and funding in support of its programs. When cost sharing is offered, it is understood and agreed that the applicant must provide the amount of cost sharing as stipulated in its proposal and later included in an approved grant agreement. Cost sharing may be in the form of allowable direct or indirect costs. For accountability, you must maintain written records to support all costs that are claimed as your contribution, as well as costs to be paid by the Federal Government. Such records are subject to audit. The basis for determining the value of cash and in-kind contributions must be in accordance with OMB Circular A–110 (Revised), Subpart C.23—Cost Sharing and Matching. In the event you do not provide the minimum amount of cost sharing as stipulated in the approved budget, ECA's contribution will be reduced in like proportion.

III.3. *Other Eligibility Requirements:*

a. Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. ECA anticipates awarding one grant in an amount up to $1,500,000 to support program and administrative costs required to implement this exchange program. Therefore, organizations with less than four years experience in conducting international exchanges are ineligible to apply under this competition.

IV. Application and Submission Information

Note: Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

IV.1 *Contact Information to Request an Application Package:* Please contact the Branch for the Study of the United States, ECA/A/E/USS, Room 314, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547; tel. (202) 453–8540; fax (202) 453–8533 to request a Solicitation Package. Please refer to the Funding Opportunity Number ECA/A/E/USS–08–02 located at the top of this announcement when making your request. Alternatively, an electronic application package may be obtained from *grants.gov*. Please see section IV.3f for further information.

The Solicitation Package contains the Proposal Submission Instruction (PSI) document, which consists of required application forms, and standard guidelines for proposal preparation. It also contains the Project Objectives, Goals and Implementation (POGI) document, which provides specific information, award criteria and budget instructions tailored to this competition.

Please specify Bureau Program Officer Jennifer Phillips and refer to the Funding Opportunity Number ECA/A/E/USS–08–02 located at the top of this announcement on all other inquiries and correspondence.

IV.2. *To Download a Solicitation Package Via Internet:* The entire Solicitation Package may be downloaded from the Bureau's Web site at *http://exchanges.state.gov/education/rfgps/menu.htm,* or from the *grants.gov* Web site at *http://www.grants.gov.* Please read all information before downloading.

IV.3. *Content and Form of Submission:* Applicants must follow all instructions in the Solicitation Package. The application should be submitted per the instructions under IV.3f, ''Application Deadline and Methods of Submission'' below.

IV.3a. You are required to have a Dun and Bradstreet Data Universal Numbering System (DUNS) number to apply for a grant or cooperative agreement from the U.S. Government. This 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 1–

866–705–5711. Please ensure that your DUNS number is included in the appropriate box of the SF–424 which is part of the formal application package.

IV.3b. All proposals must contain an executive summary, proposal narrative and budget. Please refer to the Solicitation Package. It contains the mandatory PSI and POGI documents for additional formatting and technical requirements.

IV.3c. You must have nonprofit status with the IRS at the time of application. If your organization is a private nonprofit which has not received a grant or cooperative agreement from ECA in the past three years, or if your organization received nonprofit status from the IRS within the past four years, you must submit the necessary documentation to verify nonprofit status as directed in the PSI document. Failure to do so will cause your proposal to be declared technically ineligible.

IV.3d. Please take into consideration the following information when preparing your proposal narrative:

IV.3d.1. *Adherence to All Regulations Governing the J Visa.* The Bureau of Educational and Cultural Affairs is placing renewed emphasis on the secure and proper administration of Exchange Visitor (J visa) Programs and adherence by grantees and sponsors to all regulations governing the J visa. Therefore, proposals should demonstrate the applicant's capacity to meet all requirements governing the administration of the Exchange Visitor Programs as set forth in 22 CFR 62, including the oversight of Responsible Officers and Alternate Responsible Officers, screening and selection of program participants, provision of pre-arrival information and orientation to participants, monitoring of participants, proper maintenance and security of forms, record-keeping, reporting and other requirements.

The Grantee may be responsible for issuing DS–2019 forms to participants in this program, as an alternate responsible officer under the Bureau's J Designation.

A copy of the complete regulations governing the administration of Exchange Visitor (J) programs is available at *http://exchanges.state.gov* or from: United States Department of State, Office of Exchange Coordination and Designation, ECA/EC/ECD—SA–44, Room 734, 301 4th Street, SW., Washington, DC 20547, Telephone: (202) 203–5029, FAX: (202) 453–8640.

Please refer to Solicitation Package for further information.

IV.3d.2. *Diversity, Freedom and Democracy Guidelines.* Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and disabilities. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section (V.2.) for specific suggestions on incorporating diversity into your proposal. Public Law 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' the Bureau ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Public Law 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

IV.3d.3. *Program Monitoring and Evaluation:* Proposals must include a plan to monitor and evaluate the project's success, both as the activities unfold and at the end of the program. The Bureau strongly recommends that your proposal include a draft survey questionnaire or other technique plus a description of a methodology to use to link outcomes to original project objectives. The Bureau expects that the grantee will track participants or partners and be able to respond to key evaluation questions, including satisfaction with the program, learning as a result of the program, changes in behavior as a result of the program, and effects of the program on institutions (institutions in which participants work or partner institutions). The evaluation plan should include indicators that measure gains in mutual understanding as well as substantive knowledge.

Successful monitoring and evaluation depend heavily on setting clear goals and outcomes at the outset of a program. Your evaluation plan should include a description of your project's objectives, your anticipated project outcomes, and how and when you intend to measure these outcomes (performance indicators). The more that outcomes are ''smart'' (specific, measurable, attainable, results-oriented, and placed in a reasonable time frame), the easier it will be to conduct the evaluation. You should also show how your project objectives link to the goals of the program described in this RFGP.

Your monitoring and evaluation plan should clearly distinguish between program *outputs* and *outcomes. Outputs* are products and services delivered, often stated as an amount. Output information is important to show the scope or size of project activities, but it cannot substitute for information about progress towards outcomes or the results achieved. Examples of outputs include the number of people trained or the number of seminars conducted. *Outcomes,* in contrast, represent specific results a project is intended to achieve and is usually measured as an extent of change. Findings on outputs and outcomes should both be reported, but the focus should be on outcomes.

We encourage applicants to assess the following four levels of outcomes, as they relate to the program goals set out in the RFGP (listed here in increasing order of importance):

1. *Participant satisfaction* with the program and exchange experience.

2. *Participant learning,* such as increased knowledge, aptitude, skills, and changed understanding and attitude. Learning includes both substantive (subject-specific) learning and mutual understanding.

3. *Participant behavior,* concrete actions to apply knowledge in work or community; greater participation and responsibility in civic organizations; interpretation and explanation of experiences and new knowledge gained; continued contacts between participants, community members, and others.

4. *Institutional changes,* such as increased collaboration and partnerships, policy reforms, new programming, and organizational improvements.

Please note: Consideration should be given to the appropriate timing of data collection for each level of outcome. For example, satisfaction is usually captured as a short-term outcome, whereas behavior and institutional changes are normally considered longer-term outcomes.

Overall, the quality of your monitoring and evaluation plan will be judged on how well it (1) specifies intended outcomes; (2) gives clear descriptions of how each outcome will be measured; (3) identifies when particular outcomes will be measured; and (4) provides a clear description of the data collection strategies for each outcome (*i.e.*, surveys, interviews, or focus groups). (Please note that evaluation plans that deal only with the first level of outcomes [satisfaction] will

be deemed less competitive under the present evaluation criteria.)

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

IV.3d.4. Describe your plans for overall program management, staffing, and coordination with the Bureau. The Bureau considers these to be essential elements of your program; please be sure to give sufficient attention to them in your proposal.

IV.3e. Please take the following information into consideration when preparing your budget:

IV.3e.1. Applicants must submit a comprehensive budget for the entire program. Awards may not exceed $1,500,000. While there is no rigid ratio of administrative to program costs, the Bureau urges applicant organizations to keep administrative costs as low and reasonable as possible. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. Applicants should also provide copies of any sub-grant agreements that would be implemented under terms of this award.

IV.3e.2. Allowable costs for the program and additional budget guidance are outlined in detail in the POGI document. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

IV.3f. Application Deadline and Methods of Submission:

Application Deadline Date: August 16, 2007.

Reference Number: ECA/A/E/USS–08–02.

Methods of Submission: Applications may be submitted in one of two ways:

1. In hard-copy, via a nationally recognized overnight delivery service (*i.e.*, DHL, Federal Express, UPS, Airborne Express, or U.S. Postal Service Express Overnight Mail, etc.), or

2. Electronically through *http://www.grants.gov.*

Along with the Project Title, all applicants must enter the above Reference Number in Box 11 on the SF–424 contained in the mandatory Proposal Submission Instructions (PSI) of the solicitation document.

IV.3f.1. *Submitting Printed Applications.* Applications must be shipped no later than the above deadline. Delivery services used by applicants must have in-place, centralized shipping identification and tracking systems that may be accessed via the Internet and delivery people who are identifiable by commonly recognized uniforms and delivery vehicles. Proposals shipped on or before the above deadline but received at ECA more than seven days after the deadline will be ineligible for further consideration under this competition. Proposals shipped after the established deadlines are ineligible for consideration under this competition. ECA will *not* notify you upon receipt of application. It is each applicant's responsibility to ensure that each package is marked with a legible tracking number and to monitor/confirm delivery to ECA via the Internet. Delivery of proposal packages *may not* be made via local courier service or in person for this competition. Faxed documents will not be accepted at any time. Only proposals submitted as stated above will be considered.

Important note: When preparing your submission please make sure to include one extra copy of the completed SF–424 form and place it in an envelope addressed to ''ECA/EX/PM.''

The original and eight (8) copies of the application should be sent to: U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Reference Number: ECA/A/E/USS–08–02, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants submitting hard-copy applications must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal in text (.txt) format on a PC-formatted disk. The Bureau will provide these files electronically to regional bureaus and Public Affairs Sections at U.S. embassies and for their review, as appropriate.

IV.3f.2. *Submitting Electronic Applications.* Applicants have the option of submitting proposals electronically through Grants.gov (*http://www.grants.gov*). Complete solicitation packages are available at Grants.gov in the ''Find'' portion of the system. Please follow the instructions available in the 'Get Started' portion of the site (*http://www.grants.gov/GetStarted*).

Several of the steps in the Grants.gov registration process could take several weeks. Therefore, applicants should check with appropriate staff within their organizations immediately after reviewing this RFGP to confirm or determine their registration status with Grants.gov.

Once registered, the amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your internet connection. Therefore, we strongly recommend that you not wait until the application deadline to begin the submission process through Grants.gov.

Direct all questions regarding Grants.gov registration and submission to: Grants.gov Customer Support, *Contact Center Phone:* 800–518–4726, *Business Hours:* Monday–Friday, 7 a.m.–9 p.m. Eastern Time, *E-mail: support@grants.gov*.

Applicants have until midnight (12 a.m.), Washington, DC time of the closing date to ensure that their entire application has been uploaded to the Grants.gov site. There are no exceptions to the above deadline. Applications uploaded to the site after midnight of the application deadline date will be automatically rejected by the grants.gov system, and will be technically ineligible.

Applicants will receive a confirmation e-mail from grants.gov upon the successful submission of an application. ECA will *not* notify you upon receipt of electronic applications.

It is the responsibility of all applicants submitting proposals via the Grants.gov Web portal to ensure that proposals have been received by Grants.gov in their entirety, and ECA bears no responsibility for data errors resulting from transmission or conversion processes.

IV.3g. *Intergovernmental Review of Applications:* Executive Order 12372 does not apply to this program.

V. Application Review Information

V.1. *Review Process:* The Bureau will review all proposals for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for cooperative

agreements resides with the Bureau's Grants Officer.

V.2. *Review Criteria:* Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of Program Idea/Plan:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission. Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity.

2. *Ability to Achieve Overall Program Objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

3. *Support for Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (program venue, study tour venue, and program evaluation) and program content (orientation and wrap-up sessions, site visits, program meetings and resource materials).

4. *Evaluation and Follow-On:* Proposals should include a plan to evaluate the Institute's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original institute objectives is strongly recommended. Proposals should provide a plan for continued follow-on activity (without Bureau support) ensuring that Bureau supported programs are not isolated events.

5. *Cost-effectiveness/Cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

6. *Institutional Track Record/Ability:* Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grants Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants. Proposed personnel and institutional resources should be fully qualified to achieve the Institute's goals.

VI. Award Administration Information

VI.1. *Award Notices:* Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures. Successful applicants will receive an Assistance Award Document (AAD) from the Bureau's Grants Office. The AAD and the original grant proposal with subsequent modifications (if applicable) shall be the only binding authorizing document between the recipient and the U.S. Government. The AAD will be signed by an authorized Grants Officer, and mailed to the recipient's responsible officer identified in the application.

Unsuccessful applicants will receive notification of the results of the application review from the ECA program office coordinating this competition.

VI.2. *Administrative and National Policy Requirements:* Terms and Conditions for the Administration of ECA agreements include the following:

Office of Management and Budget Circular A–122, ''Cost Principles for Nonprofit Organizations.''

Office of Management and Budget Circular A–21, ''Cost Principles for Educational Institutions.''

OMB Circular A–87, ''Cost Principles for State, Local and Indian Governments''.

OMB Circular No. A–110 (Revised), Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations.

OMB Circular No. A–102, Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments.

OMB Circular No. A–133, Audits of States, Local Government, and Non-profit Organizations.

Please reference the following Web sites for additional information: *http://www.whitehouse.gov/omb/grants. http://exchanges.state.gov/education/grantsdiv/terms.htm#articleI.*

VI.3. *Reporting Requirements:* You must provide ECA with a hard copy original plus one (1) copy of the final program and financial report no more than 90 days after the expiration of the award.

Grantees will be required to provide reports analyzing their evaluation findings to the Bureau in their regular program reports. Please refer to Application and Submission Instructions (IV.3d.3) above for Program Monitoring and Evaluation information.

All data collected, including survey responses and contact information, must be maintained for a minimum of three years and provided to the Bureau upon request.

All reports must be sent to the ECA Grants Officer and ECA Program Officer listed in the final assistance award document.

VII. Agency Contacts

For questions about this announcement, contact: Jennifer Phillips, Branch for the Study of the United States, ECA/A/E/USS, Room 314, U.S. Department of State, SA–44, 301 4th Street, SW., Washington, DC 20547; tel. (202) 453–8537; fax (202) 453–8533; e-mail, *PhillipsJA@state.gov.*

All correspondence with the Bureau concerning this RFGP should reference the title ''Study of the U.S. Institutes for Student Leaders'' and number ECA/A/E/USS–08–02.

Please read the complete announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

VIII. Other Information

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements per section VI.3 above.

Dated: June 12, 2007.

C. Miller Crouch,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–12029 Filed 6–20–07; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on a Proposed Highway Project in California

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(1)(1). These actions relate to a proposed highway project on Hazel Avenue between State Route 50 and Madison Avenue in Sacramento County, State of California. These actions grant approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(1)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before December 18, 2007. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Cesar Perez, Senior Project Development Engineer, Federal Highway Administration, 650 Capitol Mall, #4–100, Sacramento, CA 95814, weekdays between 7 a.m. and 4 p.m., telephone 916-498–5065, *cesar.perez@fhwa.dot.gov*, or John Webb, Supervisory Environmental Planner, California Department of Transportation, 2389 Gateway Oaks Dr., Sacramento, CA 95833, weekdays between 8 a.m. and 4:30 p.m., (916) 274–0588, *John_Webb@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency actions by issuing approvals for the following highway project in the State of California. This project would improve safety and provide congestion relief on Hazel Avenue, Sacramento County, California. This would be accomplished by widening Hazel Avenue to 6 lanes with a landscaped center median from U.S. Highway 50 to Madison Avenue. The purpose of the project is to increase safety for all modes of travel. The actions by the Federal agencies and the laws under which such actions were taken are described in the Final Environmental Assessment for the project. The Finding of No Significant Impact (FONSI) was approved on June 7, 2007. The Final Environmental Assessment and other documents in the FHWA administrative record file are available by contacting the FHWA or the California Department of Transportation at the addresses provided above. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].

2. *Air:* Clean Air Act 42 U.S.C. 7401–7671(q).

3. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]. Migratory Bird Treaty Act [16 U.S.C. 703–712].

4. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(aa) 11]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

5. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]; The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

6. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA).42 U.S.C. 6901–6992(k).

7. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(1)(1).

Issued on: June 13, 2007.

Maiser Khaled,

Director, Project Development & Environment, Sacramento, California.

[FR Doc. E7–12002 Filed 6–20–07; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No: FTA–2006–25471]

Safety and Security Management for Major Capital Projects: Notice of Final Circular

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Availability of Final Circular.

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its Web site final guidance in the form of a circular to address safety and security management in capital projects covered under 49 CFR part 633, ''Project Management Oversight.'' FTA requires a Project Management Plan (PMP) for major capital projects as defined in 49 CFR 633. In the final circular, FTA requires recipients with projects covered under 49 CFR 633 to develop a Safety and Security Management Plan (SSMP), as a chapter or plan within the PMP. In this notice, FTA provides a summary of the final circular and addresses comments received in response to the October 11, 2006 **Federal Register** Notice (71 FR 43280).

As defined in 49 CFR 633.5, the term ''major capital project'' means a project that ''(1) involves the construction of a new fixed guideway or extension of an existing fixed guideway or (2) involves the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of $100 million.'' The Administrator may also designate a major capital project in circumstances where he or she determines that FTA's project management oversight (PMO) program ''will benefit specifically the agency or the recipient.'' Typically, this means ''a project that: (i) Generally is expected to have a total project cost in excess of $100 million or more to construct; (ii) is not exclusively for the routine acquisition, maintenance, or rehabilitation of vehicles or other rolling stock; (iii) involves new technology; (iv) is of a unique nature for the recipient; or (v) involves a recipient whose past experience indicates to the agency the appropriateness of the extension of this program.'' Major capital projects typically do not include projects

receiving capital investment grants under 49 U.S.C. 5309(e), more commonly referred to as ''Small Starts'' and ''Very Small Starts'' projects, unless FTA's Administrator determines that a PMP is necessary.

DATES: The effective date of this circular is August 1, 2007.

Availability of the Final Circular: You may download the circular from the Department's Docket Management System (*http://dms.dot.gov*) by entering docket number 25471 in the search field. You may also download an electronic copy of the circular from FTA's Web site, at *http://www.fta.dot.gov.* Paper copies of the circular may be obtained by calling FTA's Administrative Services Help Desk, at 202–366–4865.

FOR FURTHER INFORMATION CONTACT: For issues regarding safety and security in FTA's project development phases, please contact Carlos M. Garay, Office of Engineering, Federal Transit Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, phone: 202–366–6471, or e-mail, *carlos.garay@dot.gov* . For issues regarding specific safety and security management activities, please contact Levern McElveen, Office of Safety and Security, Federal Transit Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, phone: 202–366–1651, or e-mail, *levern.mcelveen@dot.gov.* For legal issues, please contact Shauna J. Coleman, Office of Chief Counsel, Federal Transit Administration, 1200 New Jersey Avenue, SE, 5th Floor East Building, Washington, DC 20590, phone: 202–366–4063, fax: 202–366–3809, or e-mail, *shauna.coleman@dot.gov.*

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I. Background

On October 11, 2006, FTA published its notice of proposed circular, ''Safety and Security Management for Major Capital Projects'' in the **Federal Register**. This notice contained a link to the proposed circular FTA developed to implement Section 3026 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), [Pub. L. 109–59, August 10, 2005], which amended 49 U.S.C. 5327. This circular proposed to extend existing FTA requirements for SSMPs, in Chapter II, Section 6, Safety and Security Management Plan, of FTA's Full Funding Grant Agreement (FFGA) Guidance Circular 5200.1A to all major capital projects covered under 49 CFR part 633.

In the notice, FTA asked the public to comment on specific safety and security management requirements that FTA included in the proposed circular. FTA also asked the public to provide comments regarding the potential impacts of the proposed circular on recipients with projects covered by 49 CFR part 633. FTA provided a 60-day comment period, which closed December 11, 2006.

FTA received 13 comments on the notice and proposed circular from six transit agencies, four industry associations, two individuals, and one State department of transportation (State DOT). FTA reviewed and considered all comments submitted. Based upon comments, FTA revised the proposed circular. In addition, FTA also edited the proposed circular for clarity and accuracy.

FTA hereby announces issuance of the final circular, FTA Circular 5800.1, ''Safety and Security Management for Major Capital Projects.'' This notice does not contain the final circular, but it provides a summary of the provisions found within the circular, and explains how FTA responded to comments.

You may find an electronic version of the final circular on the docket at *http://dms.dot.gov* , by entering docket number 25471 in the search field, or on FTA's Web site at *http://www.fta.dot.gov.* You may obtain paper copies of the final circular by contacting FTA's Administrative Services Help Desk, at 202–366–4865.

II. Why Did FTA Develop the Proposed Circular?

FTA developed the proposed circular to implement Section 3026 of SAFETEA–LU, which amended 49 U.S.C. 5327. This section requires recipients with major capital projects covered by 49 CFR part 633 to include ''safety and security management'' as an element of their PMP. FTA also developed the proposed circular to provide additional guidance for recipients in addressing safety and security issues during the project development process.

When developing the circular, FTA reviewed its past experience regarding how recipients addressed safety and security issues in their PMPs. FTA determined that recipients typically described safety and security management strategies and controls as sub-elements of other required PMP Sections. FTA also determined that recipients performed different types of activities to address safety and security. Some recipients elected to perform safety and security certification or pre-revenue operational readiness assessments, while other recipients did not. FTA also determined that recipients did not implement consistent approaches to safety and security management.

In the notice of the proposed circular, FTA describes in detail the information FTA reviewed and considered in developing the proposed circular. Specifically, FTA explains how the following three factors guided its development of the proposed circular:

(1) FTA reviewed the results of its previous experience implementing the requirements specified in Chapter II, Section 6, Safety and Security Management Plan of FTA's FFGA Guidance Circular 5200.1A.

(2) FTA also reviewed safety and security guidance issued since 2002 by FTA, the Transit Cooperative Research Program (TCRP), the American Public Transportation Association (APTA) Rail Transit Standards Program, the Federal Highway Administration (FHWA), the Federal Railroad Administration (FRA), and Operation Lifesaver.

(3) Finally, FTA reviewed new Federal security requirements and programs developed by the Department of Homeland Security (DHS), the Transportation Security Administration (TSA), and the DHS Office of Grants and Training (OGT).

III. How Does the Final Circular Differ From the Proposed Circular?

While FTA retained much of the content of the proposed circular, FTA is incorporating the following changes into the final circular in response to comments received on the proposed circular:

- FTA is revising definitions in response to comments requesting consistency with 49 CFR part 659, ''Rail Fixed Guideway Systems; State Safety Oversight.'' Specifically, FTA is revising the definitions for ''Contractor,'' ''Hazard,'' ''Passenger,'' ''Safety,'' ''Security,'' ''System Safety Program Plan,'' and ''System Security Plan'' to make them more consistent with the definitions in 49 CFR 659.5. FTA also revised the final circular to use, more consistently, terminology that is used in existing FTA or U.S. Department of Transportation (DOT) directives.
- To enhance consistency with 49 CFR part 633, FTA is using the term ''recipient,'' as opposed to ''grantee,'' throughout the final circular.
- In the interest of State DOTs that may be serving as pass-through agencies for Federal funds, FTA is clarifying that the ''recipient'' responsible for preparing the PMP is also the ''recipient'' responsible for developing the SSMP.
- To address commenter questions regarding the applicability of the proposed circular to different types of projects covered under 49 CFR part 633 during different project phases, FTA explains that the SSMP requirements specified in the final circular will not be applied to major capital projects with approved PMPs in place—as of August 1, 2007—with one exception. FTA will apply the SSMP requirements in this final circular to major capital projects involving the construction of a new fixed guideway or extension of an existing fixed guideway—in preliminary engineering or earlier phases—as of August 1, 2007. FTA will also apply the SSMP requirements in the final circular to all major capital projects initiated after August 1, 2007. For the specific types of major capital projects, as defined in 49 CFR 633.5, FTA clarifies the applicability of the SSMP requirements in the final circular as follows:
  - Recipients with major capital projects involving the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of $100 million with approved PMPs in place—as of August 1, 2007—are exempt from the requirement to develop an SSMP. However, for these projects, FTA reiterates its commitment to work with the appropriate State oversight agencies and FRA to ensure that these recipients are addressing existing provisions for safety and security certification specified in their System Safety Program Plans (SSPPs) and System Security Plans.
  - Recipients with major capital projects involving the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of $100 million—initiated after August 1, 2007—are required to develop SSMPs, meeting the terms of this final circular, as part of their initial PMPs submitted to FTA.
  - Recipients with major capital projects involving the construction of a new fixed guideway or extension of an existing fixed guideway—in final design or later phases as August 1, 2007—are exempt from the requirement to develop an SSMP meeting the terms of this circular. However, FTA clarifies that these recipients must continue to comply with the original safety and security management guidance, provided in Chapter II, Section 6, Safety and Security Management Plan of FTA's FFGA Circular 5200.1A.
  - Recipients with major capital projects involving the construction of a new fixed guideway or extension of an existing fixed guideway—in preliminary engineering or earlier phases as of August 1, 2007—are required to develop SSMPs meeting the terms of this circular, as part of the PMPs they submit to FTA.
  - Recipients with major capital projects designated by the Administrator with approved PMPs—as of August 1, 2007—are not required to develop SSMPs meeting the terms of this circular. However, where applicable, FTA clarifies that these recipients must continue to comply with the original safety and security management guidance, provided in Chapter II, Section 6, Safety and Security Management Plan of FTA's FFGA Circular 5200.1A.
  - Recipients with major capital projects designated by the Administrator-initiated after August 1, 2007—are required to develop SSMPs meeting the terms of this circular, as part of the PMPs they submit to FTA.
- FTA also clarifies that major capital projects typically do not include projects receiving capital investment grants under 49 U.S.C. 5309(e), more commonly referred to as ''Small Starts'' and ''Very Small Starts'' projects. Therefore, unless FTA's Administrator determines that a PMP is necessary, recipients with these projects are not required to develop SSMPs.
- To address comments regarding the applicability of specific SSMP Sections to specific projects, FTA is amending Chapter III, Paragraph 2 of the proposed circular to clarify that, if recipients have questions regarding the applicability of specific SSMP Sections to their projects, these recipients must meet with their FTA Regional Offices and the Project Management Oversight Consultants (PMOCs) assigned to their projects. During this meeting, recipients must explain why they believe specific SSMP Sections, as identified in Chapter IV of the final circular, are not applicable to their projects. If FTA agrees, then FTA will not require these recipients to address these sections in their SSMPs.
- Finally, to address requests for additional guidance, FTA is revising the final circular to include an Appendix Checklist that provides more information regarding the level of detail recipients must include in each SSMP Section for different types of projects during different project development phases.

IV. How Did FTA Involve the Public in the Circular Revision?

FTA is responding to the 13 comments received on the proposed circular in the following order: (A) General Comments and Questions and (B) Section-by-Section Discussion.

A. General Comments and Questions

1. Applicability of Circular to Major Capital Projects

Eight commenters asked FTA to clarify whether the proposed circular applied to their projects. Four commenters with major capital projects involving the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of $100 million requested that FTA exempt their projects from the requirement to develop an SSMP. These commenters pointed out that their projects had been planned and budgeted before FTA issued the proposed circular. These commenters felt that it was unfair for FTA to impose new requirements on their existing projects. Furthermore, these commenters explained that they believed that their existing programs adequately addressed the circular's requirements.

Four commenters with major capital projects involving the construction of a new fixed guideway or extension of an existing fixed guideway asked FTA to determine the applicability of the circular to their projects. Two of these commenters had already developed SSMPs in compliance with Chapter II, Section 6 of FTA Circular 5200.1A.

These commenters requested that FTA exempt their projects from the new requirements in the proposed circular.

FTA Response: Based on these comments, FTA is amending the applicability of the final circular. FTA agrees that recipients with major capital projects involving the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of $100 million—initiated before August 1, 2007—did not have the opportunity to budget resources to address the SSMP requirement in their projects. Therefore, FTA will be exempting these projects—initiated before August 1, 2007—from the requirement to develop an SSMP.

However, FTA believes that recipients with major capital projects involving the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of $100 million—initiated after August 1, 2007—will have ample opportunity to budget resources to address the safety and security requirements in the final circular. Therefore, FTA will require recipients with these projects—initiated after August 1, 2007—to develop SSMPs.

FTA also changed the proposed circular's applicability for recipients with major capital projects involving the construction of a new fixed guideway or extension of an existing fixed guideway. FTA determined that the final circular will be applicable to these projects in preliminary engineering or earlier project development phases as of August 1, 2007. During the initial development or next update to the PMP, these recipients must include SSMPs meeting the terms of this circular as part of their PMPs. For all other recipients with major capital projects involving the construction of a new fixed guideway or extension of an existing fixed guideway (*i.e.*, those in final design or later project phases as of August 1, 2007), FTA decided that the terms of the original guidance in Chapter II, Section 6 of Circular 5200.1A will remain in effect.

For recipients with major capital projects designated by the Administrator with approved PMPs—as of August 1, 2007—FTA will not require SSMPs meeting the terms of this circular. However, FTA clarifies that, if applicable, these recipients must continue to comply with the original safety and security management guidance provided in Chapter II, Section 6, Safety and Security Management Plan of FTA's FFGA Circular 5200.1A. Major capital projects designated by the Administrator—initiated after August 1, 2007—will be required to include SSMPs meeting the terms of the circular, as part of the PMPs they submit to FTA.

2. Relationship of Circular to Other SAFETEA–LU Provisions

In its notice of proposed circular, FTA reserved ''the right to make page changes to the circular regarding updates to other provisions, without subjecting the entire circular to public comment.'' One commenter felt that FTA should clarify in the final notice or circular that FTA will ''offer any proposed changes for public comment when the changes affect any binding obligations on recipients.''

FTA Response: FTA agrees with this commenter. FTA appreciates that other activities to fully implement SAFETEA–LU provisions are still on-going and could potentially affect implementation of this circular. In the event that FTA initiates a rulemaking that impacts this circular or its implementation, FTA will provide the public with the opportunity to comment on such changes through the appropriate rulemaking process. If necessary, FTA will amend this circular based on the outcome of the rulemaking process.

By reserving the right to make changes to referenced guidance and regulations without public comment, FTA is not attempting to deny the public the opportunity to comment on elements of the circular that may be affected by other FTA initiatives to implement SAFETEA–LU. FTA is merely asserting the need to keep the circular up-to-date with the current versions of referenced rules and guidance.

3. Coordination With Existing Safety and Security Requirements

Six commenters questioned how FTA will coordinate its SSMP requirements with respect to State oversight agencies and safety and security requirements specified in 49 CFR part 659. Specifically, these commenters asked FTA: (1) To clarify how its existing safety and security certification requirements for rail transit agencies covered under 49 CFR part 659 would be addressed in the SSMP and in the FTA PMOC process to review SSMPs, and (2) to clarify how conflicts will be avoided between FTA PMOCs and State oversight agencies.

FTA Response: In addressing the safety and security of major capital projects undertaken by recipients at existing rail transit agencies as defined in 49 CFR 659.5, FTA recognizes that there is a potential for conflict between State oversight agencies and FTA's Regional Offices and PMOCs. FTA notes, however, Section 9 of Chapter IV of the final circular, requires recipients to explain their process for coordination with the State oversight agencies and to identify any specific requirements they must address.

If the State oversight agency has implemented specific requirements affecting the safety and security certification process carried out by the recipient, then these requirements should be identified or referenced in Section 9 of the SSMP. FTA Regional Offices and PMOCs will then be aware of these requirements, and will work closely with the recipient and the State oversight agency to coordinate activities and to avoid conflicts from the beginning of the project.

On the topic of clarifying how FTA will incorporate existing safety and security certification requirements mandated by FTA in 49 CFR part 659 into this circular, FTA notes that, before establishing the 11 SSMP Sections in Chapter IV of this circular, FTA carefully reviewed all existing requirements to minimize the possibility for conflict. For rail transit agencies as defined in 49 CFR 659.5, FTA coordinated the required activities in this circular with the activities currently required in FTA 49 CFR part 659.

For example, in 49 CFR 659.19(h), FTA requires the SSPP developed by rail transit agencies and reviewed and approved by State oversight agencies to include ''a description of the safety certification process required by the rail transit agency to ensure that safety concerns and hazards are adequately addressed prior to the initiation of passenger operations for New Starts and subsequent major projects to extend, rehabilitate, or modify an existing system, or to replace vehicles and equipment.'' FTA includes a similar requirement for security in 49 CFR 659.23(b), which states that the rail transit agency, in its System Security Plan, must ''document the rail transit agency's process for managing threats and vulnerabilities during operations, and for major projects, extensions, new vehicles and equipment, including integration with the safety certification process.''

These requirements make it clear that existing rail transit agencies, as defined in 49 CFR 659.5, must perform safety and security certification for major projects at their systems. However, in 49 CFR part 659, FTA did not specify the types of projects for which this certification must be performed, the elements to be included in this certification, or the project thresholds triggering specific safety and security management activities.

Because FTA left the specific details of complying with these requirements up to the individual rail transit agencies, FTA believes, if these rail transit agencies choose to be recipients of major capital projects covered by 49 CFR part 633, then these rail transit agencies must prepare SSMPs for the major capital project, as specified in the final circular. FTA has been careful to ensure that the requirements specified in the final circular conform both to existing guidance provided for States and rail transit agencies implementing 49 CFR part 659 and to FTA's ''Handbook for Transit Safety and Security Certification,'' (2002).

On the topic of coordinating oversight activities between FTA PMOCs and the State oversight agencies, FTA recognizes that both State oversight agencies and FTA PMOCs may be reviewing a recipient's compliance with the sections specified in Chapter IV of the final circular. In this activity, of course, there is the potential for FTA PMOCs and the State oversight agencies or their contractors to make different and potentially conflicting findings.

FTA recognizes the important role State oversight agencies have in ensuring that a viable safety and security certification process is in place at the rail transit agencies in their jurisdictions, and FTA encourages their participation in the PMOC process. Since December 2002, FTA, through its PMOCs, has coordinated with State oversight agencies regarding how their requirements for safety and security certification are addressed by recipients who must comply with Chapter II, Section 6 of FTA's Circular 5200.1A. FTA learned a great deal from this coordination.

FTA now invites State oversight agency representatives to attend Quarterly Review Meetings and to work with FTA Headquarters, Regional Offices, and PMOCs regarding areas of shared interest. In every PMOC Monthly Report, PMOCs document information regarding the recipient's compliance with State oversight agency requirements. FTA PMOCs also work closely with many State oversight agencies to ensure consistent review and evaluation of relevant project documents, plans, and procedures. In certain cases, representatives from State oversight agencies attend PMOC monthly on-site visits.

In a few cases, State oversight agencies have implemented rules that require formal safety and security certification be delivered to them, and reviewed and approved by them, prior to the initiation of a capital project into revenue service. In these instances, FTA and its PMOCs incorporate this required review and approval into their project monitoring activities.

In the majority of cases, FTA and its PMOCs work with the State oversight agencies to ensure that identified safety and security management activities, as specified in the rail transit agency's SSPP and System Security Plan, are carried out for all projects covered under 49 CFR part 633. In many instances, State oversight agencies encourage FTA and its PMOCs to take the lead in this process.

Over the last five years, FTA has built a sound partnership with the State oversight agencies, and FTA believes this strong partnership will continue into the future. FTA hosts an annual meeting with the all of the State oversight agency program managers where critical issues, including issues of coordination between FTA Regional Offices and PMOCs, are discussed. As part of the audit program for 49 CFR part 659, FTA also works with the State oversight agencies to assess their implementation of 49 CFR 659.19(h) and 49 CFR 659.23(b) and to identify and resolve any coordination issues between the State oversight agency and FTA PMOCs. Finally, FTA's Office of Safety and Security routinely works with State oversight agencies and FTA Regional Offices to effectively resolve coordination issues.

FTA is committed to ensuring any issues with the potential for conflict are identified and addressed as quickly as possible. Any recipient or State oversight agency representative anticipating a potential conflict should notify the Safety Team Leader at FTA's Office of Safety and Security immediately. In the event of such a conflict, FTA's Office of Safety and Security will work with the FTA Regional Office and State oversight agency to ensure timely resolution.

4. FRA Approval of the SSMP

One commenter asked FTA to clarify ''which agency ultimately has oversight and approval authority over safety and security management plans developed for commuter railways or other New Starts or expanded rail systems regulated by the FRA.''

FTA Response: Only FTA reviews and approves the SSMP. However, FTA recognizes that FRA has requirements for safety and security certification similar to those issued by FTA in 49 CFR part 659. These requirements can be found in Section 6 of the ''Manual for the Development of System Safety Program Plans for Commuter Railroads'' (2006), published by APTA and adopted by commuter railroads to address FRA requirements for an SSPP as specified in FRA's Emergency Order 20 (1996). FRA addresses security certification in ''Element 17'' of this Manual.

In its safety and security certification activities, FRA typically focuses on the performance of specific hazard analysis during design and engineering and compliance with FRA regulations (49 CFR parts 200 to 265). Until the project demonstrates compliance with these regulations, FRA will not grant authority to operate on the general railroad system.

For commuter rail projects and light rail project with shared track waivers, FTA Regional Offices and PMOCs work closely with FRA to ensure compliance with FRA requirements and regulations. FTA believes that compliance with FRA requirements and regulations is a critical component of the safety and security management program established for the project. Therefore, FTA Regional Offices and PMOCs, as part of their monthly monitoring functions, track recipients' compliance with FRA requirements.

5. Confusion Regarding How the SSMP Can Be Part of the PMP

One commenter asked FTA to clarify how the SSMP could be part of the PMP. This commenter wanted to know how a separate plan could be developed and referenced as part of the PMP.

FTA Response: In Chapter II, Section 5, Project Management Plan, of FTA's FFGA Circular 5200.1A, FTA explains that the PMP, as required in 49 CFR part 633, refers not only to the actual PMP itself, but also to supporting plans developed to implement the PMP, such as the Quality Assurance/Quality Control (QA/QC) plan and the SSMP, which may be included as chapters in the PMP or referenced as separate plans by the PMP. For more clarification, FTA encourages this commenter to review Chapter II of FTA's Circular 5200.1A and Chapters I and II of FTA's ''Update to the Project and Construction Management Guidelines'' (2003 Update).

6. SSMP Requirement for Mature Transit Agencies

Eight commenters asked FTA to explain why it requires the SSMP for existing transit agencies with mature safety and security programs, when these agencies already develop Safety and Security Certification Plans for projects covered under 49 CFR part 633. These commenters felt that FTA should not require mature agencies to develop SSMPs, and urged FTA simply to review their existing safety and security programs related to project development

instead. In addition, these commenters felt that FTA should only request an SSMP if the project was a unique project for an existing transit agency or the construction of a new fixed guideway system for a new agency.

FTA Response: FTA recognizes that existing transit agencies have programs and plans in place that cover some, or even most, of the requirements specified in Chapter IV of the proposed circular. However, based on its experience, FTA does not believe that these existing programs provide an integrated and coherent listing of all safety and security management activities for the projects covered under 49 CFR part 633.

FTA encourages recipients at mature agencies to use the 11 Sections in Chapter IV of the final circular as a checklist for identifying the minimum safety and security management activities FTA requires. In the event a recipient has an existing program or plan in place that addresses requirements specified one or more of the 11 Sections specified in Chapter IV of this circular, FTA encourages the recipient to state this fact in the applicable section of the SSMP, and to reference the applicable supporting document, including the chapter and page numbers where the program or plan can be located. In this instance, FTA only requires the recipient to provide sufficient information in this section to direct FTA and its PMOCs to these documents.

When a recipient addresses the majority of the circular's requirements in other existing documents, FTA intends for the SSMP to present an integrated, coherent approach for the project's safety and security management program that can direct all involved project participants to the applicable supporting documents. In this situation, FTA believes that the SSMP will enhance the recipient's ability to communicate the elements of its safety and security program with project team members, project leadership, other employees and contractors, FTA and its PMOCs, and other involved agencies (i.e., State oversight agencies, FRA, DHS/TSA).

7. Applicability of SSMP Sections to all Projects

Eight commenters expressed their concern that the proposed circular appeared to take a ''one-size-fits-all'' or ''cookie-cutter'' approach. Specifically, these commenters asked FTA to clarify how it would apply the SSMP circular to different types of projects during different project phases. These commenters also asked FTA to provide additional detail regarding how FTA would determine whether a project had to address specific SSMP Sections.

FTA Response: In its proposed circular, FTA intended for recipients to reference their existing programs, plans, and applicable supporting documentation in their SSMPs for FTA review. However, FTA recognizes that commenters need more information on referencing provisions and how FTA will determine whether a project must address specific SSMP Sections.

On the topic of the applicability of the circular's requirements to different types of projects, FTA is revising Chapter III of the proposed circular to include a provision in the final circular that enables recipients to work with the FTA Regional Offices and the PMOCs assigned to their projects to determine which of the 11 Sections specified in Chapter IV of the final circular are applicable. Also, in the Appendix to the final circular, FTA is including additional information regarding the level of detail FTA requires recipients to provide for different types of projects in different development phases.

On the topic of how FTA will determine whether a recipient has to address specific SSMP Sections, FTA directs commenters to the Appendix Checklist and to the evaluation criteria specified in Chapter II of the final circular. Using these tools, the FTA Regional Offices and PMOCs can coordinate with recipients, following the communication and document submission and review protocols FTA established for the PMO Program, to determine the applicability of specific Sections. If recipients have specific questions, comments, or concerns regarding the applicability of particular SSMP Sections to their projects, FTA encourages them to contact FTA's Office of Safety and Security, their FTA Regional Office, or their PMOCs.

8. Impact of Addressing Safety and Security Earlier

Eight commenters identified the importance of addressing safety and security earlier in the project development process, particularly for new fixed guideway systems. One commenter expressed appreciation for FTA's circular, stating that it ''will bring the requirement for an SSMP by applicant transit agencies into the project process much earlier than is currently required.'' This commenter identified the benefits gained from linking system design and construction to operational safety from early in project development. This commenter further commented that ''considering the importance of safety and security as projects evolve from conceptual engineering through final design, construction, and implementation by incorporating these elements into the PMP should result in improved system design and cost savings.''

Other commenters appreciated FTA's efforts in creating the circular and recognized that recipients must use a consistent, verifiable, and systematic approach to ensure that safety and security are integrated into all aspects of projects. However, six commenters expressed concern that the proposed circular ''front-load[ed] too much analysis and study into the earliest stages of project planning and introduce[d] unnecessary soft costs and delay into processes already dogged by too much of both.'' These commenters noted that expanding the breadth of FTA review of projects at the earliest stages may invite practical difficulties and encourage PMOCs to engage in overly extensive analysis of potential hazards and vulnerabilities, particularly for projects in early planning and engineering phases. These commenters further noted that because no oversight contractor would want ''to be seen as lax on safety or security,'' the PMOC may tend to ''to err on the side of caution,'' which may lead to ''unnecessary expense and delay.''

These commenters asked FTA to further clarify the specific activities it would require recipients with major capital projects involving new fixed guideways or extensions to existing fixed guideways to perform during preliminary engineering and final design. These commenters also encouraged FTA to require the initial SSMP later in the project development process. For example, three commenters recommended that FTA require the initial SSMP no earlier than at 60 percent final design.

FTA Response: FTA understands commenters' concerns regarding the potential for additional expense and delay resulting from FTA oversight of safety and security in projects beginning with the request to enter preliminary engineering. However, based on its past experience with major capital projects covered under Chapter II, Section 6 of FTA's FFGA Circular 5200.1A, FTA believes recipients should submit the SSMP with their request to enter preliminary engineering, and not at a later time.

On the topic of the expanded breadth of FTA safety and security oversight earlier in the process, FTA appreciates commenters' concerns that PMOCs may tend to err on the side of caution. FTA is committed to working through the Regional Offices and PMOCs to ensure that application of this circular does not

result in unnecessary delays or costs to projects requesting to enter preliminary engineering or final design. FTA does not want to waste valuable project resources and schedule on unnecessary analyses or assessments. FTA Headquarters and Regional Office personnel will not be directing PMOCs to demand extensive safety and security assessments as part of a recipient's SSMP with the request to enter preliminary engineering.

To clarify FTA's expectations for SSMPs submitted with the request to enter preliminary engineering, FTA is including an Appendix to this final circular that provides a checklist for recipients and PMOCs regarding the application of the 11 sections in Chapter IV of this final circular to different types of projects and different project phases. FTA believes this approach will ensure that safety and security are adequately addressed during the early project phases without imposing a substantial burden on recipients.

To ensure consistency in the review of SSMPs, FTA is also developing PMO program guidance. FTA will share this guidance with recipients when it is available. FTA encourages recipients to meet with their Regional Offices and PMOCs to request copies of this guidance, and to discuss concerns they may have regarding the PMOCs' activities to review SSMPs developed at request to enter preliminary engineering and final design.

9. The Circular's Financial and Administrative Burden

Ten commenters expressed concern that the proposed circular would impose financial and administrative burdens on FTA recipients. These commenters stated that the proposed requirements may necessitate additional staff and/or contractors, additional training for project personnel, and additional coordination with FTA and the PMOCs, which would increase the cost of their major capital projects, and perhaps, extend the project schedule. These commenters urged FTA to acknowledge the potential increase in capital and operating costs for projects resulting from implementation of the proposed circular.

FTA Response: FTA acknowledges that recipients may have to expend additional resources up-front to address safety and security concerns to conform to the terms of the final circular. However, based on past experience, FTA believes these costs will be recovered in smoother implementation of later project phases, fewer change orders during construction and testing, and fewer accidents and injuries while in revenue service. Further, FTA reminds commenters that expenses associated with implementing the final circular are eligible expenses under FTA's Section 5309 funding programs.

B. Section-by-Section Discussion

In the notice of proposed circular, FTA asked specific questions related to each chapter of the proposed circular. This section summarizes the provisions that were subject to comment, the nature of the comment, and FTA's response.

1. Chapter I—Introduction and Background

This chapter provides a general introduction to FTA that FTA is including in all new and revised program circulars for the orientation of readers new to FTA programs. Chapter I also includes definitions. One party submitted comments on this chapter.

This commenter, representing several State DOTs that participate in FTA's State oversight program, requested that FTA revise the definitions in Chapter I to parallel the definitions in 49 CFR part 659. FTA agrees, and has incorporated definitions for ''Contractor,'' ''Hazard,'' ''Passenger,'' ''Safety,'' ''Security,'' ''System Safety Program Plan,'' and ''System Security Plan'' as specified in 49 CFR 659.5.

In the interest of State DOTs that may be serving as pass-through agencies for Federal funds, this commenter also requested that FTA clearly define who was the responsible party for preparing the SSMP. FTA agrees, and added a definition of ''recipient'' to the final circular. In the final circular, FTA clarifies that the recipient responsible for preparing the SSMP is also the recipient responsible for preparing the PMP. Therefore, recipients should address any issues involving the roles and responsibilities of different project participants following the protocols established in the PMP.

This commenter also requested that FTA clarify the applicability of the circular in cases where the project does not receive Federal funding during the design and construction phases, but where the project will receive Federal funds during operations. Because the circular only applies to major capital projects, which by definition, must receive Federal funds during design and construction, FTA clarifies that the final circular does not apply in cases where the project receives funds during operations.

2. Chapter II—Authority, Activities, FTA Evaluation Criteria, and Protection of Sensitive Security Information

Chapter II of the proposed circular described the specific safety and security management activities to be performed by recipients with projects covered by 49 CFR part 633. Chapter II also identified criteria FTA would use in evaluating the performance of these activities. Finally, Chapter II discussed the protocols FTA and PMOCs would use in protecting Sensitive Security Information (SSI).

FTA received comments from eight commenters on this chapter. These commenters generally agreed with the appropriateness of the safety and security management activities that FTA identified in Chapter II of the proposed circular. However, five commenters were concerned that they may not be able to address every activity FTA identified in Chapter II. For example, one commenter asked whether a program for emergency exercises and drills was necessary for a major capital project involving the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of $100 million.

FTA intended for this concern to be addressed through the use of referencing. In the example above, for instance, FTA expects that, in the SSMP, the recipient would prepare a paragraph or two referencing its existing emergency exercise and drill program and any changes that may result because of the project (*i.e.*, new emergency procedures or protocols). If no changes are anticipated, then the recipient should state, in the appropriate SSMP section, that the project will have no impacts on the existing emergency exercise and drill program.

FTA received several comments on the proposed evaluation criteria. These commenters appreciated the level of detail in this section because it clearly indicated to recipients the safety and security areas FTA considers to be of primary importance. However, six commenters also believed the proposed evaluation criteria were cumbersome, particularly for recipients submitting SSMPs at the request to enter preliminary engineering.

Three commenters stated that they could easily address some of the evaluation criteria in the SSMP they developed for the request to enter preliminary engineering. For example, these commenters felt they could provide the project budget and schedule for safety and security activities with the request to enter preliminary engineering. These commenters also

indicated that they could address management commitment/philosophy and provide a general discussion of how they would integrate safety and security into the project development process.

However, these commenters also felt they could not address the majority of the evaluation criteria FTA proposed in Chapter II at the request to enter preliminary engineering. For example, one commenter questioned how recipients developing SSMPs at the request to enter preliminary engineering could explain their programs for ''ensuring that safety and security are addressed in technical specifications and contract documents,'' when the recipients had not yet developed them.

FTA is concerned some commenters may have misinterpreted FTA's intention in this section. As anticipated in the proposed circular, FTA will apply the evaluation criteria in Chapter II over the entire lifecycle of the recipient's project development process. FTA does not expect a recipient preparing an SSMP at the request to enter preliminary engineering to have developed comprehensive programs for each evaluation criterion.

For example, at the request to enter preliminary engineering, FTA will not evaluate a recipient on the quality of its process for ''ensuring that safety and security are addressed in technical specifications and contracts documents.'' However, at this phase, FTA expects the recipient to identify that this activity is a necessary step in ensuring that safety and security will be appropriately addressed over the course of the project.

One commenter recommended that FTA clearly identify in the final circular, either by text or chart, which safety and security activities FTA requires recipients to perform during specific project phases. FTA agrees and is revising the proposed circular to include an Appendix that identifies the specific activities FTA expects recipients to perform for different types of major capital projects during each project development phase. FTA also is revising the text introducing this section of the proposed circular to clarify that these criteria will be applied over the life of the project, and not each time FTA requires the recipient to submit the SSMP.

Three commenters asked whether FTA would be willing to consider differences between small and large agencies and mature versus new agencies when it applies the evaluation criteria. Another commenter recommended that FTA exclude the procurement of bus vehicles and bus-related equipment from the SSMP requirement, or that FTA provide a different set of criteria for evaluating how safety and security are addressed in these projects. FTA requires all recipients implementing projects covered by 49 CFR part 633 to be held to the same minimum requirements. Therefore, as proposed, FTA will apply the evaluation criteria consistently for all recipients with these projects, regardless of their size, project type, or level of experience.

Two commenters requested that FTA tailor its evaluation criteria by providing special considerations for recipients that are not able to allocate staff and contractor resources for their safety and security programs. FTA requires, as part of its technical capacity requirement, any recipient undertaking a project covered by 49 CFR part 633 to have sufficient resources in place to address the requirements in the final circular.

One commenter stated that because transit authorities and their facilities, infrastructure, vehicles, operations, riders, and local jurisdictions are all unique, FTA should allow flexibility in the application of its evaluation criteria. This commenter recommended FTA, to the extent possible, use performance-based rather than process-based evaluation criteria. Based on its considerable experience, FTA believes the process-based approach FTA specified in the proposed circular allows FTA and its PMOCs to monitor recipient activities in the most effective manner throughout the phases of the project development process. FTA retains the process-based approach in the final circular.

Four commenters requested additional information on the PMOC procedures used to implement the circular. One commenter noted that FTA is in the process of updating its PMO program procedures. Three commenters felt FTA should reference the specific PMOC procedures FTA will use to evaluate SSMPs in the final circular. These commenters felt if FTA referenced these procedures in the final circular, then FTA could provide recipients with a better understanding of how FTA will apply the evaluation criteria. FTA agrees that the appropriate PMOC guidance should be shared with recipients. As a matter of policy, FTA does not publish PMOC guidance in circulars, and therefore, FTA will not publish the PMOC guidance in the final circular. However, FTA expects FTA Regional Offices to share this guidance with recipients upon request. FTA urges recipients to meet with their FTA Regional Offices and PMOCs regarding any issues they may have with the implementation of FTA's evaluation criteria.

FTA received four comments on the topic of SSI. These four commenters stated that implementation of SSI requirements worked well overall. One commenter requested additional details regarding the level of security that FTA anticipates for various types of projects. In response to this commenter, FTA expects the individual recipients to determine the security requirements and design criteria for their projects, and FTA only requires recipients follow a process that is viable, implemented, and being integrated, as appropriate, into the overall project management process.

Another commenter indicated that FTA does not need to know the types of safety and security analysis that recipients perform or their detailed plans regarding operations and maintenance training and procedures. This commenter felt this information could be exploited by those wishing to do harm if FTA failed to protect it. For the same reason, this commenter further stated that FTA does not need to know the details of the verification process used by the recipients to ensure that safety and security requirements have been addressed, or the details of construction safety and security plans.

FTA disagrees with this commenter because understanding these details is critical to FTA's oversight of their implementation. However, FTA appreciates the commenter's concerns regarding the potential for the inappropriate release of SSI, and reminds this commenter that FTA staff and PMOCs are obligated to follow the provisions specified in 49 CFR part 15 and the SSI policy established by recipients. Further, as explained in 49 CFR part 15, any SSI information that a recipient submits to FTA, and, by extension, its PMOCs, is exempted from being available to the public under the Freedom of Information Act (FOIA). Therefore, FTA retains the language addressing SSI as proposed in the circular.

3. Chapter III—Process for Preparing the SSMP

Chapter III of the proposed circular explained the approach FTA requires for developing and updating SSMPs. In the notice accompanying the proposed circular, FTA asked recipients whether they required additional guidance on the contents of the SSMP for different project development phases.

Eight commenters stated that they needed additional guidance regarding FTA requirements for recipients developing SSMPs with the request to enter preliminary engineering. Four of

these commenters felt that FTA's statement that the level of detail in the SSMP submitted for entry into preliminary engineering should contain ''a level of detail commensurate with the level of detail in other PMP Sections'' was vague and subjective.

FTA appreciates these comments. Accordingly, FTA is adding an Appendix to the final circular that provides additional detail on the information FTA requires recipients to include in SSMPs during different project phases.

4. Chapter IV—Required SSMP Contents

In Chapter IV of the proposed circular, FTA listed the 11 Sections the recipient must include in the SSMP. In the notice accompanying the proposed circular, FTA asked whether the proposed Sections were reasonable, and if FTA should add other requirements. FTA also asked if recipients needed additional guidance from FTA on the required contents of the 11 Sections.

Eight commenters expressed the opinions that while some of FTA's proposed SSMP Sections in Chapter IV were appropriate, some of them were redundant and unnecessary because recipients at mature agencies already address these activities in other documents or programs.

One commenter provided a detailed review of Chapter IV of the circular and recommended FTA eliminate several of the 11 Sections FTA proposed for inclusion in the SSMP. This commenter recommended FTA eliminate the requirement for the identification of ''key personnel by name, title, department, and affiliation'' in Section 3 of the SSMP. This commenter also felt that FTA should not require recipients to identify ''the distinct types of safety and security analysis'' they will perform in Section 4 of the SSMP. This commenter also felt that Sections 5, 6, and 7 of the SSMP, as proposed by FTA, were ''redundant and should be eliminated as their requirements are already addressed as part of required safety-certification process.''

FTA understands that existing transit agencies currently develop numerous plans that address safety and security management issues for projects covered by 49 CFR part 633. FTA appreciates, with so many documents, the overall requirements for safety and security can be difficult to understand and communicate effectively to employees and external agencies. FTA recognizes that requiring recipients to add one more safety and security plan will not improve the situation. However, FTA has provided oversight for a number of major capital projects where safety and security issues were not adequately addressed. As a result, FTA firmly believes that the requirement to develop and maintain SSMPs will ensure recipients develop an integrated and centralized listing of all activities to be performed for safety and security for their projects.

For instance, FTA has experienced several situations in which recipients placed Full Funding Grant Agreements (FFGAs) in jeopardy because they had not addressed fundamental safety and security issues. For example, some recipients had not developed procedures to explain decision-making regarding critical safety and security issues, could not explain to FTA which positions or committees had responsibility for overseeing contractors or for resolving disputes related to safety and security issues, and/or made decisions regarding safety-critical items without consulting the safety function. Furthermore, some recipients could not explain whether the QA/QC function or the safety function would be responsible for performing specific verification activities related to safety certification. To address these concerns, FTA added Sections 2 and 3 to Chapter IV of the proposed circular, and retains them in the final circular.

FTA also noted some recipients with FFGA applications under review had not performed preliminary hazard analysis or threat and vulnerability analysis for their projects. In other instances, FTA observed that recipients had required contractors to perform safety and security analysis, but that recipients had not integrated the results of this analysis into their overall approach for identifying, managing, and tracking hazards. To address these issues, FTA included Section 4 in Chapter IV of the proposed circular, and retains it in the final circular.

Moreover, FTA noted a number of instances where recipients with approved FFGAs had failed to adequately identify safety and security requirements and design criteria early in the project. FTA observed that this failure caused these recipients to implement costly change orders during construction to ensure that transit facilities met municipal, county, and State fire/life safety codes and could receive required sign-offs from local inspectors and fire marshals. FTA has also observed situations where recipients did not perform independent verification of safety and security requirements and design criteria because they assumed other design review functions had performed it. To address these concerns, FTA included Section 5 in Chapter IV of the proposed circular, and retains it in the final circular.

FTA also observed a few projects where recipients failed to train personnel adequately to perform vehicle burn-in and systems integration testing. In addition, FTA observed instances where recipients failed to conduct emergency response drills and to test the readiness of maintenance personnel prior to the initiation of revenue service. To address these issues, FTA included Section 6 in Chapter IV of the proposed circular, and retains it in the final circular.

FTA also observed that a few recent projects were delayed from initiating revenue service because the recipients could not complete safety and security certification. FTA determined that these delays occurred because the recipients did not pay sufficient attention to safety and security issues earlier in the project development process. FTA also observed that the recipients had not clarified roles and responsibilities for safety and security certification to be carried out by the recipient staff, the General Engineering Consultant (GEC), the construction and systems installation contractors, and the resident engineers. In each of these instances, FTA believes that had the recipients paid more attention to safety and security earlier on in the project, then the recipients' safety and security certification processes would have moved forward much more effectively. Therefore, FTA included Section 7 in Chapter IV of the proposed circular, and retains it in the final circular.

FTA has required recipients to address construction safety in their PMPs for many years. In Section 8 of Chapter IV of the proposed circular, FTA consolidated these requirements and extended them to include construction site security. One commenter stated that ''construction safety and security may be overlooked in its importance to transit security. Examples of elements that should be considered during this phase, as well as key considerations that should be part of hazard and vulnerability assessments, should be included in the text of the circular.'' This commenter recommended that FTA further expand these requirements. While FTA appreciates this commenter's concern, FTA decided not to incorporate this commenter's suggestion into the final circular because FTA will address these issues in future guidance and training developed to implement the circular.

In Sections 9, 10, and 11 of Chapter IV of the proposed circular, FTA required recipients to explain their approaches for ensuring coordination

with State oversight agencies, FRA and DHS, respectively and as appropriate for their projects. FTA recognizes that recipients may have documented this information in other plans and procedures. In addressing these SSMP Sections, FTA encourages recipients to reference these other documents. In other sections of this notice, FTA explains that when recipients clearly identify these requirements, it will help to minimize potential conflicts between FTA/PMOCs and State oversight agencies, FRA, and DHS.

Finally, in response to Chapter IV of the proposed circular, three commenters requested FTA provide additional guidance and/or training on how to implement the circular. FTA agrees with these commenters. FTA will develop training on this circular targeted at recipients with major capital projects within the next two years.

Issued in Washington, DC, this 14th day of June, 2007.

James S. Simpson,

Administrator, Federal Transit Administration.

[FR Doc. E7–11970 Filed 6–20–07; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2007–28104]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on a previously approved collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before August 20, 2007.

ADDRESSES: You may submit comments [identified by DOT Docket No. NHTSA–2007–28104] 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.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to *http://dms.dot.gov* including any personal information provided.

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: Complete copies of each request for collection of information may be obtained at no charge from Ms. Deborah Mazyck, NHTSA, 400 Seventh Street, SW., Room 5320, Washington, DC 20590. Ms. Mazyck's telephone number is (202 366–4139). Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5CFR 1320.8(d), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How 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, *e.g.* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following previously approved collection of information:

Title: 49 CFR Part 583—Automobile Parts Content Labeling.

OMB Control Number: 2127–0573.

Form Number: None.

Affected Public: Vehicle manufacturers.

Requested Expiration Date of Approval: Three years from approval date.

Abstract: Part 583 establishes requirements for the disclosure of information relating to the countries of origin of the equipment of new passenger motor vehicles. This information will be used by NHTSA to determine whether manufacturers are complying with the American Automobile Labeling Act (49 U.S.C. 32304). The American Automobile Labeling Act requires all new passenger motor vehicles (including passenger cars, certain small buses, all light trucks and multipurpose passenger vehicles with a gross vehicle weight rating of 8,500 pounds or less), to bear labels providing information about domestic and foreign content of their equipment. With the affixed label on the new passenger motor vehicles, it serves as an aid to potential purchasers in the selection of new passenger motor vehicles by providing them with information about the value of the U.S./Canadian and foreign parts of each vehicle, the countries of origin of the engine and transmission, and the site of the vehicle's final assembly.

NHTSA anticipates approximately 20 vehicle manufacturers will be affected by these reporting requirements. NHTSA does not believe that any of these 20 manufacturers are a small business (*i.e.*, one that employs less than 500 persons) since each manufacturer employs more than 500 persons. Manufacturers of new passenger motor vehicles, including passenger cars, certain small buses, and light trucks with a gross vehicle weight rating of

8,500 pounds or less, must file a report annually.

NHTSA estimates that the vehicle manufacturers will incur a total annual reporting and cost burden of 6,066 hours and $4,700,000. The amount includes annual burden hours incurred by multi-stage manufacturers and motor vehicle equipment suppliers.

Issued on: June 14, 2007.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. E7–11999 Filed 6–20–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 519 (Sub-No. 3)]

Notice of National Grain Car Council Meeting

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of National Grain Car Council meeting.

SUMMARY: Notice is hereby given of a meeting of the National Grain Car Council (NGCC), pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C., App. 2).

DATES: The meeting will be held on Thursday, July 19, 2007, beginning at 11 a.m.

ADDRESSES: The meeting will be held at the Kansas City Airport Marriott, 775 Brasilia Avenue, Kansas City, MO 64153.

FOR FURTHER INFORMATION CONTACT: Alice Hogarty, (202) 245–0221. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339].

SUPPLEMENTARY INFORMATION: The NGCC arose from a proceeding instituted by the Surface Transportation Board's (Board) predecessor agency, the Interstate Commerce Commission (ICC), in National Grain Car Supply—Conference of Interested Parties, Ex Parte No. 519. The NGCC was formed as a working group to facilitate private-sector solutions and recommendations to the ICC (and now the Board) on matters affecting grain transportation.

The purpose of this meeting is to continue discussions of private-sector solutions to problems related to the availability of railroad cars for distribution and transportation of grain. In particular, rail carrier members will report on their preparedness to transport the Fall grain harvest.

The meeting, which is open to the public, will be conducted pursuant to the NGCC's charter and Board procedures. Further communications about this meeting may be announced through the Board's Web site at *http://www.stb.dot.gov.*

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Dated: June 15, 2007.

Vernon A. Williams,

Secretary.

[FR Doc. E7–11962 Filed 6–20–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35031]

Fortress Investment Group LLC, et al.—Control—Florida East Coast Railway, LLC

AGENCY: Surface Transportation Board, DOT.

ACTION: Decision No. 2 in STB Finance Docket No. 35031; Notice of Acceptance of Application; Issuance of Procedural Schedule.

SUMMARY: The Surface Transportation Board (Board) is accepting for consideration the application filed May 22, 2007, by Fortress Investment Group LLC, on behalf of certain private equity funds managed by it and its affiliates (Fortress); Iron Horse Acquisition Holding LLC, a Delaware limited liability company and affiliate of Fortress (Iron Horse); NEWCO, a Delaware limited liability company and affiliate of Fortress; RailAmerica, Inc. (RailAmerica); and Florida East Coast Industries, Inc. (FECI) and its wholly owned subsidiary, Florida East Coast Railway, LLC (FECR). The application seeks Board approval under 49 U.S.C. 11321–26 of the acquisition and control of FECR by NEWCO (and, indirectly, by Fortress). This proposal is referred to as the Transaction, and Fortress, Iron Horse, NEWCO, RailAmerica, FECI, and FECR are referred to collectively as applicants.

Also on May 22, 2007, applicants submitted a petition for revocation of class exemptions pursuant to 49 U.S.C. 10502(d), asking the Board to revoke the class exemptions set forth in 49 CFR 1180.2(d)(2) and 1180.2(d)(3) with respect to the Transaction.

The Board finds that the Transaction is a ''minor transaction'' under 49 CFR 1180.2(c) and revokes the class exemptions that would otherwise have applied. The Board adopts a procedural schedule for consideration of the application, under which the Board's final decision would be issued on September 28, 2007.

DATES: The effective date of this decision is June 21, 2007. Any person who wishes to participate in this proceeding as a party of record (POR) must file, no later than July 5, 2007, a notice of intent to participate. All comments, protests, requests for conditions, and any other evidence and argument in opposition to the application, including filings by the U.S. Department of Justice (DOJ) and the U.S. Department of Transportation (DOT), must be filed by July 30, 2007. Responses to comments, protests, requests for conditions, and other opposition, and rebuttal in support of the application must be filed by August 14, 2007. If a public hearing or oral argument is held, it will be held on a date to be determined by the Board. The Board will issue its final decision on September 28, 2007. For further information respecting dates, see Appendix A (Procedural Schedule).

ADDRESSES: Any filing submitted in this proceeding must be submitted either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board's Web site at *http://www.stb.dot.gov* at the ''E-FILING'' link. Any person submitting a filing in the traditional paper format should send an original and 10 paper copies of the filing (and also an electronic version) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, one copy of each filing in this proceeding must be sent (and may be sent by e-mail only if service by e-mail is acceptable to the recipient) to each of the following: (1) Secretary of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; (2) Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division, Room 3109, Department of Justice, Washington, DC 20530; (3) Terence M. Hynes (representing Fortress, Iron Horse, NEWCO, and RailAmerica), Sidley Austin LLP, 1501 K Street, NW., Washington, DC 20005; (4) Heidi J. Eddins (representing FECI and FECR), 10151 Deerwood Park Boulevard, Building 100, Suite 360, Jacksonville, FL 32256; and (5) any other person designated as a POR on the service list notice (as explained below, the service

list notice will be issued as soon after July 5, 2007, as practicable).

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 245–0359. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Fortress, through its management of certain private equity funds, controls RailAmerica and (indirectly) RailAmerica's rail carrier subsidiaries. Fortress acquired control of RailAmerica in February 2007, pursuant to a Verified Notice of Exemption. *See Fortress Investment Group LLC, et al.—Control Exemption—Rail America, Inc., et al.*, STB Finance Docket No. 34972 (STB served Dec. 22, 2006).

RailAmerica is a short line and regional rail service provider that currently owns and operates, through its freight railroad subsidiaries, approximately 7,800 miles of rail lines in the United States and Canada. RailAmerica's 30 United States freight railroad subsidiaries operate 41 railroads in the United States. RailAmerica also operates four railroads in Canada through three Canadian subsidiaries. (RailAmerica's 30 U.S. freight railroad subsidiaries are referred to collectively herein as the RailAmerica Railroads.) One of the RailAmerica Railroads, the Central Oregon & Pacific Railroad, Inc. (CORP), is a Class II carrier. The other RailAmerica Railroads, all of which are Class III carriers, include Alabama & Gulf Coast Railway L.L C. (AGR), Arizona & California Railroad Company (ARZC), Bauxite & Northern Railway Company (BXN), California Northern Railroad Company (CFNR), Cascade and Columbia River Railroad Company (CSCD), The Central Railroad Company of Indiana (CIND), Central Railroad Company of Indianapolis (CERA), Connecticut Southern Railroad, Inc. (CSO), Dallas, Garland & Northeastern Railroad, Inc. (DGNO), Eastern Alabama Railway (EARY), Huron & Eastern Railway Company, Inc. (HESR), Indiana & Ohio Railway Company (IORY), Indiana Southern Railroad, Inc. (ISKR), Kiamichi Railroad L.L.C. (KRR), Kyle Railroad Company (KYLE), Massena Terminal Railroad Company (MSTR), Mid-Michigan Railroad, Inc. (MMRR), Missouri & Northern Arkansas Railroad Company, Inc. (MNA), New England Central Railroad, Inc. (NECR), North Carolina & Virginia Railroad Company, Inc. (NCVA), Otter Tail Valley Railroad Company (OTVR), Point Comfort and Northern Railway Company (PCNR), Puget Sound & Pacific Railroad Company (PSAP), Rockdale, Sandow & Southern Railroad Company (RSSR), San Diego & Imperial Valley Railroad Company, Inc. (SDIV), San Joaquin Valley Railroad Company (SJVR), South Carolina Central Railroad Company, Inc. (SCRF), Toledo, Peoria & Western Railway Corporation (TPW), and Ventura County Railroad Company (VCRR). RailAmerica's Canadian freight railroads include Cape Breton & Central Nova Scotia (CBNS), Goderich-Exeter Railway (GEXR), Ottawa Valley Railway (OVR), and Southern Ontario Railway (SOR).

Only one of the RailAmerica Railroads, AGR, owns or operates a rail line in Florida. AGR's line extends south from Kimbrough, AL, to Pensacola, FL. AGR does not serve the east coast of Florida, nor does it serve any point in common with FECR.

Iron Horse is a Delaware limited liability company owned by certain private equity funds controlled by Fortress. Iron Horse controls Iron Horse Acquisition Sub, Inc. (Iron Horse Sub), a Florida corporation created for purposes of the proposed transaction. NEWCO is a Delaware limited liability company owned by certain private equity funds controlled by Fortress. The proposed transaction will be carried out through a merger of Iron Horse Sub into FECI, and the subsequent transfer of FECR's limited liability company interests to NEWCO. Upon consummation of the proposed transaction, FECR will be a wholly owned subsidiary of NEWCO.

FECI, a holding company incorporated in 2006, is engaged in the real estate and railroad businesses. FECI's real estate business is conducted through certain affiliated companies known as Flagler Development Group (Flagler). Flagler is engaged in the acquisition, entitlement, development, management, construction, leasing, operation, and sale of real estate in Florida.

FECR, another affiliate of FECI, owns and operates a Class II regional railroad located entirely within Florida. FECR's main line extends for 351 miles between Jacksonville and Miami, FL. In addition to this main line track, FECR owns and operates approximately 268 miles of branch, switching, and other secondary track, and 167 miles of yard track. FECR also operates nine major terminal facilities along its lines, including Bowden Yard in Jacksonville, which also serves as FECR's primary point of interchange with CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NS). In connection with a haulage agreement with NS, FECR also serves an approximately 100-acre facility owned by NS near Titusville, FL, which is currently used for automobile distribution.

The primary commodities handled by FECR include intermodal trailers and containers, aggregates, vehicles, food, paper, and lumber. Intermodal traffic accounts for approximately 45% of FECR's total revenues, and carload traffic (primarily aggregates) generates approximately 53% of total revenues. In 2006, FECR transported approximately 212,000 carloads and 322,000 intermodal units. FECR's revenues from freight-related operations in 2006 were approximately $264 million.

Through its interchange connections with both NS and CSXT at Jacksonville, FECR offers its customers interline rail service to points beyond FECR's service territory. FECR has also forged marketing alliances with connecting carriers to offer daily express intermodal service to South Florida from Atlanta, Chicago, New York/New Jersey and Baltimore. In conjunction with its affiliate, FEC Highway Services, Inc. (FECHS), FECR offers drayage services throughout the Southeast via terminals in Atlanta, Jacksonville, Fort Pierce, Fort Lauderdale and Miami.

The Transaction for which the applicants seek approval involves the acquisition of FECI (and, as a result, FECR) by Fortress. The transaction would be carried out through a merger of Iron Horse Sub into FECI. Upon consummation of the merger, FECI would become a wholly owned subsidiary of Iron Horse and an affiliate of Fortress. FECI would be a privately held company and its common stock would no longer be publicly traded. Shareholders of FECI would receive cash consideration of $62.50 for each outstanding share of FECI's common stock, and a special dividend of $21.50 per share to be paid by FECI prior to the merger. The total value of the transaction, including the refinancing of existing FECI debt and the special dividend, is approximately $3.5 billion. The closing of the proposed transaction is subject to a number of conditions precedent, including receipt of certain regulatory approvals, an affirmative vote of the holders of a majority of the outstanding shares of FECI, and other customary conditions.

Immediately upon consummation of the merger, all of the limited liability company interests of FECR would be placed into an independent voting trust pending approval of the proposed transaction by the Board.[1] On or after

[1] Pursuant to 49 CFR 1013.3, applicants state that they will submit their proposed Voting Trust Agreement to the Board for review prior to consummating the merger.

the effective date of a final order of the Board authorizing the proposed transaction, the voting trust would be terminated, FECR's interests would be transferred to NEWCO, and FECR would become a wholly owned subsidiary of NEWCO (and controlled indirectly by Fortress). The shares of FECHS, which provides drayage and ancillary services in conjunction with FECR rail service, would also be transferred by FECI to NEWCO, and FECHS would become a wholly owned subsidiary of NEWCO. Applicants may allocate other assets to NEWCO or FECI to align all of FECI's current transportation-related activities within NEWCO and real estate business within FECI following the transaction.

Financial Arrangements. The consideration for the acquisition of FECI's shares would be paid in cash. No new railroad securities would be issued, nor would FECR or RailAmerica assume any additional debt in connection with the proposed transaction (although FECR may guarantee debt obligations incurred by its parent). Iron Horse and NEWCO would incur certain debt obligations in connection with the overall acquisition of FECI by Fortress.

Passenger Service Impacts. The Transaction would have no impact on commuter or passenger operations because there are no commuter or passenger services operated over the lines of FECR or RailAmerica.

Discontinuances/Abandonments. Applicants have no plans to abandon any of FECR's lines, or to eliminate any existing rail facilities, in connection with the Transaction.

Public Interest Considerations. Applicants contend that the Transaction will have no adverse competitive effects, noting that FECR and RailAmerica Railroads do not compete in the same markets, nor serve any common points or rail corridors. Only one of the RailAmerica Railroads, AGR, owns or operates a rail line that extends into Florida. AGR's line runs south from Kimbrough, AL, to Pensacola, FL. AGR does not serve any point in common with FECR. Thus, applicants state that no shipper will experience a reduction in the number of rail competitive options available to it as a result of the Transaction.

Applicants state that the Transaction would further the public interest in meeting significant transportation needs in a number of ways. First, applicants state that ownership by Fortress is expected to enable FECR to obtain capital at a lower cost than it can today. Applicants note that this would enhance FECR's financial capability to make prudent capital investments in response to future growth in demand for rail services.

Second, applicants note that the Transaction presents opportunities to enhance the efficiency of both FECR and the RailAmerica Railroads, by applying the ''best practices'' of each in the other railroads' operations. According to applicants, in 2006, FECR's operating ratio was 70.6%, making it one of the most efficient railroads in the United States. Applicants state that a significant reason for FECR's performance is its focus on asset utilization and, in particular, implementation of operating strategies that optimize locomotive turns, increase average train speed, reduce dwell time, and produce reliable scheduled train service. Applicants would seek opportunities to implement FECR's ''best practices'' on the RailAmerica Railroads, and would likewise explore the possibility of further improving FECR's operations by adopting ''best practices'' currently employed by RailAmerica. Applicants state that this would contribute to greater efficiency in the operations of all of the rail carriers in the Fortress family.

Third, applicants assert that both FECR and RailAmerica would be able to take advantage of Fortress' purchasing power in acquiring locomotives, rolling stock, track maintenance equipment, and vehicles, rail, and other materials and supplies, insurance, and fuel.

Time Schedule for Consummation. If the conditions precedent to closing of the merger transaction are satisfied, applicants intend to consummate the Transaction during the 3rd Quarter of 2007. If this application has not been approved by the Board as of the date when all other conditions precedent to closing of the merger transaction have been satisfied, all of the limited liability company interests of FECR will be placed into an independent voting trust pending approval of the proposed transaction by the Board, in order to avoid unlawful control of FECR in violation of 49 U.S.C. 11323.

Environmental Impacts. Applicants contend that no environmental documentation is required because there would be no operational changes that would exceed the thresholds established in 49 CFR 1105.7(e)(4) or (5), and there would be no action that would normally require environmental documentation. Applicants therefore assert that the Transaction does not require environmental documentation under 49 CFR 1105.6(b)(4).

Historic Preservation Impacts. Applicants contend that a historic report is not required because the Transaction involves the common control of FECR and the RailAmerica Railroads through stock ownership, which will not substantially change the level of maintenance of rail property. Applicants state that they do not plan to make substantial changes in FECR's day-to-day operations, nor do they plan to abandon or discontinue service on any of FECR's lines, to eliminate any existing rail facilities, or to dispose of or alter properties subject to STB jurisdiction that are 50 years or older.

Labor Impacts. Applicants do not anticipate that any employees of FECR, RailAmerica or the RailAmerica Railroads will be adversely affected by the proposed transaction. Applicants state that any carrier employees who are adversely affected by the proposed transaction will be entitled to the benefits of a fair arrangement in accordance with the requirements of 49 U.S.C. 11326. *New York Dock Ry.—Control—Brooklyn Eastern District Terminal,* 360 I.C.C. 60, *aff'd sub nom. New York Dock Ry. v. United States,* 609 F.2d 83 (2d Cir. 1979). Applicants have not entered into any employee protection agreements affecting their employees in connection with the proposed transaction.

Application Accepted. The Board finds that the proposed Transaction would be a ''minor transaction'' under 49 CFR 1180.2(c), and the Board accepts the application for consideration because it is in substantial compliance with the applicable regulations governing minor transactions. *See* 49 U.S.C. 11321–26; 49 CFR part 1180. The Board reserves the right to require the filing of supplemental information, if necessary to complete the record.

Because applicants take the position that the Transaction qualifies for the Board's class exemptions at 49 CFR 1180.2(d)(2) and (3), they have asked the Board to revoke the class exemptions that could otherwise be invoked by the applicants and allow applicants instead to pursue formal Board approval through the application process. Under section 10502(b), the Board may revoke an exemption when we find that application of regulation is necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101. We make such a finding here based on the particular circumstances of this Transaction. Thus, the class exemptions will be revoked as to this transaction to permit the applicants to proceed with seeking Board approval for the Transaction through application.

Public Inspection. The application is available for inspection in the Docket File Reading Room (Room 131) at the offices of the Surface Transportation Board, 395 E Street, SW., in Washington, DC. In addition, the

application may be obtained from Mr. Hynes (representing Fortress, Iron Horse, NEWCO, and RailAmerica) and Ms. Eddins (representing FECI and FECR) at the addresses indicated above.

Procedural Schedule. The Board has considered applicants' request (filed May 22, 2007) for a procedural schedule, under which the Board would issue its final decision on September 28, 2007, and that decision would become effective on October 29, 2007.

The Board is adopting a procedural schedule that is essentially the same as applicants' proposed procedural schedule. The Board's schedule also provides that any necessary oral argument or public hearing will be held on a date to be determined by the Board.

Under the procedural schedule adopted by the Board: Any person who wishes to participate in this proceeding as a POR must file, no later than July 5, 2007, a notice of intent to participate; all comments, protests, requests for conditions, and any other evidence and argument in opposition to the application, including filings by DOJ and DOT, must be filed by July 30, 2007; and responses to comments, protests, requests for conditions, and other opposition and rebuttal in support of the application must be filed by August 14, 2007. As in past proceedings, DOJ and DOT will be allowed to file, on the response due date (here, August 14), their comments in response to the comments of other parties, and applicants will be allowed to file (as quickly as possible thereafter) a response to any such comments filed by DOJ and/or DOT. Under this schedule, a public hearing or oral argument may be held on a date to be determined by the Board. The Board will issue its final decision on September 28, 2007, and the Board will make any such approval effective on October 29, 2007. For further information respecting dates, see Appendix A (Procedural Schedule).

Notice of Intent to Participate. Any person who wishes to participate in this proceeding as a POR must file with the Board, no later than July 5, 2007, a notice of intent to participate, accompanied by a certificate of service indicating that the notice has been properly served on the Secretary of Transportation, the Attorney General of the United States, Mr. Hynes (representing Fortress, Iron Horse, NEWCO, and RailAmerica) and Ms. Eddins (representing FECI and FECR).

If a request is made in the notice of intent to participate to have more than one name added to the service list as a POR representing a particular entity, the extra name will be added to the service list as a ''Non-Party.'' The list will reflect the Board's policy of allowing only one official representative per party to be placed on the service list, as specified in Press Release No. 97–68 dated August 18, 1997, announcing the implementation of the Board's ''One Party-One Representative'' policy for service lists. Any person designated as a Non-Party will receive copies of Board decisions, orders, and notices but not copies of official filings. Persons seeking to change their status must accompany that request with a written certification that he or she has complied with the service requirements set forth at 49 CFR 1180.4, and any other requirements set forth in this decision.

Service List Notice. The Board will serve, as soon after July 5, 2007, as practicable, a notice containing the official service list (the service-list notice). Each POR will be required to serve upon all other PORs, within 10 days of the service date of the service-list notice, copies of all filings previously submitted by that party (to the extent such filings have not previously been served upon such other parties). Each POR also will be required to file with the Board, within 10 days of the service date of the service-list notice, a certificate of service indicating that the service required by the preceding sentence has been accomplished. Every filing made by a POR after the service date of the service-list notice must have its own certificate of service indicating that all PORs on the service list have been served with a copy of the filing. Members of the United States Congress (MOCs) and Governors (GOVs) are not parties of record and need not be served with copies of filings, unless any Member or Governor has requested to be, and is designated as, a POR.

Comments, Protests, Requests for Conditions, and other Opposition Evidence and Argument, Including Filings by DOJ and DOT. All comments, protests, requests for conditions, and any other evidence and argument in opposition to the application, including filings by DOJ and DOT, must be filed by July 30, 2007.

Because the Transaction proposed in the application is a minor transaction, no responsive applications will be permitted. *See* 49 CFR 1180.4(d)(1).

Protesting parties are advised that, if they seek either the denial of the application or the imposition of conditions upon any approval thereof, on the theory that approval (or approval without conditions) would harm competition and/or their ability to provide essential services, they must present substantial evidence in support of their positions. *See Lamoille Valley R.R. Co.* v. *ICC,* 711 F.2d 295 (D.C. Cir. 1983).

Responses to Comments, Protests, Requests for Conditions, and Other Opposition; Rebuttal In Support of the Application. Responses to comments, protests, requests for conditions, and other opposition submissions, and rebuttal in support of the application must be filed by August 15, 2007.

Public Hearing/Oral Argument. The Board may hold a public hearing or an oral argument in this proceeding on a date to be determined by the Board.

Discovery. Discovery may begin immediately. The parties are encouraged to resolve all discovery matters expeditiously and amicably.

Environmental Matters. The National Environmental Policy Act of 1969 (NEPA) generally requires federal agencies to consider ''to the fullest extent possible'' environmental consequences ''in every recommendation or report on major federal actions significantly affecting the quality of the human environment.'' 42 U.S.C. 4332(2)(C). Regulations governing implementation of this broad mandate have been promulgated by the Council on Environmental Quality (CEQ), at 40 CFR 1500–1508, and by the Board, at 49 CFR 1105. The Board's Section of Environmental Analysis (SEA) is responsible for conducting the environmental review on behalf of the Board, evaluating potential environmental impacts, and recommending environmental mitigation conditions to the Board.

Under the CEQ regulations, for those types of proposed actions for which the environmental effects are ordinarily insignificant, an environmental review need not be conducted under NEPA.[2] Rather, such activities are covered by a ''categorical exclusion.'' Absent extraordinary circumstances, once a project is found to fit within a categorical exclusion, no further NEPA procedures are warranted. In its environmental rules, the Board has promulgated various categorical exclusions. As pertinent here, transactions involving an acquisition of control that would not result in operational changes that exceed certain thresholds normally require no environmental review. 49 CFR 1105.6(c)(2)(i).

The Board's environmental rules also address its responsibilities for historic review and consultation under the National Historic Preservation Act (NHPA). The Board's regulations provide that historic review normally is not required for acquisitions of control

[2] 40 CFR 1500.4(p), 1501.4(a)(2), 1508.4.

where there will be no significant change in operations. 49 CFR 1105.8(b)(1).

Actions such as these that do not trigger the Board's thresholds typically require no environmental review. 49 CFR 1105.6(c)(2), 1105.7(e)(4) and (5). Moreover, even without the categorical exclusion from environmental review provided by Board regulations for acquisitions of control, SEA has concluded that the proposed transaction would not have enough potential for significant impacts to warrant further environmental review under NEPA and the Board's environmental rules.

Finally, SEA agrees with applicants that the proposed action does not require historic review under NHPA, because further approval would be required to abandon any service, and there are no plans to dispose of or alter properties subject to the Board's jurisdiction that are 50 years old or older. 49 CFR 1105.8(b)(1).

Filing/Service Requirements. Persons participating in this proceeding may ''file'' with the Board and ''serve'' on other parties: A notice of intent to participate (due by July 5); a certificate of service indicating service of prior pleadings on persons designated as PORs on the service-list notice (due by the 10th day after the service date of the service-list notice); any comments, protests, requests for conditions, and any other evidence and argument in opposition to the application (due by July 30); and any responses to comments, etc., and any rebuttal in support of the application (due by August 14).

Filing Requirements. Any document filed in this proceeding must be filed either via the Board's e-filing format or in the traditional paper format. Any person using e-filing should attach a document and otherwise comply with the instructions found on the Board's Web site at *http://www.stb.dot.gov* at the ''E-FILING'' link. Any person filing a document in the traditional paper format should send an original and 10 paper copies of the document (and also an electronic version) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

Service Requirements. One copy of each document filed in this proceeding must be sent to each of the following (any copy may be sent by e-mail only if service by e-mail is acceptable to the recipient): (1) Secretary of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; (2) Attorney General of the United States, c/o Assistant Attorney General, Antitrust Division, Room 3109, Department of Justice, Washington, DC 20530; (3) Terence M. Hynes (representing Fortress, Iron Horse, NEWCO, and RailAmerica), Sidley Austin LLP, 1501 K Street, N.W., Washington, DC 20005; (4) Heidi J. Eddins (representing FECI and FECR), 10151 Deerwood Park Boulevard, Building 100, Suite 360, Jacksonville, FL 32256; and (5) any other person designated as a POR on the service-list notice.

Service of Decisions, Orders, and Notices. The Board will serve copies of its decisions, orders, and notices only on those persons who are designated on the official service list as either POR, MOC, or GOV. All other interested persons are encouraged either to secure copies of decisions, orders, and notices via the Board's Web site at *http://www.stb.dot.gov* under ''E-LIBRARY/Decisions & Notices'' or to make advance arrangements with the Board's copy contractor, ASAP Document Solutions (mailing address: Suite 103, 9332 Annapolis Rd., Lanham, MD 20706; e-mail address: *asapdc@verizon.net;* telephone number: 202–306–4004), to receive copies of decisions, orders, and notices served in this proceeding. ASAP Document Solutions will handle the collection of charges and the mailing and/or faxing of decisions, orders, and notices to persons who request this service.

Access to Filings. An interested person does not need to be on the service list to obtain a copy of the primary application or any other filing made in this proceeding. Under the Board's rules, any document filed with the Board (including applications, pleadings, etc.) shall be promptly furnished to interested persons on request, unless subject to a protective order. 49 CFR 1180.4(a)(3). The primary application and other filings in this proceeding will also be available on the Board's Web site at *http://www.stb.dot.gov* under ''E-LIBRARY/Filings.''

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The application in STB Finance Docket No. 35031 is accepted for consideration.

2. The class exemptions at 49 CFR 1180.2(d)(2) and (3) are revoked as to the transaction proposed by applicants so that Board approval may be sought under the formal application process.

3. The parties to this proceeding must comply with the procedural schedule adopted by the Board in this proceeding as shown in Appendix A.

4. The parties to this proceeding must comply with the procedural requirements described in this decision.

5. This decision is effective on June 21, 2007.

Decided: June 12, 2007.

By the Board, Chairman Nottingham, Vice Chairman Buttrey, and Commissioner Mulvey.

Vernon A. Williams,

Secretary.

Appendix A: Procedural Schedule

May 22, 2007: Application, Petition to Revoke Class Exemptions, Motion for Protective Order, and Motion to Establish Procedural Schedule filed.

June 6, 2007: Protective order issued.

June 22, 2007: Board notice of acceptance of application published in the **Federal Register**.

July 5, 2007: Notices of intent to participate in this proceeding due.

July 30, 2007: All comments, protests, requests for conditions, and any other evidence and argument in opposition to the application, including filings of DOJ and DOT, due.

August 14, 2007: Responses to comments, protests, requests for conditions, and other opposition due. Rebuttal in support of the application due.

TBD: A public hearing or oral argument may be held.

September 28, 2007: Date of service of final decision.

October 29, 2007: Effective date of final decision.

[FR Doc. E7–11759 Filed 6–20–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designation of Individuals Pursuant to Executive Order 13224

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of three newly-designated individuals whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism.''

DATES: The designation by the Director of OFAC of the three individuals identified in this notice, pursuant to Executive Order 13224, is effective on Friday, June 15, 2007.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance

Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order 13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On Friday, June 15, 2007, the Director of OFAC, in consultation with the Departments of State, Homeland Security, Justice and other relevant agencies, designated, pursuant to one or more of the criteria set forth in subsections 1(b), 1(c) or 1(d) of the Order, three individuals whose property and interests in property are blocked pursuant to Executive Order 13224.

The list of additional designees is as follows:

1. AL-DIBISKI, NUR AL-DIN (a.k.a. AL-DABASKI, Salim Nur al-Din; a.k.a. AL-DABSKI, Salem Nor Eldin Amohamed; a.k.a. AL-DABSKI, Salim Nur al-Din; a.k.a. RAGAB, Abdullah; a.k.a. RAJAB, Abdallah; a.k.a. ''AL-WARD, 'Abd''; a.k.a. ''AL-WARD, Abu''; a.k.a. ''AL-WARUD, Abu''; a.k.a. ''NAIM, Abu''); DOB circa 1963; POB Tripoli, Libya; Passport 1990/345751 (Libya).

2. AL-SAYYID, 'ALI SULAYMAN MAS'UD 'ABD (a.k.a. AL-JAWZIYYAH, Ibn al-Qayyim; a.k.a. OSMAN, Mohamed; a.k.a. SAYED, Aly Soliman Massoud Abdul; a.k.a. ''AL-QAYYIM, 'Ibn''; a.k.a. ''AL-ZAWL''; a.k.a. ''EL-QAIM, Ibn''); DOB 1969; POB Tripoli, Libya; Passport 96/184442 (Libya).

3. AZIZAH, SA'ID YUSIF ALI ABU (a.k.a. AZIZ, Sa'id Yusif Abu; a.k.a. 'AZIZ, Sa'ud Abu; a.k.a. AZIZA, Said Youssef Ali Abu; a.k.a. AZIZAT, Sa'id Yusif Ali Abu; a.k.a. HAMID, Abdul; a.k.a. ''AL-HAMID, Abd''; a.k.a. ''THERAB, Abu''; a.k.a. ''THURAB, Abu''; a.k.a. ''TURAB, Abu''); DOB 1958; POB Tripoli, Libya; Passport 87/437555 (Libya).

Dated: June 15, 2007.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E7–11987 Filed 6–20–07; 8:45 am]

BILLING CODE 4811–42–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Supplemental Identification Information of Twelve Individuals Designated Pursuant to Executive Order 13224

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing supplemental identification information for the names of twelve individuals whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism.''

DATES: The publishing of updated information by the Director of OFAC of the twelve individuals identified in this notice, pursuant to Executive Order 13224, is effective on May 22, 2007.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*http://www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001, terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order

13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On May 22, 2007, the Director of OFAC, in consultation with the Departments of State, Homeland Security, Justice and other relevant agencies, supplemented the identification information for twelve individuals whose property and interests in property are blocked pursuant to Executive Order 13224.

The supplemental identification information for the twelve individuals is as follows:

1. ABU HAFS THE MAURITANIAN (a.k.a. AL-SHANQITI, Khalid; a.k.a. AL-WALID, Mafouz Walad; a.k.a. AL-WALID, Mahfouz Ould); DOB 1 JAN 75.

2. ABU ZUBAYDAH (a.k.a. ABU ZUBAIDA; a.k.a. ABU ZUBEIDAH, Zeinulabideen Muhammed Husein; a.k.a. AL-WAHAB, Abd Al-Hadi; a.k.a. HUSAIN, Zain Al-Abidin Muhammad; a.k.a. HUSAYN, Zayn al-Abidin Muhammad; a.k.a. HUSSEIN, Zayn al-Abidin Muhammad; a.k.a. TARIQ); DOB 12 Mar 1971; POB Riyadh, Saudi Arabia; nationality Palestinian; Passport 484824 (Egypt) issued 18 Jan 1984.

3. AL-AQIL, Aqeel Abdulaziz Aqeeil (a.k.a. ALAQEEL, Aqeel Abdulaziz A.; a.k.a. AL-AQIL, Aqeel Abdulaziz); DOB 29 Apr 1949; POB Unaizah, Saudi Arabia; nationality Saudi Arabia; Passport C 1415363–16/2/1421H issued 21 May 2000; alt. Passport E 839024 issued 3 Jan 2004 expires 8 Nov 2008.

4. AL-BUTHE, Soliman (a.k.a. AL BUTHI, Soliman H.S.; a.k.a. AL-BATAHAI, Soliman; a.k.a. AL-BATHI, Soliman; a.k.a. AL-BUTHE, Suliman Hamd Suleiman); DOB 8 Dec 1961; POB Cairo, Egypt; nationality Saudi Arabia; Passport B049614 (Saudi Arabia); alt. Passport C536660 (Saudi Arabia) issued 5 May 2001 expires 11 Mar 2006.

5. AL-FAQIH, Saad Rashed Mohammad (a.k.a. ABU UTHMAN; a.k.a. AL FAQIH, Saad; a.k.a. AL-FAGEAH, Sa'd Rashid Muhammed; a.k.a. ALFAGIH, Saad; a.k.a. AL-FAGIH, Saad; a.k.a. AL-FAKIH, Saad; a.k.a. AL-FAQI, Sa'd; a.k.a. AL-FAQIH, Sa'ad; a.k.a. AL-FAQIH, Saad; a.k.a. AL-FAQIH, Sa'd), London, United Kingdom; DOB 1 Feb 1957; alt. DOB 31 Jan 1957; POB Zubair, Iraq; citizen Saudi Arabia; Passport 760620 issued 15 Sep 1991 expires 22 Jul 1996; Doctor.

6. AL-FAWAZ, Khalid Abd al-Rahman Hamd (a.k.a. AL FAWAZ, Khalid Abdulrahman H.; a.k.a. AL FAWWAZ, Khaled; a.k.a. AL FAWWAZ, Khalid; a.k.a. AL-FAUWAZ, Khaled; a.k.a. AL-FAUWAZ, Khaled A.; a.k.a. AL-FAWWAZ, Khaled; a.k.a. AL-FAWWAZ, Khalid), 55 Hawarden Hill, Brooke Road, London NW2 7BR, United Kingdom; DOB 25 Aug 1962; alt. DOB 24 Aug 1962; POB Kuwait; nationality Saudi Arabia; Passport 456682 issued 6 Nov 1990 expires 13 Sep 1995.

7. AL-MUJIL, Abd Al Hamid Sulaiman Muhammed (a.k.a. AL MOJIL, Abdulhamid Sulaiman M.; a.k.a. AL MUJAL, Dr. Abd al-Hamid; a.k.a. AL MU'JIL, Abd al-Hamid Sulaiman; a.k.a. AL-MU'AJJAL, Dr. Abd Al-Hamid; a.k.a. AL-MU'JIL, Dr. Abd Abdul-Hamid bin Sulaiman; a.k.a. MUJEL, A.S.; a.k.a. MU'JIL, Abd al-Hamid; a.k.a. ''ABDALLAH, Abu''); DOB 28 Apr 1949; alt. DOB 29 Apr 1949; POB Kuwait; citizen Saudi Arabia; nationality Saudi Arabia; Passport F 137998 issued 18 Apr 2004 expires 24 Feb 2009; Doctor.

8. AL-QADI, Yasin Abdullah Ezzedine (a.k.a. KADI, Shaykh Yassin Abdullah; a.k.a. KAHDI, Yasin), Jeddah, Saudi Arabia; DOB 23 Feb 1955; POB Cairo, Egypt; nationality Saudi Arabia; Passport B 751550; alt. Passport E 976177 issued 6 Mar 2004 expires 11 Jan 2009; alt. Passport A 848526 (Saudi Arabia) expires 29 Mar 2001.

9. AL-SHARIF, Sa'd Abdullah Hussein; DOB 1969; alt. DOB 1963; alt. DOB 11 Feb 1964; POB Al-Medinah, Saudi Arabia; nationality Saudi Arabia; Passport B 960789; alt. Passport G 649385 issued 8 Sep 2006 expires 17 Jul 2011.

10. BATARJEE, Adel Abdul Jalil Ibrahim (a.k.a. AL-BATTARJEE, 'Adil; a.k.a. BATARJI, 'Adil 'Abd al Jalil; a.k.a. BATTERJEE, Adel; a.k.a. BATTERJEE, Adel Abdul Jaleel I.), 2 Helmi Kutbi Street, Jeddah, Saudi Arabia; DOB 1 Jul 1946; alt. DOB 1 Jun 1946; POB Jeddah, Saudi Arabia; citizen Saudi Arabia; Passport F 572010 issued 22 Dec 2004 expires 28 Oct 2009; E-mail: *adelb@shabakah.net.sa*.

11. HAMDAN, Salim Ahmad Salim (a.k.a. AL-JADAWI, Saqar; a.k.a. AL-JADDAW, Saqr); DOB 1965; POB Al-Mukalla, Yemen; Passport 00385937 (Yemen).

12. JULAIDAN, Wa'el Hamza Abd Al-Fatah (a.k.a. ''ABU AL-HASAN AL MADANI''; a.k.a. JALADIN, Wa'el Hamza; a.k.a. JALADIN, Wa'il Hamza; a.k.a. JALAIDAN, Wa'el Hamza; a.k.a. JALAIDAN, Wa'il Hamza; a.k.a. JILDAN, Wail H.A.; a.k.a. JULAIDAN, Wa'il Hamza; a.k.a. JULAYDAN, Wa'el Hamza; a.k.a. JULAYDAN, Wa'il Hamza); DOB 22 Jan 1958; alt. DOB 20 Jan 1958; POB Al-Madinah, Saudi Arabia; nationality Saudi Arabia; Passport A–992535 (Saudi Arabia); alt. Passport B 524420 issued 15 Jul 1998 expires 22 May 2003.

Dated: June 1, 2007.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. E7–11988 Filed 6–20–07; 8:45 am]

BILLING CODE 4811–42–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1120–RIC

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 1120–RIC, U.S. Income Tax Return for Regulated Investment Companies.

DATES: Written comments should be received on or before August 20, 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 Carolyn N. Brown, at (202) 622–6688, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Income Tax Return for Regulated Investment Companies.

OMB Number: 1545–1010.

Form Number: 1120–RIC.

Abstract: Internal Revenue Code sections 851 through 855 provide rules for the taxation of a domestic corporation that meets certain requirements and elects to be taxed as a regulated investment company. Form 1120–RIC is filed by a domestic corporation making such an election in order to report its income and deductions and to compute its tax liability. The IRS uses the information on Form 1120–RIC to determine whether the corporation's income, deductions, credits, and tax have been correctly reported.

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: 3,605.

Estimated Time per Respondent: 105 hours, 32 minutes.

Estimated Total Annual Burden Hours: 380,425.

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: June 13, 2007.

Larnice Mack,

IRS Reports Clearance Officer.

[FR Doc. E7–11973 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–149519–03]

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 regulation of proposed rulemaking, REG–149519–03, Section 707 Regarding Disguised Sales, Generally.

DATES: Written comments should be received on or before August 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at (*Larnice.Mack@irs.gov).*

SUPPLEMENTARY INFORMATION:

Title: Section 707 Regarding Disguised Sales, Generally.

OMB Number: 1545–1909.

Regulation Project Number: REG–149519–03.

Abstract: Section 707(a)(2) provides, in part, that if there is a transfer of money or property by a partner to a partnership and a related transfer of money or property by the partnership to another partner, the transfers will be treated as a disguised sale of a partnership interest between the partners. The regulations provide rules relating to disguised sales of partnership interests and require that the partners or the partnership disclose the transfers and certain assumptions of liabilities, with certain attendant facts, in some situations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 22,500.

Estimated Time Per Respondent: 2 hour.

Estimate Total Annual Burden Hours: 7,500.

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: June 11, 2007.

Allan Hopkins,

IRS Reports Clearance Officer.

[FR Doc. E7–11974 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation 121475–03

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 Regulation 121475–03 Qualified Zone Academy Bonds: Obligations of States and Political Subdivision.

DATES: Written comments should be received on or before August 20, 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 Carolyn N. Brown, (202) 622–6688, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224 or through the Internet, at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Qualified Zone Academy Bonds: Obligations of States and Political Subdivision.

OMB Number: 1545–1908.

Regulation Number: Regulation 121475–03.

Abstract: The agency needs the information to ensure compliance with the requirement under the regulation that the taxpayer rebates the earnings on the defeasance escrow to the United States. The agency will use the notice to ensure that the respondent pays rebate when rebate becomes due. The respondent are state and local governments that issue qualified zone academy bonds under § 1397E of the IRC.

Current Actions: There are no changes being made to the regulation at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: State, Local or Tribal Government.

Estimated Number of Respondents: 6.

Estimated Average Time per Respondent: 30 minutes.

Estimated Total Annual Reporting Hours: 3.

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: June 13, 2007.

Larnice Mack,

IRS Reports Clearance Officer.

[FR Doc. E7–11975 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for the TE/GE Compliance Check Questionnaires

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 the TE/GE Compliance Check Questionnaires.

DATES: Written comments should be received on or before August 20, 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 R. Joseph Durbala, (202) 622–3634, at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: TE/GE Compliance Check Questionnaires.

OMB Number: 1545–2071.

Form Number: Not applicable.

Abstract: These compliance questionnaires are a critical component of TE/GE's comprehensive enforcement program. TE/GE uses these questionnaires to gain a better understanding of the compliance behavior of individual segments of the

tax-exempt community and to identify and resolve specific instances of non-compliance with the laws and regulations governing tax-exempt organizations, employee pension plans, tax-exempt bonds and governmental entities.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and Households, Businesses and other for-profit organizations.

Estimated Number of Respondents: 3,000.

Estimated Time per Respondent: 4 hours 10 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: June 11, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7–11976 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2001–42

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 2001–42, Modified Endowment Contract Correction Program Extension.

DATES: Written comments should be received on or before August 20, 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 Carolyn N. Brown, (202) 622–6688, or at Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224 or through the Internet, at *Carolyn.N.Brown@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Modified Endowment Contract Correction Program Extension.

OMB Number: 1545–1752.

Revenue Procedure Number: Revenue Procedure 2001–42.

Abstract: Revenue Procedure 2001–42 allows issuers of life insurance contracts whose contracts have failed to meet the tests provided in section 7702A of the Internal Revenue Code to cure these contracts that have inadvertently become modified endowment contracts.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Average Time per Respondent: 100 hours.

Estimated Total Annual Reporting Hours: 1,000.

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: June 13, 2007.

Larnice Mack,

IRS Reports Clearance Officer.

[FR Doc. E7–11977 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be conducted in Denver, Colorado. The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, July 19, 2007, Friday, July 20, 2007 and Saturday, July 21, 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 Taxpayer Assistance Center Committee of the Taxpayer Advocacy Panel will be held Thursday, July 19, 2007 from 1 p.m. to 4:30 p.m. Mountain Time at 1672 Lawrence Street, Denver, Colorado; Friday, July 20, 2007 from 8:30 a.m. to 3 p.m. Mountain Time at 600 17th Street, Denver, Colorado; and Saturday, July 21, 2007 from 8:30 a.m. to 11:30 a.m. Mountain Time at 1672 Lawrence Street, Denver, Colorado. 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 space, notification of intent to participate in the 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: June 14, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–11967 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 3 Committee of the Taxpayer Advocacy Panel (Including the States of Florida, Georgia, Alabama, Mississippi, Louisiana, Arkansas, and the Territory of Puerto Rico)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 3 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 Tuesday, July 10, 2007, from 11:30 a.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 Area 3 Committee of the Taxpayer Advocacy Panel will be held Tuesday, July 10, 2007, from 11:30 a.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 Rd., 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: June 14, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–11968 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 6 Committee of the 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 Friday, July 13, 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 Committee of the Taxpayer Advocacy Panel will be held Friday, July 13, 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: June 14, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–11972 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Ad Hoc 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, July 12, 2007 at 2 p.m. E.T.

FOR FURTHER INFORMATION CONTACT: Inez De Jesus at 1–888–912–1227, or 954–423–7977.

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 Ad Hoc Committee of the Taxpayer Advocacy Panel will be held Thursday, July 12, 2007 at 2 p.m. E.T. via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227

or 954–423–7977, or write Inez De Jesus, 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 Inez De Jesus. Ms. De Jesus can be reached at 1–888–912–1227 or 954–423–7977, or post comments to the Web site: *http://www.improveirs.org.*

The agenda will include: Various IRS issues.

Dated: June 14, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–11979 Filed 6–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Submission for OMB Review; Comment Request—Consumer Protections for Depository Institution Sales of Insurance

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

DATES: Submit written comments on or before July 23, 2007.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725–17th Street, NW., Room 10235, Washington, DC 20503, or by fax to (202) 395–6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, by fax to (202) 906–6518, or by e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of the submission to OMB, please contact Marilyn K. Burton at *marilyn.burton@ots.treas.gov,* (202) 906–6467, or facsimile number (202) 906–6518, Litigation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Title of Proposal: Consumer Protections for Depository Institution Sales of Insurance.

OMB Number: 1550–0106.

Form Number: N/A.

Regulation requirement: 12 CFR part 536.

Description: This submission covers an extension of OTS's currently approved information collection in its regulation found at 12 CFR part 536. This submission involves no change to the regulations or to the information collections embodied in the regulations.

The information collections contained in the regulations are as follows:

12 CFR 536.40(a). Savings associations must make insurance disclosures in connection with the initial purchase of an insurance product. The disclosure must be made orally and in writing to the consumer that: (1) The insurance product or annuity is not a deposit or other obligation of, or guaranteed by, a savings association or an affiliate of a savings association; (2) the insurance product or annuity is not insured by the FDIC or any other agency of the United States, a savings association, or (if applicable) an affiliate of a savings association; and (3) in the case of an insurance product or annuity that involves an investment risk, there is investment risk associated with the product, including the possible loss of value.

12 CFR 536.40(b). Savings associations must make a disclosure at the time a consumer applies for an extension of credit in connection with which an insurance product or annuity is solicited, offered, or sold. The disclosure must be made orally and in writing that a savings association may not condition an extension of credit on either: (1) The consumer's purchase of an insurance product or annuity from a savings association or any of its affiliates; or (2) the consumer's agreement not to obtain, or a prohibition on the consumer from obtaining, an insurance product or annuity from an unaffiliated entity.

Type of Review: Renewal.

Affected Public: Businesses or other for-profit; individuals.

Estimated Number of Respondents: 845.

Estimated Number of Responses: 841,826.

Estimated Frequency of Response: On occasion.

Estimated Total Burden: 21,046 hours.

Clearance Officer: Marilyn K. Burton, (202) 906–6467, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

OMB Reviewer: Desk Officer for OTS, Fax: (202) 395–6974, U.S. Office of Management and Budget, 725–17th Street, NW., Room 10235, Washington, DC 20503.

Dated: June 13, 2007.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E7–12040 Filed 6–20–07; 8:45 am]

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