

Technical Standards

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

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

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.ID and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is not likely to have a significant effect on the human environment. Draft documentation supporting this preliminary determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

2. Add temporary § 100.35–T05–045 to read as follows:

§ 100.35–T05–045 John H. Kerr Reservoir, Clarksville, Virginia.

(a) *Regulated area.* The regulated area is established for the waters of the John H. Kerr Reservoir, adjacent to the State Route 15 Highway Bridge and

Occoneechee State Park, Clarksville, Virginia, from shoreline to shoreline, bounded on the south by a line running northeasterly from a point along the shoreline at latitude 36°37'14" N, longitude 078°32'46.5" W, thence to latitude 36°37'39.2" N, longitude 078°32'08.8" W, and bounded on the north by the State Route 15 Highway Bridge. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Sector Hampton Roads.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Hampton Roads with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the Clarksville Hydroplane Challenge under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Hampton Roads.

(c) *Special local regulations.* (1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area must:

(i) Stop the vessel immediately when directed to do so by any Official Patrol and then proceed only as directed.

(ii) All persons and vessels shall comply with the instructions of the Official Patrol.

(iii) When authorized to transit the regulated area, all vessels shall proceed at the minimum speed necessary to maintain a safe course that minimizes wake near the race course.

(d) *Enforcement period.* This section will be enforced from 7:30 a.m. on October 6 to 6:30 p.m. on October 7, 2007.

Dated: July 5, 2007.

Neil O. Buschman,

Captain, U.S. Coast Guard, Commander, Fifth Coast Guard District, Acting.

[FR Doc. E7–13725 Filed 7–13–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Chapter I

[Docket No. PHMSA–2007–27329 (HM–233A)]

RIN 2137–AD84

Hazardous Materials: Conversion of Special Permits into Regulations of General Applicability

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Request for comments.

SUMMARY: PHMSA is in the process of reviewing widely-used special permits to identify those that have proven safety records and should be converted into the Hazardous Materials Regulations (HMR) as regulations of general applicability. A special permit is an authorization issued by PHMSA that allows a company or individual to package or ship a hazardous material in a manner that varies from the regulations provided an equivalent level of safety is maintained or that, in an emergency, is necessary to protect life or property. Incorporation of special permits into the HMR is a regulatory reform effort.

DATES: Written comments should be submitted on or before September 14, 2007.

ADDRESSES: The U.S. Department of Transportation has relocated to a new facility located at 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. We have modified the delivery instructions below to accommodate this transition period. You may submit comments identified by the docket number (PHMSA–2007–27329 (HM–233A)) 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001. If sent by mail, comments are to be submitted in two copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard.

- *Hand Delivery:* Docket Operations staff will accept deliveries at the new DOT facility in Room W12–140 on the Ground Floor of the West Building

located at 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. Hours at the new facility will remain 9 a.m. to 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 or Regulatory Identification Number (RIN) for this notice. Note that all comments received will be posted without change to <http://dms.dot.gov> including any personal information provided. Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70, pages 19477-78), or at <http://dms.dot.gov>.

- *Docket*: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to the Docket Management System (see **ADDRESSES**).

FOR FURTHER INFORMATION CONTACT:

Eileen Edmonson, Office of Hazardous Materials Standards, (202) 366-8553, or Diane LaValle, Office of Hazardous Materials Special Permits and Approvals, (202) 366-4535, Pipeline and Hazardous Materials Safety Administration (PHMSA) 1200 New Jersey Avenue, SE., Washington, DC 20590-0001, or by e-mail to: Eileen.Edmonson@dot.gov, or Diane.LaValle@dot.gov.

SUPPLEMENTARY INFORMATION: The Pipeline and Hazardous Materials Safety Administration (PHMSA) (hereafter, "we" or "us") is conducting a review to

identify widely-used special permits (formerly called exemptions) with an established safety record which may be candidates for conversion into regulations of general applicability under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). A special permit allows a packaging manufacturer, shipper, or carrier to deviate from requirements in the HMR provided the special permit achieves at least an equivalent level of safety as that provided by the HMR. The procedures for issuing, modifying, and terminating special permits are prescribed under subpart B of 49 CFR part 107 (§§ 107.101-107.127).

Special permits allow the industry to quickly implement new technologies and to evaluate new operational techniques that often enhance safety and increase productivity. Converting the provisions of special permits with an established safety record into regulations reduces paperwork burdens and facilitates commerce while maintaining an acceptable level of safety. As stated in the summary, this effort is also a regulatory reform and relief effort. The incorporation of the provisions in special permits into the HMR relieves many regulatory burdens on grantees. For example, grantees will no longer be required to maintain and provide copies of the special permits, mark packages and shipping documents with the permit number, and re-apply for authorization when a permit expires. Grantees will no longer be required to train individuals on the requirements of the special permits, but will still need to train employees on HMR compliance. Additionally, incorporation into the HMR provides wider access to the benefits of the provisions that otherwise would be accorded to a limited number of special permit grantees.

PHMSA has a long history of incorporating well-performing special

permits into the HMR safely. One of our most recent examples includes incorporating provisions for the use of specialized high-integrity packagings to transport certain poisons without requiring them to be labeled with the POISON label.

Generally, a special permit is not a good candidate for conversion into regulations if it has not been in effect long enough to establish a clear safety record, is based on proprietary information for which the holder has requested confidential treatment, or its conversion would increase the complexity and length of the HMR for the benefit of a limited number of persons.

In this notice, PHMSA is inviting the public to recommend special permits for inclusion into the HMR. You should provide the special permit number and a rationale for its inclusion as a regulation of general applicability. We are particularly interested in the safety history of the special permit and the benefits that would result from its incorporation into the HMR, including reduced transportation costs, increased flexibility, advancement of new technologies, and the like.

We will review all recommendations from the public submitted in response to this notice as part of our ongoing review of outstanding special permits. After completion of this review, we will publish a notice of proposed rulemaking to propose conversion of the provisions of specific special permits into regulations of general applicability.

Issued in Washington, DC, on July 6, 2007, under authority delegated in 49 CFR part 106.

Theodore L. Willke,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. E7-13579 Filed 7-13-07; 8:45 am]

BILLING CODE 4910-60-P