AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Federal Register

7–23–07 Monday
Vol. 72 No. 140 July 23, 2007

Pages 40061–40214

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.archives.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** *www.gpoaccess.gov/nara,* available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at *gpoaccess@gpo.gov.* The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 72 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.

2. The relationship between the Federal Register and Code of Federal Regulations.

3. The important elements of typical Federal Register documents.

4. An introduction to the finding aids of the FR/CFR system.

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, September 11, 2007
9:00 a.m.–Noon

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

Contents

Federal Register

Vol. 72, No. 140

Monday, July 23, 2007

Agency for International Development
NOTICES
Agency information collection activities; proposals, submissions, and approvals; comments requested, 40110

Agriculture Department
See Animal and Plant Health Inspection Service
See Forest Service
See Rural Housing Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40110–40111

Animal and Plant Health Inspection Service
RULES
Exportation and importation of animals and animal products:
Cattle export; pre-export tuberculosis and brucellosis testing requirement; elimination, 40064–40066
Interstate transportation of animals and animal products (quarantine):
Brucellosis in cattle—
State and area classifications, 40062–40064
Plant-related quarantine, domestic:
Oriental fruit fly, 40061–40062
PROPOSED RULES
User fees:
Veterinary diagnostic services, 40082–40090
NOTICES
Meetings:
Introduction of organisms and products altered or produced through genetic engineering; public forums, 40111

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control and Prevention
NOTICES
Meetings:
Disease, Disability, and Injury Prevention and Control Special Emphasis Panels, 40157

Coast Guard
RULES
Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:
San Francisco Bay, CA, 40075–40077
NOTICES
Environmental statements; availability, etc.:
Coast Guard Island, Alameda, CA; four National Security Cutters; commissioning and homeporting, 40162–40163

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration

Defense Department
See Defense Logistics Agency
See Navy Department
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities; proposals, submissions, and approvals, 40123–40124
Privacy Act; systems of records, 40124

Defense Logistics Agency
NOTICES
Privacy Act; systems of records, 40125

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Special education and rehabilitative services—
Disability and Rehabilitation Research Projects and Centers Program, 40131–40135
Research Fellowships Program, 40127–40131

Energy Department
NOTICES
Environmental statements; notice of intent:
Greater-Than-Class-C low level radioactive waste; disposal, 40135–40139
Nuclear Waste Policy Act; implementation:
State and Indian tribe local public safety officials—
Spent nuclear fuel or high-level radioactive waste; safe routine transportation and emergency response training; technical and financial assistance, 40139–40145

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Tennessee, 40105–40109
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40145–40149
Meetings:
Clean Air Scientific Advisory Committee, 40150–40151
Environmental Financial Advisory Board, 40151–40152
Mobile Sources Technical Review Subcommittee, 40152

Federal Aviation Administration
PROPOSED RULES
Airworthiness directives:
McDonnell Douglas, 40090–40096

Federal Maritime Commission
NOTICES
Complaints filed:
R.O. White & Co. Inc., et al., 40152

Federal Reserve System
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40152–40153
Banks and bank holding companies:
Change in bank control, 40153–40154
Formations, acquisitions, and mergers, 40154

Fish and Wildlife Service
PROPOSED RULES
Migratory bird hunting:
Seasons, limits, and shooting hours, establishment, etc., 40194–40214
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40165–40166
Endangered and threatened species permit applications, determinations, etc., 40166–40167

Food and Drug Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40157–40159
Meetings:
Cardiovascular and Renal Drugs Advisory Committee and Drug Safety and Risk Management Advisory Committee, 40159–40160

Forest Service
NOTICES
Environmental statements; notice of intent:
Bridger-Teton National Forest, WY, 40111–40112
Meetings:
Resource Advisory Committees—
Fresno County, 40112–40113

General Services Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities; proposals, submissions, and approvals, 40123–40124

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40154–40155
Organization, functions, and authority delegations:
Assistant Secretary for Administration and Management Office, 40155–40157
Scientific misconduct findings; administrative actions:
Lieber, James David, 40157

Homeland Security Department
See Coast Guard
See U.S. Customs and Border Protection
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40160–40162

Housing and Urban Development Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40163–40165

Interior Department
See Fish and Wildlife Service
See National Park Service

Internal Revenue Service
RULES
Income taxes:
Agent for consolidated group with foreign common parent, 40066–40069
NOTICES
Meetings:
Taxpayer Advocacy Panels, 40191

International Trade Administration
NOTICES
Antidumping:
Ball bearings and parts from—
Japan, 40113
Stainless steel bar from—
India, 40113–40117
Export trade certificates of review, 40117–40118

Judicial Conference of the United States
NOTICES
Meetings:
Judicial Conduct and Disability Committee, 40168

Justice Department
See Parole Commission

Labor Department
See Occupational Safety and Health Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Combating Exploitive Child Labor Through Education in various countries; correction, 40168–40169
India, Nepal, and Pakistan; children working in carpet industry; research agreement; correction, 40169–40170

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 40173–40175

National Aeronautics and Space Administration
RULES
Grant and Cooperative Agreement Handbook:
Individual procurement action reports, 40066
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities; proposals, submissions, and approvals, 40123–40124
Meetings:
Advisory Council Science Committee, 40175

National Credit Union Administration
NOTICES
Meetings; Sunshine Act, 40175–40176

National Foundation on the Arts and the Humanities
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40176

National Labor Relations Board
RULES
Debt collection procedures, 40069–40073

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Bering Sea and Aleutian Islands pacific ocean perch, 40080–40081
Pacific ocean perch, 40081
Northeastern United States fisheries—
Summer flounder, scup, and black sea bass, 40077–40080

NOTICES
Marine mammals:
Taking and importing—
Mexico; yellowfin tuna harvested, 40118–40119
Meetings:
Pacific Fishery Management Council, 40119
Scientific research permit applications, determinations, etc., 40119–40120

National Park Service
NOTICES
National Register of Historic Places; pending nominations, 40167–40168

National Telecommunications and Information Administration

NOTICES
Grants and cooperative agreements; availability, etc.:
Public Safety Interoperable Communications Grant Program, 40120–40123

Navy Department
NOTICES
Privacy Act; systems of records, 40125–40127

Occupational Safety and Health Administration
RULES
Occupational safety and health standards:
Electrical standard; reporting and recordkeeping requirements, 40073–40075
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 40170–40173

Parole Commission
NOTICES
Meetings; Sunshine Act, 40168

Pension Benefit Guaranty Corporation
NOTICES
Multiemployer plans:
Special election of multiemployer plan status, 40176–40181

Rural Housing Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Agriculture, Aquaculture, and Seafood Processing and/or Fishery Worker Housing Demonstration Program; correction, 40113

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 40181
Securities:
Suspension of trading—
Bently Commerce Corp., 40181–40182
Self-regulatory organizations; proposed rule changes:
Boston Stock Exchange, Inc., 40182–40184
NYSE Arca, Inc., 40184–40191

Small Business Administration
NOTICES
Disaster loan areas:
Kansas, 40187
Oklahoma, 40187
Pennsylvania, 40187–40188
Various States, 40188
Meetings:
Veterans Business Affairs Advisory Committee, 40188

Transportation Department
See Federal Aviation Administration

Treasury Department
See Internal Revenue Service

U.S. Customs and Border Protection
NOTICES
Commercial gauger and laboratory accreditation:
Approval—
Inspectorate America Corp., 40163
Intertek USA, 40163

Veterans Affairs Department
PROPOSED RULES
Medical benefits:
Veterans health administration beneficiary travel expenses, 40096–40105

Separate Parts In This Issue

Part II
Interior Department, Fish and Wildlife Service, 40194–40214

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
301 40061

9 CFR
78 40062
91 40064

Proposed Rules:
130 40082

14 CFR
1260 40066
1274 40066

Proposed Rules:
39 (2 documents) 40090, 40094

26 CFR
1 40066

29 CFR
100 40069
1910 40073

33 CFR
165 40075

38 CFR

Proposed Rules:
17 40096
70 40096

40 CFR

Proposed Rules:
52 40105

50 CFR
648 40077
679 (2 documents) 40080, 40081

Proposed Rules:
20 40194

Rules and Regulations

Federal Register
Vol. 72, No. 140
Monday, July 23, 2007

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–2006–0151]

Oriental Fruit Fly; Removal of Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by removing the Santa Ana area of Orange County, CA, from the list of quarantined areas and removing restrictions on the interstate movement of regulated articles from that area. This action is necessary to relieve restrictions that are no longer needed to prevent the spread of the Oriental fruit fly into noninfested areas of the United States. We have determined that the Oriental fruit fly has been eradicated from this portion of Orange County, CA, and that the quarantine and restrictions are no longer necessary. The Santa Ana area of Orange County, CA, was the last remaining area in California quarantined for Oriental fruit fly. Therefore, as a result of this action, there are no longer any areas in the continental United States quarantined for the Oriental fruit fly.

DATES: This interim rule is effective July 23, 2007. We will consider all comments that we receive on or before September 21, 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–2006–0151 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–2006–0151, 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–2006–0151.

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. Wayne D. Burnett, Domestic Coordinator, Fruit Fly Exclusion and Detection Programs, APHIS, 4700 River Road Unit 137, Riverdale, MD 20737–1234; (301) 734–6553.

SUPPLEMENTARY INFORMATION:

Background

The Oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest of citrus and other types of fruit, nuts, vegetables, and berries. The short life cycle of the Oriental fruit fly allows rapid development of serious outbreaks, which can cause severe economic losses. Heavy infestations can cause complete loss of crops.

The Oriental fruit fly regulations, contained in 7 CFR 301.93 through 301.93–10 (referred to below as the regulations), restrict the interstate movement of regulated articles from quarantined areas to prevent the spread of the Oriental fruit fly to noninfested areas of the United States. The regulations also designate soil and a large number of fruits, nuts, vegetables, and berries as regulated articles.

In an interim rule published in the **Federal Register** on January 22, 2007 (72 FR 2597–2599, Docket No. APHIS–2006–0151), we amended the regulations by adding the Santa Ana area of Orange County, CA, to the list of quarantined areas and restricted the interstate movement of regulated articles from that area.

Based on trapping surveys conducted by inspectors of California State and county agencies, we have determined that the Oriental fruit fly has been eradicated from the quarantined portion of Orange County. The last finding of Oriental fruit fly in this quarantined area was December 5, 2006.

Since then, no evidence of Oriental fruit fly infestation has been found in this area. Based on our experience, we have determined that sufficient time has passed without finding additional flies or other evidence of infestation to conclude that the Oriental fruit fly no longer exists in Orange County, CA. Therefore, we are removing the entry for the Santa Ana area of Orange County, CA, from the list of quarantined areas in § 301.93–3(c). With the removal of the Santa Ana area of Orange County from that list, there are no longer any areas in the continental United States quarantined for the Oriental fruit fly.

Immediate Action

Immediate action is warranted to relieve restrictions that are no longer necessary. A portion of Orange County, CA, was quarantined due to the possibility that the Oriental fruit fly could spread from this area to noninfested areas of the United States. Since we have concluded that the Oriental fruit fly no longer exists in this county, immediate action is warranted to remove the quarantine on Orange County, CA, and to relieve the restrictions on the interstate movement of regulated articles from this area. 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 action effective less than 30 days after publication in the **Federal Register**.

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 Oriental fruit fly regulations by removing the Santa Ana area of Orange County, CA, from the list of quarantined areas. This action also removes restrictions on the interstate movement of regulated articles from that area.

County records indicate that there are 11 farmers markets, 15 fruit sellers, 4 growers, 2 nurseries, 14 swapmeets, 1 mobile vendor, and 1 yard maintenance company within the area that has been quarantined. We expect that the effect of this interim rule on those businesses, all of which are small entities, will be minimal. Small entities located within the quarantined area that sell regulated articles do so primarily for local intrastate, not interstate, movement, so the effect, if any, of this rule on these entities appears likely to be minimal. In addition, the effect on any small entities that may move regulated articles interstate has been minimized during the quarantine period by the availability of various treatments that allow these small entities, in most cases, to move regulated articles interstate with very little additional cost. Thus, just as the previous interim rule establishing the quarantined area in Orange County, CA, had little effect on the small entities in the area, the lifting of the quarantine in this interim rule will also have little effect.

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 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, 7 CFR part 301 is amended 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 § 301.93–3, paragraph (c) is revised to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) The areas described below are designated as quarantined areas: There are no areas in the continental United States quarantined for the Oriental fruit fly.

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

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–14163 Filed 7–20–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. APHIS–2007–0097]

Brucellosis in Cattle; State and Area Classifications; Idaho

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Idaho from Class A to Class Free. We have determined that Idaho meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Idaho.

DATES: This interim rule is effective July 23, 2007. We will consider all comments that we receive on or before September 21, 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–2007–0097 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–2007–0097, 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–2007–0097.

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: Dr. Debbi A. Donch, Senior Staff Veterinarian, Ruminant Health Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–5952.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States

according to the rate of *Brucella* infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class A and Class B fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percentage of all brucellosis reactor cases found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Idaho was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the consecutive 12-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

The last brucellosis-infected cattle herd in Idaho was depopulated in December 2005. Since then, no brucellosis-affected herds have been detected.

After reviewing the brucellosis program records for Idaho, we have concluded that this State meets the standards for Class Free status. Therefore, we are removing Idaho from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Idaho.

Immediate Action

Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Idaho. 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 action 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.

Brucellosis is a contagious, costly disease of ruminants and other animals that can also affect humans. It is mainly a threat to cattle, bison, and swine. The disease causes decreased milk production, weight loss in animals, loss of young, infertility, and lameness. There is no known effective treatment. Depopulation of infected and exposed animals is the only effective means of disease containment and eradication.

The State of Idaho has met the requirements for obtaining Class Free status as outlined in the definition of ''Class Free State or area'' in § 78.1 of the regulations. This interim rule upgrades the brucellosis status of Idaho from Class A to Class Free. Cattle and bison that are to be moved interstate from Class A States, except those moving directly to slaughter or to quarantined feedlots, must be tested before they are eligible for movement. Attaining Class Free status allows producers in Idaho to forgo this cost.

Brucellosis testing, including veterinary fees and handling expenses, costs about $7.50 to $15 per test. The expenses forgone as a result of this reclassification in status will not be significant for cattle and calves owners in Idaho. On January 1, 2005, there were 10,600 cattle and calves operations in Idaho with a total inventory of approximately 2.07 million head of cattle. The average per-head value of cattle in Idaho was $1,080 in 2005. Thus, the cost of testing would represent between 0.6 and 1.3 percent of the average value of the animals sold. Upgrading the State to brucellosis Class Free status will result in a small savings for those entities moving cattle interstate other than directly to slaughter or to quarantined feedlots.

The Small Business Administration has established standards for determining whether an entity is considered small under the Regulatory Flexibility Act. An enterprise producing cattle and calves is considered small if it has annual receipts of $750,000 or less. There were 10,600 farms with sales of cattle and calves in Idaho in 2005. Over 96 percent of these farms had annual receipts not exceeding $750,000.

In sum, we expect that the majority of cattle and calves operations that will be affected by the interim rule are small entities. The interim rule will benefit producers that sell cattle and calves out of State for breeding and feeding purposes. However, the savings from the forgone testing will be very small, estimated to be about 0.6 and 1.3 percent of the value of the animals sold.

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 interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict 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 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 9 CFR part 78 as follows:

PART 78—BRUCELLOSIS

■ 1. The authority citation for part 78 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 78.41 [Amended]

■ 2. Section 78.41 is amended as follows:

■ a. In paragraph (a), by adding the word ''Idaho,'' immediately after the word ''Hawaii,''.

■ b. In paragraph (b), by removing the words ''Idaho and''.

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

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–14175 Filed 7–20–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. APHIS–2006–0147]

RIN 0579Z–AC26

Cattle for Export; Removal of Certain Testing Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the livestock exportation regulations to eliminate the requirement for pre-export tuberculosis and brucellosis testing of certain cattle being exported to countries that do not require such testing. This action will facilitate the exportation of certain cattle by eliminating the need to conduct pre-export tuberculosis and brucellosis testing when the receiving country does not require such testing.

EFFECTIVE DATE: August 22, 2007.

FOR FURTHER INFORMATION CONTACT: Dr. Antonio Ramirez, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737–1231; (301) 734–8364.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 91, ''Inspection and Handling of Livestock for Exportation'' (referred to below as the regulations), prescribe conditions for exporting animals from the United States. Section 91.5 requires, among other things, that cattle intended for exportation be tested for tuberculosis and brucellosis prior to export.

On January 10, 2007, we published in the **Federal Register** (72 FR 1192–1195, Docket No. APHIS–2006–0147) a proposal [1] to amend the regulations by eliminating the requirement for pre-export tuberculosis and brucellosis testing of certain cattle being exported to countries that do not require such testing. Under its Restricted Feeder Cattle Program, Canada allows the importation of certain U.S. cattle without testing for tuberculosis and brucellosis, but our regulations required that these cattle be tested for these diseases. Thus, the proposal was intended both to relieve restrictions on U.S. cattle that are exported to Canada under this program and to ensure that, if other countries receiving exports of U.S. cattle suspend or remove their requirements that U.S. cattle be tested for tuberculosis or brucellosis, U.S. exporters of cattle would receive the full benefits of no longer being required to perform such tests.

We solicited comments concerning our proposal for 60 days ending March 12, 2007. We received 8 comments by that date. They were from producers, exporters, and other private citizens. Two of the comments were entirely supportive. The remaining comments are discussed below.

One commenter stated that it is the United States' responsibility to protect the health and welfare of the people of foreign nations and that testing cattle exported from the United States would help to accomplish this goal.

We proposed to remove the testing requirement for exported cattle only when testing is not required by the receiving country. Thus, a country receiving U.S. cattle would have to determine that waiving any tuberculosis and brucellosis testing requirements for U.S. cattle would not be detrimental to its citizens' health and welfare before we would allow any cattle to be exported to that country without testing.

One commenter opposed the proposal on the grounds that the existing exemptions to the testing requirements in the regulations are adequate.

As we discussed in the proposed rule, we do not believe that the current exemptions are adequate. For example, cattle exported to Canada under the Restricted Feeder Cattle Program are still required under our regulations to be tested for tuberculosis and brucellosis, even though Canada does not require such testing. Paragraph (b) of § 91.3 states that the Administrator may, upon request of the appropriate animal health official of the country of destination, waive the tuberculosis and brucellosis tests referred to in §§ 91.5(a) and (b) of the regulations when he finds such tests are not necessary to prevent the exportation of diseased animals from the United States. However, this provision does not allow us to relieve the testing requirement for cattle exported under the Restricted Feeder Cattle Program, as Canadian animal health officials would have to request each time cattle are exported that the brucellosis and tuberculosis tests not be administered. A more general exemption from the testing requirement is necessary to cover all situations in which U.S. cattle may be exported to countries that do not require them to be tested for tuberculosis or brucellosis.

One commenter stated that the testing of cattle at export for tuberculosis and brucellosis is done only to increase agricultural profits. This commenter also stated that no cattle should be exported.

APHIS tests cattle upon export to help prevent the spread of disease and to facilitate exports in accordance with our responsibilities under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*). We have no statutory authority to regulate the movement of livestock except as it relates to preventing the introduction or spread of animal diseases.

One commenter asked that we relieve testing restrictions for cattle exported to Mexico as well.

The testing requirement will be relived for exports of cattle to any country that does not require testing of cattle for tuberculosis and brucellosis when they are exported from the United States. Negotiations with other countries to establish export agreements under which testing for tuberculosis and brucellosis is not required will be conducted separately. Once we have

[1] To view the proposed rule and the comments we received, go to *http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0147.*

established such an agreement with a country, however, any cattle exported from the United States in compliance with such an agreement could be exported without testing for one or both of these diseases, depending on the terms of the agreement.

Two commenters asked that we relieve the testing requirements for additional types of exported animals when testing is not required by the receiving country. One commenter requested that we apply the exemption to goats and swine, noting that these animals typically have lower per-head values than cattle, which would mean that the positive economic impact associated with exempting those animals from testing would be even greater for producers and exporters of those animals. Another commenter asked that testing requirements be relieved for sheep as well.

We agree that it would be desirable to relieve the testing restrictions for additional types of animals, where possible. However, removing the testing requirements for other species involves different risks that would need to be considered separately. We will continue to look for opportunities to further relieve testing requirements and, if removing testing requirements for other animals is warranted, we will issue a separate proposal to do so.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, without change.

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 removes the requirement that cattle destined for export must be tested for brucellosis and tuberculosis prior to export in any case in which such testing is not required by the receiving country for cattle originating in the United States or any State therein.

The rule will affect domestic producers of cattle, specifically those engaged in the export of animals. In 2005, there were 982,510 cattle operations in the United States.[2] On January 1, 2005, domestic inventory of cattle and calves totaled over 95.8 million, with an average per head value of $916, and a total value of production of over $87.8 billion.[3] Under U.S. Small Business Administration's (SBA) size standards, operations engaged in cattle ranching or production (both beef and dairy) are considered small if they earn $750,000 or less in annual receipts.[4] According to the USDA's National Agricultural Statistics Service, approximately 953,390, or 97 percent, of the 982,510 cattle operations in the United States are holding fewer than 500 head of cattle. As such, we would assume that the overwhelming majority of domestic cattle operations would be considered small by SBA standards.

Only those operations engaged in the export of their animals will be affected by this rule. In 2005, the United States exported 21,155 live cattle, with a total value of over $7.2 million. Our primary trading partners historically are Canada and Mexico, and in 2005 Canada and Mexico ranked first and second, respectively, as destinations of U.S. live cattle exports by value.[5] In response to strong domestic cattle price and trade barriers related to bovine spongiform encephalopathy and other diseases, U.S. cattle exports declined significantly in 2003–2004, but they are now on the rebound. The number of operations engaged in the export of cattle is unknown.

Under the rule, domestic cattle producers wishing to export their animals will no longer be required to test for tuberculosis and brucellosis prior to export when the importing countries do not require such testing. As such, the rule represents a reduction in compliance costs currently associated with export requirements for live cattle. APHIS estimates the average cost of tuberculosis testing for cattle ranges from $10 to $12 per head. In addition, APHIS estimates the cost of an official herd blood test for brucellosis to be $3 per animal. If a producer located in a State that is accredited-free for tuberculosis and Class Free for brucellosis exports cattle to a country where pre-export testing requirements have been removed, the cost savings that the producer will capture as a result of the change to the regulations will depend on the number of animals exported. Again, the exact number of domestic producers whose operations depend on the export of cattle is unknown. However, given the average per-head value of $916, the cost saved by not having to test for tuberculosis and brucellosis prior to export is not expected to be economically significant, as the combined cost of the tests represents a small percentage of the per-head value of the cattle.

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 final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict 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 final rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 9 CFR part 91 as follows:

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 19 U.S.C. 1644a(c); 21 U.S.C. 136, 136a, and 618; 46 U.S.C. 3901 and 3902; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 91.1, the definition of *official brucellosis vaccinate* is revised to read as follows:

§ 91.1 Definitions.

* * * * *

Official brucellosis vaccinate. An official adult vaccinate or an official

[2] USDA–NASS, *Quick Stats U.S. & All States Data.* Washington, DC: National Agricultural Statistics Service, 2006.

[3] USDA–NASS, *Agricultural Statistics 2005.*

[4] Table of Size Standards based on North American Industry Classification System (NAICS) 2002. Beef Cattle Ranching and Farming: NAICS code 112111, Dairy Cattle and Milk Production: NAICS code 112120. Washington, DC: U.S. Small Business Administration, effective January 5, 2006.

[5] USDA–FAS, *U.S. Trade Exports-FATUS Commodity Aggregations.* Washington, DC: Foreign Agricultural Service. Based on data from the Dept. of Commerce, U.S. Census Bureau, Foreign Trade Statistics.

calfhood vaccinate as defined in § 78.1 of this chapter.

* * * * *

■ 3. Section 91.5 is amended as follows:

■ a. In paragraph (a)(1), by removing the word ''or'' at the end of paragraph (a)(1)(i); by removing the citation ''9 CFR 77.1'' in paragraph (a)(1)(ii) and adding the citation ''§ 77.7 of this chapter'' in its place; by removing the period at the end of paragraph (a)(1)(ii) and adding a semicolon in its place; and by adding new paragraphs (a)(1)(iii) and (a)(1)(iv) to read as set forth below.

■ b. In paragraph (b)(1), by removing the word ''or'' at the end of paragraph (b)(1)(iv), by removing the period at the end of paragraph (b)(1)(v) and adding a semicolon in its place, and by adding new paragraphs (b)(1)(vi) and (b)(1)(vii) to read as set forth below.

§ 91.5 Cattle.

* * * * *

(a) * * *

(1) * * *

(iii) Cattle exported to a country that does not require cattle from the United States to be tested for tuberculosis as described in this part; or

(iv) Cattle exported from a State designated as an Accredited-free State in § 77.7 of this chapter to a country that does not require cattle from Accredited-free States to be tested for tuberculosis as described in this part.

* * * * *

(b) * * *

(1) * * *

(vi) Cattle exported to a country that does not require cattle from the United States to be tested for brucellosis as described in this part; or

(vii) Cattle exported from a State designated as a Class Free State in § 78.41 of this chapter to a country that does not require cattle from Class Free States to be tested for brucellosis as described in this part.

* * * * *

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

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–14177 Filed 7–20–07; 8:45 am]

BILLING CODE 3410–34–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Parts 1260 and 1274

RIN 2700–AD34

NASA Grant and Cooperative Agreement Handbook—Individual Procurement Action Reports (NF 507)

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This final rule amends NASA regulations by removing from NASA grant officers responsibility for submitting Individual Procurement Action Reports (NF 507) for all grant and cooperative agreement actions. This rule also removes the ''Individual Procurement Action Report (NASA Form 507)''.

EFFECTIVE DATE: July 23, 2007.

FOR FURTHER INFORMATION CONTACT: Paul Brundage, NASA Headquarters, Contract Management Division, Washington, DC, (202) 358–0481, e-mail: *paul.d.brundage@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The NF 507 was rendered obsolete in 2003 and has been eliminated as a NASA form. Thus, the requirement for its submission by NASA grant officers on all grant and cooperative agreement actions is eliminated.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this final rule. This final rule does not constitute a significant revision within the meaning of Public Law 98–577, and publication for public comment is not required. However, NASA will consider comments from small entities concerning the affected coverage in accordance with 5 U.S.C. 610. Interested parties should cite 5 U.S.C. 601, *et seq.*, in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) does not apply because this rule does not impose any new recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management (OMB) and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 14 CFR Parts 1260 and 1274

Grant programs-science and technology, Cooperative agreements with commercial firms-science and technology.

Sheryl Goddard,

Acting Assistant Administrator for Procurement.

■ Accordingly, 14 CFR Parts 1260 and 1274 are amended as follows:

■ 1. The authority citation for 14 CFR Parts 1260 and 1274 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1), Pub. L. 97–258, 96 Stat. 1003 (31 U.S.C. 6301, *et seq.*), and OMB Circular A–110.

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

■ 2. Revise paragraph (a) of § 1260.75 to read as follows:

§ 1260.75 Summary of report requirements.

(a) The Committee on Academic Science and Engineering (CASE) Report (NF 1356), for grants and cooperative agreements awarded to educational institutions, is submitted by the program office with the basic award procurement request and completed by the grant officer. The grant officer should initiate an amendment to the NF 1356 whenever the principal investigator or the technical officer changes.

* * * * *

PART 1274–COOPERATIVE AGREEMENTS WITH COMMERCIAL FIRMS

Appendix to Part 1274 [Amended]

■ 3. In the appendix to part 1274, under the section ''Exhibit B to Part 1274—Reports,'' remove paragraph 1 and redesignate paragraphs 2 and 3 as 1 and 2, respectively.

[FR Doc. E7–14135 Filed 7–20–07; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9343]

RIN 1545–BF30

Agent for a Consolidated Group With Foreign Common Parent

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations under section 1502 that

provide the Internal Revenue Service with the authority to designate a domestic member of the consolidated group as a substitute agent to act as the sole agent for the group where a foreign entity is the group's common parent. The final regulations are necessary to clarify and explain the rules governing the designation of an agent for the members of a consolidated group. The regulations affect corporations that join in the filing of a consolidated Federal income tax return where the common parent of the consolidated group is a foreign entity that is treated as a domestic corporation pursuant to section 7874(b) of the Internal Revenue Code (Code) or as the result of a section 953(d) election.

DATES: *Effective Date:* These regulations are effective July 23, 2007.

Applicability Date: For dates of applicability, see § 1.1502–77(h)(3).

FOR FURTHER INFORMATION CONTACT: Stephen R. Cleary, (202) 622–7750, (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On March 14, 2006, the IRS and Treasury Department published temporary regulations (TD 9255) in the **Federal Register** (71 FR 13001) providing the IRS the authority to designate a domestic member of a consolidated group to be the sole agent for the group where the common parent of the group is a foreign entity. A notice of proposed rule making (REG–164247–05) cross-referencing the temporary regulations was published in the **Federal Register** for the same day (71 FR 13062). The temporary regulations provide procedures for the IRS's designation of a ''domestic substitute agent'' and define the term of that substitute agent's agency.

Explanation of Provisions and Summary of Comments

No comments were received responding to the notice of proposed rulemaking, and no public hearing was requested or held. The proposed regulations are adopted as amended by this Treasury decision and the corresponding temporary regulations are removed. The temporary regulations, as contained in the 26 CFR part 1 edition revised as of April 1, 2007, remain in effect for certain taxable years as provided by § 1.1502–77(h)(3)(ii) of these final regulations.

These final regulations clarify the term of the domestic substitute agent's agency by specifying that once appointed for one or more taxable years of the group, unless the designation is expressly limited to such term, the domestic substitute agent will continue to be the agent for subsequent taxable years of the group until certain specified events occur. These final regulations also specify that, if the domestic substitute agent is the group's agent for a taxable year, it will generally continue to serve as the agent for that year until the domestic substitute agent's existence terminates. Finally, these final regulations clarify that if a group with a domestic substitute agent continues in existence with a new common parent that is a domestic corporation (without regard to section 7874 or a section 953(d) election) during a consolidated return year, the domestic substitute agent is the agent of the group for the year through the date of the transaction in which the new common parent becomes the common parent, and thereafter the new common parent becomes the agent of the group for the entire taxable year.

Additionally, these regulations indicate that § 1.1502–77(e)(1) is also applicable for purposes of determining whether a domestic substitute agent's existence has terminated.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. Pursuant to 5 U.S.C. 553(d)(3) it has been determined that that a delayed effective date is unnecessary because this rule finalizes currently effective temporary rules regarding the designation of a domestic substitute agent without substantive change. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that these regulations will primarily affect affiliated groups of corporations that have elected to file consolidated returns, which tend to be larger businesses. Therefore, a regulatory flexibility analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these final regulations was 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 Stephen R. Cleary of the Office of Associate Chief Counsel (Corporate). Other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by removing the entry for § 1.1502–77T to read as follows:

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

■ **Par. 2.** Section 1.1502–77 is amended by:

■ 1. Revising paragraph (e)(1).

■ 2. Adding paragraph (h)(3).

■ 3. Revising paragraph (j).

The additions and revisions read as follows:

§ 1.1502–77 Agent for the group.

* * * * *

(e) *Termination of a corporation's existence*—(1) *In general.* For purposes of paragraphs (a)(1)(v), (a)(4)(i), (d), and (j) of this section, the existence of a corporation is deemed to terminate if—

(i) Its existence terminates under applicable law; or

(ii) Except as provided in paragraph (e)(3) of this section, it becomes, for Federal tax purposes, either—

(A) An entity that is disregarded as an entity separate from its owner; or

(B) An entity that is reclassified as a partnership. * * *

* * * * *

(h) * * *

(3) *Designation of a domestic substitute agent*—(i) *In general.* The provisions of paragraphs (e)(1) and (j) of this section apply to taxable years for which the consolidated Federal income tax return is due (without extensions) after July 23, 2007.

(ii) *Prior law.* For taxable years for which the consolidated Federal income tax return is due (without extensions) on or before July 23, 2007, see § 1.1502–77(e)(1) as contained in the 26 CFR part 1 edition revised as of April 1, 2007. For taxable years for which the consolidated Federal income tax return is due (without extensions) after March 14, 2006, and on or before July 23, 2007, see § 1.1502–77T as contained in the 26 CFR part 1 edition revised as of April 1, 2007.

* * * * *

(j) *Designation by Commissioner if common parent is treated as a domestic corporation under section 7874 or section 953(d)*—(1) *In general.* If the common parent is an entity created or

organized under the law of a foreign country and is treated as a domestic corporation by reason of section 7874 (or regulations under that section) or a section 953(d) election (a foreign common parent), the Commissioner may at any time, with or without a request from any member of the group, designate another member of the group to act as the agent for the group (a domestic substitute agent) for any taxable year for which the consolidated Federal income tax return is due (without extensions) after July 23, 2007, and the foreign common parent would otherwise be the agent for the group. For each such year, the domestic substitute agent will be the sole agent for the group even though the foreign common parent remains in existence. The foreign common parent ceases to be the agent for the group when the Commissioner's designation of a domestic substitute agent becomes effective. The Commissioner may designate a domestic substitute agent for the term of a single taxable year, multiple years, or on a continuing basis.

(2) *Domestic substitute agent.* The domestic substitute agent, by designation or by succession, shall be a domestic corporation described in paragraph (d)(1)(i)(A) of this section (determined without regard to section 7874, a section 953(d) election or section 1504(d)).

(3) *Designation by the Commissioner.* The Commissioner will notify the domestic substitute agent in writing by mail or faxed transmission of the designation. The domestic substitute agent's designation is effective on the earliest of the 14th day following the date of a mailing, the 4th day following a faxed transmission, or the date the Commissioner receives written confirmation of the designation by a duly authorized officer of the domestic substitute agent (within the meaning of section 6062). The domestic substitute agent must give notice of its designation to the foreign common parent and each corporation that was a member of the group during any part of any consolidated return year for which the domestic substitute agent will be the agent. A failure of the domestic substitute agent to notify the foreign common parent or any member of the group does not invalidate the designation. The Commissioner will send a copy of the notification to the foreign common parent, and if applicable, to any domestic substitute agent the designation replaces; a failure to send a copy of the notification does not invalidate the designation.

(4) *Term of agency*—(i) *Taxable years for which domestic substitute agent is the agent.* If the Commissioner designates a domestic substitute agent for one or more taxable years, unless the designation is expressly limited to such term, such domestic substitute agent will continue as the group's sole agent for subsequent taxable years until the domestic substitute agent ceases to be a member of the continuing group, is replaced by a new domestic common parent (as provided in paragraph (j)(4)(iv)(A) of this section), is replaced by the Commissioner, or is replaced by a default substitute agent (as provided in paragraph (j)(5)(ii) of this section). If during the course of a consolidated return year the domestic substitute agent ceases to be a member of the continuing group or is replaced, it shall no longer act as agent for such taxable year or subsequent taxable years in any matter.

(ii) *Continuing agency for prior taxable years.* Unless replaced by a default substitute agent (as provided in paragraph (j)(5)(ii) of this section) or by the Commissioner, the domestic substitute agent at the end of a taxable year of the group will remain the agent for such year until its existence terminates, even if the group subsequently ceases to exist or the domestic substitute agent subsequently ceases to be a member of the group.

(iii) *Replacement of a § 1.1502–77(d)(1) agent.* If, pursuant to paragraph (d)(1) of this section, the common parent of the group designates a foreign common parent as the agent for the group for any taxable year, the Commissioner may, at any time, designate a domestic substitute agent to replace the foreign common parent, even if the Commissioner approved the terminating common parent's designation.

(iv) *Group continues with a new common parent*—(A) *Year the new common parent becomes the common parent.* If the group has a domestic substitute agent and the group continues in existence with a new common parent during a consolidated return year, and such new common parent is a domestic corporation (determined without regard to section 7874 or a section 953(d) election), the domestic substitute agent at the beginning of the year is the agent for the group through the date of the transaction in which the new common parent becomes the common parent, and the new common parent becomes the agent for the group beginning the day after the transaction, at which time it becomes the agent for the group with respect to the entire consolidated return year (including the period through the date of the transaction) and the former domestic substitute agent will no longer be the agent for the group for that year.

(B) *Years preceding the year the new common parent becomes the common parent.* If after the Commissioner's designation of a domestic substitute agent the group remains in existence with a new common parent, and such new common parent is a domestic corporation (determined without regard to section 7874 or a section 953(d) election), the Commissioner may designate the new common parent as the sole agent for the group for any of the group's prior taxable years (for which the consolidated Federal income tax return is due (without extensions) after July 23, 2007) in which the new common parent was a member of the group. For this purpose, the new common parent is treated as having been a member of the group for any taxable year it is primarily liable for the group's income tax liability.

(v) *Replacement of domestic substitute agent by the Commissioner.* The Commissioner may at any time, with or without a request from any member of the group, designate a replacement for a domestic substitute agent (or a successor to such agent).

(5) *Deemed § 1.1502–77(d) designation*—(i) *In general.* If the Commissioner designates a domestic substitute agent under this paragraph (j), it will be treated as a designation of a substitute agent under paragraph (d) of this section.

(ii) *Default substitute agent.* If the domestic substitute agent's existence terminates and it has a single successor that is a domestic corporation (without regard to section 269B) that is eligible to be a domestic substitute agent, such successor becomes the domestic substitute agent and is treated as a default substitute agent under paragraph (d)(2) of this section. See paragraph (d)(4) of this section regarding the consequences of the successor's failure to notify the Commissioner of its status as a default substitute agent. The default substitute agent shall use procedures in section 9 of Rev. Proc. 2002–43 (2002–2 CB 99) or a corresponding provision of a successor revenue procedure for notification. (See § 601.601(d)(2)(ii)(*b*) of this chapter.)

(6) *Request that IRS designate a domestic substitute agent*—(i) *Original designation.* If the common parent of the group is a foreign common parent, and the IRS has not designated a domestic substitute agent, one or more members of the group may request the IRS to make a designation for taxable years for which the consolidated Federal income tax return is due (without extensions) after July 23, 2007. Such request is

deemed to be a request under paragraph (d)(3)(i) of this section. Members of the group shall use the procedures in section 10 of Rev. Proc. 2002–43 (2002–2 CB 99) or a corresponding provision of a successor revenue procedure for this purpose. (See § 601.601(d)(2)(ii)(*b*) of this chapter.)

(ii) *Request that IRS replace a previously designated substitute agent.* If the IRS designates a domestic substitute agent pursuant to this paragraph (j), one or more members of the group may request that the IRS replace the designated domestic substitute agent with another member (or successor to another member). Such a request is deemed to be a request pursuant to paragraph (d)(3)(ii) of this section. Members of the group shall use the procedures in section 11 of Rev. Proc. 2002–43 (2002–2 CB 99) or a corresponding provision of a successor revenue procedure for this purpose. (See § 601.601(d)(2)(ii)(*b*) of this chapter.)

§ 1.1502–77T [Removed]

■ **Par. 3.** Section 1.1502–77T is removed.

Kevin M. Brown,

Deputy Commissioner for Services and Enforcement.

Approved: July 16, 2007.

Eric Solomon,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. E7–14197 Filed 7–20–07; 8:45 am]

BILLING CODE 4830–01–P

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 100

Debt Collection Procedures

AGENCY: National Labor Relations Board (NLRB).

ACTION: Final rule.

SUMMARY: The National Labor Relations Board (NLRB) is issuing final regulations concerning the procedures used to collect debts that are owed to the NLRB. These final regulations conform to the legislative changes enacted in the Debt Collection Improvement Act of 1996 (DCIA) and the amended procedures presented in the Federal Claims Collection Standards (FCCS) issued by the Department of the Treasury (Treasury) and the Department of Justice (DOJ). This final action is intended to improve the NLRB's collection of debts owed to the United States.

EFFECTIVE DATE: July 23, 2007.

FOR FURTHER INFORMATION CONTACT: Karl Rohrbaugh, Chief, Finance Branch, National Labor Relations Board, Room 7828, 1099 14th Street, NW., Washington, DC 20570–0001, Telephone (202) 273–4226, e-mail address *Karl.Rohrbaugh@nlrb.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On April 26, 1996, the Debt Collection Improvement Act (DCIA) of 1996 (Pub. L. 104–134) was enacted. This Act enhances the Federal Government's debt collection activities. The purposes of the Act are—

(1) To maximize collections of delinquent debts owed to the Government by ensuring quick action to enforce recovery of debts and the use of all appropriate collection tools,

(2) To minimize the costs of debt collection by consolidating related functions and activities and using interagency teams,

(3) To reduce losses arising from debt management activity by requiring proper screening of potential borrowers, aggressive monitoring of all accounts, and sharing of information within and among Federal agencies,

(4) To ensure that the public is fully informed of the Federal Government's debt collection policies and that debtors are aware of their obligations to repay amounts owed to the Federal Government,

(5) To ensure that debtors have all appropriate due process rights, including the ability to verify, challenge, and compromise claims, and access to administrative appeals procedures which are both reasonable and protect the interests of the United States,

(6) To encourage agencies, when appropriate, to sell delinquent debt, particularly debts with underlying collateral, and

(7) To rely on the experience and expertise of private sector professionals to provide debt collection services to Federal agencies.

This act provides that any nontax debt or claim owed to the United States that has been delinquent for a period of 180 days shall be referred to the Department of the Treasury or a Treasury-designated collection center for appropriate action to collect or terminate collection of the claim or debt. The DCIA provides the Treasury with new collection tools, including the authority to offset any Federal agency's payment to a vendor to satisfy that vendor's debt.

The Federal Claims Collection Standards (FCCS) (31 CFR Chapter IX Parts 900, 901, 902, 903, and 904) were revised November 22, 2000 (65 FR 70390). The revised FCCS clarify and simplify Federal debt collection procedures and reflect changes under the DCIA of 1996 and the General Accounting Office Act of 1996. The revised FCCS reflect legislative changes to Federal debt collection procedures enacted under the Debt Collection Improvement Act of 1996 (DCIA), Public Law 104–134, 110 Stat. 1321–358, as part of the Omnibus Consolidated Recissions and Appropriations Act of 1996. The revised FCCS provide agencies with greater latitude to adopt agency-specific regulations, tailored to the legal and policy requirements applicable to various types of Federal debt, to maximize the effectiveness of Federal debt collection procedures.

The Department of the Treasury and the Department of Justice published the revised FCCS as a joint final rule under Chapter IX, Title 31, Code of Federal Regulations. These regulations superseded the FCCS regulations codified at 4 CFR Chapter II Parts 101–105.

The revised FCCS prescribe standards for Federal agency use in the administrative collection, offset, compromise, and the suspension or termination of collection activity for civil claims for money, funds, or property as defined by 31 U.S.C. 3701(b), unless specific Federal agency statutes or regulations apply to such activities, or as provided for by Title 11 of the United States Code when the claims involve bankruptcy. The revised FCCS also prescribe standards for referring debts to the Department of Justice for litigation.

These regulations cover the collection of debts such as court costs, vendor overpayments, travel-related expenses, etc. However, currently, the majority of the debts owed to the NLRB are payroll debts owed by current or former employees, the collection of which are covered under 5 U.S.C. 5514.

II. Comments on Interim Rule

On August 18, 2006 (71 FR 47732), the NLRB published an interim rule with a request for comments concerning its procedures used to collect debts owed to the NLRB. The comment period expired on October 17, 2006. No comments were received with respect to the interim rule.

III. Administrative Procedures Act

Because this rule involves rules of agency organization, procedure, or practice, no notice of proposed rulemaking is required under Section 553 of the Administrative Procedures Act (5 U.S.C. 553).

IV. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for procedural rules, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) pertaining to regulatory flexibility analysis do not apply to these rules. However, even if the Regulatory Flexibility Act were to apply, the NLRB certifies that this interim rule will not have a significant impact on small businesses, state and local governments and geographical regions; health, safety; and the environment.

V. Small Business Regulatory Enforcement Fairness Act

Because the interim rule relates to agency procedure and practice, the NLRB has determined that the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*) do not apply.

VI. Paperwork Reduction Act

This interim rule does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 29 CFR Part 100

Administrative practice and procedures, debt collection procedures.

■ For the reasons set forth in the preamble, the National Labor Relations Board amends 29 CFR part 100 to read as follows:

PART 100—ADMINISTRATIVE REGULATIONS

■ 1. The authority citation for part 100 is revised to read as follows:

Authority: Section 6, National Labor Relations Act, as amended (29 U.S.C. 141, 156).

Subpart A is also issued under 5 U.S.C. 7301.

Subpart B is also issued under the Inspector General Act of 1976, as amended by the Inspector General Act Amendments of 1988, 5 U.S.C. ap3; 42 U.S.C. 2000e–16(a).

Subpart D is also issued under 28 U.S.C. 2672; 28 CFR part 14.

Subpart E is also issued under 29 U.S.C. 794.

Subpart F is also issued under 31 U.S.C. 3711 and 3716–3719, as amended, 31 CFR Part 285, 31 CFR Chapter IX Parts 900–904.

■ 2. Subpart F is revised to read as follows:

Subpart F—Debt Collection Procedures

Sec.

100.601 Purpose and scope.
100.602 Definitions.
100.603 Debts that are covered.
100.604 Monetary limitations on NLRB's authority.
100.605 Information Collection Requirements: OMB Approval.
100.606 No private rights created.
100.607 Form of payment.
100.608 Subdivision of claims or debts.
100.609 Administrative collection of claims.
100.610 Written demand for payment.
100.611 Reporting claims or debts.
100.612 Disputed claims or debts.
100.613 Contracting for collection services.
100.614 Collection by administrative offset.
100.615 Authorities other than offset.
100.616 Payment collection.
100.617 Interest, penalties, and administrative costs.
100.618 Bankruptcy claims.
100.619 When a debt may be compromised.
100.620 Finality of a compromise.
100.621 When collection action may be terminated or suspended.
100.622 Termination of collection action.
100.623 Exception to termination.
100.624 Discharge of indebtedness; reporting requirements.
100.625 Referral of a claim to the Department of Justice.

§ 100.601 Purpose and scope.

This part prescribes standards and procedures for officers and employees of the National Labor Relations Board (NLRB) who are responsible for the collection and disposition of certain debts owed to the United States, as further defined below. The authority for this part is the Federal Claims Collection Act of 1966; the Debt Collection Improvement Act of 1996; 31 U.S.C. 3711 and 3716 through 3719, as amended; The Federal Claims Collection Standards, 31 CFR Chapter IX Parts 900–904; and Office of Management and Budget Circular A–129. The activities covered include: the collection of claims of any amount; compromising claims; suspending or terminating the collection of claims; referring debts that are more than 180 days delinquent to the Department of the Treasury for collection action; and the referral of debts of more than $100,000 (exclusive of any interest and charges) to the Department of Justice for litigation.

§ 100.602 Definitions.

For the purpose of this subpart, the following definitions will apply:

Administrative Offset means withholding money payable by the United States Government (including money payable by the United States Government on behalf of a State Government) to, or held by the Government for, a person to satisfy a debt the person owes the United States Government.

Centralized offset means the offset of Federal payments through the Treasury Offset Program to collect debts which creditor agencies have certified pursuant to 31 U.S.C. 3716(c), 3720A(a) and applicable regulations. The term ''centralized offset'' includes the Treasury Offset Program's processing of offsets of Federal payments disbursed by disbursing officials other than the Department of the Treasury.

Claim or debt means an amount of money, funds, or property that has been determined by an agency official to be owed to the United States by a person, organization, or entity, except another Federal agency. For the purposes of *administrative offset* under 31 U.S.C. 3716, the terms *claim* and *debt* include an amount of money, funds, or property owed by a person to a State (including past-due support being enforced by a State), the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico.

Cross-servicing means that the Department of the Treasury or another debt collection center is taking appropriate debt collection action on behalf of one or more Federal agencies or a unit or sub-agency thereof.

Debtor means an individual, organization, group, association, partnership, or corporation indebted to the United States, or the person or entity with legal responsibility for assuming the debtor's obligation.

Delinquent refers to the status of a debt and means a debt has not been paid by the date specified in the initial written demand for payment or applicable contractual agreement with the NLRB, unless other satisfactory payment arrangements have been made by that date. If the debtor fails to satisfy obligations under a payment agreement with the NLRB after other payment arrangements have been made, the debt becomes a delinquent debt.

Payment in full means payment of the total debt due the United States, including any interest, penalty, and administrative costs of collection assessed against the debtor.

Recoupment is a special method for adjusting debts arising under the same transaction or occurrence. For example, obligations arising under the same contract generally are subject to recoupment.

§ 100.603 Debts that are covered.

(a) The procedures covered by this part generally apply to claims for payment or debts which

(1) Result from certain internal management activities of the NLRB; or

(2) Are referred to the NLRB for collection.

(b) The procedures covered by this part do not apply to

(1) A debt arising from, or ancillary to, any action undertaken by or on behalf of the NLRB or its General Counsel in furtherance of efforts to ensure compliance with the National Labor Relations Board Act, 29 U.S.C. Section 151, *et seq.*, including but not limited to actions involving the collection of monies owed for back pay and/or other monetary remedies provided for in Board orders or ancillary court proceedings. (Regulations concerning the collection of these types of debts are found in 29 CFR Part 102, Subparts U and V.);

(2) A debt involving criminal actions of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other person having an interest in the claim;

(3) A debt based in whole or in part on conduct in violation of the antitrust laws;

(4) A debt under the Internal Revenue Code of 1986;

(5) A debt between Federal agencies. Federal agencies should attempt to resolve interagency claims by negotiation in accordance with Executive Order 12146 (3 CFR, 1980 Comp., pp. 409–412);

(6) A debt once it becomes subject to salary offset under 5 U.S.C. 5514; or

(7) A debt involving bankruptcy which is covered by Title 11 of the United States Code.

(c) Debts involving criminal actions of fraud, false claims, misrepresentation, or which violate antitrust laws will be promptly referred to the Department of Justice. Only the Department of Justice has the authority to compromise, suspend, or terminate collection activity on such debts. However, at its discretion, the Department of Justice may return a debt to the NLRB for further handling.

§ 100.604 Monetary limitations on NLRB's authority.

The NLRB's authority to compromise a debt or to suspend or terminate collection action on a debt covered by these procedures is limited by 31 U.S.C. 3711(a) to claims that:

(a) Have not been referred to another Federal Agency for further collection actions; and

(b) Do not exceed $100,000 (exclusive of any interest) or such higher amount as the Attorney General shall from time to time prescribe for purposes of compromise or suspension or termination of collection activity.

§ 100.605 Information collection requirements: OMB approval.

This part contains no information collection requirements, and, therefore, is not subject to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

§ 100.606 No private rights created.

(a) The failure of the NLRB to include in this part any provision of the Federal Collections Claim Standards (FCCS), 31 CFR Chapter IX Parts 900–904, does not prevent the NLRB from applying these provisions.

(b) A debtor may not use the failure of the NLRB to comply with any provision of this part or of the FCCS as a defense.

§ 100.607 Form of payment.

These procedures are directed primarily at the recovery of money or, when a contractual basis exists, the NLRB may demand the return of specific property or the performance of specific services.

§ 100.608 Subdivision of claims or debts.

A debt may not be subdivided to avoid the monetary ceiling established by 31 U.S.C. 3711(a)(2) and 29 CFR 100.604.

§ 100.609 Administrative collection of claims.

The NLRB shall aggressively collect all claims or debts. These collection activities will be undertaken promptly and follow up action will be taken as appropriate in accordance with 31 CFR Chapter IX § 901.1.

§ 100.610 Written demand for payment.

(a) The NLRB will promptly make written demand upon the debtor for payment of money or the return of specific property. The written demand for payment will be consistent with the requirements of 31 CFR Chapter IX § 901.2. The date by which payment is due to avoid any late charges will be 60 days from the date that the demand letter is mailed or hand-delivered.

(b) The failure to state in a letter of demand a matter described in 31 CFR Chapter IX § 901.2 is not a defense for a debtor and does not prevent the NLRB from proceeding with respect to that matter.

(c) When necessary, to protect the Government's interest, written demand may be preceded by other appropriate action, including immediate referral for litigation. It may be appropriate to contact a debtor or his representative or guarantor by other means (telephone, in person, etc.) to discuss prompt payment, the debtor's ability to repay the debt, and to inform the debtor of his rights and the affect of nonpayment or delayed payment.

(d) When the NLRB learns that a bankruptcy petition has been filed with respect to a debtor, the NLRB will cease collection action immediately unless it has been determined that the automatic stay imposed at the time of filing pursuant to 11 U.S.C. 362 has been lifted or is no longer in effect.

§ 100.611 Reporting claims or debts.

(a) In addition to assessing interest, penalties, and administrative costs pursuant to 31 CFR Chapter IX § 901.9, the NLRB may report a debt that has been delinquent for 90 days to a consumer reporting agency in accordance with the requirements of 31 U.S.C. 3711(e).

(b) The information the NLRB discloses to a consumer reporting agency is limited to—

(1) Information necessary to establish the identity of the individual debtor, including name, address, and taxpayer identification number;

(2) The amount, status, and history of the debt; and

(3) The NLRB activity under which the debt arose.

§ 100.612 Disputed claims or debts.

(a) A debtor who disputes a debt should provide the NLRB with an explanation as to why the debt is incorrect within 60 days from the date the initial demand letter was mailed or hand-delivered. The debtor may support the explanation by affidavits, cancelled checks, or other relevant evidence.

(b) If the debtor's arguments appear to have merit, the NLRB may waive the interest period pursuant to 29 CFR 100.617(c) pending a final determination of the existence or the amount of the debt.

(c) The NLRB may investigate the facts concerning the dispute and, if it considers it necessary, arrange for a conference at which the debtor may present evidence and any arguments in support of the debtor's position.

§ 100.613 Contracting for collection services.

The NLRB may contract for collection services in order to recover delinquent debts only if the debts are not subject to the DCIA requirement to transfer claims or debts to Treasury for debt collection services, e.g., claims or debts of less than 180 days delinquent. However, the NLRB retains the authority to resolve disputes, compromise claims, suspend or terminate collection action, and initiate enforced collection through litigation. When appropriate, the NLRB shall contract for collection services in

accordance with guidance and standards contained in 31 CFR Chapter IX Parts 900–904.

§ 100.614 Collection by administrative offset.

(a) *Application.* (1) The NLRB may administratively undertake collection by centralized offset on each claim which is liquidated or certain in amount in accordance with the guidance and standards in 31 CFR Chapter IX Parts 900–904 and 5 U.S.C. 5514.

(2) This section does not apply to those debts described in 31 CFR Chapter IX § 901.3(a)(2).

(3) Unless otherwise provided for by contract or law, debts or payments that are not subject to administrative offset under 31 U.S.C. 3716 may be collected by administrative offset under the common law or other applicable statutory authority.

(4) Generally, administrative offset of payments under the authority of 31 U.S.C. 3716 may not be conducted more than 10 years after the Government's right to collect the claim or debt first accrued.

(b) *Mandatory Centralized Offset.* (1) The NLRB is required to refer past due legally enforceable, nontax debts that are over 180 days delinquent to the Department of the Treasury for collection by centralized administrative offset. A debt is legally enforceable if there has been a final determination by the NLRB that the debt, in the amount stated, is due and there are no legal bars to collection action. Debts under this section will be referred and collected pursuant to procedures in 31 CFR Chapter IX § 901.3(b).

(c) *NLRB administrative offset.* The NLRB, in order to refer a delinquent debt to the Department of the Treasury for administrative offset, adopts the administrative offset procedures as prescribed by 31 CFR Chapter IX § 901.3.

(d) *Non-centralized administrative offset.* Generally, non-centralized administrative offsets are ad hoc case-by-case offsets that the NLRB would conduct at its own discretion, internally or in cooperation with the agency certifying or authorizing payments to the debtor. Non-centralized administrative offset is used when centralized administrative offset is not available or appropriate to collect past due legally enforceable, nontax delinquent debts. In these cases, the NLRB may make a request directly to a payment-authorizing agency to offset a payment due a debtor to collect a delinquent debt. The NLRB adopts the procedures in 31 CFR Chapter IX § 901.3(c) so that it may request that the Department of the Treasury or any other payment authorizing agency to conduct a non-centralized administrative offset.

(e) *Requests to OPM to offset a debtor's anticipated or future benefit payments under the Civil Service Retirement and Disability Fund and the Federal Employees Retirement System.* Upon providing OPM written certification that a debtor has been afforded the procedures provided for in this section, the NLRB will request that OPM offset a debtor's anticipated or future benefit payments under the Civil Service Retirement and Disability Fund (Fund) in accordance with regulations codified at 5 CFR 831.1801–831.1808 and the Federal Employees Retirement System (System) in accordance with regulations codified at 5 CFR 845.401–845.408. Upon receipt of a request, OPM will identify and ''flag'' a debtor's account in anticipation of the time when the debtor requests or becomes eligible for payments from the Fund or System. This will satisfy any requirement that offset be initiated prior to the expiration of the time limitations referenced in 29 CFR 100.614(a)(4).

(f) *Review Requirements.* For purposes of this section, whenever the NLRB is required to afford a debtor a review within the Agency, the NLRB shall provide the debtor with a reasonable opportunity for a review of the record in accordance with 31 CFR Chapter IX § 901.3(e). The NLRB will provide the debtor with the reasonable opportunity for an oral hearing in accordance with 31 CFR 285.11(f), when the debtor requests reconsideration of the debt, and the NLRB determines that the question of the indebtedness cannot be resolved by review of the written record, for example, when the validity of the debt turns on an issue of credibility or veracity.

§ 100.615 Authorities other than offset.

(a) *Administrative Wage Garnishment.* The NLRB is authorized to collect debts from a debtor's wages by means of administrative wage garnishment in accordance with the requirements of 31 U.S.C. 3720D and 31 CFR 285.11. This section adopts and incorporates all of the provisions of 31 CFR 285.11 concerning administrative wage garnishment, including the hearing procedures described in 31 CFR 285.11(f). The NLRB may use administrative wage garnishment to collect a delinquent debt unless the debtor is making timely payments under an agreement to pay the debt in installments.

(b) This section does not apply to Federal salary offset, the process by which the NLRB collects debts from the salaries of Federal employees.

§ 100.616 Payment collection.

(a) The NLRB shall make every effort to collect a claim in full before it becomes delinquent, but will consider arranging for payment in regular installments consistent with 31 CFR Chapter IX § 901.8, if the debtor furnishes satisfactory evidence that he is unable to pay the debt in one lump sum. Except for a claim described in 5 U.S.C. 5514, all installment payment arrangements must be in writing and require the payment of interest, penalties, and other administrative costs. If possible, the installment payments should be sufficient in size and frequency to liquidate the debt in three years or less.

(b) If a debt is paid in one lump sum after it becomes delinquent, the NLRB shall impose charges for interest, penalties, and administrative costs as specified in 31 CFR Chapter IX § 901.9.

(c) Payment of a debt is made by check, electronic funds transfer, draft, or money order payable to the National Labor Relations Board. Payment should be made to the National Labor Relations Board, Finance Branch, 1099 14th Street NW., Washington, DC 20570, unless payment is—

(1) Made pursuant to arrangements with the Department of Justice;

(2) Ordered by a Court of the United States; or

(3) Otherwise directed in any other part of this chapter.

§ 100.617 Interest, penalties, and administrative costs.

(a) Pursuant to 31 U.S.C. 3717, the NLRB shall assess interest, penalties, and administrative costs on debts owed to the United States Government. Interest, penalties, and administrative costs will be assessed in accordance with the provisions contained in 31 CFR Chapter IX § 901.9.

(b) The NLRB shall waive collection of interest on a debt or any portion of the debt which is paid in full within 30 days after the date on which the interest began to accrue.

(c) The NLRB may waive interest during a period a disputed debt is under investigation or review by the NLRB. However, this additional waiver is not automatic and must be requested before the expiration of the initial 30-day waiver period. The NLRB may grant the additional waiver only if it finds merit in the explanation the debtor has submitted.

(d) The NLRB may waive collection of interest, penalties, and administrative costs if it finds that one or more of the following conditions exist:

(1) The debtor is unable to pay any significant sum toward the debt within a reasonable period of time;

(2) Collection of interest, penalties, and administrative costs will jeopardize collection of the principal of the debt;

(3) The NLRB is unable to enforce collection in full within a reasonable period of time by enforced collection proceedings; or

(4) Collection is not in the best interest of the United States, including when an administrative offset or installment agreement is in effect.

(e) The NLRB is authorized to impose interest and related charges on debts not subject to 31 U.S.C. 3717, in accordance with common law.

§ 100.618 Bankruptcy claims.

When the NLRB learns that a bankruptcy petition has been filed by a debtor, before proceeding with further collection action, the NLRB will immediately seek legal advice from the NLRB's Office of Special Counsel concerning the impact of the Bankruptcy Code on any pending or contemplated collection activities. After seeking legal advice from the NLRB's Office of Special Counsel, the NLRB will take any necessary action in accordance with the provisions of 31 CFR Chapter IX § 901.2(h).

§ 100.619 When a debt may be compromised.

The NLRB may compromise a debt not in excess of the monetary limitation in accordance with 31 CFR Chapter IX part 902 if it has not been referred to the Department of Justice for litigation.

§ 100.620 Finality of a compromise.

An offer of compromise must be in writing and signed by the debtor. An offer of compromise which is accepted by the NLRB is final and conclusive on the debtor and on all officials, agencies, and courts of the United States, unless obtained by fraud, misrepresentation, the presentation of a false claim, or mutual mistake of fact.

§ 100.621 When collection action may be terminated or suspended.

The NLRB may suspend or terminate collection action on a claim not in excess of the monetary limitation of $100,000 or such other amount as the Attorney General may direct, exclusive of interest, penalties, and administrative costs, after deducting the amount of partial payments or collections, if any, in accordance with the standards and reasons set forth in 31 CFR Chapter IX part 903.

§ 100.622 Termination of collection action.

Before terminating collection activity, the NLRB will have pursued all appropriate means of collection and determined, based upon results of the collection activity, that the debt is uncollectible. Termination of collection activity ceases active collection of the debt. The termination of collection activity does not preclude the NLRB from retaining a record of the account for the purposes stated in 31 CFR Chapter IX § 903.3(b) and (c).

§ 100.623 Exception to termination.

If a debt meets the exceptions described in 31 CFR Chapter IX § 903.4, the NLRB may refer it for litigation even though termination of collection activity may otherwise be appropriate.

§ 100.624 Discharge of indebtedness; reporting requirements.

(a) Before discharging a delinquent debt (also referred to as close-out of a debt), the NLRB shall take all appropriate steps to collect the debt in accordance with 31 U.S.C. 3711(g), including, as applicable, administrative offset, tax refund offset, Federal salary offset, referral to Treasury or Treasury-designated collection centers or private collection contractors, credit bureau reporting, wage garnishment, litigation, and foreclosure. Discharge of indebtedness is distinct from termination or suspension of collection activity and is governed by the Internal Revenue Code. When the NLRB determines that it will discharge a debt, it will do so in accordance with the provisions of 31 CFR Chapter IX § 903.5.

§ 100.625 Referral of a claim to the Department of Justice.

The NLRB shall promptly refer debts that are subject to aggressive collection activity and that cannot be compromised, or debts on which collection activity cannot be suspended or terminated, to the Department of Justice for litigation. Debts shall be referred as early as possible, consistent with the standards contained if 31 CFR Chapter IX parts 900–904 and, in any event, well within the period for initiating timely lawsuits against the debtors. The NLRB will make every effort to refer delinquent debts to the Department of Justice within one year of the date such debts became delinquent.

By Direction of the Board.
Dated in Washington, DC July 12, 2007.

Lester A. Heltzer,

Executive Secretary.

[FR Doc. E7–13802 Filed 7–20–07; 8:45 am]

BILLING CODE 7545–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–108C]

RIN 1218–AB95

Electrical Standard; Approval of Information Collection Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule; notice of Office of Management and Budget (OMB) approval of collection of information requirements.

SUMMARY: OSHA is announcing that the collection of information requirements contained in the Design Safety Standards for Electrical Systems of 29 CFR Part 1910.302 through 1910.308 and 1910.399, Subpart S, have been approved by OMB under the Paperwork Reduction Act of 1995. The OMB approval number is 1218–0256.

DATES: This final rule is effective August 13, 2007.

FOR FURTHER INFORMATION CONTACT: Todd Owen, OSHA, Directorate of Standards and Guidance, Room N–3609, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

OSHA published a final rule for the Design Safety Standards for Electrical Systems (Electrical Standard) on February 14, 2007, after determining that electrical hazards pose a significant risk of injury or death to employees in the workplace. In addition, this revision of these requirements is reasonably necessary to provide protection from these hazards. The final rule becomes effective on August 13, 2007. As required by the Paperwork Reduction Act of 1995, the **Federal Register** notice for the Electrical Standard final rule stated that compliance with the collection of information requirements was not required until those collection of information requirements have been approved by OMB, and the Department of Labor publishes a notice in the **Federal Register** announcing that OMB approved and assigned a control number to the Electrical Standard collection of information requirements. Under 5 CFR 1320.5(b), an agency may not conduct or sponsor a collection of information unless: (1) The collection of information displays a current valid OMB control number; and (2) the agency informs members of the public who must respond to the collection of

information that they are not required to respond to the collection of information unless the agency displays a currently valid OMB control number.

On February 14, 2007, OSHA submitted the Electrical Standard information collection request for the final rule to OMB for approval in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). On May 22, 2007, OMB approved the collections of information contained in the final rule and assigned these collections OMB Control Number 1218–0256 titled ''Design Safety Standards for Electrical Systems (29 CFR 1910.302–308 and 1910.399.)'' The approval for these collections expires on May 31, 2010. The approved collections of information are:

A. Disconnecting Means and Circuits (§ 1910.303(f))

Section 1910.303(f)(5)(i)

Where circuit breakers or fuses are applied in compliance with the series combination ratings marked on the equipment by the manufacturer, the equipment enclosures shall be legibly marked in the field to indicate that the equipment has been applied with a series combination rating.

Section 1910.303(f)(5)(ii)

The marking required by paragraph (f)(5)(i) of this section shall be readily visible and shall state ''Caution—Series Combination System Rated____Amperes. Identified Replacement Component Required.''

B. Branch Circuits (§ 1910.304(b))

Section 1910.304(b)(1)

Where more than one nominal voltage system exists in a building containing multiwire branch circuits, each ungrounded conductor of a multiwire branch circuit, where accessible, shall be identified by phase and system. The means of identification shall be permanently posted at each branch-circuit panelboard.

Section 1910.304(b)(3)(ii)(C)(1)

(C) Where the ground-fault circuit-interrupter protection required by paragraph (b)(3)(ii)(B) of this section is not available for receptacles other than 125-volt, single-phase, 15–, 20–, and 30-ampere, the employer shall establish and implement an assured equipment grounding conductor program covering cord sets, receptacles that are not a part of the building or structure, and equipment connected by cord and plug that are available for use or used by employees on those receptacles. This program shall comply with the following requirements:

(1) A written description of the [assured equipment grounding conductor (AEGC)] program, including the specific procedures adopted by the employer, shall be available at the jobsite for inspection and copying by the Assistant Secretary of Labor and any affected employee[.]

Section 1910.304(b)(3)(ii)(C)(6)

Tests performed as required in paragraph (b)(3)(ii)(C) of this section shall be recorded. This test record shall identify each receptacle, cord set, and cord- and plug-connected equipment that passed the test and shall indicate the last date it was tested or the interval for which it was tested. This record shall be kept by means of logs, color coding, or other effective means and shall be maintained until replaced by a more current record. The record shall be made available on the jobsite for inspection by the Assistant Secretary and any affected employee.[1]

C. Identification and Signs (§ 1910.306(c))

Section 1910.306(c)(6)(i)

Where there is more than one driving machine in a machine room, the disconnecting means shall be numbered to correspond to the identifying number of the driving machine that they control.

Section 1910.306(c)(6)(ii)

The disconnecting means shall be provided with a sign to identify the location of the supply-side overcurrent protective device.

D. Carnivals, Circuses, Fairs, and Similar Events (§ 1910.306(k))

Section 1910.306(k)(4)(iv)(B)

Single-pole separable connectors used in portable professional motion picture and television equipment may be interchangeable for ac or dc use or for different current ratings on the same premises only if they are listed for ac/dc use and marked to identify the system to which they are connected[.]

E. Documentation (§ 1910.307(b))

All areas designated as hazardous (classified) locations under the Class and Zone system and areas designated under the Class and Division system established after August 13, 2007 shall be properly documented. This documentation shall be available to those authorized to design, install, inspect, maintain, or operate electric equipment at the location.

F. Emergency Power Systems (§ 1910.308(b))

Section 1910.308(b)(3)(i)

A sign shall be placed at the service entrance equipment indicating the type and location of on-site emergency power sources. However, a sign is not required for individual unit equipment.

Section 1910.308(b)(3)(ii)

Where the grounded circuit conductor connected to the emergency source is connected to a grounding electrode conductor at a location remote from the emergency source, there shall be a sign at the grounding location that shall identify all emergency and normal sources connected at that location.

List of Subjects in 29 CFR Part 1910

Electric power, Fire prevention, Hazardous substances, Occupational safety and health, Safety.

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. 5–2007 (72 FR 31159).

Signed at Washington, DC on July 16, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

Amendments to Standards

■ For the reasons stated in the preamble to this final rule, the Occupational Safety and Health Administration amends 29 CFR Part 1910, subpart A to read as follows:

PART 1910—[AMENDED]

Subpart A—[AMENDED]

■ 1. Revise the authority citation for subpart A to read as follows:

[1] Paragraph (b)(3)(ii)(C)(4) of the section specifies the testing requirements as follows: ''The following tests shall be performed on all cord sets and receptacles which are not a part of the permanent wiring of the building or structure, and cord- and plug-connected equipment required to be grounded: (i) All equipment grounding conductors shall be tested for continuity and shall be electrically continuous; (ii) [e]ach receptacle and attachment cap or plug shall be tested for correct attachment of the equipment grounding conductor. The equipment grounding conductor shall be connected to its proper terminal; and (iii) [a]ll required tests shall be performed before first use; before equipment is returned to service following any repairs; before equipment is used after any incident which can be reasonably suspected to have caused damage (for example, when a cord set is run over); and at intervals not to exceed 3 months, except that cord sets and receptacles which are fixed and not exposed to damage shall be tested at intervals not exceeding 6 months[.]

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), and S–2007 (72 FR 31159), as applicable.

Sections 1910.7 and 1910.8 also issued under 29 CFR Part 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701, 29 U.S.C. 9a, 5 U.S.C. 553; Pub. L. 106–113 (113 Stat. 1501A–222); and OMB Circular A–25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

■ 2. Amend § 1910.8 by adding to the table contained therein the entry ''1910.302–.308'' in the proper numerical sequence as follows:

§ 1910.8 OMB Control numbers under the Paperwork Reduction Act.

* * * * *

29 CFR citation	OMB control No.
* * *	*
1910.302–.308	1218–0256
* * *	*

[FR Doc. E7–14113 Filed 7–20–07; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP San Francisco Bay 07–031]

RIN 1625–AA00

Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of San Francisco Bay for the loading, transport, and launching of fireworks used during a San Francisco Giants baseball game fireworks display to be held on July 27, 2007. This safety zone is established to ensure the safety of participants and spectators. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or his designated representative.

DATES: This rule is effective from 11 a.m. to 10:20 p.m. on July 27, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of the docket COTP San Francisco Bay 07–031 and are available for inspection or copying at Coast Guard Sector San Francisco, 1 Yerba Buena Island, San Francisco, California, 94130, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ensign Sheral Richardson, U.S. Coast Guard Sector San Francisco, at (415) 556–2950 extension 136.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Logistical details surrounding the event were not finalized and presented to the Coast Guard in time to draft and publish an NPRM. As such, the event would occur before the rulemaking process was complete. Because of the dangers posed by the pyrotechnics used in this fireworks display, a safety zone is necessary to provide for the safety of event participants, spectator craft, and other vessels transiting the event area. For the safety concerns noted, it is in the public interest to have this regulation in effect during the event.

For the same reasons listed in the previous paragraph, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay in the effective date of this rule would expose mariners to the dangers posed by the pyrotechnics used in this fireworks display.

Background and Purpose

Giants Enterprises is sponsoring a brief fireworks display on July 27, 2007, in the waters of San Francisco Bay near AT&T Park. The Coast Guard has granted the event sponsor a marine event permit for the fireworks display. The fireworks display is meant for entertainment purposes as a finale to a San Francisco Giants baseball game. This rule is being issued to establish a temporary regulated area in San Francisco Bay around the fireworks launch barge during loading of the pyrotechnics, during the transit of the barge to the display location, and during the fireworks display. The safety zone is necessary to protect spectators, vessels, and other property from the hazards associated with the pyrotechnics on the fireworks barge.

Discussion of Rule

The Coast Guard is establishing a temporary safety zone on specified waters of the San Francisco Bay. During the loading of the fireworks barge, while the barge is being towed to the display location, and until the start of the fireworks display, the safety zone will apply to the navigable waters around and under the fireworks barge within a radius of 100 feet. Fifteen minutes prior to and during the fifteen minute fireworks display, the area to which this safety zone applies to will increase in size to encompass the navigable waters around and under the fireworks barge within a radius of 1,000 feet. Loading of the pyrotechnics onto the fireworks barge is scheduled to commence at 11 a.m. on July 27, 2007, and will take place at Pier 50 in San Francisco. Towing of the barge from Pier 50 to the display location is scheduled to take place on July 27, 2007. During the fireworks display, scheduled to commence at approximately 10 p.m., the fireworks barge will be located approximately 500–1,000 feet off of Pier 48 in position 37°46′35″ N, 122°23′00″ W.

The effect of the temporary safety zone will be to restrict general navigation in the vicinity of the fireworks barge while the fireworks are loaded at Pier 50, during the transit of the fireworks barge, and until the conclusion of the scheduled display. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the safety zone. This safety zone is needed to keep spectators and vessels a safe distance away from the fireworks barge to ensure the safety of participants, spectators, and transiting vessels.

Regulatory Evaluation

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

Although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public broadcast notice to mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are pleasure craft engaged in recreational activities.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a

significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule is not expected to have a significant economic impact on a substantial number of entities, some of which may be small entities. This rule may affect owners and operators of pleasure craft engaged in recreational activities and sightseeing. This rule will not have a significant economic impact on a substantial number of small entities for several reasons: (i) Vessel traffic can pass safely around the area, (ii) vessels engaged in recreational activities and sightseeing have ample space outside of the effected portion of San Francisco Bay to engage in these activities, (iii) this rule will encompass only a small portion of the waterway for a limited period of time, and (iv) the maritime public will be advised in advance of this safety zone via public notice to mariners.

Assistance For Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If the rule will affect your small business, organization, or government jurisdiction and you have questions concerning its provisions, options for compliance, or assistance in understanding this rule, please contact Ensign Sheral Richardson, U.S. Coast Guard Sector San Francisco, at (415) 556–2950 extension 136.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T11–213 to read as follows:

§ 165.T11–213 Safety Zone; San Francisco Giants Fireworks Display, San Francisco Bay, CA.

(a) *Location.* This safety zone is established for the waters of San Francisco Bay surrounding a barge used as the launch platform for a fireworks display to be held at the conclusion of a San Francisco Giants baseball game.

(1) During the loading of the fireworks barge, during the transit of the fireworks barge to the display location, and until fifteen minutes prior to the start of the fireworks display, the safety zone will encompass the navigable waters around and under the fireworks barge within a radius of 100 feet. Loading of the pyrotechnics onto the fireworks barge is scheduled to commence at 11 a.m. on July 27, 2007, and will take place at Pier 50 in San Francisco. Towing of the barge from Pier 50 to the display location is scheduled to take place on July 27, 2007.

(2) Fifteen minutes preceding the fireworks display and during the fifteen minute fireworks display itself, the safety zone increases in size to encompass the navigable waters around and under the fireworks launch barge within a radius of 1,000 feet. During the fireworks display, scheduled to start at approximately 10 p.m. on July 27, 2007, the barge will be located approximately 500–1,000 feet off of San Francisco Pier 48 in position 37° 46′35″ N, 122° 23′00″ W.

(b) *Enforcement Period.* This section will be enforced from 11 a.m. to 10:20 p.m. on July 27, 2007. If the event concludes prior to the scheduled termination time, the Coast Guard will cease enforcement of this safety zone and will announce that fact via Broadcast Notice to Mariners.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this safety zone by all vessels and persons is prohibited, unless specifically authorized by the Captain of the Port, San Francisco, or his designated representative.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port, San Francisco, or the designated representative.

(3) Designated representative means any commissioned, warrant, and petty officer of the Coast Guard onboard a Coast Guard, Coast Guard Auxiliary, local, state, or federal law enforcement vessel who is authorized to act on behalf of the Captain of the Port, San Francisco.

(4) Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed. Person and vessels may request permission to enter the safety zone on VHF–16 or via telephone at (415) 399–3547.

(5) The U.S. Coast Guard may be assisted in the patrol and enforcement of this safety zone by local law enforcement as necessary.

Dated: June 29, 2007.

W.J. Uberti,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. E7–14123 Filed 7–20–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0612243154–7212–02; I.D. 032907A]

RIN 0648–AS22

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan; Amendment 14

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

ACTION: Final rule.

SUMMARY: NMFS is implementing Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) developed by the Mid-Atlantic Fishery Management Council (Council). The measures of Amendment 14 include a plan to rebuild the scup stock from an overfished condition to the level associated with maximum sustainable yield, as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This action will also allow the regulations concerning the Gear Restricted Areas (GRAs) to be modified through framework adjustments to the FMP. The intended effect of this change is to improve the timing of developing and implementing modifications to the GRAs.

DATES: Effective August 22, 2007. The Amendment 14 scup rebuilding plan will begin on January 1, 2008.

ADDRESSES: Copies of Amendment 14 and of the Environmental Assessment, Regulatory Impact Review, and Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) are available from Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901–6790. NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is contained in the Classification section of this final rule. The EA/RIR/IRFA is also accessible via the Internet at *http://www.nero.noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Michael P. Ruccio, Fishery Policy Analyst, (978) 281–9104.

SUPPLEMENTARY INFORMATION:

Background

The Council developed Amendment 14 in response to being notified by NMFS in 2005 that the scup (*Stenotomus chrysops*) stock had been designated as overfished. The Council developed and submitted Amendment 14 for review by the Secretary of Commerce (Secretary) on February 26, 2007. The amendment contains two actions: (1) A 7-year plan to rebuild the scup stock from an overfished condition to a biomass level associated with maximum sustained yield (B_{MSY}), as required by the Magnuson-Stevens Act; and (2) an administrative change to the regulations on framework adjustments.

A notice of availability was published in the **Federal Register** on April 11, 2007 (72 FR 18193), announcing that the Council had submitted Amendment 14 for Secretarial review, and that the document was available for public comment. The closing date for comments on the amendment was June 11, 2007. A proposed rule to implement Amendment 14 was published on April 24, 2007 (72 FR 20314). The public comment period for the proposed rule

ended on May 24, 2007. NMFS solicited input from the public regarding the approval, partial approval, or disapproval of the amendment through the notice of availability and requested comments on all the Amendment 14 proposed measures in the proposed rule. Additional detail on the background and development of the Amendment 14 measures are contained in the preamble of the proposed rule and are not repeated here.

This final rule implements the measures of the Council's preferred alternative scup rebuilding plan and the administrative change to the framework adjustment provision of the FMP, as presented in the proposed rule and outlined as follows.

Scup Rebuilding Plan

Amendment 14 implements a constant fishing mortality rate (F) of 0.10, to be applied each year during a 7-year rebuilding time period beginning January 1, 2008. Under this approach, the Northeast Fisheries Science Center (NEFSC) 3-year Spawning Stock Biomass (SSB) index value for the rebuilding period ending December 31, 2014, is projected to be 5.96 kg/tow, which is approximately 8 percent above the BMSY proxy rebuilding target (5.54 kg/tow).

Applying a constant F=0.10 for 7 years is projected to achieve the required stock rebuilding to comply with the Magunuson-Stevens Act; however, because scup is a relatively data poor stock, and uncertainty exists around estimates of fishing mortality, stock size, and discards, Amendment 14 contains additional criteria to be applied to the rebuilding program, as follows:

1. As improvements to the available data occur over the 7-year rebuilding period, the rebuilding trajectory may change. Therefore, to ensure stock rebuilding, a periodic review will be conducted by the Council's scientific advisors to re-evaluate the F necessary to rebuild the stock. If the Council's scientific advisors determine the stock cannot be rebuilt within the time remaining in the initial 7-year time frame under an F=0.10, then the Council will recommend measures to rebuild the stock as soon as possible after the 7 years, but not to exceed the 10-year time frame specified in the Magnuson-Stevens Act for rebuilding periods.

2. The scup biological reference points (stock status determination criteria) will be reviewed after the Fishery Survey Vessel (FSV) Henry B. Bigelow has completed 2 full years of service.

3. If a scup stock assessment that results in a change to the biological reference points is completed before the end of the 7-year rebuilding time period, the Council may reconsider the rebuilding targets.

GRA Modification Process

Amendment 14 implements an administrative change to add the GRAs to the list of management measures that can be changed through a framework adjustment to the FMP. As such, the Council will develop and analyze changes to the GRAs over the span of at least two Council meetings before making a recommendation to NMFS. This change is intended to allow for improved timing of developing and implementing proposed modifications to the GRAs. Amendment 14 proposes no specific changes to the existing GRAs.

Comment and Response

NMFS received one comment in response to the notice of availability on Amendment 14; no comments were received on the proposed rule.

Comment: The commenter stated that quotas should be cut by 50 percent this year and by 10 percent in each year thereafter. The commenter had no specific comments regarding whether Amendment 14 should be approved, partially approved, or disapproved by NMFS; in addition, the commenter did not speak to the specific measures contained in the proposed rule.

Response: Fixed percentage reductions in quota applied on an annual basis were not considered by the Council, nor were they analyzed in the Amendment 14 range of alternatives for rebuilding the scup stock. The Council made no recommendation to NMFS to apply such a strategy in rebuilding the scup stock. The constant fishing mortality rate to be applied for the 7-year rebuilding period is projected to rebuild the scup stock to the BMSY level required by the Magnuson-Stevens Act.

NMFS acknowledges that quota reductions may be a necessary component of rebuilding the scup stock as part of the constant fishing mortality strategy. However, reductions in quota will only result when the stock status is at such a level that applying the F=0.10 rate, as outlined in the rebuilding plan, results in a lower quota than the previous year.

Classification

The Administrator, Northeast Region, NMFS has determined that Amendment 14 to the FMP is necessary for the conservation and management of the scup fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

NMFS approved Amendment 14 to the FMP on July 03, 2007. A copy of the final Amendment 14 document is available from both the Council and NMFS (see **ADDRESSES**).

This final rule has been determined not to be significant for purposes of Executive Order 12866.

Included in this final rule is the FRFA prepared pursuant to 5 U.S.C. 604(a). The FRFA incorporates the economic impacts described in the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS's responses to those comments, and a summary of the analyses completed to support the action. A copy of the complete IRFA is available from the Council (see **ADDRESSES**).

Final Regulatory Flexibility Analysis

Statement of Objective and Need

A description of the reasons why this action is being taken, and the objectives of and legal basis for this final rule are explained in the preambles to the proposed rule and this final rule and are not repeated here.

Summary of Significant Issues Raised in Public Comments

The one comment received on the notice of availability did not specifically address the potential economic impact of the rule. No changes to the proposed rule were required to be made as a result of the public comment. For a summary of the comment received, and the response thereto, refer to the ''Comment and Response'' section of this preamble.

Description and Estimate of Number of Small Entities to Which This Rule Will Apply

The proposed action regarding scup rebuilding alternatives could affect any vessel issued a Federal permit for scup, as well as vessels that fish for scup in state waters. Incorporating changes to the GRAs as part of the framework adjustment process is purely administrative in nature and, therefore, is not expected to impact scup fishery participants in state or Federal waters.

The Small Business Administration (SBA) defines a small business in the commercial fishing and recreational fishing activity as a firm with receipts (gross revenues) of up to $4.0 and $6.5 million, respectively. The measures regarding scup rebuilding could affect any vessel holding an active Federal permit for scup, as well as vessels that fish for this species in state waters. Data

from the Northeast permit application database show that, in 2005, the most recent year for which there are complete data, 1,511 vessels were permitted to take part in the scup fisheries (both commercial and charter/party sectors). All vessels that would be impacted by this final rulemaking are considered to be small entities; therefore, there would be no disproportionate impacts between large and small entities. Since all permit holders do not actually land scup, the more immediate impact of the rule may be felt by the 428 vessels that are actively participating in this fishery (i.e., that landed 1 lb (0.45 kg) or more of scup in 2005).

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

No additional reporting, recordkeeping, or other compliance requirements are included in this final rule.

Description of the Steps Taken to Minimize Economic Impact on Small Entities

As previously mentioned, the modification to the framework adjustment language to include the GRAs is administrative in nature and is not expected to have any impact on small entities.

The ability of NMFS to minimize economic impacts in rebuilding the scup stock to the B_{MSY} level, as required by the Magnuson-Stevens Act, is constrained by the requirement that rebuilding (i.e., meeting or exceeding the B_{MSY} target) must occur as soon as possible, but no longer than a 10-year period. Among the alternatives proposed to achieve scup rebuilding, two methodologies were considered wherein quotas could be set at a constant level for the specified rebuilding period duration (i.e., constant harvest strategy) or a target F rate could be applied to derive quotas for the duration of the rebuilding period (i.e., constant fishing mortality or F strategy). In addition, the time frame for rebuilding may be set equal to or less than the required 10-year period. Each methodology and time frame for rebuilding carries with it different potential economic impacts to small entities.

The economic analysis for the scup rebuilding plans assessed the impacts of six of the eight proposed rebuilding plans. Two alternatives, 1E and 1F, were not analyzed for detailed economic impacts because the first (Alternative 1E) required a complete prohibition on the take of scup in all fisheries for a 4-year period and was deemed an unreasonable solution to the issue of rebuilding the stock, and the second (Alternative 1F) was not projected to rebuild the scup fishery within the required maximum 10-year period. Similarly, the no action alternative (status quo), Alternative 1A was not projected to ever achieve stock rebuilding and was removed from consideration, despite having the lowest economic impact of the constant F strategies proposed.

Alternatives 1D and 1H were the most restrictive constant F and constant harvest strategies, respectively, applying measures designed to achieve stock rebuilding within 5-year periods. These two alternatives were associated with the highest economic impacts to small entities. Given that the Magnuson-Stevens Act allows for rebuilding periods to occur over a 10-year period, these alternatives were considered unduly restrictive when compared to other alternatives that are also projected to achieve the required rebuilding within 10 or fewer years.

Alternative 1B, which proposed a constant F strategy for a 10-year period, was associated with the lowest economic impacts for the proposed constant F strategies that achieved the required rebuilding with a 10-year time frame. However, because scup is a relatively data poor stock, and uncertainty exists around estimates of fishing mortality, stock size, and discards, the Council expressed concerns about recommending a rebuilding strategy that utilized the full 10-year period for rebuilding with no formal evaluation of rebuilding progress planned during the period. As a result, if a formal assessment occurred during the rebuilding period that adjusted the biomass target or stock status determination criteria, more restrictive measures in the form of reduced F rates might need to be applied in the later years of the rebuilding period to ensure rebuilding occurs. This could result in severe economic impacts to small entities and, therefore, was not viewed as the ideal approach to stock rebuilding.

The remaining two strategies, Alternatives 1C and 1G, proposed rebuilding the stock within a 7-year period through a constant F and constant harvest strategy, respectively. Setting the rebuilding period at less than 10 years is recommended, given the uncertainties previously mentioned for the scup stock. Under a 7-year rebuilding period, the Council may assess the rebuilding progress and recommend changes to the rebuilding strategy to ensure that the stock is rebuilt within the mandated 10-year period. Applying this approach is expected to mitigate the need for more restrictive measures in the rebuilding period's final years which would be associated with greater economic impacts to small entities (e.g., significant reduction to the F rate in one year, such as year 9, as opposed to a lower F rate reduction over 3 years to ensure rebuilding occurs within 10 years). Between the two alternatives, the constant F strategy Alternative 1C is associated with slightly higher economic impacts in the initial years of the rebuilding strategy than Alternative 1G. However, as stock size increases through rebuilding and the constant F rate is applied, economic impacts associated with Alternative 1C are less than those associated with Alternative 1G, wherein the amount of harvest permitted remains fixed even as stock size increases.

This final rule implements Alternative 1C for a constant F=0.10 for a 7-year rebuilding period, with the additional conditions previously outlined in the preamble to this rule. This alternative is the midpoint for economic impacts for constant F strategies. While other alternatives also meet the rebuilding objective, Alternative 1C follows the recommendation of the Council. This alternative was selected because it is projected to achieve the required stock rebuilding within the mandated 10-year rebuilding period and also allows for some degree of flexibility within the specified rebuilding period, while still satisfying the requirements of the Magnuson-Stevens Act. The intent of the additional conditions contained in the rebuilding strategy are to ensure that certain parameters of the rebuilding program can be revisited in advance of the end of the rebuilding time frame. This may help mitigate the need of severely restrictive measures and associated economic impacts in the plan's final years, should scientific advice or stock status information change during the course of the 7-year rebuilding plan and/or the scup stock fail to respond to the rebuilding efforts as anticipated and fall behind the rebuilding schedule.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall

explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as the small entity compliance guide was prepared and will be sent to all holders of Federal party/charter permits issued for the scup fisheries. In addition, copies of this final rule and the small entity compliance guide are available from NMFS (see **ADDRESSES**) and at the following website: *http://www.nero.noaa.gov*.

This final rule does not duplicate, overlap, or conflict with any relevant Federal rules.

There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: July 17, 2007.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.127, paragraph (a)(1) is revised to read as follows:

§ 648.127 Framework adjustment to management measures.

(a) * * *

(1) *Adjustment process*. The Council shall develop and analyze appropriate management actions over the span of at least two Council meetings. The Council must provide the public with advance notice of the availability of the recommendation(s), appropriate justification(s) and economic and biological analyses, and the opportunity to comment on the proposed adjustment(s) at the first meeting and prior to and at the second Council meeting. The Council's recommendations on adjustments or additions to management measures must come from one or more of the following categories: Minimum fish size, maximum fish size, gear restrictions, gear restricted areas, gear requirements or prohibitions, permitting restrictions, recreational possession limit, recreational seasons, closed areas, commercial seasons, commercial trip limits, commercial quota system including commercial quota allocation procedure and possible quota set asides to mitigate bycatch, recreational harvest limit, annual specification quota setting process, FMP Monitoring Committee composition and process, description and identification of essential fish habitat (and fishing gear management measures that impact EFH), description and identification of habitat areas of particular concern, overfishing definition and related thresholds and targets, regional gear restrictions, regional season restrictions (including option to split seasons), restrictions on vessel size (LOA and GRT) or shaft horsepower, operator permits, any other commercial or recreational management measures, any other management measures currently included in the FMP, and set aside quota for scientific research.

* * * * *

[FR Doc. E7–14164 Filed 7–20–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213033–7033–01]

RIN 0648–XB58

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2007 Pacific ocean perch total allowable catch (TAC) in the Western Aleutian District of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 18, 2007, through 2400 hrs, A.l.t., December 31, 2007.

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

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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 ocean perch TAC in the Western Aleutian District of the BSAI is 7,141 metric tons (mt) as established by the 2007 and 2008 final harvest specifications for groundfish in the BSAI (72 FR 9451, March 2, 2007).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS, has determined that the 2007 Pacific ocean perch TAC in the Western Aleutian District of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 5,541 mt, and is setting aside the remaining 1,600 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the Western Aleutian District of the BSAI.

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 Pacific ocean perch in the Western Aleutian District of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of July 17, 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 § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: July 18, 2007.

Alan D. Risenhoover,

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

[FR Doc. 07–3565 Filed 7–18–07; 2:01 pm]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070213032–7032–01]

RIN 0648–XB59

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska

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

ACTION: Temporary rule; prohibition of retention.

SUMMARY: NMFS is prohibiting retention of Pacific ocean perch in the West Yakutat District of the Gulf of Alaska (GOA). NMFS is requiring that Pacific ocean perch in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the 2007 total allowable catch (TAC) of Pacific ocean perch in this area has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 18, 2007, until 2400 hrs, A.l.t., December 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 the Groundfish Fishery 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 CFR part 679.

The 2007 TAC of Pacific ocean perch in the West Yakutat District of the GOA is 1,140 metric tons as established by the 2007 and 2008 harvest specifications for groundfish of the GOA (72 FR 9676, March 5, 2007).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the 2007 TAC of Pacific ocean perch in the West Yakutat District of the GOA has been reached. Therefore, NMFS is requiring that Pacific ocean perch in the West Yakutat District of the GOA be treated as prohibited species in accordance with § 679.21(b).

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 prohibition of retention of Pacific ocean perch in the West Yakutat District of 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 July 17, 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 § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: July 18, 2007.

Emily Menashes,

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

[FR Doc. 07–3566 Filed 7–18–07; 2:01 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 140
Monday, July 23, 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

9 CFR Part 130

[Docket No. APHIS–2006–0161]

RIN 0579–AC52

Veterinary Diagnostic Services User Fees

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to increase the user fees for the veterinary diagnostic services to reflect changes in our operating costs and expenses. We are also proposing to set rates for multiple fiscal years. These proposed actions are necessary to ensure that we recover the actual costs of providing these services. We are also proposing to provide for a reasonable balance, or reserve, in the veterinary diagnostics user fee account. The Food, Agriculture, and Conservation Act of 1990, as amended, authorizes us to set and collect these user fees.

DATES: We will consider all comments that we receive on or before September 21, 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–2006–0161 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–2006–0161, 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–2006–0161.

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: For information concerning Veterinary Services (VS) Management Support, contact Ms. Inez Hockaday, Director, Management Support Staff, VS, APHIS, 4700 River Road Unit 44, Riverdale, MD 20737–1231; (301) 734–7517.

For information concerning VS Program Operations at the National Veterinary Services Laboratory, contact Dr. Elizabeth Lautner, Director, National Veterinary Services Laboratories, 1800 Dayton Road, P.O. Box 844, Ames, IA 50010; (515) 633–7357.

For information concerning user fee rate development, contact Mrs. Kris Caraher, User Fees Section Head, Financial Management Division, MRPBS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–5901.

SUPPLEMENTARY INFORMATION:

Background

User fees to reimburse the Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import and export related services for live animals and birds and animal products are contained in 9 CFR part 130 (referred to below as the regulations). These user fees are authorized by section 2509(c) of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (21 U.S.C. 136a), which provides that the Secretary of Agriculture may, among other things, prescribe regulations and collect fees to recover the costs of veterinary diagnostics relating to the control and eradication of communicable diseases of livestock or poultry within the United States.

Veterinary diagnostics is the work performed in a laboratory to determine if a disease-causing organism or chemical agent is present in body tissues or cells and, if so, to identify those organisms or agents. Services in this category include: (1) Performing laboratory tests and providing diagnostic reagents and other veterinary diagnostic materials and services at the National Veterinary Services Laboratories (NVSL) Foreign Animal Disease Diagnostic Laboratory (NVSL FADDL) in Greenport, NY; and (2) performing identification, serology, and pathobiology tests and providing diagnostic reagents and other veterinary diagnostic materials and services at NVSL in Ames, IA.

APHIS veterinary diagnostic user fees fall into six categories:

(1) Laboratory tests, reagents, and other veterinary diagnostic services performed at NVSL FADDL;

(2) Laboratory tests performed as part of isolation and identification testing at NVSL in Ames;

(3) Laboratory tests performed as part of serology testing at NVSL in Ames;

(4) Laboratory tests performed at the pathobiology laboratory at NVSL in Ames;

(5) Diagnostic reagents produced at NVSL in Ames or other authorized sites; and

(6) Other veterinary diagnostic services or materials provided at NVSL in Ames.

Need for Regulation

User fees recover the cost of operating a public system by charging those members of the public who use the system, rather than the public as a whole, for its operation. Financing veterinary diagnostic services and products by charging for the right to use the incremental service internalizes those costs to those who require the service and benefit from it.

Veterinary diagnostic services and products enhance livestock production, trade, and research. The socially optimal prices for such commodities, of which veterinary diagnostics are inputs, are those price levels that induce the output level where the marginal benefit (what people are willing to pay for the

good) is exactly equal to the marginal social cost (all costs associated with the production of the final output, including veterinary diagnostics). As it stands now, veterinary diagnostic services and products are provided at levels below their full cost to APHIS. These costs are, therefore, only partly incorporated into producers' costs of production. Our proposed revisions of the fee-for-service charges to recover the costs incurred by APHIS would move the private costs of individuals closer to the true cost of producing their outputs. The proposed annual increases, which would span fiscal years 2008 to 2012, would help ensure that the fees accurately reflect the cost of providing the services.

Development of Fee Structure

User fee components. The user fees proposed in this document are based on employee salaries and benefits in each of the fiscal years 2008 through 2012, estimates of the average number of direct labor hours required to provide each service, and average salaries for the laboratory where the work is performed. The proposed user fees have been calculated to recover the full costs for tests, diagnostic reagents, and other veterinary diagnostic services. These costs include direct labor, administrative support, premium costs (if any), agency overhead costs, and departmental charges. We describe these components below, using the calculation for the proposed virus isolation test user fee for fiscal year 2008 throughout as an example.

We are proposing to charge a specific dollar amount for each service we provide (i.e., for each test we perform or each diagnostic reagent or other veterinary diagnostic service we provide). We have attempted to minimize the costs of our services, thereby keeping APHIS user fees at the lowest possible level. If, in the future, a user requests a test, diagnostic reagent, or other veterinary diagnostic material or service that is not specifically listed in our regulations, we would charge the proposed hourly user fee in § 130.19 for the amount of time required to perform the service, calculated to the nearest quarter of an hour.

Each user fee varies based on the direct labor hours required to perform the test or provide the diagnostic reagent or other veterinary diagnostic material or service. For example, the time spent by laboratory personnel to prepare a sample, conduct the test, and read the test would be part of the direct labor hours for testing a tissue sample for disease-causing organisms. In cases where a test is performed for more than one disease, it may take different amounts of time for each disease. Those times have been averaged to calculate the user fee. We have carefully calculated all of our proposed user fees to correctly reflect the direct labor hours required for each test, reagent, or service. We took into account variations in the time needed to provide a service by determining the average time necessary. The calculations for these proposed user fees are consistent with the calculations used for the other user fees throughout the regulations.

Direct labor costs. Direct labor costs are the average salary and benefit costs of the laboratory employees performing the service multiplied by the average direct labor hours required. Average laboratory costs were used to calculate direct labor costs because we have determined that it is more accurate to use the average salary for the laboratory employees to calculate the user fee. For example, the estimated average laboratory salary at the Diagnostic Virology Laboratory, NVSL for fiscal year 2008 is $32.24 per hour. On average, it takes 0.295 hours per virus isolation test, leading to direct labor costs of $9.51.

Administrative support costs. Administrative support costs are incurred at the laboratories. They include clerical and administrative activities; direct materials; indirect labor hours; rent; billing and collection costs; travel and transportation for personnel, supplies, equipment, and other necessary items; training; legal counsel; capital equipment costs; general supplies for offices, washrooms, and cleaning; contractual services; grounds maintenance; and utilities. Direct materials include the cost of any materials needed to conduct the test or to provide the diagnostic reagent, slide set, tissue set, or service. For example, direct materials for conducting a laboratory test include, but are not limited to, glassware, chemicals, and other supplies necessary to perform the test. Indirect labor hours include supervision of personnel and time spent doing necessary work, such as repairing equipment, that is not directly connected with a specific test, diagnostic reagent, or other veterinary diagnostic material or service. Contractual services may include, but are not limited to, guard service, trash pickup, and maintenance. Utilities include water, telephone, electricity, natural and propane gas, and heating and diesel oil.

The costs of administrative support are applied as a percentage of the base direct labor amount; at NVSL in Ames, administrative support is 296 percent of direct labor. For example, the support costs for the virus isolation test are calculated at 296 percent of its direct labor costs of $9.51 to be $28.15. The total direct labor and administrative support costs for one virus isolation test are $37.66.

Premium costs. Premium costs are expenses that are incurred solely for a specific test or service. For example, certain tests require expensive reagents in addition to the direct labor time and laboratory materials included in administrative support costs. Premium costs required for the proposed flat rate user fees have already been included in the calculations. For example, each sterilization by gamma radiation at NVSL FADDL requires special radioactive materials, irradiation costs, and travel costs for an APHIS employee to hand-carry the material. Based on the high amount of costs involved, these premium costs are added to the specific fee involved rather than included as an administrative support cost that is spread to all fees for tests, reagents, and other services. The virus isolation test, used as our example thus far, does not have any premium costs.

Agency overhead. Agency overhead is the pro rata share, attributable to a particular diagnostic reagent, material, or veterinary diagnostic service, of the management and support costs for all Agency activities at the regional level and above. Included are the costs of providing budget and accounting services, management support at the headquarters and regional levels, including the Administrator's office, and personnel services, public information services, and liaison with Congress. Agency overhead is calculated at 16.15 percent of total direct labor and support costs. For example, the Agency overhead for one virus isolation test is $6.08, which is the product of virus isolation direct labor and administrative support costs of $37.66 multiplied by 16.15 percent.

Departmental charges. Departmental charges are APHIS' share, expressed as a percentage of the total cost, of services provided centrally by the U.S. Department of Agriculture. Services the Department provides centrally include the Federal telephone service; mail; National Finance Center processing of payroll, billing, collections, and other money management; unemployment compensation; Office of Workers Compensation Programs; and central supply for storing and issuing commonly used supplies and departmental forms. The Department notifies APHIS how much the Agency owes for these services.

We have included a pro rata share of these departmental charges, as attributed to a particular test, diagnostic reagent, or other veterinary diagnostic material or service, in our user fee calculations at the rate of 4.2 percent. For example, departmental charges to perform one virus isolation test are $1.84. This amount equals 4.2 percent of total direct labor costs, administrative support costs, and Agency overhead costs of $43.74 described above. The subtotal of the virus isolation test's direct labor, administrative support, Agency overhead, and departmental charges costs equals $45.58.

Reserve. We are proposing to add an amount that would provide for a reasonable balance, or reserve, in the veterinary diagnostics user fee account. All user fees would contribute to the reserve proportionately. The reserve would ensure that we have sufficient operating funds in cases of fluctuations in activity volumes, bad debt, program shutdown, or customer insolvency. We intend to monitor the reserve balance closely and propose adjustments in our fees as necessary to ensure a reasonable balance. For example, the reserve amount included in the calculation for one virus isolation test is $2.28 per test. The total costs in this example thus far equal $47.86.

Calculation of proposed user fees. The basic steps in the calculation for each particular service are: (1) Calculate direct labor costs by determining the average amount of direct labor required to perform the service and multiply the average direct labor hours by the average salary and benefit costs for laboratory employees; (2) calculate the pro rata share of administrative support; (3) determine the premium costs (if any); (4) calculate the pro rata share of Agency overhead and departmental charges, respectively; (5) add all costs; and (6) round up to the next $0.25 for all fees less than $10 or round up or down to the nearest dollar for all fees greater than $10. For example, the total virus isolation costs per test for fiscal year 2008 of $47.86 is rounded up to $48 per test. The result of these calculations is a user fee that covers the total cost to perform a particular test or provide a particular veterinary diagnostic material or service one time. As is the case with all APHIS user fees, we intend to review, at least annually, the user fees proposed in this document. We will publish any necessary adjustments in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This proposed 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.

Below is a summary of the economic analysis for the changes in APHIS user fees proposed in this document. A copy of the full economic analysis, which includes comparisons of the change in each user fee, 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**.

APHIS is proposing to update the user fees covering the costs of providing veterinary diagnostics services to take into account the routine increases in the cost of doing business. The costs to operate the VS Veterinary Diagnostics Program at NVSL increase slightly from year to year due to increases in employee costs (cost of living increases, etc.) and other operational costs. These fees are necessary to provide for full-cost recovery of Agency activities.

Calculating the potential impacts of these proposed changes to the veterinary diagnostics user fees is hindered by the difficulty in determining the elasticities of demand for the covered services. Therefore, Government savings are assumed equivalent to the total user fee collections for each category associated with the proposed rule.

Veterinary diagnostic services and products are provided to animal importers and exporters, veterinarians, State and Federal agencies and laboratories, commercial laboratories, educational institutions, and foreign governments.

There is reason to believe that the impact on most users of the changes in this proposal would be small. About 76 percent of the fees change in total by $10 or less. The majority should also make only small contributions to the total additional collections and therefore have a minor impact on the users of those materials and services. This is either because the proposed change is small or the projected volume associated with the user fee is small, or both. In addition, user fees are not charged when tests are provided in the context of disease control or eradication programs. Also, in addition to the role they play in protecting American agriculture, veterinary diagnostic services and products facilitate international trade and thereby enhance the business interests of many of those requesting these services.

Nearly 80 percent of the total projected change in collections would come from changes in only 13 of the 146 fees. Only these 13 proposed fee changes are projected to generate $10,000 or more in additional annual collections by the end of the period covered in this proposal. Several factors suggest, however, that these fees should also not have a significant impact on users. These fees include small fees applied to a large annual volume of users, large fees but very small volume of users, fees that represent a small percentage of the overall costs associated with a user's output, single fees for reagents with numerous final users, and fees that enhance the marketability of the user's final output.

To the extent that the proposed changes in user fees would impact operational costs, any entity that utilizes APHIS veterinary diagnostic services and materials could be impacted by the proposed changes. The degree to which an entity could be affected depends on its market power, that is, the extent to which costs are either absorbed or can be passed on to its buyers. Without information on either profit margins or operational expenses of the affected entities, or the effects of changes in operating costs on the affected industry, the scale of the impacts cannot be precisely predicted. However, some conclusions on the overall impacts to domestic and international commerce can be drawn.

If the user fees cannot be passed on, the profit margins of some entities may decline as user fees for veterinary diagnostic services and materials are increased. However, the impacts are expected to be muted. The majority of the changes to the user fees are either small, associated with few users, or both. Over the period covered by the proposal, more than 51 percent of the individual increases are $5 or less, more than 76 percent increase by less than $10, and more than 83 percent are associated with fewer than 500 users. The majority should also make only small contributions to the total additional collections and therefore have a minor impact on the users of those services. This is either because the proposed change is small or the projected volume associated with the user fee is small, or both. Even in those instances in which the change in a user fee generates a larger total increase in collections, the impact should not be significant. This is because they are small fees applied to a large annual volume of users, large fees but applied

to a very small volume of users, fees that represent a small percentage of the overall costs associated with a user's output, single fees for reagents with numerous final users, or fees that enhance the marketability of the user's final outputs. Therefore, the increases are not generally expected to substantially reduce profits or impede trade. Indeed, the full burden of the user fee changes is not likely to be borne entirely by the purchasers of veterinary diagnostic services and materials.

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 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.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we propose to amend 9 CFR part 130 as follows:

PART 130—USER FEES

1. The authority citation for part 130 continues to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.4.

2. In § 130.15, paragraphs (a) and (b), the tables are revised to read as follows:

§ 130.15 User fees for veterinary diagnostic isolation and identification tests performed at NVSL (excluding FADDL) or other authorized site.

(a) * * *

Test	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Bacterial identification, automated	Isolate	$53.00	$54.00	$55.00	$57.00	$58.00
Bacterial identification, non-automated	Isolate	90.00	92.00	94.00	96.00	98.00
Bacterial isolation	Sample	36.00	37.00	38.00	39.00	40.00
Bacterial serotyping, all other	Isolate	55.00	56.00	56.00	57.00	58.00
Bacterial serotyping, Pasteurella multocida	Isolate	18.00	19.00	19.00	19.00	20.00
Bacterial serotyping, Salmonella	Isolate	36.00	37.00	38.00	39.00	40.00
Bacterial toxin typing	Isolate	120.00	123.00	126.00	128.00	131.00
Bacteriology requiring special characterization	Test	92.00	94.00	96.00	98.00	101.00
DNA fingerprinting	Test	59.00	61.00	62.00	63.00	64.00
DNA probe	Test	83.00	85.00	86.00	88.00	89.00
Fluorescent antibody	Test	19.00	19.00	20.00	20.00	20.00
Mycobacterium identification (biochemical)	Isolate	115.00	117.00	120.00	122.00	125.00
Mycobacterium identification (gas chromatography).	Procedure	96.00	99.00	101.00	103.00	105.00
Mycobacterium isolation, animal inoculations	Submission	844.00	852.00	868.00	884.00	900.00
Mycobacterium isolation, all other	Submission	151.00	154.00	158.00	161.00	165.00
Mycobacterium paratuberculosis isolation	Submission	72.00	74.00	75.00	77.00	79.00
Phage typing, all other	Isolate	42.00	43.00	44.00	45.00	46.00
Phage typing, Salmonella enteritidis	Isolate	24.00	24.00	25.00	25.00	26.00

(b) * * *

Test	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Fluorescent antibody tissue section	Test	$29.00	$30.00	$30.00	$31.00	$31.00
Virus isolation	Test	48.00	49.00	50.00	51.00	52.00

* * * * *

3. In § 130.16, paragraphs (a) and (b), the tables are revised to read as follows:

§ 130.16 User fees for veterinary diagnostic serology tests performed at NVSL (excluding FADDL) or at authorized sites.

(a) * * *

Test	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Brucella ring (BRT)	Test	$36.00	$37.00	$38.00	$39.00	$40.00
Brucella ring, heat inactivated (HIRT).	Test	36.00	37.00	38.00	39.00	40.00
Brucella ring, serial (Serial BRT).	Test	54.00	56.00	57.00	58.00	59.00
Buffered acidified plate antigen presumptive.	Test	7.00	7.25	7.50	7.50	8.00
Card	Test	4.00	4.00	4.25	4.25	4.50
Complement fixation	Test	16.00	17.00	17.00	17.00	18.00
Enzyme-linked immunosorbent assay.	Test	16.00	17.00	17.00	17.00	18.00
Indirect fluorescent antibody.	Test	14.00	15.00	15.00	15.00	16.00
Microscopic agglutination—includes up to 5 serovars.	Sample	24.00	24.00	25.00	25.00	26.00
Microscopic agglutination—each serovar in excess of 5 serovars.	Sample	4.25	4.50	4.50	4.50	4.75
Particle concentration fluorescent immunoassay (PCFIA).	Test	36.00	37.00	38.00	38.00	39.00
Plate	Test	7.00	7.25	7.50	7.50	7.75
Rapid automated presumptive.	Test	7.00	7.00	7.25	7.25	7.25
Rivanol	Test	7.00	7.25	7.50	7.50	7.75
Tube agglutination	Test	7.00	7.25	7.50	7.50	7.75

(b) * * *

Test	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Agar gel immunodiffusion	Test	$16.00	$17.00	$17.00	$17.00	$18.00
Complement fixation	Test	16.00	17.00	17.00	18.00	18.00
Enzyme-linked immunosorbent assay.	Test	16.00	17.00	17.00	18.00	18.00
Hemagglutination inhibition	Test	14.00	15.00	15.00	15.00	16.00
Indirect fluorescent antibody.	Test	14.00	15.00	15.00	15.00	16.00
Latex agglutination	Test	16.00	17.00	17.00	17.00	18.00
Peroxidase-linked antibody	Test	15.00	16.00	16.00	16.00	17.00
Plaque reduction neutralization.	Test	18.00	18.00	19.00	19.00	19.00
Rabies fluorescent antibody neutralization.	Test	45.00	46.00	47.00	49.00	50.00
Virus neutralization	Test	13.00	13.00	14.00	14.00	14.00

* * * * *

4. In § 130.17, paragraph (a), the table is revised to read as follows:

§ 130.17 User fees for other veterinary diagnostic laboratory tests performed at NVSL (excluding FADDL) or at authorized sites.

(a) * * *

Test	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Aflatoxin quantitation	Test	$30.00	$31.00	$32.00	$32.00	$33.00
Aflatoxin screen	Test	29.00	29.00	30.00	30.00	31.00
Agar gel immunodiffusion spp. identification.	Test	13.00	13.00	13.00	14.00	14.00
Antibiotic (bioautography) quantitation.	Test	66.00	67.00	68.00	70.00	72.00

Test	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Antibiotic (bioautography) screen.	Test	119.00	122.00	125.00	128.00	130.00
Antibiotic inhibition	Test	66.00	67.00	68.00	70.00	72.00
Arsenic	Test	17.00	18.00	18.00	19.00	19.00
Ergot alkaloid screen	Test	66.00	67.00	68.00	70.00	72.00
Ergot alkaloid confirmation	Test	86.00	88.00	89.00	91.00	94.00
Feed microscopy	Test	66.00	67.00	68.00	70.00	72.00
Fumonisin only	Test	37.00	38.00	39.00	40.00	40.00
Gossypol	Test	98.00	100.00	103.00	105.00	107.00
Mercury	Test	145.00	148.00	151.00	155.00	158.00
Metals screen	Test	44.00	45.00	46.00	47.00	48.00
Metals single element confirmation.	Test	13.00	13.00	13.00	14.00	14.00
Mycotoxin: aflatoxin-liver	Test	119.00	122.00	125.00	128.00	130.00
Mycotoxin screen	Test	48.00	49.00	50.00	51.00	52.00
Nitrate/nitrite	Test	66.00	67.00	68.00	70.00	72.00
Organic compound confirmation.	Test	88.00	90.00	92.00	94.00	96.00
Organic compound screen	Test	151.00	155.00	158.00	161.00	165.00
Parasitology	Test	29.00	29.00	30.00	30.00	31.00
Pesticide quantitation	Test	132.00	135.00	138.00	141.00	144.00
Pesticide screen	Test	60.00	62.00	63.00	64.00	66.00
pH	Test	26.00	27.00	28.00	28.00	29.00
Plate cylinder	Test	98.00	100.00	103.00	105.00	107.00
Selenium	Test	44.00	45.00	46.00	47.00	48.00
Silicate/carbonate disinfectant.	Test	66.00	67.00	68.00	70.00	72.00
Temperature disks	Test	130.00	133.00	136.00	139.00	142.00
Toxicant quantitation, other	Test	110.00	112.00	115.00	117.00	120.00
Toxicant screen, other	Test	33.00	33.00	34.00	35.00	36.00
Vomitoxin only	Test	53.00	54.00	55.00	56.00	58.00
Water activity	Test	33.00	33.00	34.00	35.00	36.00
Zearaleone quantitation	Test	53.00	54.00	55.00	56.00	58.00
Zearaleone screen	Test	29.00	29.00	30.00	30.00	31.00

* * * * *

5. In § 130.18, paragraphs (a) and (b), the tables are revised to read as follows:

§ 130.18 User fees for veterinary diagnostic reagents produced at NVSL or other authorized site (excluding FADDL).

(a) * * *

Reagent	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Anaplasma card test antigen.	2 mL	$95.00	$97.00	$99.00	$101.00	$103.00
Anaplasma card test kit without antigen.	Kit	127.00	130.00	133.00	136.00	139.00
Anaplasma CF antigen	2 mL	46.00	46.00	46.00	47.00	47.00
Anaplasma stabilate	4.5 mL	175.00	178.00	181.00	185.00	188.00
Avian origin bacterial antiserums.	1 mL	48.00	49.00	50.00	51.00	52.00
Bacterial agglutinating antigens other than brucella and salmonella pullorum.	5 mL	54.00	55.00	57.00	58.00	59.00
Bacterial conjugates	1 mL	96.00	99.00	101.00	103.00	105.00
Bacterial disease CF antigens, all other.	1 mL	29.00	30.00	30.00	31.00	32.00
Bacterial ELISA antigens	1 mL	29.00	30.00	31.00	31.00	32.00
Bacterial or protozoal antiserums, all other.	1 mL	60.00	61.00	63.00	64.00	66.00
Bacterial reagent culture [1]	Culture	73.00	74.00	76.00	78.00	79.00
Bacterial reference culture [2].	Culture	228.00	233.00	239.00	244.00	249.00
Bacteriophage reference culture.	Culture	172.00	176.00	180.00	183.00	188.00
Bovine serum factor	1 mL	18.00	18.00	19.00	19.00	19.00

Reagent	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Brucella abortus CF antigen.	60 mL	151.00	154.00	158.00	161.00	165.00
Brucella agglutination antigens, all other.	60 mL	151.00	154.00	158.00	161.00	165.00
Brucella buffered plate antigen.	60 mL	172.00	176.00	180.00	183.00	188.00
Brucella canis tube antigen	25 mL	114.00	116.00	119.00	121.00	124.00
Brucella card test antigen (packaged).	Package	90.00	92.00	94.00	96.00	98.00
Brucella card test kit without antigen.	Kit	113.00	114.00	116.00	117.00	119.00
Brucella cells	Gram	19.00	19.00	19.00	20.00	20.00
Brucella cells, dried	Pellet	6.00	6.00	6.25	6.25	6.25
Brucella ring test antigen	60 mL	241.00	246.00	252.00	257.00	263.00
Brucella rivanol solution	60 mL	29.00	30.00	31.00	31.00	32.00
Dourine CF antigen	1 mL	89.00	91.00	93.00	95.00	97.00
Dourine stabilate	4.5 mL	109.00	111.00	112.00	114.00	116.00
Equine and bovine origin babesia species antiserums.	1 mL	127.00	130.00	133.00	136.00	139.00
Equine negative control CF antigen.	1 mL	282.00	283.00	286.00	290.00	293.00
Flazo-orange	3 mL	13.00	13.00	13.00	13.00	14.00
Glanders CF antigen	1 mL	77.00	79.00	81.00	82.00	84.00
Hemoparasitic disease CF antigens, all other.	1 mL	541.00	553.00	565.00	577.00	590.00
Leptospira transport medium.	10 mL	4.25	4.50	4.50	4.50	4.75
Monoclonal antibody	1 mL	95.00	97.00	99.00	101.00	103.00
Mycobacterium spp. old tuberculin.	1 mL	24.00	24.00	25.00	25.00	26.00
Mycobacterium spp. PPD	1 mL	18.00	19.00	19.00	19.00	20.00
Mycoplasma hemagglutination antigens.	5 mL	180.00	184.00	188.00	192.00	197.00
Negative control serums	1 mL	18.00	19.00	19.00	19.00	20.00
Rabbit origin bacterial antiserum.	1 mL	52.00	53.00	54.00	55.00	56.00
Salmonella pullorum microagglutination antigen.	5 mL	15.00	16.00	16.00	16.00	17.00
Stabilates, all other	4.5 mL	684.00	690.00	703.00	716.00	730.00

[1] A reagent culture is a bacterial culture that has been subcultured one or more times after being tested for purity and identity. It is intended for use as a reagent with a diagnostic test such as the leptospiral agglutination test.

[2] A reference culture is a bacterial culture that has been thoroughly tested for purity and identity. It should be suitable as a master seed for future cultures.

(b) * * *

Reagent	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Antigen, except avian influenza and chlamydia psittaci antigens, any.	2 mL	$61.00	$62.00	$64.00	$65.00	$67.00
Avian antiserum except avian influenza antiserum, any.	2 mL	48.00	49.00	51.00	52.00	53.00
Avian influenza antigen, any.	2 mL	33.00	34.00	35.00	36.00	36.00
Avian influenza antiserum, any.	6 mL	103.00	105.00	108.00	110.00	113.00
Bovine or ovine serum, any.	2 mL	127.00	130.00	133.00	136.00	139.00
Cell culture	Flask	151.00	154.00	158.00	161.00	165.00

Reagent	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct. 1, 2011
Chlamydia psittaci spp. of origin monoclonal antibody panel.	Panel	95.00	96.00	98.00	99.00	101.00
Conjugate, any	1 mL	73.00	75.00	76.00	78.00	80.00
Diluted positive control serum, any.	2 mL	24.00	25.00	25.00	26.00	27.00
Equine antiserum, any	2 mL	45.00	46.00	47.00	48.00	49.00
Monoclonal antibody	1 mL	102.00	104.00	106.00	108.00	110.00
Other spp. antiserum, any	1 mL	52.00	52.00	52.00	53.00	53.00
Porcine antiserum, any	2 mL	105.00	108.00	110.00	113.00	115.00
Porcine tissue sets	Tissue set	157.00	157.00	158.00	159.00	161.00
Positive control tissues, all	2 cm^2 section	60.00	62.00	63.00	65.00	66.00
Rabbit origin antiserum	1 mL	52.00	53.00	54.00	55.00	56.00
Reference virus, any	0.6 mL	180.00	184.00	188.00	193.00	197.00
Viruses (except reference viruses), chlamydia psittaci agent or chlamydia psittaci antigen, any.	0.6 mL	30.00	31.00	32.00	32.00	33.00

* * * * *

6. In § 130.19, paragraph (a), the table is revised to read as follows:

§ 130.19 User fees for other veterinary diagnostic services or materials provided at NVSL (excluding FADDL).

(a) * * *

Service	Unit	User fee				
		Oct. 1, 2007–Sept. 30, 2008	Oct. 1, 2008–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Beginning Oct.1,2011
Antimicrobial susceptibility test.	Isolate	$105.00	$107.00	$109.00	$112.00	$114.00
Avian safety test	Test	4,082.00	4,090.00	4,099.00	4,109.00	4,180.00
Check tests, culture	Kit[1]	176.00	179.00	182.00	185.00	189.00
Check tests, serology	Kit[1]	361.00	369.00	377.00	385.00	394.00
Fetal bovine serum safety test.	Verification	1,119.00	1,122.00	1,134.00	1,147.00	1,160.00
Hourly user fees[2].						
Hour	Hour	104.00	104.00	108.00	112.00	112.00
Quarter hour	Quarter hour	26.00	26.00	27.00	28.00	28.00
Minimum		30.00	31.00	32.00	33.00	33.00
Manual, brucellosis culture	1 copy	115.00	117.00	120.00	122.00	125.00
Manual, tuberculosis culture (English or Spanish).	1 copy	172.00	176.00	180.00	183.00	188.00
Manual, Veterinary mycology.	1 copy	172.00	176.00	180.00	183.00	188.00
Manuals or standard operating procedure (SOP), all other.	1 copy	34.00	35.00	36.00	37.00	37.00
Manuals or SOP, per page	1 page	2.25	2.50	2.50	2.75	2.75
Training (school or technical assistance).	Per person per day.	332.00	339.00	346.00	354.00	362.00

[1] Any reagents required for the check test will be charged separately.

[2] For veterinary diagnostic services for which there is no flat user fee the hourly rate user fee will be calculated for the actual time required to provide the service.

* * * * *

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

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–14162 Filed 7–20–07; 8:45 am]

BILLING CODE 3410–34–P ?≤

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2005–21470; Directorate Identifier 2003–NM–45–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30 and DC–10–30F (KC–10A and KDC–10) Airplanes; Model DC–10–40 and DC–10–40F Airplanes; and Model MD–11 and MD–11F Airplanes

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

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: The FAA is revising an earlier proposed airworthiness directive (AD) for certain McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30 and DC–10–30F (KC–10A and KDC–10) airplanes; Model DC–10–40 and DC–10–40F airplanes; and Model MD–11 and MD–11F airplanes. The original NPRM would have required, for certain airplanes, modifying the thrust reverser command wiring of the number 2 engine. For certain other airplanes, the original NPRM would have required modifying the thrust reverser system wiring from the flight compartment to engines 1, 2, and 3 thrust reversers. The original NPRM also would have required installing thrust reverser locking systems on certain airplanes. The original NPRM resulted from a determination that the thrust reverser systems on these McDonnell Douglas airplanes do not adequately preclude unwanted deployment of a thrust reverser. This action revises the original NPRM by revising, for certain airplanes, the requirements for the modification of the thrust reverser system wiring from the flight compartment to engines 1, 2, and 3 thrust reversers. We are proposing this supplemental NPRM to prevent an unwanted deployment of a thrust reverser during flight, which could result in reduced controllability of the airplane.

DATES: We must receive comments on this supplemental NPRM by August 17, 2007.

ADDRESSES: Use one of the following addresses to submit comments on this supplemental NPRM.

- DOT Docket Web site: Go to http://dms.dot.gov and follow the instructions for sending your comments electronically.
- Government-wide rulemaking Web site: Go to http://www.regulations.gov and follow the instructions for sending your comments electronically.
- Mail: 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: Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Philip C. Kush, Aerospace Engineer, Propulsion Branch, ANM–140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5263; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this supplemental NPRM. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''Docket No. FAA–2005–21470; Directorate Identifier 2003–NM–45–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this supplemental NPRM. We will consider all comments received by the closing date and may amend this supplemental NPRM in light of those comments.

We will post all comments submitted, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this supplemental NPRM. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located on the ground floor of the West Building at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

We proposed to amend 14 CFR part 39 with a notice of proposed rulemaking (NPRM) for an AD (the ''original NPRM'') for certain McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30 and DC–10–30F (KC–10A and KDC–10) airplanes; Model DC–10–40 and DC–10–40F airplanes; and Model MD–11 and MD–11F airplanes. The original NPRM was published in the **Federal Register** on June 16, 2005 (70 FR 35049). The original NPRM proposed to require, for certain airplanes, modifying the thrust reverser command wiring of the number 2 engine. For certain other airplanes, the original NPRM proposed to require modifying the thrust reverser system wiring from the flight compartment to engines 1, 2, and 3 thrust reversers. The original NPRM also proposed to require installing thrust reverser locking systems on certain airplanes.

Relevant Service Information

Since we issued the original NPRM, Boeing has issued Boeing Alert Service Bulletin MD11–78A007, Revision 4, dated February 22, 2007 (Boeing Service Bulletin MD11–78–007, Revision 02, dated August 22, 2001, was referred to as the appropriate source of service information for modifying the thrust reverser system wiring from the flight compartment to engines 1, 2, and 3 thrust reversers in the original NPRM for Model MD–11 and –11F airplanes). Revision 4 of the alert service bulletin requires additional work (wire changes in the wing root and empennage with metallic lightning overbraid and

separation of thrust reverser wiring in the empennage) if the modification was done in accordance with an earlier issue of the service bulletin. The modification includes revising and routing the wiring, verifying the proper configuration code, revising the wiring if required, and doing a test of the thrust reverser system. We have revised paragraphs (c)(3) and (g) of this supplemental NPRM to refer to Boeing Alert Service Bulletin MD11–78A007, Revision 4, dated February 22, 2007.

We have also reviewed McDonnell Douglas Service Bulletin DC10–78–060, Revision 01, dated June 30, 2003 (McDonnell Douglas Service Bulletin DC10–78–060, dated December 17, 1999, was referred to as a concurrent requirement in the original NPRM as required by AD 2001–17–19). We approved Revision 01 of the service bulletin as an alternative method of compliance (AMOC) for the corresponding action in AD 2001–17–19. We have added Revision 01 of the service bulletin to Table 2 of this supplemental NPRM.

Comments

We have considered the following comments on the original NPRM.

Support for the Original NPRM

The Air Line Pilots Association supports the original NPRM.

Request To Remove Requirement

Lufthansa Technik suggests that we avoid the installation of thrust reverser locking systems with low reliability rates like those of the Model 747–400 airplanes, which require inspection every 1,000 flight hours. Lufthansa states that installed systems should not increase the maintenance burden with short interval inspections. We infer that the commenter requests that we remove the requirement to install thrust reverser locking systems on certain airplanes.

We disagree with the request to remove the requirement to install thrust reverser locking systems on certain airplanes specified in this supplemental NPRM. The commenter refers to repetitive inspections for Model 747–400 series airplanes, and those airplanes are not part of the applicability of this supplemental NPRM. However, operators should note that repetitive inspections are sometimes required if a terminating action is not available. Even though there are some reliability issues with certain locking systems, the locks still function to prevent an in-flight reverse event. We are not aware of any reliability issues with the locking systems on airplanes affected by this supplemental NPRM. We have not changed this supplemental NPRM in this regard.

Request To Withdraw Original NPRM

Northwest Airlines (NWA) states that it is not convinced the accomplishment of the modification specified in the original NPRM should be mandated. We infer that NWA requests that we withdraw the original NPRM. NWA states that the FAA has not demonstrated that the reduced controllability from the deployment of a number 2 thrust reverser in flight would represent a condition that would prevent continued safe flight and landing. NWA states that ADs 2001–05–10 and 2001–17–19 require operators to install interlocks on the wing engines and modify control and indication wiring. NWA concludes that these wing thrust reverser modifications have reduced the probability of an unsafe condition of the airplane to an acceptable level.

We do not agree to withdraw the original NPRM. A safety flight analysis was conducted by the manufacturer, and it has been determined that, in a certain part of the flight envelope, an uncommanded deployment of the reverser on the number 2 engine could result in reduced controllability of the airplane. In the analysis, the separation of the wiring in the number 2 engine will increase this margin to an acceptable level of safety. We have determined that an unsafe condition exists and that the separation of the wiring must be done to ensure continued safety. We have not revised this supplemental NPRM in this regard.

Request To Remove Requirements or Supersede Existing ADs

FedEx requests that we either remove the reference to concurrent requirements or supersede the related ADs. FedEx states that concurrent McDonnell Douglas Alert Service Bulletin DC10–78A057, Revision 01, dated February 18, 1999, is already mandated by AD 2001–05–10, and McDonnell Douglas Service Bulletin DC10–78–060, dated December 17, 1999, is already mandated by AD 2001–17–19. FedEx concludes that these two service bulletins are not necessary in the original NPRM and would result in redundant compliance tracking unless the original NPRM supersedes the related ADs.

We acknowledge that additional compliance tracking might be necessary for affected operators. However, due to the complexity of the actions specified in both of those ADs and this supplemental NPRM, we do not agree to supersede ADs 2001–05–10 and 2001–17–19. We also do not agree to remove McDonnell Douglas Alert Service Bulletin DC10–78A057 and McDonnell Douglas Service Bulletin DC10–78–060 from the concurrent actions specified in this supplemental NPRM. Although operators might have already done these service bulletins in accordance with ADs 2001–05–10 and 2001–17–19, operators that bring an airplane onto the U.S. registry must be aware that these service bulletins are prior or concurrent requirements to the actions specified in this supplemental NPRM.

Request To Delay Releasing an AD

FedEx requests that we delay releasing an AD that requires the actions specified in the original NPRM until after Rohr SB MD–11 54–201 is available (Rohr Service Bulletin MD–11 54–201, dated November 30, 1999, was referred to as a concurrent service bulletin in Table 3 of the original NPRM). FedEx states that, according to Goodrich, Revision 1 of the service bulletin is in draft form and that neither Revision 1 nor the original issue has been issued or released to operators. FedEx states that all pertinent service bulletins should be available to operators for review.

We acknowledge that the original issue of the service bulletin was not readily available to operators. Since the original NPRM was issued, we have reviewed Rohr Service Bulletin MD–11 54–201, Revision 2, dated December 12, 2005. The service bulletin specifies the same procedures as the original to modify pylon thrust reverser harnesses and the J-box. We have revised Table 3 of the supplemental NPRM to refer to Revision 2. We have also added Rohr Service Bulletin MD–11 54–201, dated November 30, 1999, and Rohr Service Bulletin MD–11 54–201, Revision 1, dated November 23, 2005, to paragraph (k) of the supplemental NPRM in order to give credit for actions done in accordance with these service bulletins for the corresponding requirements of Table 3 of this supplemental NPRM.

Request To Revise Cost Estimate

FedEx requests that we revise the cost estimate for the original NPRM. FedEx states that it will need 244 work hours per MD–11 airplane, with parts costing over $18,750, for a total cost per airplane of over $34,600 for the wiring modification. The commenter notes that this estimate reflects concurrent requirements and material costs not adjusted for inflation and that this estimate does not include taxes, contingency fees, consumable materials or the cost of delays and lost airlift that will be incurred by operators. The

commenter notes that increased revenue is lost if an airplane must be removed from revenue service on an off-schedule basis and that the additional 250 to 300 work hours must be scheduled into scheduled maintenance. The commenter concludes that the cost of compliance will be higher than the figures published.

We agree that a cost per MD–11 airplane of $34,600 is a good estimate and it corresponds with our estimate in the cost of compliance section of this supplemental NPRM for MD–11 airplanes of up to $17,672 for the main modification and $19,675 for applicable concurrent actions for a total of up to $37,374 per airplane.

We do not agree to revise the cost estimate to include other incidental costs, such as delays due to scheduling. Where safety considerations allow, we attempt to set compliance times that generally coincide with operators' maintenance schedules. However, because operators' schedules vary substantially, we cannot accommodate every operator's optimal scheduling in each AD. Each AD does allow individual operators to request approval for extensions of compliance times, based on a showing that the extension will not affect safety adversely as specified in the provisions of paragraph (l) of this AD. Therefore, we do not consider it appropriate to attribute to the AD the costs associated with the type of special scheduling that might otherwise be required. We have not changed this supplemental NPRM in this regard.

Request That We Ensure Adequate Parts

FedEx requests that we ensure that relevant equipment manufacturers have an initial stock of materials available that will support U.S. operators and prevent any undue delays in completing all fleet modifications. FedEx states that the initial supply and replenishment of parts and materials affect scheduling and ground time needed to complete the modifications.

We acknowledge that parts availability affects scheduling and ground time needed to complete the modifications. We contacted Boeing about parts availability in regard to this supplemental NPRM, and have confirmed that a sufficient quantity of parts is available. We have not changed this supplemental NPRM in this regard.

Clarification of AMOC Paragraph

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

Explanation of Change to Costs of Compliance

After the original NPRM was issued, we reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from $65 per work hour to $80 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

FAA's Determination and Proposed Requirements of the Supplemental NPRM

Certain changes discussed above expand the scope of the original NPRM; therefore, we have determined that it is necessary to reopen the comment period to provide additional opportunity for public comment on this supplemental NPRM.

Costs of Compliance

There are about 612 airplanes of the affected designs in the worldwide fleet. This proposed AD would affect about 245 airplanes of U.S. registry. The following tables provide the estimated costs for U.S. operators to comply with this proposed AD, for the applicable actions, at an average hourly labor rate of $80.

COST FOR WIRING MODIFICATION/THRUST REVERSER LOCKING SYSTEM INSTALLATION

Action	Work hours	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
Modify wiring (Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30 and DC–10–30F (KC–10A and KDC–10) airplanes).	34	$1,562	$4,282	40	$171,280.
Modify wiring (Model DC–10–40 and DC–10–40F airplanes).	34	$5,238	$7,958	45	$358,110.
Modify wiring (Model MD–11 and –11F airplanes).	Between 124 and 192.	Between $11,912 and $17,672.	Between $21,832 and $33,032.	160	Between $3,493,120 and $5,285,120.
Install thrust reverser locking system (Model DC–10–40 and DC–10–40F airplanes).	218	Between $165,535 and $207,792.	Between $182,975 and $225,232.	45	Between $8,233,875 and $10,135,440.

COST OF CONCURRENT ACTIONS FOR MODEL MD–11 AND MD–11F AIRPLANES

Action	Work hours	Parts	Cost per airplane	Number of U.S. registered airplanes	Fleet cost
Update program software, as applicable.	2	None	$160	Up to 160	Up to $25,600.
Modify wing pylon harnesses, as applicable.	100	$5,268	$13,268	Up to 160	Up to $2,122,880.
Modify pylon thrust reverser harnesses and J-box, as applicable.	Between 82 and 192	Between $10,472 and $15,999.	Between $17,032 and $31,359.	Up to 160	Up to $5,017,440.

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 supplemental NPRM and placed it in the AD docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket No. FAA–2005–21470; Directorate Identifier 2003–NM–45–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by August 17, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to airplanes, certificated in any category, as listed in Table 1 of this AD.

TABLE 1.—APPLICABILITY

McDonnell Douglas airplane—	As identified in—
(1) Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30 and DC–10–30F (KC–10A and KDC–10) airplanes.	Boeing Service Bulletin DC10–78–066, Revision 01, dated November 30, 2001.
(2) Model DC–10–40 and DC–10–40F airplanes	Boeing Service Bulletin DC10–78–067, dated October 30, 2002.
(3) Model MD–11 and MD–11F airplanes	Boeing Alert Service Bulletin MD11–78A007, Revision 4, dated February 22, 2007.

Unsafe Condition

(d) This AD was prompted by a determination that the thrust reverser systems on these McDonnell Douglas airplanes do not adequately preclude unwanted deployment of a thrust reverser. We are issuing this AD to prevent an unwanted deployment of a thrust reverser during flight, which could result in reduced controllability of the airplane.

Compliance

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

Wiring Modification

(f) For Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, and DC–10–30F (KC–10A and KDC–10) airplanes: Within 60 months after the effective date of this AD, modify the thrust reverser command wiring of the number 2 engine by doing all the actions specified in the Accomplishment Instructions of Boeing Service Bulletin DC10–78–066, Revision 01, dated November 30, 2001.

(g) For Model MD–11 and MD–11F airplanes: Within 60 months after the effective date of this AD, modify the thrust reverser system wiring from the flight compartment to engines 1, 2, and 3 thrust reversers by doing all the actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin MD11–78A007, Revision 4, dated February 22, 2007.

Wiring Modification/Installation of Thrust Reverser Locking System

(h) For Model DC–10–40 and DC–10–40F airplanes: Within 60 months after the effective date of this AD, modify the thrust reverser command wiring of the number 2 engine by doing all the actions specified in the Accomplishment Instructions of Boeing Service Bulletin DC10–78–067, dated October 30, 2002, and install thrust reverser locking systems by doing all the applicable actions specified in the Accomplishment Instructions of McDonnell Douglas Service Bulletin DC10–78–064, dated June 24, 2003.

Prior or Concurrent Actions

(i) For Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, and DC–10–30F (KC–10A and KDC–10) airplanes: Prior to or concurrently with the actions required by paragraph (f) of this AD, do the actions specified in Table 2 of this AD.

TABLE 2.—PRIOR OR CONCURRENT ACTIONS FOR MODEL DC–10–10, DC–10–10F, DC–10–15, DC–10–30, AND DC–10–30F (KC–10A AND KDC–10), AIRPLANES

Do—	Required by—	In accordance with—
Repetitive detailed visual inspections, functional checks, and torque checks of the thrust reverser systems, and applicable corrective actions.	Paragraphs (c) and (i) of AD 2001–05–10, amendment 39–12147.	McDonnell Douglas Alert Service Bulletin DC10–78A057, Revision 01, dated February 18, 1999.
A modification of the indication light system for the thrust reversers.	Paragraph (a) of AD 2001–17–19, amendment 39–12410.	McDonnell Douglas Service Bulletin DC10–78–060, dated December 17, 1999; or McDonnell Douglas Service Bulletin DC10–78–060, Revision 01, dated June 30, 2003.

(j) For Model MD–11 and MD–11F airplanes: Prior to or concurrently with the actions required by paragraph (g) of this AD, do the actions specified in Table 3 of this AD.

TABLE 3.—PRIOR OR CONCURRENT ACTIONS FOR MODEL MD–11 AND MD–11F AIRPLANES

Do—	In accordance with—
An update of the program software of display electronic units	McDonnell Douglas Service Bulletin MD11–31–091, dated November 5, 1998.
A modification of the wing pylon harnesses	Rohr Service Bulletin MD–11 54–200, Revision 1, dated May 14, 2001.
A modification of the pylon thrust reverser harnesses and J-box	Rohr Service Bulletin MD–11 54–201, Revision 2, dated December 12, 2005.

Actions Accomplished According to Previous Issues of Service Bulletins

(k) Actions accomplished before the effective date of this AD according to Boeing Service Bulletin DC10–78–066, dated March 6, 2001; Rohr Service Bulletin MD–11 54–201, dated November 30, 1999; or Rohr Service Bulletin MD–11 54–201, Revision 1, dated November 23, 2005; are considered acceptable for compliance with the applicable corresponding actions specified in this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

Issued in Renton, Washington, on July 11, 2007.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–14042 Filed 7–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28748; Directorate Identifier 2007–NM–115–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–30F (KC–10A and KDC–10), DC–10–40F, MD–10–10F, and MD–10–30F Airplanes; and Model MD–11 and MD–11F Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–30F (KC–10A and KDC–10), DC–10–40F, MD–10–10F, and MD–10–30F airplanes; and Model MD–11 and MD–11F airplanes. This proposed AD would require installation of control cable freeze protection by making certain changes. This proposed AD results from reports of standing water on the horizontal pressure panel above the main and center landing gear wheel wells. We are proposing this AD to prevent the accumulation of ice on the flight control cables in the wheel wells. When the landing gear doors open or vibration in this area occurs, such ice accumulation could break off and can cause injury to people or damage to property on the ground, can affect landing gear controls and rear spar flight control systems, can cause damage to other control systems, and might cause loss of control of the airplane.

DATES: We must receive comments on this proposed AD by September 6, 2007.

ADDRESSES: Use one of the following addresses to submit comments on this proposed AD.

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site*: Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* 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:* Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Ken Sujishi, Aerospace Engineer, Cabin Safety/Mechanical and Environmental Systems Branch, ANM–150L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5353; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to submit any relevant written data, views, or arguments regarding this proposed AD. Send your comments to an address listed in the **ADDRESSES** section. Include the docket number ''FAA–2007–28748; Directorate Identifier 2007–NM–115–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this proposed AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647–5527) is located on the ground level of the West Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

Discussion

We have received reports of standing water on the horizontal pressure panel above the main and center landing gear wheel wells. The water leaks into the wheel wells and freezes. The existing design of the horizontal pressure panel has inadequate protection from water and ice accumulation. This condition, if not corrected, could result in the accumulation of ice on the flight control cables in the wheel wells due to water entering the horizontal pressure panel above the wheel wells and freezing. When the landing gear doors open or vibration in this area occurs, such ice accumulation could break off and can cause injury to people or damage to property on the ground, can affect landing gear controls and rear spar flight control systems, can cause damage to other control systems, and might cause loss of control of the airplane.

Relevant Service Information

We have reviewed the following service information:

TABLE—SERVICE INFORMATION

Boeing Alert Service Bulletin—	For McDonnell Douglas model—
DC10–27A237, dated January 9, 2007 ...	DC–10–10, DC–10–10F, DC–10–30F (KC–10A and KDC–10), DC–10–40F, MD–10–10F, and MD–10–30F airplanes.
MD11–27A084, Revision 1, dated March 26, 2007.	MD–11 and MD–11F airplanes.

The service information describes procedures for installation of control cable freeze protection by making certain changes. The changes include the following:

- Installing redesigned control cable pressure seals and grommets on the horizontal pressure panel.
- Installing a ''horseshoe dam'' and a strap on the horizontal pressure panel.
- Applying tape to the electrical cable feedthroughs on the horizontal pressure panel.
- Changing the seals on the access doors of the center passenger compartment floor/main deck cargo floor panel.

Accomplishing the actions specified in the service information is intended to adequately address the unsafe condition.

FAA's Determination and Requirements of the Proposed AD

We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other airplanes of this same type design. For this reason, we are proposing this AD, which would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

There are about 387 airplanes of the affected design in the worldwide fleet. This proposed AD would affect about 283 airplanes of U.S. registry. The proposed actions would take about 40 work hours per airplane, at an average labor rate of $80 per work hour. Required parts would cost about $5,896 or $6,073 per airplane depending on the airplane configuration. Based on these figures, the estimated cost of the proposed AD for U.S. operators is between $2,574,168 and $2,624,259, or $9,096 or $9,273 per airplane depending on the airplane configuration.

Authority for This Rulemaking

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

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

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or

on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket No. FAA–2007–28748; Directorate Identifier 2007–NM–115–AD.

Comments Due Date

(a) The FAA must receive comments on this AD action by September 6, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to airplanes identified in Table 1 of this AD, certificated in any category.

TABLE 1.—APPLICABILITY

McDonnell Douglas model—	As identified in Boeing Alert Service Bulletin—
(1) DC–10–10, DC–10–10F, DC–10–30F (KC–10A and KDC–10), DC–10–40F, MD–10–10F, and MD–10–30F airplanes.	DC10–27A237, dated January 9, 2007.
(2) MD–11 and MD–11F airplanes	MD11–27A084, Revision 1, dated March 26, 2007.

Unsafe Condition

(d) This AD results from reports of standing water on the horizontal pressure panel above the main and center landing gear wheel wells. We are issuing this AD to prevent the accumulation of ice on the flight control cables in the wheel wells. When the landing gear doors open or vibration in this area occurs, such ice accumulation could break off and can cause injury to people or damage to property on the ground, can affect landing gear controls and rear spar flight control systems, can cause damage to other control systems, and might cause loss of control of the airplane.

Compliance

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

Installation of Control Cable Freeze Protection

(f) Within 24 months after the effective date of this AD, install control cable freeze protection by making the changes specified in and in accordance with the Accomplishment Instructions of the applicable service bulletin identified in Table 1 of this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. 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.

Issued in Renton, Washington, on July 15, 2007.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–14150 Filed 7–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 17 and 70

RIN 2900–AM02

Beneficiary Travel Under 38 U.S.C. 111 Within the United States

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the beneficiary travel regulations of the Department of Veterans Affairs (VA) that provide a mechanism for payment of travel expenses within the United States under 38 U.S.C. 111 to help veterans and other persons obtain care and services from VA's Veterans Health Administration (VHA). We propose to revise the regulations to more fully implement the statutory provisions governing such payments.

DATES: Comments must be received by VA on or before September 21, 2007.

ADDRESSES: Written comments may be submitted through *http://www.regulations.gov;* by mail or hand-delivery to the Director, Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420 or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AM02—Beneficiary Travel Under 38 U.S.C. 111 Within the United States.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 273–9515 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.* See the Paperwork Reduction Act heading under the **SUPPLEMENTARY INFORMATION** section of this preamble regarding submission of comments on the information collection provisions.

FOR FURTHER INFORMATION CONTACT: Tony Guagliardo, Chief Business Office, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420; (202) 254–0406. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: We propose to revise the beneficiary travel

regulations captioned ''Transportation of Claimants and Beneficiaries.'' These regulations provide a mechanism for payment of travel expenses within the United States under 38 U.S.C. 111 to help veterans and other persons obtain care and services from VHA. The current regulations are set forth at 38 CFR 17.143 through 17.145. We propose to transfer the current regulations to a new 38 CFR part 70 and to make changes as discussed below.

The current regulations at § 17.143(b) through (e) contain provisions listing the eligibility criteria for paying beneficiary travel expenses under 38 U.S.C. 111, for charging a statutory deductible, and for paying beneficiary travel expenses based upon a finding that an individual is unable to defray the expenses of travel. Except for changes discussed below, the substance of these provisions is included in proposed §§ 70.4, 70.10, 70.20, and 70.31.

The current regulations at § 17.143(f), (g), (h), and (k) refer to types of activities for which beneficiary travel may be paid. We propose to remove these provisions for reasons set forth below in the discussion regarding the Medical Benefits Package under the heading ''§ 70.10—Eligible persons.''

The current regulations at § 17.143(i), (j), (l), and (m) concern special requirements for payment. Except for changes discussed below, the substance of these provisions is included in proposed § 70.30.

The current regulation at § 17.143(n) concerns the provision of VA beneficiary travel to beneficiaries of other Federal agencies and allied beneficiaries as defined by 38 U.S.C.109. Proposed § 70.10 provides eligibility for such beneficiaries subject to reimbursement agreement with the appropriate agency or government and is essentially unchanged from the previous regulation.

Current § 17.144 concerns the application of the deductible requirement, which we propose to amend and move to new § 70.31. Current § 17.144 also sets forth payment principles concerning travel costs, which we propose to amend and move to new § 70.30.

Current § 17.145 contains provisions regarding general prior approval for beneficiary travel. In a document published in the **Federal Register** on October 21, 1991 (56 FR 52,426), we deleted the main provisions requiring a general prior approval for beneficiary travel. We intended to remove all of the provisions concerning general prior approval for beneficiary travel, but inadvertently failed to remove § 17.145. Accordingly, we propose to remove this section.

Purpose and Scope—§ 70.1

Section 70.1 would explain the purpose and scope of the VA's beneficiary travel regulations consistent with the current regulations. The provisions of this section would not constitute a substantive change.

Definitions—§ 70.2

Proposed § 70.2 would establish definitions of ''attendant,'' ''beneficiary,'' ''claimant,'' ''clinician,'' ''emergency treatment,'' ''irregular discharge,'' ''special mode of transportation,'' ''United States,'' ''VHA,'' ''VA,'' ''VA authorized health care facility,'' and ''VA facility.'' While used in prior regulations the terms ''attendant,'' ''beneficiary,'' and ''irregular discharge'' have not been previously defined. This led to occasional confusion by veterans, the public, and VA field stations when processing claims for beneficiary travel payments. Therefore, for purposes of clarification, we propose to define these terms in the new part 70.

Currently, 38 CFR 17.143(c)(2)(i) requires a ''physician'' to make medical determinations regarding the need for a special mode of transportation. We deleted the requirement that a physician make the determination. We would expect a clinician to be the decisionmaker. However, by not specifying in the regulation that a physician will be the decisionmaker will ensure that the claimant has a meaningful right of appeal via the VA clinical appeals process should he or she disagree with the decision of the clinician.

The definition of ''United States'' is consistent with the definition of ''State'' in 38 U.S.C. 101(20). The term ''claimant'' is the same as that established in 38 CFR 17.123.

We propose to define ''VA authorized health care facility'' and ''VA facility'' for clarification purposes due to occasional confusion on the part of veterans, the public, and VA staff.

The definition of ''special mode of transportation'' has been changed in the proposed rule to clarify the status of privately-owned vehicles (POV) that have been modified to transport wheelchairs or disabled individuals. The intent of ''special mode of transportation'' within the context of 38 U.S.C. 111 is to provide payment for beneficiary travel in commercially operated vehicles. Therefore, we propose that for the purposes of this rule that a POV is not to be considered a ''special mode of transportation.''

Existing regulations do not define the term ''emergency treatment.'' However, the proposed rule would define that term because it is one of the factors that VHA considers when authorizing and providing payment for travel by special mode of transportation. We propose to define ''emergency treatment'' to mean ''treatment for a condition of such a nature that a prudent layperson would have reasonably expected that delay in seeking immediate medical attention would have been hazardous to life or health (this standard would be met if there were an emergency medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part).'' This definition provides a workable, common-sense standard for determining when emergency treatment would occur for purposes of determinations under proposed §§ 70.4 (Criteria for approvals), 70.20 (Application), and 70.32 (Reimbursement or prior payment). Also, this definition is consistent with the standard in 38 CFR 17.1002 for determining when emergency treatment would occur under the regulations concerning payment for emergency transportation of veterans for non-service-connected conditions in non-VA facilities.

Determination of Secretary—§ 70.3

Proposed § 70.3 is new. It would implement 38 U.S.C. 111, which authorizes the Secretary to make beneficiary travel payments in any fiscal year if he determines that VA has available funding.

Criteria for Approvals—§ 70.4

Although it is apparent from the current regulations at 38 CFR 17.143 and 17.144 that a beneficiary must meet certain requirements to obtain payment for beneficiary travel (e.g., must be within an eligible category, and must obtain prior approval for a special mode of transportation in non-emergency situations), the current regulations do not set forth all of the applicable criteria for approving or disapproving payments under current VA practice. Proposed § 70.4 provides a full list of the approval criteria that VA would apply to claims for beneficiary travel, including the individuals who would be eligible for benefits, application procedures, payment criteria for travel without prior

VA authorization, and criteria for approval of travel in a special mode of transportation. VA has determined that these criteria would permit VA to distribute available travel funds to beneficiaries under the discretionary authority in 38 U.S.C. 111 while maintaining high standards for delivery of VA's health care benefits. Also, for purposes of fairness, the proposed rule would allow payment for travel when the failure to obtain scheduled care or services was due to actions such as a last minute clinic cancellation by VA officials or persons acting on behalf of VA. Applicants would be required to satisfy all of the criteria to receive payments.

Proposed § 70.4(b) provides that when payment for beneficiary travel is requested after the provision of care or services and the travel did not include a special mode of transportation, VA would approve round-trip payment under this part only if the travel was in connection with care or services that were scheduled with VHA prior to arrival at the facility where the care or services were to be obtained, or for emergency treatment. Also, proposed § 70.4(c) provides that when payment for beneficiary travel is requested for travel for care or services that were not scheduled with VHA prior to arrival at the facility and the travel did not include a special mode of transportation, VA would not approve round-trip payment. However, if care or services actually are provided during such unscheduled visits, VA would approve payment for the return trip.

Proposed § 70.4(b) and (c) would help ensure that beneficiary travel is covered only when necessary for the provision of care or services and not merely to obtain cash for other reasons. It would also help ensure that beneficiaries have the means to return home after receiving nonscheduled care or services.

Proposed § 70.4(d) restates a requirement in current 38 CFR 17.143(c)(2)(iii) for prior approval of travel by a special mode of transportation. Proposed paragraph (d) also restates a provision in current § 17.143(c)(2)(i).

Eligible Persons—§ 70.10

The proposed rule at § 70.10 designates as eligible persons all of those categories of persons specifically mentioned in VA statutes as persons for which payment for beneficiary travel may be made by VHA under 38 U.S.C. 111. These are the same persons eligible for beneficiary travel payments under the current program, with one exception. The current regulations include individuals eligible for payment of travel under the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA), which provides care or services for certain spouses or children of veterans or persons who died in the line of duty. We propose to remove CHAMPVA beneficiaries getting their care through VA facilities from the list of persons eligible for beneficiary travel payments because there exists no statutory authority to provide them these benefits. Although 38 U.S.C. 1781 provides that these beneficiaries shall be eligible for the same medical services as a veteran, a veteran must still meet the additional eligibility criteria set forth in section 111 to receive beneficiary travel benefits. That is, not all veterans are eligible for beneficiary travel benefits under section 111. Thus a CHAMPVA beneficiary receiving care through VA facilities would similarly have to meet the additional eligibility criteria of section 111, which they do not. VA is requesting comments on this change.

Under 38 U.S.C. 111, certain veterans are eligible for beneficiary travel payments for ''examination, treatment, or care.'' The proposed rule at § 70.10(b), provides that ''examination, treatment, or care'' means all of the care provided under the Medical Benefits Package in 38 CFR 17.38. This definition would replace current 38 CFR 17.143, which limits beneficiary travel payments to certain types of activities (hospital admissions, hospital readmissions, preparatory and post hospital care, hospital discharges, and outpatient services). We propose to clearly state in broader language that beneficiary travel payments are available for all of the care services provided under the Medical Benefits Package. The current regulations and the proposed rule both allow for payment related to the use of a special mode of transportation if an individual is unable to defray the expense. Therefore, the definition of ''unable to defray'' in proposed § 70.10(c) is the same as in current 38 CFR 17.143(e). This definition is for the purposes of this proposed rule only and does not apply to any other regulations promulgated by VA.

We note that the provisions of current § 17.143(d) refer to 38 U.S.C. 1701(6)(B) and 38 U.S.C. 1713. These statutes are not included as authorities in the proposed rule because Public Law 107–135 redesignated the authorities as 38 U.S.C. 1782 and 1783. These provisions concern limited eligibility for beneficiary travel payments for individuals with specified relationships to certain veterans.

Application—§ 70.20

The provisions of proposed § 70.20 are new, except as discussed below. The new provisions are consistent with current VA policy and practice at VA health care facilities.

Current § 17.144(d) provides, ''Transportation will not be authorized for the cost of the travel in excess of the actual expense incurred by any person as certified by that person in writing.'' In contrast, the proposed rule at § 70.20(a) generally provides that a claimant may apply for beneficiary travel payments orally or in writing but must provide to VA the receipt for each expense other than for mileage. The proposed rule will reduce the burden on claimants while ensuring that VA obtains the necessary information for making beneficiary travel determinations. Veterans usually request payment of beneficiary travel before they leave the VA facility. There is no need to obtain a certification or written request since VA can independently determine the length of travel and the receipts would establish travel expenditures other than mileage.

For beneficiary travel that does not include a special mode of transportation, proposed § 70.20(b) provides that a claimant must apply for payment of beneficiary travel within 30 days after the travel is completed. In the usual case, it is not administratively feasible for VA to grant approval prior to travel. Further, the proposed provisions requiring that a claimant must apply for payment of beneficiary travel within 30 days after the travel is completed would provide sufficient time for applicants to apply and would assist VA in monitoring the expenditure of beneficiary travel funds.

For beneficiary travel that includes a special mode of transportation, proposed § 70.20(c), with one exception, provides that a claimant must apply for payment of beneficiary travel and obtain approval from VA prior to the travel. Under the exception, if the travel included a special mode of transportation and the claimant without prior approval applied for payment of the beneficiary travel within 30 days after the travel is completed, the application would be considered timely submitted if the travel by special mode of transportation was for emergency treatment. This is consistent with the time period for submitting applications discussed above, limits VA's payments to actual reimbursements, and otherwise implements specific requirements of 38 U.S.C. 111(b)(3)(A) regarding prior approval.

Proposed § 70.20(d) provides a new requirement that a claimant must apply for and receive approval prior to incurring expenses for meals and/or lodging. Current 38 CFR 17.143(l) authorizes payments for meals and lodging but does not require that the claimant obtain prior VA approval. The prior approval provisions would provide VA with the opportunity to explore reasonable options and minimize costs.

The proposed rule at § 70.20(e) provides that if VA determines that additional information is needed to make a determination, VA would notify the claimant in writing of the deficiency and request the needed additional information. Section 70.20(e) further provides that if the claimant has not responded to the request within 30 days, VA may decide the claim prior to the expiration of the 1-year submission period required by 38 U.S.C. 5103(b)(1) based on all the information contained in the file, including any information it has obtained on behalf of the claimant. If VA does so, however, and the claimant subsequently provides the information within 1 year of the date of the request, VA must readjudicate the claim. This would help ensure the timely resolution of matters while meeting the statutory requirements.

Proposed § 70.20(f) provides that if a claimant becomes eligible for beneficiary travel benefits after the travel takes place, the beneficiary may apply for such benefits within 30 days of the date when he or she became eligible. This would help ensure that persons would not be barred from beneficiary travel in those cases when they could not have known they were eligible for such benefit at the time of travel.

To ensure that beneficiaries meet the application deadline, the proposed rule at § 70.20(g) provides that the date of an application for beneficiary travel is the postmark date, if mailed; or the date of submission if hand delivered, provided by electronic means, or provided orally.

Where To Apply—§ 70.21

The proposed rule at § 70.21 provides that claimants must apply for travel benefits at the Chief Business Office or with the designated official at the VA health care facility responsible for the care being provided and for which travel is required. While this has been general field policy, previous regulations have not designated an office or official for receipt of beneficiary travel claims. Designation of an office or official to receive claims will help ensure that requests for travel benefits are appropriately routed and timely processed.

Payment Principles—§ 70.30

Under proposed § 70.30(a), the Secretary, subject to the deductibles required under § 70.31, would pay for beneficiary travel as explained below.

Under 38 U.S.C. 111, VA has discretion to establish payment principles based on the number of miles traveled and/or based on actual necessary expenses. Pursuant to that discretion, VA currently pays a per-mile allowance for travel by POV and pays the actual cost of travel by common carrier and for other necessary expenses attendant to travel, subject to specified limitations. However, current regulations do not specifically state that reimbursement will be based upon mileage (except as noted). Therefore, proposed paragraph (a) includes provisions stating that the Secretary would establish and pay a per-mile rate for use of a POV or the actual cost for use of the most economical common carrier (bus, train, taxi, airplane, etc.), for travel to and from VA authorized health care and for travel by a POV for a compensation and pension examination that is solely ''for the convenience of the Government'' (e.g., repeat a laboratory test, redo a poor quality x-ray). The proposed rule would establish when and how the Secretary would determine whether the mileage rate should be changed. The payment principles are based on the Secretary's determination under § 70.3 to allocate available funds for VA health care programs, and are intended to provide a reasonable and uniform amount of reimbursement consistent with the administration of VA's overall health care program.

Proposed § 70.30(a)(1)(ii) and (iii) limiting payment for the use of a POV and payment for the use of a common carrier are based on statutory limitations at 38 U.S.C. 111(g)(2)(B) and replace 38 CFR 17.144(c).

Proposed § 70.30(a)(2) includes provisions stating that VA would pay the actual cost of ferry fares, bridge tolls, road tolls, tunnel tolls and would pay the actual cost of a special mode of transportation. This implements provisions in 38 U.S.C. 111(a) and (b)(3)(A).

Proposed § 70.30(a)(3) includes provisions stating that VA would pay the actual cost for meals, lodging, or both, when VA determines that an overnight stay is required, not to exceed 50 percent of the amount allowed for government employees under 5 U.S.C. 5702. The section also identifies four factors as examples of those VA will consider in determining whether an overnight stay is necessary. Paying for the cost of meals only when there is an overnight stay is a reasonable cost-control measure. Current regulations do not specify a maximum for payment of meals and lodging. This proposed payment principle is based on VA's concern about the adequate funding and administration of all VA health care programs; in view of the overall cost of administrating these programs, it is intended to provide a reasonable and uniform amount of payment.

The proposed rule at § 70.30(b) would place limits on beneficiary travel payments as explained below.

Current 38 CFR 17.143(j)(1) provides that VA will pay expenses for return transportation to ''the point from which the beneficiary traveled to receive care, or any other place if there is no additional cost.'' Proposed paragraphs (b)(1) and (2), except as discussed below, would clarify that payment is limited to travel from the beneficiary's residence to the nearest facility (VA facility or non-VA facility if VA determines that it is necessary to obtain the care or services at a non-VA facility) where the care or services could be provided and from such VA facility to the beneficiary's residence. This clarification is necessary to ensure that beneficiaries do not report longer distances than they actually traveled to obtain higher payments. Further, the exceptions set forth below explain those circumstances when it appears appropriate to pay benefits from points other than the beneficiary's residence.

If the beneficiary is not staying at his or her residence, proposed § 70.30(b)(3) would permit payment for travel from or to a place where the beneficiary is residing but this payment may not exceed the amount that would be payable for travel from the beneficiary's residence. This provision clarifies current 38 CFR 17.143(j)(1).

Current § 17.143(j)(3) provides, ''Transportation may be furnished to a point other than that from which a patient had proceeded to a hospital upon a showing of bona fide change of address to the patient's residence during the period of hospital care.'' VA intended that this provision would allow for payment for an individual's return trip to a different location in the same area, not to a distant place. Proposed § 70.30(b)(4) would permit payment for the return trip travel to the new residence in a distant place, except that payment may not exceed the amount that would be allowed from the facility nearest to the new residence where the care or services could have been provided. For example, if during a

period of care or services in Baltimore, a beneficiary changed his or her address from Baltimore to Detroit, payment for the return trip would be limited to that allowed for traveling to the new residence from the nearest facility to the new residence in Detroit where the care or services could have been provided.

Proposed § 70.30(b)(5), which would allow payment for certain travel for beneficiaries, in substance, restates the current provisions in 38 CFR 17.143(j)(2).

Proposed § 70.30(b)(6) provides that payment may be made for travel from a non-VA health care facility where the beneficiary is receiving care or services to the nearest VA facility where the appropriate care or services could be provided. This new provision would clarify that VA may pay for travel to a VA facility from another medical facility, not just from the veteran's residence.

Proposed § 70.30(b)(7) provides that payment would not be made for return travel for a patient receiving an irregular discharge. This, in substance restates most of current 38 CFR 17.143(j)(4). However, the revised version does not include a provision in the current regulation that allows payment when the patient receiving an irregular discharge is unable to defray the expense of the return travel. That provision was deleted because payment in such cases inappropriately encourages the unacceptable behavior of leaving the facility on an irregular discharge.

Proposed § 70.30(b)(8) provides that on a case-by-case basis, payment for travel may be paid for any distance if it is financially favorable to the government. This new provision would provide VA with flexibility to, for example, pay for travel to a more distant nursing home when admission to that nursing home is a prerequisite to qualify for community assistance that would more than offset the additional travel payment.

Proposed § 70.30(c) provides that payment for travel of an attendant would be calculated on the same basis as for the beneficiary except that duplicate payment for costs would not be allowed. For example, if a beneficiary and an attendant travel in the same automobile, the travel would be limited to only one mileage payment. This new provision would clarify and implement the provisions of 38 U.S.C. 111(e) regarding payment of beneficiary travel for an attendant.

Proposed § 70.30(f) provides that the Secretary shall conduct periodic investigations in consultation with the Administrator of the General Services Administration in order to determine whether reimbursement rates noted in § 70.30(a) should change. While always required by statute this would be an addition to current beneficiary travel regulations.

Although VA policy is generally to provide payments for beneficiary travel consistent with statutory authority and availability of funds, there are some situations where such payments are not medically feasible. Accordingly, under proposed § 70.30(e), VA would not pay beneficiary travel if paying a travel allowance would be counterproductive to prescribed therapy, and the determination is recorded in the person's VA medical records, and the chief of the care service endorses the determination in the medical records. These provisions reflect the policy of withholding payment for beneficiary travel when such payment could be detrimental to a beneficiary's treatment.

Deductibles—§ 70.31

Paragraph (a) of proposed § 70.31 provides that the VA shall deduct an amount established by the Secretary (currently $3 or the total amount of travel if it is less than $3) for each one-way trip from the amount otherwise payable for such one-way trip, except that VA shall not make any more deductions in a calendar month after the completion of six one-way trips for which deductions were made in such calendar month. In addition, whenever the Secretary makes adjustments to the mileage reimbursement rates as noted in § 70.30(a)(1)(iv), the deductible amount will be adjusted proportionately.

Proposed § 70.31 implements 38 U.S.C. 111(c)(1), (2) and (5), which require VA to deduct $3 from the amount otherwise payable for each one-way trip with a calendar monthly cap of $18 (but limiting these $3 deductions to six one-way trips), and to adjust proportionately the amounts whenever there is a change to the mileage rates. However, since the deductible amount and monthly cap could change, these proposed regulations do not limit those rates to those currently established. In addition, we do not interpret 38 U.S.C. 111(c) as requiring VA to deduct more than the cost of a one-way trip if the reimbursement would be less than the deductible. Therefore, in a given calendar month, we would pay beneficiary travel without a deductible for trips seven, eight, nine, and so on, even if the total deductible amount for the first six trips were less than the monthly cap in effect at time of travel.

Section 111(c)(4) further provides that the VA may waive the deductible when imposition of the deductible would cause severe financial hardship. Under the current regulations, the test for ''severe financial hardship'' is essentially the same as ''unable to defray,'' which is used for determinations regarding basic eligibility for beneficiary travel. However, we do not believe that Congress intended the terms ''unable to defray'' and ''severe financial hardship'' to have the same meaning. The term ''severe financial hardship'' would seem to require that a beneficiary have less financial ability than would be the maximum allowed for basic eligibility for beneficiary travel. Accordingly, we propose that an individual with ''severe financial hardship'' is one who has no more than 90 percent of the maximum income allowed for meeting the ''unable to defray'' standard.

Reimbursement or Prior Payment—§ 70.32

Proposed § 70.32(a) provides that payment would be made on a reimbursement basis after the travel has occurred with the following two statutory exceptions.

Upon completion of examination, treatment, or care, 38 U.S.C. 111(d) specifically allows payment to be made before the return travel has occurred. This helps provide the beneficiary with resources for return travel. This exception is included in proposed § 70.32(a)(1).

With respect to a special mode of travel, 38 U.S.C. 111(b)(3)(B) authorizes VA to provide payment for beneficiary travel to the provider of the transportation before determining eligibility of such person for payment if VA determines that providing payment is in the best interest of furnishing care and services. This exception is included in proposed § 70.32(a)(2). We would interpret ''is in the best interest of furnishing care and services'' to mean ''that the travel is for emergency treatment and VA determines that the beneficiary is eligible for payment for the travel.'' In non-emergency situations, we would have time to determine eligibility before travel. Further, the proposed provisions are designed to help ensure that individuals likely to be subsequently found eligible are not initially denied travel by special mode of transportation.

Proposed § 70.32(b) provides that payment would be made to the beneficiary, except that VA may make a beneficiary travel payment to a person or organization other than the beneficiary upon satisfactory evidence that the person or organization actually provided or paid for the travel. This is for the convenience of the veteran or the

person or organization that provided or paid for the travel.

Administrative Procedures—§ 70.40

Proposed § 70.40 incorporates reconsideration and appeal rights as established by 38 CFR 17.133 and 38 CFR parts 19 and 20. These rights will be utilized when an adverse decision is made regarding beneficiary travel benefits. This is an established procedure, which we intend to clarify in this proposed rule.

Recovery of Payments—§ 70.41

For informational purposes, the proposed rule at § 70.41 makes reference to applicable VA provisions governing recovery of payments.

False Statements—§ 70.42

For informational purposes, the proposed rule at § 70.42 advises that a person who makes a false statement for the purpose of obtaining payments for beneficiary travel would be subject to prosecution under applicable laws, including 18 U.S.C. 1001.

Reduced Fare Requests—§ 70.50

Proposed § 70.50 restates statutory provisions authorizing VA to make forms available to veterans and their authorized attendants for use in requesting a reduced fare from transportation providers when they are traveling at their own expense in relation to VA or VA-authorized health care. Whether to grant a reduced fare is determined by the transportation provider.

Executive Order 12866

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The Executive Order classifies a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB) unless OMB waives such review, as any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The economic, interagency, budgetary, legal, and policy implications of this proposed rule have been examined and it has been determined to be a significant regulatory action under the Executive Order because it is likely to result in a rule that may raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order and/or materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

The proposed rule includes provisions constituting collections of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521) (''Act'') that would need approval by the Office of Management and Budget (OMB). Accordingly, under section 3507(d) of the Act, VA has submitted a copy of this rulemaking action to OMB for review.

OMB assigns a control number for each collection of information it approves. VA 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.

Comments on the collections of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies mailed or hand-delivered to: Director, Regulations Management (00REG), Room 1068, 810 Vermont Ave., NW., Washington, DC 20420; or faxed to (202) 273–9026; or e-mailed to *http://www.regulations.gov.* Comments should indicate that they are submitted in response to ''RIN 2900–AM02.''

Title: VHA Beneficiary Travel Program Under 38 U.S.C. 111.

Summary of collection of information: The proposed rule at § 70.20 requires that certain information is required by VA to determine payment of VHA beneficiary travel under 38 U.S.C. 111. In most cases, this information is electronically available due to previous submissions by the claimant for other VHA benefits or through other VA data sources and no further information is required for VA to determine eligibility and payment amount for VHA beneficiary travel. However, in those cases where a claimant requests reimbursement for the cost of ferry fares, bridge tolls, road tolls, or tunnel tolls in accordance with § 70.30(a)(2), such information is not available and receipt for those expenses must be collected from the claimant.

Description of the need for information and proposed use of information: This information is needed to determine eligibility for payment of beneficiary travel.

Description of likely respondents: Beneficiaries and attendants requesting payment for beneficiary travel.

Estimated number of respondents per year: 23,835.

Estimated frequency of responses per year: 3 per individual (total of 68,505).

Estimated average burden per response: 3 minutes.

Estimated total annual reporting and recordkeeping burden: 3,425 hours.

The Department considers comments by the public on proposed collections of information in:

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;
- Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections of information on those who are to respond, including responses 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.

OMB is required to make a decision concerning the collections of information contained in this proposed

rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed rule.

Regulatory Flexibility Act

VA hereby certifies that the provisions of the proposed rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–602. This proposed rule primarily affects individuals and any effects on small businesses would be inconsequential. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirement of sections 603 and 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers and titles are 64.007, Blind Rehabilitation Centers; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.013, Veterans Prosthetic Appliances; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; and 64.022, Veterans Home Based Primary Care.

List of Subjects in 38 CFR Parts 17 and 70

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and record-keeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: March 26, 2007.

Gordon H. Mansfield,

Deputy Secretary of Veterans Affairs.

Editorial Note: This document was received at the Office of the Federal Register on July 17, 2007.

For the reasons set forth in the preamble, the Department of Veterans Affairs proposes to amend 38 CFR Chapter I as follows:

PART 17—MEDICAL

1. The authority citation continues to read as follows:

Authority: 38 U.S.C. 501, 1721, and as stated in specific sections.

2. In § 17.38, revise paragraph (a)(1)(xii) to read as follows:

§ 17.38 Medical benefits package.

(a) * * *

(1) * * *

(xii) Payment of beneficiary travel as authorized under 38 CFR part 70.

* * * * *

§§ 17.143 through 17.145 [Removed]

3. Remove §§ 17.143 through 17.145 and the undesignated center heading ''TRANSPORTATION OF CLAIMANTS AND BENEFICIARIES''.

4. Add a new part 70 to read as follows:

PART 70—VHA BENEFICIARY TRAVEL UNDER 38 U.S.C. 111

Sec.

70.1 Purpose and scope.
70.2 Definitions.
70.3 Determination of Secretary.
70.4 Criteria for approvals.
70.10 Eligible persons.
70.20 Application.
70.21 Where to apply.
70.30 Payment principles.
70.31 Deductibles.
70.32 Reimbursement or prior payment.
70.40 Administrative procedures.
70.41 Recovery of payments.
70.42 False statements.
70.50 Reduced fare requests.

Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302.

§ 70.1 Purpose and scope.

(a) This part provides a mechanism under 38 U.S.C. 111 for the Veterans Health Administration (VHA) to make payments for travel expenses incurred in the United States to help veterans and other persons obtain care or services from VHA.

(b) This part does not cover payment for emergency transportation of veterans for non-service-connected conditions in non-VA facilities when the payment for transportation is covered by §§ 17.1000 through 17.1008 of this chapter, as authorized by 38 U.S.C. 1725.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.2 Definitions.

For purposes of this part:

Attendant means an individual traveling with a beneficiary who is eligible for beneficiary travel and requires the aid and/or physical assistance of another person.

Beneficiary means a person determined eligible for VHA benefits.

Claimant means a veteran who received services (or his/her guardian) or the hospital, clinic, or community resource that provided the services, or the person other than the veteran who paid for the services.

Clinician means a Physician, Physician Assistant (PA), Nurse Practitioner (NP), Psychologist, or other independent licensed practitioner.

Emergency treatment means treatment for a condition of such a nature that a prudent layperson would have reasonably expected that delay in seeking immediate medical attention would have been hazardous to life or health (this standard would be met if there were an emergency medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part).

Irregular discharge means the release of a competent patient from a VA or VA authorized hospital, nursing home, or domiciliary care due to: refusal, neglect or obstruction of examination or treatment; leaving without the approval of the treating health care clinician; or disorderly conduct and discharge is the appropriate disciplinary action.

Special mode of transportation means an ambulance, ambulette, air ambulance, wheelchair van, or other modes of transportation specially designed to transport disabled persons (this would not include a mode of transportation not specifically designed to transport disabled persons, such as a bus, subway, taxi, train, or airplane). A modified, privately owned vehicle, with special adaptive equipment and/or capable of transporting disabled persons is not a special mode of transportation for the purposes of this rule.

United States means each of the several States, Territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

VA means the Department of Veterans Affairs.

VA authorized health care facility means a non-VA health care facility where VA has approved care for an eligible beneficiary at VA expense.

VA facility means VA Medical Center (VAMC), VA Outpatient Clinic (OPC), or VA Community Based Outpatient Clinic (CBOC).

VHA means the Veterans Health Administration, a principal unit within VA.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.3 Determination of Secretary.

For each fiscal year, the Secretary of Veterans Affairs will determine whether funds are available for paying expenses of VHA beneficiary travel under 38 U.S.C. 111. If the Secretary determines that funds are available for such purpose, VA will make payment for expenses of such travel in accordance with the provisions of this part.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.4 Criteria for approvals.

(a) VA will approve payment for beneficiary travel under this part if:

(1) The travel was made to obtain care or services for a person who is eligible for beneficiary travel payments under § 70.10,

(2) The travel was in connection with care or services for which such person was eligible under the laws administered by VA,

(3) Application was made in accordance with § 70.20,

(4) All of the requirements of this part for payment are met, and

(5) Any failure to obtain the care or services was due to actions by officials of VA or persons acting on behalf of VA.

(b) When a claimant requests payment for beneficiary travel after the provision of care or services and the travel did not include a special mode of transportation, VA will approve round-trip payment under this part only if the travel was:

(1) In connection with care or services that were scheduled with VHA prior to arrival at the VHA-designated facility, or

(2) For emergency treatment.

(c) When a claimant requests payment for beneficiary travel for care or services that were not scheduled with VHA prior to arrival at the facility and were not emergency treatment and the travel did not include a special mode of transportation, VA will not approve round-trip payment under this part but will approve payment for the return trip if VHA actually provided care or services.

(d) Except as provided in § 70.32 concerning reimbursement or prior payment, when payment for beneficiary travel is requested for travel that includes a special mode of transportation, VA will approve payment under this part if:

(1) The travel is medically required,

(2) The beneficiary is unable to defray the cost of such transportation, and

(3) VHA approved the travel prior to travel in the special mode of transportation or the travel was undertaken in connection with a medical emergency.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.10 Eligible persons.

(a) The following listed persons are eligible for beneficiary travel payments under this part:

(1) A veteran who travels to or from a VA facility or VA authorized health care facility in connection with treatment or care for a service-connected disability (regardless of percent of disability).

(2) A veteran with a service-connected disability rated at 30 percent or more who travels to or from a VA facility or VA authorized health care facility for examination, treatment, or care for any condition.

(3) A veteran who travels to a VA facility or VA authorized health care facility for a scheduled compensation and pension examination.

(4) A veteran receiving pension under 38 U.S.C. 1521, who travels to or from a VA facility or VA authorized health care facility for examination, treatment, or care.

(5) A veteran whose annual income (as determined under 38 U.S.C. 1503) does not exceed the maximum annual rate of pension that the veteran would receive under 38 U.S.C. 1521 (as adjusted under 38 U.S.C. 5312) if the veteran was eligible for pension and who travels to or from a VA facility or VA authorized health care facility for examination, treatment, or care.

(6) A veteran who travels to or from a VA facility or VA authorized health care facility for examination, treatment, or care, and who is unable to defray the expenses of that travel as defined in paragraph (c) of this section.

(7) A member of a veteran's immediate family, a veteran's legal guardian, or a person in whose household the veteran certifies an intention to live, if such person is traveling for consultation, professional counseling, training, or mental health services concerning a veteran who is receiving care for a service-connected disability; or a member of a veteran's immediate family, if such person is traveling for bereavement counseling relating to the death of such veteran in the active military, naval, or air service in the line of duty and under circumstances not due to the veteran's own misconduct.

(8) An attendant other than a VA employee, who is accompanying and assisting a beneficiary eligible for beneficiary travel payments under this section, when such beneficiary is medically determined to require the presence of the attendant because of a physical or mental condition.

(9) Beneficiaries of other Federal agencies, incident to medical services rendered upon requests of those agencies, subject to reimbursement agreement by those agencies.

(10) Allied beneficiaries as defined by 38 U.S.C. 109 subject to reimbursement agreement by the government concerned.

(b) For purposes of this section, the term ''examination, treatment, or care'' means the care services provided under the Medical Benefits Package in § 17.38 of this chapter.

(c) For purposes of this section, a beneficiary shall be considered unable to defray the expenses of travel if the beneficiary:

(1) Has an income for the year (as defined under 38 U.S.C. 1503) immediately preceding the application for beneficiary travel that does not exceed the maximum annual rate of pension that the beneficiary would receive under 38 U.S.C. 1521 (as adjusted under 38 U.S.C. 5312) if the beneficiary were eligible for pension during that year; or

(2) Is able to demonstrate that due to circumstances such as loss of employment, or incurrence of a disability, his or her income in the year of travel will not exceed the maximum annual rate of pension that the beneficiary would receive under 38 U.S.C. 1521 (as adjusted under 38 U.S.C. 5312) if the beneficiary were eligible for pension; or

(3) Has a service-connected disability rated at least 30 percent; or

(4) Is traveling in connection with treatment of a service-connected disability.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.20 Application.

(a) A claimant may apply for beneficiary travel orally or in writing but must provide VA the receipt for each expense other than for mileage.

(b) A claimant must apply for payment of beneficiary travel within 30 calendar days after completing beneficiary travel that does not include a special mode of transportation.

(c) For beneficiary travel that includes a special mode of transportation, a claimant must apply for payment of beneficiary travel and obtain approval from VA prior to the travel; however, if the travel included a special mode of transportation and the claimant without prior approval applies for payment of the beneficiary travel within 30 calendar days after the travel is completed, the application will be considered timely submitted if the travel was for emergency treatment.

(d) Notwithstanding other provisions of this section, for travel that includes meals and/or lodging, a claimant must apply for and receive approval prior to obtaining the meals and/or lodging.

(e) If VA determines that additional information is needed to make a determination concerning an application under this part, VA will notify the claimant in writing of the deficiency and request additional information. If the claimant has not responded to the request within 30 days, VA may decide the claim prior to the expiration of the 1-year submission period required by 38 U.S.C. 5103(b)(1) based on all the information contained in the file, including any information it has obtained on behalf of the claimant. If VA does so, however, and the claimant subsequently provides the information within 1 year of the date of the request, VA must readjudicate the claim.

(f) Notwithstanding other provisions of this section, if a person becomes eligible for payment of beneficiary travel after the travel takes place, payment may be made if the person applies for travel benefits within 30 days of the date when the person became eligible for travel benefits.

(g) The date of an application for beneficiary travel is the postmark date, if mailed; or the date of submission if hand delivered, provided by electronic means, or provided orally.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.21 Where to apply.

Claimants for beneficiary travel must submit the information required in § 70.20 to the Chief of the Business Office or other designee at the VA medical facility responsible for the medical care or services being provided and for which travel is required.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.30 Payment principles.

(a) Subject to the other provisions of this section and subject to the deductibles required under § 70.31, VA will pay the following for beneficiary travel by an eligible beneficiary when travel expenses are actually incurred:

(1) The per mile rate established by the Secretary for the period of travel for use of privately owned vehicle or the actual cost for use of the most economical common carrier (bus, train, taxi, airplane, etc.), for travel to and from VA or VA authorized health care subject to the following:

(i) Travel by a privately-owned vehicle for a compensation and pension examination that is solely for the convenience of the Government (e.g., repeat a laboratory test, redo a poor quality x-ray) may have a different per mile rate if deemed appropriate by the Secretary.

(ii) Per mile payment for use of privately-owned vehicle may not exceed the cost of such travel by public transportation (even if it is for the convenience of the government) unless determined to be medically necessary.

(iii) Payment for a common carrier may not exceed the amount allowed for a privately-owned vehicle unless travel by a privately-owned vehicle is not reasonably accessible or is determined to be medically necessary.

(iv) As required by law, each time the Federal government makes a change in mileage rates payable under 5 U.S.C. 5702 and 5704 for Federal employee travel by privately-owned vehicle, but not less frequently than annually, the Secretary shall conduct an investigation of the actual costs of travel, including lodging and subsistence. In conducting the investigation, the Secretary shall consult with the Administrator of the General Services Administration, the Secretary of Transportation, and veterans' service organizations. As part of the investigation, the Secretary shall review and consider various factors including vehicle depreciation, State and Federal vehicle taxes and the costs of gasoline, oil, maintenance, accessories, parts, tires, and insurance. However, to the extent that the Administrator of General Services has, within a reasonable period of time, conducted an investigation of travel costs that included the factors described in this paragraph, the Secretary may consider that investigation in lieu of conducting a separate investigation with respect to the findings of those individual factors. The Secretary is not obligated to accept or rely on any conclusions of the Administrator's investigation. Based on the investigation required by this subsection, VA shall determine whether there is a need to change the mileage rates payable under paragraph (a) of this section. If a determination is made that a change is warranted the new rate(s) will be published in the notices section of the **Federal Register**. Current rate(s) may be found at *http://vaww1.va.gov/cbo/* or by contacting the Beneficiary Travel office at the closest VA health care facility.

(2) The actual cost of ferry fares, bridge tolls, road tolls, and tunnel tolls upon presentation of receipts for such expenses.

(3) The actual cost for meals, lodging, or both, not to exceed 50 percent of the amount allowed for government employees under 5 U.S.C. 5702, when VA determines that an overnight stay is required. Factors VA may consider in making that determination include, but are not limited to the following:

(i) The distance the veteran must travel.

(ii) The time of day when VA scheduled the veteran's appointment.

(iii) The weather conditions or congestion conditions affecting the travel.

(iv) The veteran's medical condition and its impact on the ability to travel.

(4) The actual cost of a special mode of transportation.

(b) Payments under this section are subject to the following:

(1) Except as otherwise allowed under this section, payment is limited to travel from the beneficiary's residence to the nearest VA facility where the care or services could be provided and from such VA facility to the beneficiary's residence.

(2) Payment may be made for travel from the beneficiary's residence to the nearest non-VA facility where the care or services could be provided and from such facility to the beneficiary's residence if VA determines that it is necessary to obtain the care or services at a non-VA facility.

(3) Payment may be made for travel from or to a place where the beneficiary is staying (if the beneficiary is not staying at the beneficiary's residence) but the payment may not exceed the amount that would be payable for travel under paragraphs (b)(1) or (b)(2) of this section, as applicable.

(4) If the beneficiary's residence changed while receiving care or services, payment for the return trip will be for travel to the new residence, except that payment may not exceed the amount that would be allowed from the facility where the care or services could have been provided that is nearest to the new residence (for example, if during a period of care or services in Baltimore, a beneficiary changed his or her address from Baltimore to Detroit, payment for the return trip would be limited to that allowed for traveling to the new residence from the nearest facility to the new residence in Detroit where the care or services could have been provided).

(5) If the beneficiary is in a terminal condition at a VA facility or other facility under VA auspices and travels to a non-VA medical facility for the purpose of being nearer to his or her residence, payment may be made for travel to the medical facility receiving the beneficiary for such purpose.

(6) Payment may be made for travel from a non-VA health care facility where the beneficiary is receiving care or services to the nearest VA facility

where the appropriate care or services could be provided.

(7) Payment will not be made for return travel for a beneficiary receiving an irregular discharge.

(8) On a case-by-case basis, payment for travel may be paid for any distance if it is financially favorable to the government (for example, travel could be allowed to a more distant nursing home when admission to that nursing home is a prerequisite to qualify for community assistance that would more than offset the additional travel payment).

(c) Payment for travel of an attendant under this section will be calculated on the same basis as for the beneficiary.

(d) For shared travel in a privately-owned vehicle, payments are limited to the amount for one beneficiary (for example, if a beneficiary and an attendant travel in the same automobile or if two beneficiaries travel in the same automobile, the amount for mileage will be limited to the amount for one beneficiary).

(e) Beneficiary travel will not be paid under the following circumstances:

(1) The payment of the travel allowance would be counterproductive to the therapy being provided and such determination is recorded in the patient's medical records, and

(2) The chief of the service or a designee reviewed and approved the determination by signature in the patient's medical record.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.31 Deductibles.

(a) VA shall deduct an amount established by the Secretary (currently $3 or the total amount of travel if it is less than $3) for each one-way trip from the amount otherwise payable under this part for such one-way trip, except that:

(1) VA shall not deduct any amounts in a calendar month after the completion of six one-way trips for which deductions were made in such calendar month, and

(2) Whenever the Secretary adjusts the mileage rates as a result of the investigation described in § 70.30(a)(1)(iv), the Secretary shall, effective on the date such mileage rate change should occur, adjust proportionally the deductible amount in effect at the time of the adjustment.

(b) The provisions under this section for making deductions shall not apply to:

(1) Travel that includes travel by a special mode of transportation,

(2) Travel to a VA facility for a scheduled compensation and pension examination, and

(3) Travel by a non-veteran.

(c) VA may waive the deductible under this section when it would cause severe financial hardship. For purposes of this section, a beneficiary shall be considered to suffer severe financial hardship if the beneficiary:

(1) Has an income for the year immediately preceding the application for beneficiary travel that does not exceed 90 percent of the maximum annual rate of pension that would be payable to such beneficiary under 38 U.S.C. 1521 (as adjusted under 38 U.S.C. 5312) if the person were eligible for pension; or

(2) Is able to demonstrate that due to circumstances such as loss of employment, or incurrence of a disability, his or her income in the year of travel will not exceed 90 percent of the maximum annual rate of pension that would be payable to such beneficiary under 38 U.S.C. 1521 (as adjusted under 38 U.S.C. 5312) if the beneficiary were eligible for pension.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.32 Reimbursement or prior payment.

(a) Payment will be made on a reimbursement basis after the travel has occurred, except that:

(1) Upon completion of examination, treatment, or care, payment may be made before the return travel has occurred, and

(2) In the case of travel by a person to or from a VA facility by special mode of transportation, VA may provide payment for beneficiary travel to the provider of the transportation before determining eligibility of such person for such payment if VA determines that the travel is for emergency treatment and the beneficiary or other person made a claim that the beneficiary is eligible for payment for the travel.

(b) Payment under this part will be made to the beneficiary, except that VA may make a beneficiary travel payment under this part to a person or organization other than the beneficiary upon satisfactory evidence that the person or organization actually provided or paid for the travel.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.40 Administrative procedures.

Upon denial of an initial claim for beneficiary travel, VA will provide the claimant written notice of the decision and advise the claimant of reconsideration and appeal rights. A claimant who disagrees with the initial decision denying the claim for beneficiary travel, in whole or in part, may obtain reconsideration under § 17.133 of this chapter and may file an appeal to the Board of Veterans' Appeals under parts 19 and 20 of this chapter. An appeal may be made directly to the Board of Veterans' Appeals without requesting reconsideration.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.41 Recovery of payments.

Payments for beneficiary travel made to persons ineligible for such payment are subject to recapture under applicable law, including the provisions of §§ 1.900 through 1.953 of this chapter.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.42 False statements.

A person who makes a false statement for the purpose of obtaining payments for beneficiary travel may be prosecuted under applicable laws, including 18 U.S.C. 1001.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

§ 70.50 Reduced fare requests.

Printed reduced-fare requests for use by eligible beneficiaries and their attendants when traveling at their own expense to or from any VA facility or VA authorized facility for authorized VA health care are available from any VA medical facility. Beneficiaries may use these request forms to ask transportation providers, such as bus companies, for a reduced fare. Whether to grant a reduced fare is determined by the transportation provider.

(Authority: 38 U.S.C. 101, 111, 501, 1701, 1714, 1720, 1728, 1782, 1783, E.O. 11302)

[FR Doc. E7–14069 Filed 7–20–07; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2006–0042–200715; FRL–8443–4]

Approval and Promulgation of Implementation Plans Tennessee; Approval of Revisions to the Tennessee SIP and the Nashville/Davidson County Portion of the Tennessee SIP; Prevention of Significant Deterioration and Nonattainment New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Tennessee on February 23, 2006, and May 31, 2006. The proposed revisions modify Tennessee's and Nashville/Davidson County's Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) regulations in the SIP to address changes to the federal NSR regulations, which were promulgated by EPA on December 31, 2002 (67 FR 80186) and reconsidered with minor changes on November 7, 2003 (68 FR 63021) (collectively, these two final actions are called the ''2002 NSR Reform Rules''). EPA's 2002 NSR Reform Rules, proposed for inclusion in the Tennessee SIP and the Nashville/Davidson County portion of the Tennessee SIP, contain provisions for baseline emissions calculations, an actual-to-projected-actual methodology for calculating emissions changes, options for plant-wide applicability limits, and recordkeeping and reporting requirements.

DATES: Comments must be received on or before August 22, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2006–0042, by one of the following methods:

1. *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: adams.yolanda@epa.gov.*
3. *Fax:* 404–562–9019.
4. *Mail:* ''EPA–R04–OAR–2006–0042,'' Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Ms. Yolanda Adams, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2006–0042. 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 through *http://www.regulations.gov* or e-mail, information that you consider to be CBI or otherwise protected. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*.

Docket: All documents in the electronic docket are listed in the *http://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 *http://www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: For information regarding the Tennessee State Implementation Plan, contact Mr. James Hou, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8965. Mr. Hou can also be reached via electronic mail at *hou.james@epa.gov*. For information regarding New Source Review, contact Ms. Yolanda Adams, Air Permits Section, at the same address above. The telephone number is (404) 562–9214. Ms. Adams can also be reached via electronic mail at *adams.yolanda@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, references to ''EPA,'' ''we,'' ''us,'' or ''our,'' are intended to mean the Environmental Protection Agency. The supplementary information is arranged as follows:

I. What action is EPA proposing today?
II. Why is EPA proposing this action?
III. What is EPA's Analysis of Tennessee's and Nashville/Davidson County's NSR Rule Revisions?
IV. What action is EPA taking today?
V. Statutory and Executive Order Reviews

I. What action is EPA proposing today?

On February 23, 2006, and May 31, 2006, the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), submitted revisions to the Tennessee SIP, and the Nashville/Davidson County portion of the Tennessee SIP. Nashville/Davidson County is separately authorized to implement and enforce the NSR program in that region of Tennessee. The February 23, 2006, SIP submittal consists of revisions to the Tennessee Air Pollution Control Regulations. Specifically, the proposed SIP revisions include changes to TDEC Rule .01 of chapter 1200–3–9 entitled, ''Construction Permits.'' The May 31, 2006, submittal consists of revisions to the Nashville Pollution Control Division's (NPCD's) Regulation 3 entitled, ''New Source Review.'' TDEC submitted these revisions in response to EPA's December 31, 2002, revisions to the Federal NSR program.

In a letter to EPA dated April 16, 2007, Tennessee requested to amend the February 23, 2006, SIP submittal in light of the decision issued by the U.S. Circuit Court of Appeals for the District of Columbia Circuit (DC Circuit Court) on June 24, 2005. The June 24, 2005, decision is discussed in further detail below. Tennessee requested that the portion of the Tennessee SIP revision related to the EPA rules that were vacated by the DC Circuit Court (specifically the clean unit and pollution control project provisions) not be approved into the SIP. The affected portions of the February 23, 2006, submittal are as follows: sections

(b)2.(i)(VIII), (b)4.(iii)(III), (b)4.(vi)(IV), (b)35., (b)39., (c)4.(v), (c)6., (p), (q), and (r) of Rule 1200–3–9–.01(4); sections (b)1.(v)(III)VIII, (b)1.(vi)(III)III, (b)1.(vi)(V)V, (b)1.(xxxvii), (b)1.(xli), (b)2.(v)(IX), (b)2.(v)(X), (b)2.(xvi), (b)2.(xix), (b)7., (b)8., and (b)9. of Rule 1200–3–9–.01(5); and all references to clean units and pollution control projects at sections (a)11. and (c)4.(vi) of Rule 1200–3–9–.01(4); and sections (b)2.(xvii) and (b)5. of Rule 1200–3–9–.01(5). EPA is now proposing to approve the SIP revisions submitted by TDEC on February 23, 2006, May 31, 2006, and April 16, 2007, which will revise the Tennessee SIP and the Nashville/Davidson County portion of the Tennessee SIP.

II. Why is EPA proposing this action?

On December 31, 2002, EPA published final rule changes to 40 Code of Federal Regulations (CFR) parts 51 and 52, regarding the Clean Air Act's (CAA or Act) PSD and NNSR programs (67 FR 80186). On November 7, 2003, EPA published a notice of final action on the reconsideration of the December 31, 2002, final rule changes (68 FR 63021). In that November 7, 2003, final action, EPA added the definition of ''replacement unit,'' and clarified an issue regarding plantwide applicability limitations (PALs). The December 31, 2002, and the November 7, 2003, final actions are collectively referred to as the ''2002 NSR Reform Rules.'' The purpose of this action is to propose to approve the SIP submittals from the State of Tennessee, which include the provisions of EPA's 2002 NSR Reform Rules.

The 2002 NSR Reform Rules are part of EPA's implementation of Parts C and D of title I of the CAA, 42 U.S.C. 7470–7515. Part C of title I of the CAA, 42 U.S.C. 7470–7492, is the PSD program, which applies in areas that meet the National Ambient Air Quality Standards (NAAQS)—''attainment'' areas—as well as in areas for which there is insufficient information to determine whether the area meets the NAAQS—''unclassifiable'' areas. Part D of title I of the CAA, 42 U.S.C. 7501–7515, is the NNSR program, which applies in areas that are not in attainment of the NAAQS—''nonattainment'' areas. Collectively, the PSD and NNSR programs are referred to as the ''New Source Review'' or NSR programs. EPA regulations implementing these programs are contained in 40 CFR 51.165, 51.166, 52.21, 52.24, and part 51, appendix S.

The CAA's NSR programs are preconstruction review and permitting programs applicable to new and modified stationary sources of air pollutants regulated under the CAA. The NSR programs of the CAA include a combination of air quality planning and air pollution control technology program requirements. Briefly, section 109 of the CAA, 42 U.S.C. 7409, requires EPA to promulgate primary NAAQS to protect public health and secondary NAAQS to protect public welfare. Once EPA sets those standards, states must develop, adopt, and submit to EPA for approval, a SIP that contains emissions limitations and other control measures to attain and maintain the NAAQS. Each SIP is required to contain a preconstruction review program for the construction and modification of any stationary source of air pollution to assure that the NAAQS are achieved and maintained; to protect areas of clean air; to protect air quality related values (such as visibility) in national parks and other areas; to assure that appropriate emissions controls are applied; to maximize opportunities for economic development consistent with the preservation of clean air resources; and to ensure that any decision to increase air pollution is made only after full public consideration of the consequences of the decision.

The 2002 NSR Reform Rules made changes to five areas of the NSR programs. In summary, the 2002 Rules: (1) Provide a new method for determining baseline actual emissions; (2) adopt an actual-to-projected-actual methodology for determining whether a major modification has occurred; (3) allow major stationary sources to comply with plant-wide applicability limits to avoid having a significant emissions increase that triggers the requirements of the major NSR program; (4) provide a new applicability provision for emissions units that are designated clean units; and (5) exclude pollution control projects (PCPs) from the definition of ''physical change or change in the method of operation.'' On November 7, 2003, EPA published a notice of final action on its reconsideration of the 2002 NSR Reform Rules (68 FR 63021), which added a definition for ''replacement unit'' and clarified an issue regarding PALs. For additional information on the 2002 NSR Reform Rules, see 67 FR 80186 (December 31, 2002), and *http://www.epa.gov/nsr*.

After the 2002 NSR Reform Rules were finalized and effective (March 3, 2003), industry, state, and environmental petitioners challenged numerous aspects of the 2002 NSR Reform Rules, along with portions of EPA's 1980 NSR Rules (45 FR 52676, August 7, 1980). On June 24, 2005, the D.C. Circuit Court issued a decision on the challenges to the 2002 NSR Reform Rules. *New York* v. *United States*, 413 F.3d 3 (DC Cir. 2005). In summary, the DC Circuit Court vacated portions of the rules pertaining to clean units and pollution control projects, remanded a portion of the rules regarding recordkeeping, e.g. 40 CFR 52.21(r)(6) and 40 CFR 51.166(r)(6), and either upheld or did not comment on the other provisions included as part of the 2002 NSR Reform Rules. On March 8, 2007, EPA issued a proposed rule in response to the Court's remand regarding the recordkeeping provisions. The proposed rule describes two alternative options to clarify what constitutes ''reasonable possibility'' and when the ''reasonable possibility'' recordkeeping requirements apply (72 FR 10445). The ''reasonable possibility'' standard identifies for sources and reviewing authorities the circumstances under which a major stationary source undergoing a modification that does not trigger major NSR must keep records. Further, on June 13, 2007, EPA took final action to revise the 2002 NSR Reform Rules to exclude the portions that were vacated by the DC Circuit Court (72 FR 32526). Today's action on the Tennessee SIP is consistent with the decision of the DC Circuit Court because Tennessee's submittals do not include any portions of the 2002 NSR Reform Rules that were vacated as part of the June 2005 decision.

The 2002 NSR Reform Rules require that state agencies adopt and submit revisions to their SIP permitting programs implementing the minimum program elements of the 2002 NSR Reform Rules no later than January 2, 2006. (Consistent with changes to 40 CFR 51.166(a)(6)(i), state agencies are now required to adopt and submit SIP revisions within 3 years after new amendments are published in the **Federal Register**.) State agencies may meet the requirements of 40 CFR part 51, and the 2002 NSR Reform Rules, with different but equivalent regulations. However, if a state decides not to implement any of the new applicability provisions, that state is required to demonstrate that its existing program is at least as stringent as the federal program.

On February 23, 2006, May 31, 2006, and April 16, 2007, the State of Tennessee submitted SIP revisions for the purpose of revising the State's and Nashville/Davidson County's NSR permitting provisions. These changes were made primarily to adopt EPA's 2002 NSR Reform Rules. As discussed in further detail below, EPA believes the revisions contained in the Tennessee

submittals are approvable for inclusion into the Tennessee SIP and the Nashville/Davidson County portion of the Tennessee SIP.

III. What is EPA's Analysis of Tennessee's and Nashville/Davidson County's NSR Rule Revisions?

Tennessee and Nashville/Davidson County currently have SIP-approved NSR programs for new and modified stationary sources. EPA is proposing to approve revisions to Tennessee's and Nashville/Davidson County's existing NSR regulations in the SIP. The Tennessee proposed revisions became state-effective on February 14, 2006, and were submitted to EPA on February 23, 2006. The Nashville/Davidson County proposed revisions were approved by the Air Pollution Control Board of the State of Tennessee on May 10, 2006, and were submitted to EPA on May 31, 2006. Copies of the revised rules, as well as the State's Technical Support Documents, can be obtained from the Docket, as discussed in the ''Docket'' section above. A discussion of the specific changes to TDEC's and NPCD's rules that are proposed for inclusion in the SIP are summarized below.

TDEC's Rule 1200–3–9–.01(4) contains the preconstruction review program that provides for the PSD of ambient air quality as required under Part C of title I of the CAA. NPCD's Regulation 3 contains Nashville/Davidson County's PSD program. The PSD program applies to major stationary sources or modifications constructed in areas that are designated as attainment or unclassifiable with respect to the NAAQS. TDEC's PSD program was originally approved into the SIP by EPA on April 24, 1980, and has been revised several times. NPCD's PSD program was originally approved into the Nashville/Davidson County portion of the Tennessee SIP on June 24, 1982, and has been revised several times as well.

TDEC's permitting requirements for major sources in or impacting upon nonattainment areas are set forth at Rule 1200–3–9–.01(5). NPCD's NNSR requirements are set forth at Regulation 3. The Tennessee NNSR program was originally approved into the Tennessee SIP on June 7, 1979, with subsequent amendments. The Nashville NNSR program was originally approved into the Nashville/Davidson County portion of the Tennessee SIP on June 24, 1982, with subsequent amendments. The NNSR requirements apply to the construction and modification of any major stationary source of air pollution in a nonattainment area, as required by Part D of title I of the CAA. To receive approval to construct, a source that is subject to these requirements must show that it will not cause a net increase in pollution, will not create a delay in meeting the NAAQS, and that the source will install and use control technology that achieves the lowest achievable emissions rate.

The current revisions to TDEC's Rule 1200–3–9–.01, and NPCD's Regulation 3, which EPA is proposing to approve into the Tennessee SIP and the Nashville/Davidson County portion of the Tennessee SIP, were provided to update the existing provisions to be consistent with the current Federal PSD and NNSR rules, including the 2002 NSR Reform Rules. These revisions address baseline actual emissions, actual-to-projected-actual applicability tests, and PALs. State agencies may meet the requirements of 40 CFR part 51, and the 2002 NSR Reform Rules, with different but equivalent regulations. TDEC and NPCD have made one change to the Federal regulations. The definition of ''baseline actual emissions,'' found in parts 1200–3–9–.01(4)(b)45 and 1200–3–9–.01(5)(b)1.(xlvii) of the TDEC rule, and Section 3–1(e) of NPCD Regulation 3, was changed to remove the provision allowing different consecutive 24-month periods for different pollutants. Therefore, under TDEC's and NPCD's rules, a single 24-month period must be used for all regulated NSR pollutants when calculating baseline actual emissions. This provision was changed from the Federal requirements on the recommendation of the industry and environmental advocacy representatives in the Tennessee stakeholder group that worked with the State to develop the revisions to the Tennessee NSR program.

As part of our review of the Tennessee SIP submittals, we performed a line-by-line review of the proposed revisions, including the provision which differs from the Federal rules, and have determined that they are consistent with the program requirements for the preparation, adoption and submittal of implementation plans for NSR set forth at 40 CFR 51.165 and 51.166. TDEC's Rule 1200–3–9–.01 and NPCD's Regulation 3 do not incorporate the portions of the Federal rules that were vacated by the DC Circuit Court, including the clean unit provisions, the pollution control projects exclusion, and the equipment replacement provision which was promulgated shortly after the 2002 NSR Reform Rules. As noted earlier, EPA responded to the DC Circuit Court's remand of the recordkeeping provisions of EPA's 2002 NSR Reform Rules by proposing two alternative options to clarify when the recordkeeping requirements apply. TDEC's and NPCD's rules contain recordkeeping requirements that are substantially the same as the remanded Federal rule. While final action by EPA with regard to the remand may require EPA to take further action on the Tennessee SIP, at this time the rules contained in the proposed SIP revisions are the same as existing Federal law and are therefore approvable.

IV. What action is EPA taking today?

For the reasons discussed above, EPA is proposing to approve the changes made to Tennessee's Rule 1200–3–9–.01 (Construction Permits) as submitted by TDEC on February 23, 2006, and amended on April 16, 2007, as revisions to the Tennessee SIP. In addition, EPA is proposing to approve changes made to NPCD Regulation 3 (New Source Review) as submitted by TDEC on May 31, 2006, as revisions to the Nashville/Davidson County portion of the Tennessee SIP.

V. 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 proposed 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 the proposed approvals in 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 tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175

(59 FR 22951, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. 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 approves a sate rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve choices, provided that they meet the criteria of the CAA. 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 CAA. 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. 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 Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: July 12, 2007.

J.I. Palmer, Jr.,

Regional Administrator, Region 4.

[FR Doc. E7–14171 Filed 7–20–07; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register

Vol. 72, No. 140

Monday, July 23, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Submit comments on or before September 21, 2007.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2 07–106, RRB, Washington, DC 20523, (202) 712–1365 or via e-mail *bjohnson@usaid.gov*.

SUPPLEMENTARY INFORMATION:

OMB No:

Form No: N/A.

Title: Partner Vetting System (PVS).

Type of Review: NEW Information Collection.

Purpose: The United States Agency for International Development (USAID), Office of Security, intends to collect information from approximately 2000 individuals and/or officers of non-governmental organizations (NGOs) who apply for USAID contracts, grants, cooperative agreements, other funding from USAID, or who apply for registration with USAID as Private and Voluntary Organizations (PVO). Collection of personally identifiable information from these individuals is specifically used to conduct screening to ensure that neither USAID funds nor USAID-funded activities inadvertently provide support to entities or individuals associated with terrorism.

Annual Reporting Burden: Respondents: 2000. *Total annual responses:* 2000. *Total annual hours requested:* 500 hours.

Dated: July 16, 2007.

Joanne Paskar,

Chief, Information and Records Division, Office of Administrative Services, Bureau for Management.

[FR Doc. 07–3555 Filed 7–20–07; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 17, 2007.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of 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; (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: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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.

Forest Service

Title: Financial Information Security Request Form.

OMB Control Number: 0596–0204.

Summary of Collection: The majority of Forest Service's (FS) financial records are in databases stored at the National Finance Center (NFC). The Federal Information Security Reform Act of 2002 (Pub. L. 107–347) and Information Technology Management Reform Act of 1996 (Pub. L. 104–106) authorize the Forest Service to obtain information necessary for employees and contractors to access and maintain these records.

Need and Use of the Information: The Forest Service uses a paper and electronic version of its form FS–6500–214 to gather name, work e-mail, work telephone number, job title etc. for a specific employee or contractor to apply to NFC for access. NFC grants access to users only at the request of Client Security Officers. The unit's Client Security Officer is responsible for management of access to computers and coordinates all requests for NFC. The information collected is shared with those managing or overseeing the financial systems used by the FS, this includes auditors.

Description of Respondents: Contracted Employees.

Number of Respondents: 50.

Frequency of Reponses: Reporting: Yearly.

Total Burden Hours: 150.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–14127 Filed 7–20–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2006–0112]

Introduction of Organisms and Products Altered or Produced Through Genetic Engineering; Public Forums

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public forums.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service will be holding four public forums to gather public comment on a draft environmental impact statement (DEIS) related to our consideration of revisions to our regulations regarding the importation, interstate movement, and environmental release of genetically engineered organisms.

DATES: The forums will be held August 1, 2007, from 4 p.m. to 7 p.m. in Riverdale, MD; August 3, 2007, from 4 p.m. to 6 p.m. in Riverdale, MD; August 16, 2007, from 4 p.m. to 7 p.m. in Davis, CA; and August 30, 2007, from 4 p.m. to 7 p.m. in Kansas City, MO.

ADDRESSES: The forums will be held at the following locations:

Riverdale, MD: USDA Center at Riverside, 4700 River Road, Riverdale, MD. For directions or facilities information, call (301) 734–8010.

Davis, CA: Walter A. Buehler Alumni & Visitors Center, Alpha Gamma Rho Hall, University of California, Davis, CA. For directions or facilities information, call (530) 754–9195 or visit *http://www.alumnicenter.ucdavis.edu/.*

Kansas City, MO: Hilton Kansas City Airport, Osage Rooms A & B, 8801 NW 112th Street, Kansas City, MO. For directions or facilities information, call (816) 891–8900 or visit *http://www.hiltonkci.com/.*

FOR FURTHER INFORMATION CONTACT: Dr. T. Clint Nesbitt, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1238; (301) 734–5673.

SUPPLEMENTARY INFORMATION: On July 17, 2007, the Animal and Plant Health Inspection Service (APHIS) announced in the **Federal Register** (72 FR 39021–39025, Docket No. APHIS–2006–0112) the availability of a draft environmental impact statement (DEIS) related to our consideration of revisions to our regulations regarding the importation, interstate movement, and environmental release of genetically engineered organisms. The DEIS evaluates the alternatives we have identified in terms of their potential effects on the human environment compared to the effects of our current regulatory program. We believe our ongoing evaluation of these alternatives would benefit from the submission of additional views and data from the public, and we are especially interested in receiving comments on the subset of DEIS alternatives described in our July 17, 2007, notice. That notice specified how comments from the public may be submitted for consideration, and that we would consider comments received on or before September 11, 2007.

In order to provide additional opportunities for the public to comment on the DEIS, APHIS will hold four public forums in three locations: Riverdale, MD; Davis, CA; and Kansas City, MO (see **ADDRESSES** above). These informal forums are designed to engage interested individuals and elicit comments related to the DEIS. The format will consist of informational posters and comment stations. Attendees will be able to walk through the forum during the scheduled hours and interact with other attendees and APHIS personnel. Brief welcoming remarks will be given by APHIS personnel at 4:30 pm and again at 6 p.m. local time (the 6 p.m. briefing will not occur at the August 3, 2007, meeting in Riverdale, MD). There is no set schedule for each poster station, so the public may come and go at any time during the forum period. Participants will have the opportunity to record brief oral comments with a court reporter or to submit comments in writing, following directions provided at the comment stations.

The purpose of these forums is to provide the public with an opportunity to obtain information regarding the DEIS and interact with APHIS representatives, and to allow APHIS to gather further information on potential impacts on the human environment resulting from possible revision of our regulations. Comments received at these public forums will be considered along with the comments we receive on the DEIS in response to our July 17, 2007, notice.

Parking and Security Procedures for Riverdale, MD Forums

Please note that a fee of $2.25 is required to enter the parking lot at the USDA Center at Riverside. The machine accepts $1 bills or quarters. Picture identification is required to be admitted into the building. Upon entering the building, visitors should inform security personnel that they are attending the DEIS meeting.

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

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–14167 Filed 7–20–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Bridger-Teton National Forest, Wyoming, Long Term Special Use Authorization for Wyoming Game and Fish Commission To Use National Forest Land for Their Winter Elk Management Programs

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Bridger-Teton National Forest has received a request from the Wyoming Game and Fish Commission (WGFC) to continue to use certain facilities on tracts of NFS lands to conduct their elk winter feeding and related management programs. The proposed action is to issue the WGFC a Special Use Authorization for the proposed uses of NFS land.

DATES: Comments concerning the scope of the analysis must be postmarked by September 17, 2007. The draft environmental impact statement is expected in January of 2008 and the final environmental impact statement is expected in May of 2008.

ADDRESSES: Send written comments to Carole ''Kniffy'' Hamilton, Forest Supervisor, Bridger-Teton National Forest, P.O. Box 1888, Jackson, WY 83001. Send electronic mail to: *comments-intermtn-bridger-teton@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Greg Clark, District Ranger, Big Piney Ranger District, P.O. Box 218, Big Piney, WY 83113 (307–276–5810).

SUPPLEMENTARY INFORMATION: WGFC is the agency responsible for management of wildlife in the State of Wyoming. WGFC has constructed structures and utilized segments of land on the

Bridger-Teton National Forest for more than 50 years to conduct their winter elk management programs. This use of NFS land has been authorized in the past by the issuance of permits. The WGFC has requested long term authorization to continue this established use.

Purpose and Need for Action

The purpose and need for action is to respond to the WGFC request for long term Special Use Permits. The Special Use Permits would authorize the proposed intermittent occupancy and use of specified lands for activities associated with their winter elk management program.

Proposed Action

The proposed action is to authorize the continued use of NFS lands by the WGFC for corrals, sheds, chutes, and feeding grounds associated with their ongoing winter elk management program. The specific areas addressed in this action include the following sites:

(1) Fish Creek.
(2) Pritchard Creek (Dog Creek).
(3) Muddy Canyon.
(4) Fall Creek.
(5) Alkali Creek.
(6) Upper Green River.
(7) Patrol Cabin.

Possible Alternatives

Three preliminary alternatives have been identified: (1) The no action alternative—no Special Use Authorization would be issued, (2) The proposed action—issuance of authorization to the WGFC, and (3) authorization of the proposed use with modifications.

Lead and Cooperating Agencies

The Forest Service is the lead agency. WGFC is a cooperating agency.

Responsible Official

The responsible forest officer for this proposed action is Carole ''Kniffy'' Hamilton, Forest Supervisor, Bridger-Teton National Forest, 340 N. Cache, P.O. Box 1888, Jackson, WY 83001.

Nature of Decision To Be Made

The decision to be made is whether or not to authorize, in whole or in part, use of specific NFS lands by the WGFC for corrals, sheds, chutes, and feeding grounds associated with their ongoing elk feeding and management program.

Scoping Process

The first formal opportunity to respond to the proposed action listed above is during the public scoping process (40 CFR 1501.7) which begins with the issuance of this Notice of Intent. Scoping letters will be sent to the forest mailing list of known interested parties, and public meetings will be scheduled in Jackson and Pinedale, WY. The time and place for those meetings will be published in the local papers and posted on the forest Web site. The scoping process will assist the forest in identifying specific issues to be addressed related to the purpose and need and the scope of the decision. Mail comments to the addresses given above for further information. Ongoing information related to the proposed action and related analysis will be posted on the Bridger-Teton National Forest Web site *http://www.fs.fed.us/r4/btnf*.

Preliminary Issues

Preliminary issues associated with the proposed action include:

(1) Concentrated use of the specified areas by elk could affect local habitat due to heavy browsing of willows and other shrubs.

(2) Concentrated use of the specified areas during warmer spring days could impact soils due to trampling on the area.

(3) Importing of hay would increase the possibility of introducing noxious weeds.

Permits or Licenses Required

If the decision is to authorize the WGFC to occupy and use National Forest System lands, it will be done through the issuance of a Special Use Authorization. (36 CFR part 251 subpart B)

Comment Requested

This notice of intent initiates the scoping process which guides the development of the environmental impact statement.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A draft environmental impact statement (DEIS) will be prepared for comment. The comment period on the DEIS will be for a period of 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a DEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points. Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: July 12, 2007.

Carole ''Kniffy'' Hamilton,

Forest Supervisor, Bridger-Teton National Forest.

[FR Doc. E7–14152 Filed 7–20–07; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fresno County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fresno County Resource Advisory Committee will meet in Prather, California. The purpose of the meeting is to receive and review recommend project proposals for FY2007 funds regarding the Secure Rural Schools and Community Self-

Determination Act of 2000 (Pub. L. 106–393) for expenditure of Payments to States Fresno County Title II funds.

DATES: The meeting will be held on September 11, 2007 from 6:30 p.m. to 9 p.m.

ADDRESSES: The meeting will be held at the High Sierra Ranger district, 29688 Auberry Road, Prather, California 93651. Send written comments to Robbin Ekman, Fresno County Resource Advisory Committee Coordinator, c/o Sierra National Forest, High Sierra Ranger District, 29688 Auberry Road, Prather, CA 93651 or electronically to *rekman@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Robbin Ekman, Fresno County Resource Advisory Committee Coordinator, (559) 855–5355 ext. 3341.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring Payments to States Fresno County title II project matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public sessions will be provided and individuals who made written requests by August 24, 2007 will have the opportunity to address the Committee at those sessions. Agenda items to be covered include: (1) Call for new projects and (2) Public comment.

Dated: July 11, 2007.

Ray Porter,

District Ranger.

[FR Doc. 07–3529 Filed 7–20–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Request for Proposals (RFP): Demonstration Program for Agriculture, Aquaculture, and Seafood Processing and/or Fishery Worker Housing Grants

AGENCY: Rural Housing Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Rural Housing Service published a document in the **Federal Register** on July 17, 2007, requesting proposals for housing demonstration program for agriculture, aquaculture, and seafood processing and/or fishery workers grant funds. The deadline date for the submission of applications was inadvertently omitted from the notice.

FOR FURTHER INFORMATION CONTACT: Henry Searcy, Jr., Senior Loan Specialist, USDA, Rural Housing Service, Multi-Family Housing Processing Division, Stop 0781, Room 1263, 1400 Independence Avenue, SW., Washington, DC 20250–0781, telephone (202) 720–1753. (This is not a toll-free number.).

Correction

In the **Federal Register** of July 17, 2007, in FR Doc. E7–13763, on page 39045, in the second column, the ''**DATES**'' caption should read:

DATES: The deadline for receipt of all applications in response to this RFP is 5 p.m., eastern time, on August 31, 2007.

Dated: July 17, 2007.

Russell T. Davis,

Administrator, Rural Housing Service.

[FR Doc. E7–14183 Filed 7–20–07; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–804]

Ball Bearings and Parts Thereof from Japan: Rescission of Amended Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 11, 2007.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1757 or (202) 482–4477, respectively.

Rescission of Amended Final Results

On July 11, 2007, the Department of Commerce (the Department) published amended final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Japan for the period May 1, 2000, through April 30, 2001. See *Ball Bearings and Parts Thereof from Japan: Amended Final Results of Antidumping Duty Administrative Review*, 72 FR 37702 (July 11, 2007) (Amended Final Results). We published the Amended Final Results, which reflected a court decision, mistakenly before that decision became final and conclusive. Therefore, the Department is rescinding those Amended Final Results.

Dated: July 16, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–14160 Filed 7–20–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar from India: Preliminary Results of Antidumping Duty New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 23, 2007.

SUMMARY: The Department of Commerce is conducting a new shipper review of the antidumping duty order on stainless steel bar from India manufactured and exported by Ambica Steels Limited (''Ambica''). In these preliminary results, we find that Ambica made sales of subject merchandise below normal value. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 23, 2007.

FOR FURTHER INFORMATION CONTACT: Devta Ohri or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone (202) 482–3853 and (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, the Department of Commerce (''Department'') published in the **Federal Register** the antidumping duty order on stainless steel bar (''SSB'') from India. *See Antidumping Duty Orders: Stainless Steel Bar form Brazil, India and Japan*, 60 FR 9661 (February 21, 1995).

On August 31, 2006, the Department received a request from Ambica to conduct a new shipper review of the antidumping duty order on stainless steel bar from India. On September 26, 2006, the Department published in the **Federal Register**, a notice of initiation of a new shipper review of Ambica covering the period February 1, 2006, through July 31, 2006. *See Stainless Steel Bar from India: Notice of Initiation of Antidumping Duty New Shipper Review*, 71 FR 56105 (September 26, 2006).

On September 26, 2006, the Department issued an antidumping

questionnaire to Ambica. We received responses on October 26, 2006, and November 29, 2006.

On December 19, 2006, the petitioners[1] alleged that Ambica made sales below the cost of production (''COP''). We found that the petitioners' allegation provided a reasonable basis to believe or suspect that sales by Ambica in the home market had been made at prices below the cost of production and initiated a sales below cost investigation on January 23, 2007. *See* Memorandum from Devta Ohri, International Trade Compliance Analyst, to Susan Kuhbach, Senior Office Director, Office 1, AD/CVD Operations, ''Petitioners' Allegation of Sales Below the Cost of Production for Ambica Steels Limited,'' dated January 23, 2007 (''*Sales Below Cost Memorandum*''). On January 24, 2006, we requested that Ambica respond to the Section D cost of production section of the Department's original questionnaire. Ambica filed its response to Section D on February 15, 2007.

On March 5, 2007, the Department published an extension of the time limit for the preliminary results of this new shipper review to no later than July 17, 2007. *See Stainless Steel Bar from India: Notice of Extension of Time Limit for the Preliminary Results of the 2006 New Shipper Review*, 72 FR 9732 (March 5, 2007).

We issued supplemental questionnaires to Ambica in December 2006, March 2007, and April 2007. Ambica responded in December 2006 and May 2007.

Scope of the Order

Imports covered by the order are shipments of SSB. SSB means articles of stainless steel in straight lengths that have been either hot–rolled, forged, turned, cold–drawn, cold–rolled or otherwise cold–finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold–finished SSBs that are turned or ground in straight lengths, whether produced from hot–rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi–finished products, cut–to-length flat–rolled products (*i.e.*, cut–to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (*i.e.*, cold–formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat–rolled products), and angles, shapes, and sections.

The SSB subject to these reviews is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

On May 23, 2005, the Department issued a final scope ruling that SSB manufactured in the United Arab Emirates out of stainless steel wire rod from India is not subject to the scope of this order. *See* Memorandum from Team to Barbara E. Tillman, ''Antidumping Duty Orders on Stainless Steel Bar from India and Stainless Steel Wire Rod from India: Final Scope Ruling,'' dated May 23, 2005, which is on file in the CRU in room B–099 of the main Department building. *See also Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).

Verification

As provided in section 782(i)(3) of the Tariff Act of 1930, as amended (''the Act''), we intend to verify the information provided by Ambica in September or October 2007.

Period of Review

The period of review (''POR'') is February 1, 2006, through July 31, 2006.

bona fide **Analysis**

Consistent with the Department's practice, we investigated whether the U.S. transaction reported by Ambica during the POR was a *bona fide* sale. Among the factors examined was the relationship between Ambica and its reported U.S. customer. Based on our investigation, we preliminarily determine that Ambica's sale was made on a *bona fide* basis. For our complete analysis, *see* Memorandum from Devta Ohri, International Trade Compliance Analyst to the File entitled, ''*bona fide* Nature of Ambica Steels Limited's Sales in the New Shipper Review for Stainless Steel Bar from India,'' dated July 17, 2007, on file in room B–099 of the main Department of Commerce building.

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, all references to the Department of Commerce's regulations are to 19 CFR Part 351 (2007).

Fair Value Comparisons

To determine whether Ambica's sales of SSB to the United States were made at less than normal value (''NV''), we compared export price (''EP'') to NV, as described in the ''Export Price'' and ''Normal Value'' sections of this notice.

Pursuant to section 777A(d)(2) of the Act, we compared the EP of individual U.S. transactions to the weighted–average NV of the foreign–like product, where there were sales made in the ordinary course of trade, as discussed in the ''Cost of Production Analysis'' section, below.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced and sold by the respondent in the home market covered by the description in the ''Scope of the Order'' section, above, to be foreign–like products for purposes of determining appropriate product comparisons to U.S. sales. In accordance with sections 773(a)(1)(B) and (C) of the Act, in order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared the respondent's volume of home market sales of the foreign–like product to the volume of its U.S. sales of the subject merchandise. For further details, see the ''Normal Value'' section, below.

We compared U.S. sales to monthly weighted–average prices of contemporaneous sales made in the home market based on the following criteria: (1) General type of finish, (2) Grade, (3) Remelting, (4) Type of final finishing operation, (5) Shape, and (6) Size. Where there were no home market sales of foreign like product that were identical in these respects to the merchandise sold in the United States, we compared U.S. products with the most similar merchandise sold in the home market based on the characteristics listed above, in that order of priority.

[1] Carpenter Technology Corporation, Valbruna Slater Stainless, Inc., Electralloy Corporation, a Division of G.O. Carlson, Inc.

Export Price

In accordance with section 772(a) of the Act, EP is defined as the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation by the producer or exporter of the subject merchandise outside of the United States to an unaffiliated purchaser in the United States, or to an unaffiliated purchaser for exportation to the United States. In accordance with section 772(b) of the Act, constructed export price (''CEP'') is the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise or by a seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter, as adjusted under subsections (c) and (d).

For Ambica's sales to the United States, we used EP in accordance with section 772(a) of the Act because Ambica's merchandise was sold directly to the first unaffiliated purchaser prior to importation, and CEP was not otherwise warranted based on the facts of record. We calculated EP based on the packed cost, insurance, and freight (''CIF''), or delivered duty paid (''DDP'') price to the first unaffiliated purchaser in the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act, including domestic inland freight (plant/warehouse to port of exit), international freight, marine insurance, U.S. customs duty, brokerage and handling, and clearing house agent (''CHA'') expenses.

Duty Drawback

Section 772(c)(1)(B) of the Tariff Act provides that EP or CEP shall be increased by among other things, ''the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject merchandise to the United States.'' The Department determines that an adjustment to U.S. price for claimed duty drawback is appropriate when a company can demonstrate: (1) that the ''import duty and rebate are directly linked to, and dependent upon, one another;'' and (2) ''the company claiming the adjustment can show that there were sufficient imports of the imported raw materials to account for the drawback received on the exported product.'' *Rajinder Pipes, Ltd. v. United States*, 70 F. Supp. 2d 1350, 1358 (Ct. Int'l Trade 1999).

Ambica claimed a duty drawback adjustment based on its participation in the Indian government's Duty Entitlement Passbook Program. The Department finds that Ambica has not provided substantial evidence on the record to meet the requirement for the first prong of the two–prong test, by establishing the necessary link between the import duty and the reported duty drawback. Therefore, because Ambica has failed to meet the Department's requirements, we are denying Ambica's request for a duty drawback adjustment for the preliminary results. *See* Memorandum from Team to the File ''*Preliminary Results Calculation Memorandum for Ambica Steels Limited,*'' dated July 17, 2007 (''*Preliminary Results Calculation Memorandum*'').

Normal Value

A. Home Market Viability

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign–like product during the POR is equal to or greater than five percent of the aggregate volume of U.S. sales of subject merchandise during the POR), we compared Ambica's volume of home market sales of the foreign–like product to the volume of U.S. sales of subject merchandise, in accordance with 773(a)(1)(C) of the Act. Based on Ambica's reported home market and U.S. sales quantities, we determine that the volume of aggregate home market sales during the POR is equal to or greater than five percent of the aggregate volume of U.S. sales of subject merchandise during the POR. Accordingly, we find that Ambica had a viable home market. Therefore, we based NV on home market sales to unaffiliated purchasers made in the usual quantities and in the ordinary course of trade.

B. Level of Trade

Section 773(a)(1)(B)(i) of the Act states that, to the extent practicable, the Department will calculate NV based on sales at the same level of trade (''LOT'') as the EP. Sales are made at different LOTs if they are made at different marketing stages (or their equivalent). *See* 19 CFR 351.412(c)(2). Substantial differences in selling activities are a necessary, but not sufficient, condition for determining that there is a difference in the stages of marketing. *See* 19 CFR 351.412(c)(2); *see also Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut–to-Length Carbon Steel Plate From South Africa*, 62 FR 61731, 61732 (November 19, 1997). In order to determine whether the comparison market sales were made at different stages in the marketing process than the U.S. sales, we reviewed the distribution system in each market (*i.e.*, the ''chain of distribution''),[2] including selling functions,[3] class of customer (''customer category''), and the level of selling expenses for each type of sale.

Pursuant to section 773(a)(7)(A) of the Act, in identifying levels of trade for EP and comparison market sales (*i.e.*, NV based on either home market or third country prices),[4] we consider the starting prices before any adjustments. *See Micron Technology, Inc. v. United States*, et al., 243 F.3d 1301, 1314–1315 (Fed. Cir. 2001) (affirming this methodology).

When the Department is unable to match U.S. sales to sales of the foreign–like product in the comparison market at the same LOT as the EP, the Department may compare the U.S. sale to sales at a different LOT in the comparison market. In comparing EP sales at a different LOT in the comparison market, where available data show that the difference in LOT affects price comparability, we make a LOT adjustment under section 773(a)(7)(A) of the Act.

Ambica reported that its customer base in the home market consists of processors, and in the U.S. market, it consists of distributors. *See* December 28, 2006 supplemental questionnaire response (''SQR'') at Annexure C (''Selling Functions Chart''). In addition, Ambica has reported two channels of distribution in the home market and one channel distribution in the U.S. market. *See* December 28, 2006 SQR at 6. In the first channel of distribution in the home market, Ambica made sales directly to its home market customers from the factory. In the second channel of distribution in the home market, Ambica made sales directly to its home

[2] The marketing process in the United States and comparison markets begins with the producer and extends to the sale to the final user or customer. The chain of distribution between the two may have many or few links, and the respondent's sales occur somewhere along this chain. In performing this evaluation, we considered the narrative responses of the respondent to properly determine where in the chain of distribution the sale appears to occur.

[3] Selling functions associated with a particular chain of distribution help us to evaluate the level(s) of trade in a particular market. For purposes of these preliminary results, we have organized the common selling functions into four major categories: sales process and marketing support, freight and delivery, inventory and warehousing, and quality assurance/warranty services.

[4] Where NV is based on CV, we determine the NV LOT based on the LOT of the sales from which we derive selling expenses, general and administrative expenses, and profit for CV, where possible.

market customers via Ambica's distribution warehouses. In Ambica's single channel of distribution to the U.S. market, Ambica made sales directly to its customer.

Ambica reported a single LOT in both the home market and the U.S. market, and has not requested an LOT adjustment. Ambica stated that an LOT adjustment is not applicable because Ambica does not make any additional efforts for sales to either export markets or in the domestic market. *See* November 29, 2006 section B questionnaire response at 21, November 29, 2006 section C questionnaire response at 22; *see also* May 11, 2007 section A, B, C and D SQR at 17–18.

We examined the information reported by Ambica regarding the type and level of selling functions performed, and customer categories. Specifically, we considered the extent to which, for instance, sales process/marketing support, freight/delivery, inventory maintenance, and quality assurance/warranty service varied with respect to the different customer categories and channels of distribution (*i.e.*, distributors and processors) across the markets.

We preliminary find the LOTs for the home market channels of distribution similar with regard to sales and marketing, and quality assurance/warranty service. We note some differences with regard to freight and warehousing in the home market channels of distribution and intend to issue a supplemental questionnaire to Ambica to further clarify the extent of the selling activities in these particular selling functions. However, based on the current record of this proceeding, for purposes of these preliminary results, we consider the home market to constitute a single LOT. We compared the U.S. LOT to the LOT reported for sales in the home market. We found the LOT in the United States to be similar to the LOT in the home market. Thus, we preliminarily have compared U.S. sales to home market sales at the same LOT.

C. Cost of Production Analysis

As discussed above, the petitioners provided a reasonable basis to believe or suspect that sales by Ambica in the home market had been made at prices below the cost of production (''COP'') within the meaning of section 773(b) of the Act and we initiated a sales below cost investigation on January 23, 2007. *See Sales Below Cost Memorandum.*

1. Calculation of COP

We calculated the COP on a product–specific basis, based on the sum of the respondent's cost of materials and fabrication for the foreign–like product, plus amounts for general and administrative (''G&A'') expenses, interest expenses, and the cost of all expenses incidental to placing the foreign–like product packed and in a condition ready for shipment, in accordance with section 773(b)(3) of the Act.

Ambica reported its costs based on the period January through June 2006, rather than the POR (February 1, 2006 through July 31, 2006). We have relied on Ambica's submission for these preliminary results, but we intend to seek Ambica's POR costs in a supplemental questionnaire.

We made the following adjustment to Ambica's reported cost:

- We adjusted Ambica's straightening and finishing costs for cold–rolled products to include the actual conversion costs of Unit II incurred during the cost reporting period.

See Preliminary Results Calculation Memorandum.

2. Test of Home Market Prices

On a product–specific basis, we compared the adjusted weighted–average COP figures for the POR to the home market sales of the foreign–like product, as required under section 773(b) of the Act, to determine whether these sales were made at prices below the COP. The prices were exclusive of any applicable movement charges and indirect selling expenses. In determining whether to disregard home market sales made at prices less than their COP, we examined, in accordance with sections 773(b)(1)(A) and (B) of the Act, whether such sales were made: (1) within an extended period of time in substantial quantities; and (2) at prices which permitted the recovery of all costs within a reasonable period of time.

3. Results of the COP Test

Pursuant to section 773(b)(1) of the Act, where less than 20 percent of a respondent's sales of a given product are made at prices below the COP, we do not disregard any below–cost sales of that product because we determine that in such instances the below–cost sales were not made in ''substantial quantities.'' Where 20 percent or more of a respondent's sales of a given product are at prices less than the COP, we determine that in such instances the below–cost sales represent ''substantial quantities'' within an extended period of time in accordance with section 773(b)(1)(A) of the Act. In such cases, we also determine whether such sales are made at prices which would not permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(1)(B) of the Act. If so, we disregard the below–cost sales.

We found that, for certain products, more than 20 percent of Ambica's home market sales were at prices less than the COP. Further, the prices at which the merchandise under review was sold did not provide for the recovery of costs within a reasonable period of time. *See* sections 773 (b)(2)(B), (C), and (D). Therefore, we disregarded these below–cost sales and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

D. Calculation of Normal Value Based on Home Market Prices

We relied on Ambica's submitted home market sales information, except for the following adjustment:

- We excluded from the home market sales database those sales which Ambica made to domestic customers which were ultimately destined for export.

See Preliminary Results Calculation Memorandum.

We are not making any adjustment for discounting charges, bank commissions, and postal charges that Ambica may have paid on letter of credit sales in the home market. Ambica has not requested an adjustment for these expenses for the preliminary results and the supporting documentation provided by Ambica at Annexure E of the May 2, 2007 SQR does not tie to the home market sales database. We will address this issue further in a supplemental questionnaire.

We calculated NV based on ex–factory prices to unaffiliated customers in the home market. We made adjustments for packing expenses in accordance with sections 773(a)(6)(A) of the Act. We also made adjustments, consistent with section 773(a)(6)(B)(ii) of the Act, for inland freight from plant to the distribution warehouse, warehouse expenses, inland freight from the plant/warehouse to the customer, and inland insurance. In addition, we made adjustments for differences in circumstances of sale (''COS''), in accordance with section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410. We made COS adjustments, where appropriate, by deducting direct selling expenses incurred on home market sales (*i.e.*, imputed credit expenses (offset by the addition of interest revenue), and commissions) and adding U.S. direct selling expenses (*i.e.*, imputed credit expenses, commissions, and fumigation expenses). *See Preliminary Results Calculation Memorandum.*

Preliminary Results of Review

We find that the following dumping margin exists for the period February 1, 2006 through July 31, 2006:

Exporter/manufacturer	Weighted–average margin percentage
Ambica Steels Limited ..	22.63

Public Comment

The Department will disclose to parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice. Interested parties may request a hearing within 30 days of publication of this notice. Any hearing, if requested, will be held two days after the date rebuttal briefs are filed. Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Parties who submit briefs in these proceedings should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication of this notice. *See* 19 CFR 351.309(d). Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f)(3). The Department will issue the final results of this new shipper review within 90 days from the issuance of these preliminary results.

Assessment Rates

If these preliminary results are adopted in the final results, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the period of review produced by the respondent for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this new shipper review for all shipments of SSB from India entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for Ambica will be the rate established in the final results of this new shipper review (except no cash deposit will be required if its weighted–average margin is *de minimis, i.e.*, less than 0.5 percent); (2) if the exporter is not a firm covered in this review, but was covered in a previous review or the original less than fair value (''LTFV'') investigation, the cash deposit rate will continue to be the company–specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers and/or exporters of this merchandise, shall be 12.45 percent, the ''all others'' rate established in the LTFV investigation. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from India*, 59 FR 66915, (December 28, 1994). These requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 17, 2007.

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–14159 Filed 7–20–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application for an Export Trade Certificate of Review from East International Holdings, LLC.

SUMMARY: Export Trading Company Affairs (''ETCA''), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review (''Certificate''). This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or e-mail at *oetca@ita.doc.gov*.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 702–B H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under

the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 07–00001.'' A summary of the application follows.

Summary of the Application

Applicant: East International Holdings, LLC. (''EIH''), 3411 Ellamont Road, Baltimore, Maryland 21215.

Contact: Alfred M. Nkere, Chief Executive Officer, Telephone: (443) 622–9421.

Application No.: 07–00001.

Date Deemed Submitted: July 12, 2007.

Members (in addition to applicant): None.

EIH seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

Export Trade

1. Products

All Products.

2. Services

All Services.

3. Technology Rights

Technology rights, including, but not limited to, patents, trademarks, copyrights, and trade secrets, that relate to Products and Services.

4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services, and Technology Rights)

Export Trade Facilitation Services, including, but not limited to, professional services in the areas of government relations and assistance with state and federal programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping; export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation services; and facilitating the formation of shippers' associations.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. With respect to the sale of Products and Services, licensing of Technology Rights and provision of Export Trade Facilitation Services, Applicant, subject to the terms and conditions listed below, may:

a. Provide and/or arrange for the provisions of Export Trade Facilitation Services;

b. Engage in promotional and marketing activities and collect information on trade opportunities in the Export Markets and distribute such information to clients;

c. Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products, Services, and/or Technology Rights to Export Markets;

d. Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets;

e. Allocate export sales or divide Export Markets among Suppliers for the sale and/or licensing of Products, Services, and/or Technology Rights;

f. Allocate export orders among Suppliers;

g. Establish the price of Products, Services, and/or Technology Rights for sales and/or licensing in Export Markets;

h. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights; and

i. Enter into contracts for shipping.

2. Applicant and individual Suppliers may regularly exchange information on a one-on-one basis regarding that Supplier's inventories and near-term production schedules in order that the availability of Products for export can be determined and effectively coordinated by Applicant with its distributors in Export Markets.

Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operations, Applicant will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. Applicant will comply with requests made by the Secretary of Commerce on behalf of the Secretary of Commerce or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities, and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standard of Section 303(a) of the act.

Definition

1. ''Supplier'' means a person who produces, provides, or sells Products, Services and/or Technology Rights.

Dated: July 17, 2007.

Jeffrey Anspacher,

Director, Export Trading Company Affairs.

[FR Doc. E7–14202 Filed 7–20–07; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XB50

Taking and Importing of Marine Mammals

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

ACTION: Notice; affirmative finding renewal.

SUMMARY: The Assistant Administrator for Fisheries, NMFS, (Assistant Administrator) has renewed the affirmative finding for the Government of Mexico under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow yellowfin tuna harvested in the eastern tropical Pacific Ocean(ETP) in compliance with the International Dolphin Conservation Program (IDCP) by Mexican-flag purse seine vessels or purse seine vessels operating under Mexican jurisdiction to be imported into the United States. The affirmative finding was based on review of documentary evidence submitted by the Government of Mexico and obtained from the Inter-American Tropical Tuna Commission (IATTC) and the U.S. Department of State.

DATES: Effective April 1, 2007, through March 31, 2008.

FOR FURTHER INFORMATION CONTACT: Regional Administrator, Southwest Region, NMFS, 501 West Ocean

Boulevard, Suite 4200, Long Beach, CA 90802–4213; phone 562–980–4000; fax 562–980–4018.

SUPPLEMENTARY INFORMATION: The MMPA, 16 U.S.C. 1361 *et seq.*, allows the entry into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the IDCP and obligations of membership in the IATTC. Every 5 years, the government of the harvesting nation must request an affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS will review the affirmative finding and determine whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with IDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the IDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f), the Assistant Administrator considered documentary evidence submitted by the Government of Mexico or obtained from the IATTC and the Department of State and has determined that Mexico has met the MMPA's requirements to receive an annual affirmative finding renewal.

After consultation with the Department of State, the Assistant Administrator issued the Government of Mexico's annual affirmative finding renewal, allowing the continued importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Mexican-flag purse seine vessels or purse seine vessels operating under Mexican jurisdiction. Mexico's affirmative finding will remain valid through March 31, 2010, subject to subsequent annual reviews by NMFS.

Dated: July 16, 2007.

Samuel D. Rauch III,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. E7–14102 Filed 7–20–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XB61

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council's (Council) Highly Migratory Species Management Team (HMSMT) and Highly Migratory Species Advisory Subpanel (HMSAS) will hold work sessions, which are open to the public.

DATES: The meetings will be held on August 14–16, 2007. The HMSMT work session will begin at 10 a.m. on Tuesday, August 14, 2007; the HMSMT and HMSAS will begin meeting jointly at 1 p.m. on the same day and continue until 5:30 p.m. The joint meeting of the HMSMT and HMSAS will resume on Wednesday, August 15, 2007, at 8:30 a.m. and continue until 5 p.m. The HMSMT will again meet on Thursday, August 16, 2007, beginning at 8:30 a.m. until business is completed.

ADDRESSES: The work sessions will be held at the National Marine Fisheries Service, Southwest Fisheries Science Center, Large Conference Room and Green Room, 8604 La Jolla Shores Drive, La Jolla, CA 92037; telephone: (858) 546–7000.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: Dr. Kit Dahl, Pacific Fishery Management Council; telephone: (503) 820–2280.

SUPPLEMENTARY INFORMATION: The HMSMT/HMSAS work sessions will discuss the latest North Pacific albacore stock assessment, preparation of the HMS Stock Assessment and Fishery Evaluation (SAFE) report, HMS exempted fishing permit issues, electronic logbooks, Magnuson-Stevens Act reauthorization implementation, international fisheries issues, management concepts for the high seas shallow-set longline fishery, research on the use of lightsticks in longline fisheries, and research and data related issues.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

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

Dated: July 18, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–14178 Filed 7–20–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XB53

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Receipt of an application for a scientific research permit; request for comments.

SUMMARY: Notice is hereby given that NMFS has received an application for a scientific research permit from California Department of Parks and Recreation (CDPR) in Half Moon Bay, CA (10017). This document serves to notify the public of the availability of the permit application for review and comment.

DATES: Written comments on the permit application must be received no later than 5 p.m. Pacific Standard Time on August 22, 2007.

ADDRESSES: Comments submitted by e-mail must be sent to the following address: *FRNpermits.SR@noaa.gov*. The application and related documents are available for review by appointment, for Permit 10017: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 315, Santa Rosa, CA 95404 (ph: 707–575–6097, fax: 707–578–3435).

FOR FURTHER INFORMATION CONTACT: Jeffrey Jahn at phone number 707–575–6097, or e-mail: *Jeffrey.Jahn@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

This notice is relevant to federally endangered Central California Coast coho salmon (*Oncorhynchus kisutch*) and threatened Central California Coast steelhead (*O. mykiss*).

Application Received

CDPR requests a 5–year permit (10017) for take of adult and juvenile Central California Coast coho salmon and Central California Coast steelhead to assess salmonid population distribution, abundance, and habitat in San Gregorio Creek, Pomponio Creek, and Pescadero Creek watersheds in San Mateo County, California. The research particularly seeks to identify the cause of annual fish die-off events in Pescadero Lagoon and recommend habitat restoration actions to prevent future fish die-off events from occurring. CDPR requests authorization for an estimated annual non-lethal take of 12 adult Central California Coast coho salmon and 75 adult Central California Coast steelhead, with no more than a single (1) individual adult Central California Coast steelhead unintentional mortality to result from capture (by seine, weir-trap, or dip-net), anesthetizing, handling, fin-clipping, scale-sampling, passive integrated transponder (PIT)-tagging, visible implant elastomer (VIE)-tagging, and release of fish. CDPR requests authorization for an estimated annual non-lethal take of 40 juvenile Central California Coast coho salmon, with no more than 5 percent unintentional mortality to result from capture (by seine, fyke-net trap, electrofishing, or dip-net), handling, and release of fish; and an estimated annual non-lethal take of 1,520 juvenile Central California Coast steelhead, with no more than 7 percent unintentional mortality to result from capture (by seine, fyke-net trap, electrofishing, or dip-net), anesthetizing, handling, fin-clipping, scale-sampling, PIT-tagging, VIE-tagging, and release of fish. In the event of any future fish die-off events in Pescadero Lagoon, CDPR also requests authorization for an estimated annual take of 5 juvenile Central California Coast steelhead carcasses (previously dead individuals) and an estimated annual lethal-take of 5 sick or injured juvenile Central California Coast steelhead to be lethally sacrificed for pathology analysis.

Dated: July 13, 2007.

Ann Garrett,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–14116 Filed 7–20–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Public Safety Interoperable Communications (PSIC) Grant Program

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of Availability of Funds.

SUMMARY: The Deficit Reduction Act of 2005, Title III of the Deficit Reduction Act of 2005, directed the National Telecommunications and Information Administration (NTIA), in consultation with the Department of Homeland Security (DHS), to establish and implement a $1 billion grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with communications systems that can utilize, reallocated public safety spectrum for radio communications.

The Public Safety Interoperable Communications (PSIC) Grant Program is a one-time formula-based, matching grant program intended to enhance interoperable communications with respect to voice, data, and/or video signals. PSIC provides public safety agencies with the opportunity to achieve meaningful and measurable improvements to the state of public safety communications interoperability through the full and efficient use of telecommunications resources.

DATES: This final rule is effective on July 23, 2007. Each State and Territory must submit its application and narrative no later than 11:59 p.m. Eastern Daylight Time 30 days after publication in the **Federal Register**. Failure to properly register and apply for PSIC funds by the deadlines will result in forfeiture of the grant opportunity. Applications submitted by facsimile are not acceptable.

ADDRESSES: To ensure a successful submission, a State Administrative Agency (SAA) must apply for PSIC Grant Program funding through the online *Grants.gov* system through the Authorized Organization Representative (AOR). Instructions to initiate the registration process is available on the *Grants.gov* website (*www.grants.gov*). Application forms and instructions are available at *Grants.gov.* The application package must be submitted through that *Grants.gov.* The program title listed in the CDFA is ''PSIC Grant Program.'' The CDFA number is **11.555**.

FOR FURTHER INFORMATION CONTACT: Laura Pettus, Program Specialist, Public Safety Interoperable Communications, telephone: (202) 482–5802; fax: (202) 482–2156. Information about the PSIC can also be obtained electronically via the Internet at *www.ntia.doc.gov/psic.*

SUPPLEMENTARY INFORMATION:

Electronic Access

The full funding opportunity announcement for the PSIC grant cycle is available through *www.grants.gov* or by contacting the PSIC website at: *www.ntia.doc.gov/psic.*

Program Information

The PSIC Grant Program will assist public safety agencies in the acquisition of, deployment of, or training for the use

of interoperable communications systems that utilize—or enable interoperability with communications systems that can utilize—reallocated public safety spectrum in the 700 Megahertz (MHz) frequency band. While some regions may not be able to access the 700 MHz frequency band until 2009, public safety agencies are still eligible for funding to help meet their interoperability needs so long as the proposed solutions are designed to interoperate with the 700 MHz band in the future. NTIA is seeking solutions from public safety agencies that (1) Achieve meaningful and measurable improvements in the state of interoperability for public safety communications and (2) fill interoperability gaps identified in the Statewide Plans.

NTIA recognizes that many solutions exist to achieve interoperability, and the PSIC Grant Program will not dictate a specific technology solution for public safety agencies. However, NTIA has identified the following technology and all hazards related priorities that States and Territories must consider when selecting projects for PSIC funding:

1. Technology

a. Adopt advanced technological solutions

b. Improve spectrum efficiency

c. Use cost-effective measures

2. All Hazards Mitigation

a. Improve communications in areas at high risk for natural disasters

b. Continue to improve interoperability efforts in urban and metropolitan areas at high risk for threats of terrorism

Funding Availability

The PSIC Grant Program will make $968,385,000 available in grant awards. The table below identifies available PSIC funding for each State and Territory:

Table 1 - PSIC State/Territory Allocation

State/Territory	PSIC Funding
Alabama	$13,585,399
Alaska	$7,250,345
American Samoa	$691,948
Arizona	$17,713,050
Arkansas	$11,169,402
California	$94,034,510
Colorado	$14,336,638
Connecticut	$12,999,879
Delaware	$8,196,842
District of Columbia	$11,857,972
Florida	$42,888,266
Georgia	$25,311,354
Guam	$2,600,678
Hawaii	$8,069,879
Idaho	$7,289,795
Illinois	$36,414,263
Indiana	$18,291,735
Iowa	$10,935,974
Kansas	$10,667,169
Kentucky	$15,405,625
Louisiana	$19,672,287
Maine	$7,567,579
Maryland	$22,934,593
Massachusetts	$21,191,988
Michigan	$25,039,781
Minnesota	$14,262,071
Mississippi	$10,989,345
Missouri	$17,465,576
Montana	$6,549,685
Nebraska	$8,582,108
Nevada	$12,042,417
New Hampshire	$5,966,760
New Jersey	$30,806,646
New Mexico	$8,288,725
New York	$60,734,783
North Carolina	$22,130,199
North Dakota	$7,052,490
Northern Mariana Islands	$719,236
Ohio	$29,377,337
Oklahoma	$11,684,183
Oregon	$12,182,532
Pennsylvania	$34,190,555
Puerto Rico	$9,590,025
Rhode Island	$7,365,694
South Carolina	$13,499,308
South Dakota	$6,549,691
Tennessee	$17,540,752
Texas	$65,069,247
U.S. Virgin Islands	$856,907
Utah	$10,353,261
Vermont	$4,476,761
Virginia	$25,012,521
Washington	$19,180,347
West Virginia	$8,429,484
Wisconsin	$15,367,216
Wyoming	$5,952,187
Total	**$968,385,000**

Statutory and Regulatory Authority

PSIC grants are authorized by Section 3006 of the Deficit Reduction Act of 2005, Pub. L. No. 109–171, and Section 4 of the Call Home Act of 2006, Pub. L. No. 109–459.

Catalog of Domestic Federal Assistance

11.555, Public Safety Interoperable Communications Grant Program

Eligibility

To apply for and receive a PSIC grant, an applicant must be one of the 56 States and Territories. The Governor of each State has designated a State Administrative Agent (SAA), which can apply for and administer the funds under the PSIC Grant Program. The SAA is the only agency eligible to apply for PSIC funds. Additionally, the SAA is the grantee in the management and administration of all funds provided through this award. The SAA is responsible for obligating PSIC funds to eligible pass-through recipients. A recipient must be a public safety agency that is a State, local, or tribal government entity or nongovernmental organization authorized by such entity, whose sole or principal purpose is to protect safety of life, health, or property.

Evaluation Criteria

Eligible applicants must follow the three steps to apply for PSIC funds: submit an application and brief narrative, submit a Statewide Communications Interoperability Plan (Statewide Plan), and submit Investment Justification(s). The first step includes submitting an application on *Grants.gov.* NTIA and DHS program staff will review each application for completeness and adherence to PSIC program rules. Applications will be approved by the Assistant Secretary for Communications and Information, Department of Commerce, and PSIC funds will be awarded no later than September 30, 2007. The second step includes submitting a Statewide Plan, as required by Section I.C.5 of the 2006 Homeland Security Grant Program Guidance and Application Kit. Each State and Territory must submit its final Statewide Plan by November 1, 2007. The Statewide Plan will be reviewed by peer and subject matter expert groups and approved by the Department of Homeland Security. NTIA will also review each Statewide Plan to ensure that States and Territories address the three PSIC requirements set forth below. The third step includes submitting Investment Justification(s), which must be submitted by November 1, 2007. The Investment Justifications are to be submitted in conjunction with final Statewide Plans to the National Preparedness Directorate (NPD) Secure Portal at *https://odp.esportals.com.* The Investment Justification(s) will also be reviewed by peer and subject matter expert groups as well as NTIA and DHS program staff. Based on the recommendations of the peer and subject matter expert groups and NTIA and DHS program staff, the Assistant Secretary for Communications and Information, will approve Investment Justifications. If the peer review and subject matter groups include any non-federal employees no consensus advice will be provided by the groups. The applications and Investment Justification(s) are information collections subject to the Paperwork Reduction Act, and have been approved by the Office of Management and Budget under their respective OMB control numbers. See heading entitled Paperwork Reduction Act below.

Funding Priorities and Selection Factors

NTIA recognizes that many solutions exist to achieve interoperability, and the PSIC Grant Program will not dictate the technology or approach for public safety agencies. However, NTIA has identified that when selecting projects for PSIC funding States and Territories must consider: (1) Technology, including adoption of advanced technological solutions, improved spectrum efficiency, and cost effective measures; and (2) solutions that support capabilities in response to all hazards approach regardless of their source or cause, including improving communications in areas at high risk for natural disasters and in urban and metropolitan areas at high risk for threats of terrorism.

In addition, NTIA will review each Statewide Plan to ensure that States and Territories address the following three PSIC requirements: How public safety agencies will acquire, deploy, and train on communications systems that use—or enable interoperability with communications systems that use—the public safety spectrum in the 700 megahertz frequency band; how local and tribal government entities' interoperable communications needs have been included in the planning process and how their needs are being addressed, if applicable; and how authorized nongovernmental organizations' interoperable communications needs have been included in the planning process and how their needs are being addressed, if applicable.

Cost Sharing Requirements

The PSIC Grant Program requires cost sharing. By statute, each public safety agency receiving PSIC funds is required to meet and document the 20 percent statutory match requirement for each project. The SAA is required to track and report the 20 percent match requirement for each individual project that receives PSIC funds for efforts other than training, which do not require any match. The match requirements can be met through cash or in-kind sources consistent with 15 CFR §§ 24.3, 24.24. This documentation must demonstrate that match funds are from non-federal sources. As provided in 48 U.S.C. § 1469a, the matching requirement does not apply to the first $200,000 in grant funds awarded to the Territorial governments in Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands. Training activities are excluded from this match requirement; however, training activities can make up no more than 20 percent of a State's or Territory's total investments.

Intergovernmental Review

This program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See 7 CFR Part 3015, subpart V.

Universal Identifier

The SAA must provide a Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number with the PSIC application. This number is a required field within Grants.gov and for CCR Registration. Organizations should verify that they have a DUNS number or take the steps necessary to obtain one as soon as possible. (Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1–800–333–0505 or via the Internet (www.dunandbradstreet.com).

Limitation of Liability

In no event will the Department of Commerce be responsible for proposal preparation costs if this program fails to receive funding or is cancelled because of other agency priorities. Publication of this announcement does not obligate the agency to award any specific project or to obligate any available funds.

Paperwork Reduction Act

Notwithstanding any other provision of the 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 Paperwork Reduction Act (PRA), unless that collection displays a currently valid Office of Management and Budget (OMB) control number. The use of Standard Forms 424, 424A, 424B, 424D, and SF-LLL has been approved by OMB under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0042, and 0348–0046. The Investment Justification is an element required under Standard Form 424A and has been approved by OMB under control number 0348–0044.

Executive Order 12866

This rule has been determined to be Economically Significant under Executive Order 12866. NTIA was directed by the Deficit Reduction Act of 2005 to implement the PSIC Grant Program. The Act authorized NTIA to implement a grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize reallocated public safety spectrum for radio communications. The PSIC Grant Program will make $968,385,000 (2007) available in grant awards. This is a one-time transfer program where funds will be awarded no later than September 30, 2007.

Executive Order 13132, Federalism

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/ Regulatory Flexibility Act

Prior notice and opportunity for public comment are not required by the Administrative Procedure Act or any other law for this rule 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.

Congressional Review of Agency Rulemaking

NTIA has submitted this final rule to the Congress and the Government Accountability Office under the Congressional Review of Agency Rulemaking Act, 5 U.S.C. § 801 *et seq.* The rule is a ''major rule'' within the meaning of the Act because it will result in an annual effect on the economy of $100,000,000 or more. The rule sets out the administrative procedures for making grants to State, local, tribal and other public safety agencies to improve their communications interoperability in response to manmade and natural disasters. NTIA will award $968,385,000 available in grants under this program.

NTIA serves as the President' principal adviser on telecommunications and information policies and its mission includes assisting the Executive Branch in the development of policies and standards related to interoperability, spectrum use, and emergency readiness.[1] Improving public safety interoperable communications for our nation's first responders has increasingly become a national priority in the wake of terrorism incidents, including 9/11, and

[1] *See* 47 U.S.C. § 902(b)(2)(D),(H).

natural disasters such as Hurricane Katrina.[2]

Consistent with that objective, Congress enacted and the President signed into law on February 8, 2006, the Digital Television and Public Safety Act of 2005, Title III of the Deficit Reduction Act of 2005. Among other things, this statute makes available analog television spectrum available for new communications services, including public safety interoperable communications in the 700 MHz band, by terminating television licenses in these frequencies on February 17, 2009. In addition, the Act requires the returned analog television spectrum be auctioned and the proceeds used to fund various new programs to promote the digital television transition, to improve public safety interoperable communications, and to reduce the deficit.

Specifically, Section 3006 of the Act directs NTIA to establish and implement a $1 billion grant program to assist public safety agencies in the acquisition of, deployment of, or training for the use of interoperable communications systems that utilize, or enable interoperability with communications systems that can utilize, reallocated public safety spectrum for radio communications in the 700 MHz band. To spur the rapid distribution of these grant funds to our nation's first responders, the Act authorizes NTIA to borrow the funds needed for the grants as of October 1, 2006, well in advance of the receipt of auction proceeds. To further ensure the swift award of these grants to public safety agencies, Congress subsequently enacted and the President signed into law on December 22, 2006, the Call Home Act of 2006. Section 4 of this statute requires NTIA to make grant awards no later than September 30, 2007.

A 60–day delay in implementing this final rule would hamper NTIA's mission to improve public safety interoperable communications and be contrary to clear Congressional intent as expressed in Section 3006 of the Deficit Reduction Act and Section 4 of the Call Home Act. If NTIA is not able to implement this program and make awards under this program before September 30, 2007, the $1 billion may not be available after September 30, 2007 for NTIA to fulfill its statutory mandate. In order for NTIA to comply with this statutory mandate, eligible entities must submit applications no later than 30 days after publication in the **Federal Register**. Thus, in compliance with section 808(2) of the Congressional Review of Agency Rulemaking Act, 5 U.S.C. § 808(2), for good cause, NTIA finds that notice and public comment on this final rule is impracticable and contrary to the public interest. Accordingly, this final rule is effective on July 23, 2007.

Dated: July 18, 2007.

John M.R. Kneuer,

Assistant Secretary for Communications and Information.

[FR Doc. 07–3569 Filed 7–20–07; 8:45 am]

BILLING CODE 3510–60–P

[2] *See e.g., The 9/11 Commission Report*, at 397 (July 2004); Public Safety Communications from 9/11 to Katrina: Critical Public Policy Lessons, 109th Cong. 1–4 (Sept. 29, 2005) (statement of Representative Fred Upton, Chairman, Subcommittee on Telecommunications and the Internet, House Committee on Energy and Commerce); *Communications Interoperability - Session I*, 109th Cong. (Sept 29, 2005) (statement of Senator Ted Stevens, Chairman, Committee on Commerce, Science, and Transportation, at http://commerce.senate.gov/public/index.cfm?FuseAction=Hearings.Statement&Statement_ID=126); *The Federal Response to Hurricane Katrina Lesson Learned*, at 44 (Feb. 2006).

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0135]

Submission for OMB Review; Prospective Subcontractor Requests for Bonds

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0135).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Subcontractor Payments. A request for public comments was published in the **Federal Register** at 72 FR 19187, April 17, 2007. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: Comments may be submitted on or before August 22, 2007.

ADDRESSES: Comments including suggestions for reducing this burden should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW, Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT Ms. Cecelia Davis, Contract Policy Division, GSA (202) 219–0202.

SUPPLEMENTARY INFORMATION:

A. Purpose

Part 28 of the FAR contains guidance related to obtaining financial protection against damages under Government contracts (*e.g.*, use of bonds, bid guarantees, insurance etc.). Part 52 contains the texts of solicitation provisions and contract clauses. These regulations implement a statutory requirement for information to be provided by Federal contractors relating to payment bonds furnished under construction contracts which are subject to the Miller Act (40 USC 270a–270d). This collection requirement is mandated by Section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102–190), as amended by Section 2091 of the Federal Acquisition Streamlining Act of 1994 (P.L. 103–335). The clause at 52.228–12, Prospective Subcontractor Requests for Bonds, implements Section 806(a)(3) of P.L. 102–190, as amended, which specifies that, upon the request of a prospective subcontractor or supplier offering to furnish labor or material for the performance of a construction contract for which a payment bond has been furnished to the United States pursuant to the Miller Act, the contractor shall promptly provide a copy of such payment bond to the requestor.

In conjunction with performance bonds, payment bonds are used in Government construction contracts to secure fulfillment of the contractor's obligations under the contract and to assure that the contractor makes all payments, as required by law, to persons furnishing labor or material in

performance of the contract. This regulation provides prospective subcontractors and suppliers a copy of the payment bond furnished by the contractor to the Government for the performance of a Federal construction contract subject to the Miller Act. It is expected that prospective subcontractors and suppliers will use this information to determine whether to contract with that particular prime contractor. This information has been and will continue to be available from the Government. The requirement for contractors to provide a copy of the payment bond upon request to any prospective subcontractor or supplier under the Federal construction contract is contained in Section 806(a)(3) of P.L. 102–190, as amended by Sections 2091 and 8105 of P.L. 103–355.

B. Annual Reporting Burden

Respondents: 12,698.
Responses Per Respondent: 5.
Total Responses: 63,490.
Hours Per Response: .25.
Total Burden Hours: 15,872.50.
OBTAINING COPIES OF PROPOSALS: Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (VIR), Room 4035, 1800 F Street, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0135, Prospective Subcontractor Requests for Bonds, in all correspondence.

Dated: July 16, 2007.

Al Matera,

Acting Director, Contract Policy Division.

[FR Doc. 07–3563 Filed 7–20–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

United States Marine Corps; Privacy Act of 1974; System of Records

AGENCY: United States Marine Corps, DoD.

ACTION: Notice to delete a system of records.

SUMMARY: The U.S. Marine Corps is deleting a system of records notice from its inventory of records systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

DATES: Effective July 23, 2007.

ADDRESSES: Send comments to Headquarters, U.S. Marine Corps, FOIA/PA Section (CMC–ARSE), 2 Navy Annex, Room 1005, Washington, DC 20380–1775.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy D. Ross at (703) 614–4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps' records system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The U.S. Marine Corps proposes to delete a system of records notices from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

DATE: July 17, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion
MMC00007

SYSTEM NAME:

Inspection of Government Property Assigned to Individual (August 3, 1993, 58 FR 41254).

REASON:

Information is now filed within the Navy's NM07320–1, Property Accountability Records printed in the **Federal Register** on May 20, 2007, with number of 72 FR29487.

[FR Doc. 07–3557 Filed 7–20–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

United States Marine Corps; Privacy Act of 1974; System of Records

AGENCY: United States Marine Corps, DoD.

ACTION: Notice to delete three records system.

SUMMARY: The U.S. Marine Corps is deleting three systems of records notices from its inventory of records systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

DATES: Effective July 23, 2007.

ADDRESSES: Send comments to Headquarters, U.S. Marine Corps, FOIA/PA Section (CMC–ARSE), 2 Navy Annex, Room 1005, Washington, DC 20380–1775.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy D. Ross at (703) 614–4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps' records systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The U.S. Marine Corps proposes to delete three systems of records notices from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The changes to the system of records are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: July 17, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletions
MMN00001

Absentee Processing and Deserter Inquiry File (February 22, 1993, 58 FR 10630).

REASON:

Marine Corps' system of records notice MMN0006, Marine Corps Military Personnel Records (OQR/SRB) printed in the **Federal Register** on April 8, 2002 with the number of 67 FR 16738 which covers this collection. Accordingly, all files have been merged into this system.

MMT00001

Dependent (Title 6) Schools Records System (February 22, 1993, 58 FR 10630).

REASON:

Office of the Secretary, DoD/Joint Staff's DoDEA 26, Department of Defense Education Activity Dependent Children's School Program Files printed in the **Federal Register** on May 3, 2007, with the number of 72 FR 24572, is a Defense notice which includes the Marine Corps' systems that include this type of collection. Accordingly, all files have been merged into that system.

MRS00002

Marine Corps Reserve Support Center (MCRSC) Management System (February 22, 1993, 58 FR 10630).

REASON:

Marine Corps' system of records notice MMN0006, Marine Corps Military Personnel Records (OQR/SRB) printed in the **Federal Register** on April 8, 2002 with the number of 67 FR 16738 covers this collection. Accordingly, all files have been merged into this system.

[FR Doc. 07–3559 Filed 7–20–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[DoD–2007–OS–0076]

Privacy Act of 1974; Systems of Records

AGENCY: DoD, Defense Logistics Agency.

ACTION: Notice of Delete a System of Records.

SUMMARY: The Defense Logistics Agency is deleting a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on August 22, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 767–5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 17, 2007.

L.M. Bynum

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S600.60

SYSTEM NAME:

DLA Workplace Lactation Program Records (July 6, 2005, 70 FR 38893)

REASON:

Defense Logistic Agency does not collect and maintain personally identifiable information (PII) about the participants in the program.

[FR Doc. 07–3558 Filed 7–20–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Navy

[USN–2007–0041]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Department of the Navy is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on August 22, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (NDS–36), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 17, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N01301–2

SYSTEM NAME:

On-Line Distribution Information System (ODIS) (February 8, 2000, 65 FR 6184).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''Defense Information Systems Agent—Defense Enterprise Computing Center Mechanicsburg, 5450 Carlisle Pike, Mechanicsburg, PA 17050–0975.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper records in file folders and electronic storage media.''

SYSTEM MANAGER(S) AND ADDRESS:

Delete ''(Pers-06)'' and replace with ''(Pers-455)''.

NOTIFICATION PROCEDURE:

Delete ''(Pers-06)'' and replace with ''(Pers-OOJ)''.

RECORD ACCESS PROCEDURES:

Delete ''(Pers-06)'' and replace with ''(Pers-OOJ)''.

* * * * *

N01301–2

SYSTEM NAME:

On-Line Distribution Information System (ODIS)

SYSTEM LOCATION:

Defense Information Systems Agent—Defense Enterprise Computing Center Mechanicsburg, 5450 Carlisle Pike, Mechanicsburg, PA 17050–0975.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Navy personnel on active duty including reservists on active duty more than 60 days.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel records in automated form concerning qualifications, assignment, placement, career development, education, training, recall, release from active duty, advancement, performance, retention, reenlistment, separation, morale, personal affairs, benefits, entitlements, and administration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5504, Lineal List; 10 U.S.C. 5708, Promotion Selection List; and E.O. 9397 (SSN).

PURPOSE(S):

To assist Navy officials and employees in the classification, qualification determinations, assignment, placement, career development, education, training, recall and release of officer personnel pursuant to meet manpower allocations and requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Records may be retrieved by Social Security Number and/or name.

SAFEGUARDS:

Computer terminals are located in resgtricted areas accessible only to authorized persons that are properly screened, clearned and trained. Manual records and computer printouts are available only to authorized personnel having and official need-to-know.

RETENTION AND DISPOSAL:

Records are generally maintained until superseded, or for a period of two years or until release from active duty and disposed of by burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Navy Personnel Command (Pers-455), 5720 Integrity Drive, Millington, TN 38055–0600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Navy Personnel Command (Pers-OOJ), 5720 Integrity Drive, Millington, TN 38055–0600.

Requests should contain full name, rank, Social Security Number (SSN), designator, address and signature.

The individual may visit the Navy Personnel Command (Pers-OOJ), 5720 Integrity Drive, Millington, TN 38055–0600. Advance notification is required for personal visits. Proof identification will consist of military identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Navy Personnel Command (Pers–OOJ), 5720 Integrity Drive, Millington, TN 38055–0600.

Requests should contain full name, rank, Social Security Number (SSN), designator, address and signature.

The individual may visit the Commander, Navy Personnel Command (Pers–OOJ), 5720 Integrity Drive, Millington, TN 38055–0600. Advance notification is required for personal visits. Proof of identification will consist of military identification card.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Personnel Service Jackets; records of the officer promotion system; officials and employees of the Department of the Navy, Department of Defense, and components thereof, in performance of their official duties and as specified by current instructions and regulations promulgated by competent authority; education institutions; official records of professional qualifications; general correspondence concerning the individual.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 07–3560 Filed 7–20–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF DEFENSE

Department of the Navy

[USN–2007–0042

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Department of the Navy is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on August 22, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (DNS–36), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Dated July 17, 2007.

N07421–1

SYSTEM NAME:

Time and Attendance Feeder Records (April 13, 2001, 66 FR 1957).

CHANGES:

SYSTEM IDENTIFIER:

Delete ''N07421'' and replace with ''NM07421–1''.

* * * * *

SYSTEM LOCATION:

Delete entry and replace with: ''Organizational elements of the Department of the Navy. Official mailing addresses are published in the Standard Navy Distribution List that is available at *http://doni.daps.dla.mil/sndl.aspx.*

Commander, U.S. Joint Forces Command, 1562 Mitscher Avenue, Suite 200, Norfolk, VA 23551–2488.

Commander, U.S. Pacific Command, P.O. Box 64028, Camp H.M. Smith, HI 96861–4028.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''5 U.S.C. 301, Departmental Regulations, 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps and E.O. 9397 (SSN).''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

After ''Record Holders:'' delete entry and replace with ''Organizational elements of the Department of the Navy. Official mailing addresses are published in the Standard Navy Distribution List (SNDL) that is available at *http://doni.daps.dla.mil/sndl.aspx.*

Commander, U.S. Joint Forces Command, 1562 Mitscher Avenue, Suite 200, Norfolk, VA 23551–2488.

Commander, U.S. Pacific Command, P.O. Box 64028, Camp H.M. Smith, HI 96861–4028.''

NOTIFICATION PROCEDURE:

Delete para 1 and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commanding officer for their organization. Official mailing addresses are published in the SNDL that is available at *http://doni.daps.dla.mil/sndl.aspx.*''

RECORD ACCESS PROCEDURES:

Delete para 1 and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Commanding Officer for their organization. Official mailing addresses are published in the SNDL at *http://doni.daps.dla.mil/sndl.aspx.*''

* * * * *

NM07421–1

SYSTEM NAME:

Time and Attendance Feeder Records.

SYSTEM LOCATION:

Organization elements of the Department of the Navy. Official mailing addressed are published in the Standard Navy Distribution List that is available at *http://doni.daps.dla.mil/sndl.aspx.*

Commander, U.S. Joint Forces Command, 1562 Mitscher Avenue, Suite 200, Norfolk, VA 23551–2488.

Commander, U.S. Pacific Command, P.O. Box 64028, Camp H.M. Smith, HI 96861–4028.

CATEGORIES OF RECORDS IN THE SYSTEM:

Time and attendance data and labor distribution data that includes name, Social Security Number (SSN), work location, job order number, task orders, leave accrual data, occupational series, grade, pay period identification, time card certification information, special pay categories, work schedule, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 5041, Headquarters, Marine Corps; and E.O. 9397 (SSN).

PURPOSE(S):

Records are being collected and maintained for the purpose of tracking time and attendance and labor distribution data for civilian, military, and contractor labor against job order numbers for financial purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' that also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM;

STORAGE:

Paper records in file folder and electronic storage media.

RETRIEVABILITY:

Name, Social Security Number (SSN), organization, pay period.

SAFEGUARDS:

Computer processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared, and trained. Manual records and computer printouts are only available to authorized personnel having a need-to-know. Access to individual computers is user-id and password protected. Access to the data base is limited to those with a need to know. Each user has an individual user id and password for access to the database. Transfer of data is accomplished through data encryption.

RETENTION AND DISPOSAL:

Feeder reports are maintained at the local office for 6 years and then destroyed. Data base information held by the Defense Information Systems Agency is retained for 6 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Deputy Assistant Secretary of the Navy (Civilian Personnel/Equal Employment Opportunity), 1000 Navy Pentagon, Washington, DC 20350–1000.

Record Holders: Organizational elements of the Department of the Navy. Official mailing addresses are published in the Standard Navy Distribution List (SNDL) that is available at *http://doni.daps.dla,mil/sndl.aspx.*

Commander, U.S. Joint Forces Command, 1562 Mitscher Avenue, Suite 200, Norfolk, VA 23551–2488.

Commander, U.S. Pacific Command, P.O. Box 64028, Camp H.M. Smith, HI 96861–4028.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commanding Officer for their organization. Official mailing addresses are published in the SNDL that is available at *http://doni.daps.dla.mil/sndl.aspx.*''

Requests should contain the individual's full name, home address, Social Security Number (SSN), organization, pay period, and signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Commanding Officer for their organization. Official mailing addresses are published in the SNDL at *http://doni.daps.dla.mil/sndl.aspx.*''

Requests should contain the individual's full name, home address, Social Security Number (SSN), organization, pay period, and signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, time sheets, and work schedules.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 07–3561 Filed 7–20–07; 8:45 am]

BILLING CODE 5001–06–M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Research Fellowships Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Number: 84.133F–1.

Dates:

Applications Available: July 23, 2007.

Deadline for Transmittal of Applications: September 21, 2007.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Research Fellowships Program is to build research capacity by providing support to enable highly qualified

individuals, including those who are individuals with disabilities, to perform research on the rehabilitation of individuals with disabilities.

Note: This program is in concert with President George W. Bush's New Freedom Initiative (NFI) and NIDRR's Final Long-Range Plan for FY 2005–2009 (Plan). The NFI can be accessed on the Internet at the following site: *http://www.whitehouse.gov/infocus/newfreedom.*

The Plan is comprehensive and integrates many issues relating to disability and rehabilitation research topics. The Plan, which was published in the **Federal Register** on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site: *http://www.ed.gov/about/offices/list/osers/nidrr/policy.html.*

Through the implementation of the Plan, NIDRR seeks to—(1) Improve the quality and utility of disability and rehabilitation research; (2) Foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) Determine best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) Identify research gaps; (5) Identify mechanisms of integrating research and practice; and (6) Disseminate findings.

Priority: In accordance with 34 CFR 75.105(b)(2)(ii), this priority is from the regulations for this program (34 CFR part 356.10).

Absolute Priority: For FY 2008, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Research Fellowships Program

Fellows must conduct original research in an area authorized by section 204 of the Rehabilitation Act of 1973, as amended (the Act). Section 204 authorizes research designed to maximize the full inclusion and integration into society, employment, independent living, family, support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Act.

Program Authority: 29 U.S.C. 762(e).

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75.60 and 75.61, 77, 82, 84, 85, and 97. (b) The regulations for this program in 34 CFR part 356. (c) The regulations in 34 CFR 350.51 and 350.52.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $106,705,000 for new awards for the NIDRR program for FY 2008, of which we intend to use an estimated $505,000 for the Research Fellowships competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Maximum Awards: We will reject any application that proposes a budget exceeding $65,000 for Merit Fellowships and $75,000 for Distinguished fellowships for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: Seven total, including both Merit Fellowships and Distinguished Fellowships.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 12 months.

III. Eligibility Information

1. *Eligible Applicants:* Eligible individuals must have training and experience that indicate a potential for engaging in scientific research related to the solution of rehabilitation problems of individuals with disabilities. The program provides two categories of Research Fellowships: Distinguished Fellowships and Merit Fellowships.

(a) To be eligible for a Distinguished Fellowship, an individual must have seven or more years of research experience in subject areas, methods, or techniques relevant to rehabilitation research and must have a doctorate, other terminal degree, or comparable academic qualifications.

(b) To be eligible for a Merit Fellowship, an individual must have either advanced professional training or independent study experience in an area that is directly pertinent to disability and rehabilitation. In the most recent competitions, Merit Fellowship recipients had research experience at the doctoral level.

Note: Institutions are not eligible to be recipients of research Fellowships.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

V. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.133F–1.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under **ALTERNATIVE FORMAT** in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. The application package will provide instructions for completing all components to be included in either the paper application or electronically using *Grants.gov.* Each application must include the required forms, an abstract, Human Subjects narrative, if applicable, Part III narrative, resume, and other related materials, if applicable.

Note: Part II, the budget section, is not required for this program and should not be included.

Applicants submitting a paper application or electronically using *Grants.gov* must place their Social Security Number in Block #8b SF 424 form in place of the Employer Identification Number.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative (Part III) to the equivalent of no more than 24 double-spaced pages. The following standards are recommended:

- A ''page'' is 8.5″ x 11″, on one side only, with 1'' margins at the top, bottom, and both sides.

• Double space (no more than three lines per vertical inch) all text in the application narrative. Single spacing may be used for titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

• Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, Application for Federal Assistance; Part IV, the assurances and certifications; or the one-page abstract, the resume, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative (Part III).

We will reject your application if—

• You apply these standards and exceed the page limit; or

• You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: July 23, 2007.

Deadline for Transmittal of Applications: September 21, 2007.

Applications for grants under this competition may be submitted electronically using the *Grants.gov* Apply site (*Grants.gov*), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* Applicants are not required to submit a budget with their proposal. The Merit Fellowships and Distinguished Fellowships awards are one Full Time Equivalent (FTE) awards. The Fellow must work principally on the fellowship during the term of the fellowship award. We define one FTE as equal to 40 hours per week. The Fellow cannot receive support through any other Federal Government grants during the term of the fellowship award.

We reference additional regulations outlining funding restrictions in the **APPLICABLE REGULATIONS** section of this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. Electronic Submission of Applications.

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide *Grants.gov* Apply site in FY 2007. The NIDRR Research Fellowships Program, CFDA Number 84.133F–1, is one of the programs included in this project. We request your participation in *Grants.gov.*

If you choose to submit your application electronically, you must use the Governmentwide *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.

You may access the electronic grant application for the Research Fellowship Program 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 84.133F).

Please note the following:

• Your participation in *Grants.gov* is voluntary.

• 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 for an individual. You do not need to register in the Central Contractor Registry. The steps to register as an individual include—

(1) Accessing the *Grants.gov* Credential Provider Web page, *http://apply.grants.gov/IndCPRegister* and entering the funding opportunity number, which can be located when you search for this grant opportunity on *http://www.grants.gov/applicants/search_opportunities.jsp;*

(2) Completing the credential information to obtain a credential username and password; and

(3) Using the credential username and password, complete the registration at *http://apply.grants.gov/IndGGRegister.*

Registration for individuals is complete, once the *Grants.gov* registration step is finished. Please note that the registration process may take one 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.*

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

• If you submit your application electronically, 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).

• If you submit your application electronically, 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 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.

b. Submission of Paper Applications by Mail.

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), 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 84.133F–1), 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 84.133F–1), 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 submit your application in paper format by hand delivery, you (or a courier service) 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 84.133F–1), 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.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 356.30 through 356.32 and are listed in the application package.

2. *Review and Selection Process:* Additional factors we consider in determining the merits of an application are as follows:

The Secretary is interested in outcomes-oriented research projects that use rigorous scientific methodologies. To address this interest applicants are encouraged to articulate goals, objectives, and expected outcomes for the proposed research activities. Proposals should describe how results and planned outputs are expected to contribute to advances in knowledge or improvements in policy and practice. Applicants should propose projects that are optimally designed to be consistent with these goals. Submission of the information identified under this paragraph is not required by law or regulation, but is desired.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S.

Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the **APPLICABLE REGULATIONS** section in this notice.

We reference the regulations outlining the terms and conditions of an award in the **APPLICABLE REGULATIONS** section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, in accordance with 34 CFR 356.51, that must contain, at a minimum, an analysis of the significance of the project and an assessment of the degree to which the objectives of the project have been achieved.

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through review of grantee performance and products. Each year, NIDRR examines a portion of its grantees to determine the extent to which grantees are conducting high-quality research and related activities that lead to high quality products. Performance measures for the Research Fellowships program include—

- The percentage of NIDRR-supported fellows, post-doctoral trainees, and doctoral students who publish results of NIDRR-sponsored research in refereed journals;
- The percentage of grantee research and development that has appropriate study design, meets rigorous standards of scientific and/or engineering methods, and builds on and contributes to knowledge in the field; and
- The number of publications per award based on NIDRR-funded research and development activities in refereed journals.

NIDRR evaluates the overall success of individual research and development grants through review of grantee performance and products. NIDRR uses information submitted by grantees as part of their final performance report for these reviews. Approved final performance report guidelines require grantees to submit information regarding research methods, results, outputs, and outcomes.

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 6030, PCP, 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.

VIII. Other Information

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, PCP, 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 this 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.*

Dated: July 18, 2007.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E7–14179 Filed 7–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Field Initiated (FI) Projects Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.133G–1 (Research) and 84.133G–2 (Development).

Dates:

Applications Available: July 23, 2007.

Deadline for Transmittal of Applications: September 21, 2007.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the FI Projects program is to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities. Another purpose of the FI program is to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended.

FI projects carry out either research activities or development activities. NIDRR makes two types of grants under the FI Projects program: Research grants (CFDA 84.133G–1) and development grants (CFDA 84.133G–2). Applicants must indicate in their applications whether they are applying for a research grant (84.133G–1) or a development grant (84.133G–2).

In carrying out a research activity under an FI research grant, a grantee must identify one or more hypotheses or research questions and, based on the hypotheses or research questions identified, perform an intensive, systematic study directed toward producing (1) New scientific knowledge, or (2) better understanding of the subject, problem studied, or body of knowledge.

In carrying out a development activity under an FI development grant, a grantee must use knowledge and understanding gained from research to create materials, devices, systems, or methods beneficial to the target population, including design and development of prototypes and processes. Target population means the group of individuals, organizations, or other entities expected to be affected by the project. More than one group may be involved because a project may affect those who receive services, provide services, or administer services.

Note: Different selection criteria are used for research projects (84.133G–1) and development projects (84.133G–2). In their applications, applicants must clearly indicate whether they are applying for a research grant (84.133G–1) or a development grant (84.133G–2) and must address the selection criteria relevant for their project type. Without exception, NIDRR will review each application based on the designation (i.e.,

research (84.133G–1) or development (84.133G–2)) made by the applicant. Applications will be determined ineligible and will not be reviewed if they do not include a clear designation of research or development.

Note: This program is in concert with President George W. Bush's New Freedom Initiative (NFI) and NIDRR's Final Long-Range Plan for FY 2005–2009 (Plan). The NFI can be accessed on the Internet at the following site: *www.whitehouse.gov/infocus/newfreedom.*

The Plan is comprehensive and integrates many issues relating to disability and rehabilitation research topics. The Plan, which was published in the **Federal Register** on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site: *www.ed.gov/about/offices/list/osers/nidrr/policy.html.*

Through the implementation of the NFI and the Plan, NIDRR seeks to—(1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of individuals with disabilities from traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for individuals with disabilities from underserved populations; (4) identify research gaps; (5) identify mechanisms of integrating research and practice; and (6) disseminate findings.

Program Authority: 29 U.S.C. 764.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 84, 85, 86, and 97. (b) The regulations for this program in 34 CFR part 350.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $106,705,000 for new awards for the NIDRR program for FY 2008, of which we intend to use an estimated $4,600,000 for the FI Projects competition. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $195,000–$200,000.

Estimated Average Size of Awards: $197,500.

Maximum Award: We will reject any application that proposes a budget exceeding $200,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Note: The maximum amount includes direct and indirect costs.

Estimated Number of Awards: 23.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* States; public or private agencies, including for-profit agencies; public or private organizations, including for-profit organizations; IHEs; and Indian tribes and tribal organizations.

2. *Cost Sharing or Matching:* Cost sharing is required by 34 CFR 350.62 and will be negotiated at the time of the grant award.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant /apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.133G–1 or 84.133G–2.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under Alternative Format in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. We recommend that you limit Part III to the equivalent of no more than 50 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative. Single spacing may be used for titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).

The recommended page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the recommended page limit does apply to all of the application narrative section [Part III].

The application package will provide instructions for completing all components to be included in the application. Each application must include a cover sheet (Standard Form 424); budget requirements (ED Form 524) and narrative justification; other required forms; an abstract, Human Subjects narrative, Part III narrative; resumes of staff; and other related materials, if applicable.

3. *Submission Dates and Times:*

Applications Available: July 23, 2007.

Deadline for Transmittal of Applications: September 21, 2007.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV. 6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in

connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the **APPLICABLE REGULATIONS** section in this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. The FI Projects, CFDA Numbers 84.133G–1 (Research) and 84.133G–2 (Development), are both included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide 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.

You may access the electronic grant application for the FI Projects competition 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 84.133G).

Please note the following:

- Your participation in Grants.gov is voluntary.
- 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 submit your application in paper format.
- If you submit your application electronically, 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).
- If you submit your application electronically, 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.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), 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: (Applicants must identify either CFDA, Number 84.133G–1 (Research) or 84.133G–2 (Development) depending on the designation of their proposed project.), 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: (Applicants must identify either CFDA, Number 84.133G–1 (Research) or 84.133G–2 (Development) depending on the designation of their proposed project.), 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 submit your application in paper format by hand delivery, you (or a courier service) 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: (Applicants must identify either CFDA, Number 84.133G–1 (Research) or 84.133G–2 (Development) depending on the designation of their proposed project.), 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.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 350.54 and 34 CFR.55 and are listed in the application package.

Note: There are two different sets of selection criteria for FI projects: One set to evaluate applications proposing to carry out research activities (CFDA 84.133G–1), and a second set to evaluate applications proposing to carry out development activities (CFDA 84.133G–2). Each applicant will be evaluated using the selection criteria for the type of project the applicant designates in its application.

2. *Review and Selection Process:* Additional factors we consider in selecting an application for an award are as follows—

The Secretary is interested in outcomes-oriented research or development projects that use rigorous scientific methodologies. To address this interest, applicants are encouraged to articulate goals, objectives, and expected outcomes for the proposed research or development activities. Proposals should describe how results and planned outputs are expected to contribute to advances in knowledge, improvements in policy and practice, and eventually to public benefits for individuals with disabilities. Applicants should propose projects that are optimally designed to be consistent with these goals. We encourage applicants to include in their applications a description of how results will measure progress towards achieving the anticipated outcomes, the mechanisms that will be used to evaluate outcomes associated with specific problems or issues, and how the proposed activities will support new intervention approaches and strategies, including a discussion of measures of effectiveness. Submission of the information identified in this section is voluntary, except where required by the selection criteria listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notice (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the **APPLICABLE REGULATIONS** section in this notice.

We reference the regulations outlining the terms and conditions of an award in the **APPLICABLE REGULATIONS** section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary under 34 CFR 75.118. The Secretary may also require more

frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html*.

Note: NIDRR will provide information by letter to grantees on how and when to submit the report.

4. *Performance Measures:* To evaluate the overall success of its research program, NIDRR assesses the quality of its funded projects through review of grantee performance and products. Each year, NIDRR examines, through expert review, a portion of its grantees to determine:

The percentage of newly awarded NIDRR projects that are conducting at least one multi-site, collaborative, controlled trial.

The number of accomplishments (e.g., new or improved tools, methods, discoveries, standards, interventions, programs, or devices) developed or tested with NIDRR funding that have been judged by expert panels to be of high quality and to advance the field.

The percentage of grantee research and development that has appropriate study design, meets rigorous standards of scientific and/or engineering methods, and builds on, and contributes to, knowledge in the field.

The average number of publications per award based on NIDRR-funded research and development activities in refereed journals.

The percentage of new grants that include studies funded by NIDRR that assess the effectiveness of interventions, programs, and devices using rigorous and appropriate methods.

NIDRR uses information submitted by grantees as part of their Annual Performance Reports (APRs) for these reviews.

The Department's program performance reports, which include information on NIDRR programs, are available on the Department's Web site: *www.ed.gov/about/offices/list/opepd/sas/index.html*.

Updates on the Government Performance and Results Act of 1993 (GPRA) indicators, revisions, and methods appear on the NIDRR Program Review Web site: *www.cessi.net/contracts/pm/doe_nidrr_tsam.html*.

Grantees should consult these sites, on a regular basis, to obtain details and explanations on how NIDRR programs contribute to the advancement of the Department's long-term and annual performance goals.

VII. Agency Contact

For Further Information Contact: Lynn Medley, U.S. Department of Education, 400 Maryland Avenue, SW., room 6027, PCP, Washington, DC 20202. Telephone: (202) 245–7338 or by e-mail: *lynn.medley@ed.gov*.

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

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, PCP, 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 may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *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: *www.gpoaccess.gov/nara/index.html*.

Dated: July 18, 2007.

John H. Hager,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. E7–14180 Filed 7–20–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for the Disposal of Greater-Than-Class-C Low-Level Radioactive Waste

AGENCY: Department of Energy.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an environmental impact statement (EIS) under the National Environmental Policy Act (NEPA) for the disposal of Greater-Than-Class-C low-level radioactive waste (GTCC LLW). GTCC LLW is defined by the Nuclear Regulatory Commission (NRC) in 10 CFR 72.3 as ''low-level radioactive waste that exceeds the concentration limits of radionuclides established for Class C waste in [10 CFR 61.55].'' GTCC LLW is generated by NRC or Agreement State-licensed activities (hereafter referred to as NRC-licensed activities).

DOE proposes to evaluate alternatives for GTCC LLW disposal: in a geologic repository; in intermediate depth boreholes; and in enhanced near surface facilities. Candidate locations for these disposal facilities would be: the Idaho National Laboratory (INL) in Idaho; the Los Alamos National Laboratory (LANL) and Waste Isolation Pilot Plant (WIPP) in New Mexico; the Nevada Test Site (NTS) and the proposed Yucca Mountain repository in Nevada; the Savannah River Site (SRS) in South Carolina; the Oak Ridge Reservation (ORR) in Tennessee; and the Hanford Site (Hanford) in Washington. DOE will also evaluate disposal at generic commercial facilities in arid and humid locations.

In addition, DOE proposes to include DOE LLW and transuranic waste having characteristics similar to GTCC LLW and which may not have an identified path to disposal (hereafter referred to as GTCC-like waste) in the scope of this EIS. DOE's GTCC-like waste is owned or generated by DOE. The use of the term ''GTCC-like'' does not have the intent or effect of creating a new classification of radioactive waste.

DOE invites public comment on the scope of this EIS during a 60-day public scoping period. During this period, DOE will hold public scoping meetings to provide the public with an opportunity to comment on the scope of the EIS and to learn more about the proposed action from DOE officials.

DOE issued an Advance Notice of Intent (ANOI), 70 FR 24775 (May 11, 2005), inviting the public to provide preliminary comments on the potential scope of the EIS. This Notice of Intent (NOI) includes a summary of the public comments received on the ANOI.

DATES: The public scoping period starts with the date of publication of this NOI in the **Federal Register** and will continue until September 21, 2007. DOE will consider all comments received or postmarked by September 21, 2007 in defining the scope of this EIS. Comments received or postmarked after that date will be considered to the extent practicable.

Public scoping meetings will be held to provide the public with an opportunity to present comments on the scope of the EIS and to learn more about

the proposed action from DOE officials. The locations, dates, and times for the public scoping meetings are listed in the ''Public Scoping'' section under **SUPPLEMENTARY INFORMATION.**

ADDRESSES: Written comments on the scope of the GTCC LLW EIS or requests to speak at one of the public scoping meetings should be sent to: James L. Joyce, Document Manager, Office of Regulatory Compliance (EM–10), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119. Telephone: (301) 903–2151. Fax: 301–903–4303. E-mail: *gtcceis@anl.gov.*

Written comments on the scope of the GTCC LLW EIS and requests to speak at one of the public scoping meetings can also be submitted through the Web site at *http://www.gtcceis.anl.gov.*

FOR FURTHER INFORMATION CONTACT: To request further information about the EIS, the public scoping meetings, or to be placed on the EIS distribution list, use any of the methods (fax, telephone, e-mail, or Web site) listed under **ADDRESSES** above. For general information concerning the DOE NEPA process, contact: Carol Borgstrom, Director, Office of NEPA Policy and Compliance (GC–20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119.

Telephone: 202–586–4600, or leave a message at 1–800–472–2756.

Fax: 202–586–7031.

This NOI will be available on the internet at *http://www.eh.doe.gov/nepa.*

Additional information on the GTCC LLW EIS can be found at *http://www.gtcceis.anl.gov.*

SUPPLEMENTARY INFORMATION:

Background

GTCC LLW is defined by NRC in 10 CFR 72.3 as ''low-level radioactive waste that exceeds the concentration limits of radionuclides established for Class C waste in 10 CFR 61.55.'' In 10 CFR 61.55, the NRC defines classes of LLW as A, B and C by the concentration of specific short- and long-lived radionuclides, with Class C LLW having the highest radionuclide concentration limits. Consistent with NRC's and DOE's authorities under the Atomic Energy Act of 1954 (as amended), the NRC LLW radioactive waste classification system does not apply to radioactive wastes generated or owned by DOE and disposed of at DOE facilities. However, DOE owns and generates LLW and transuranic radioactive waste with characteristics similar to GTCC LLW and that may not have a path to disposal. For the purposes of this EIS, DOE is referring to this DOE waste as GTCC-like waste (the use of the term ''GTCC-like'' does not have the intent or effect of creating a new classification of radioactive waste). DOE proposes to evaluate alternatives for the disposal of both GTCC LLW and DOE GTCC-like waste in this EIS.

Section 3(b)(1)(D) of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPAA) assigns the responsibility for the disposal of GTCC LLW to the Federal Government. The LLRWPAA specifies that the GTCC LLW covered under Section 3(b)(1)(D) is to be disposed of in a facility licensed and determined to be adequate by the NRC. DOE is the federal agency responsible for the disposal of GTCC LLW. This responsibility was described in a 1987 report to Congress, *Recommendations for Management of Greater-Than-Class-C Low-Level Waste* (DOE/NE–0077), U.S. Department of Energy, February 1987. The report can be obtained by contacting the Document Manager listed under **ADDRESSES** above or from the Web site at *http://www.gtcceis.anl.gov.*

The September 11, 2001, attacks and subsequent threats have heightened concerns that terrorists could gain possession of radiological sealed sources, including GTCC LLW sealed sources, and use them for malevolent purposes. Since 2003, the Government Accountability Office (GAO) has issued three reports on matters related to the security of uncontrolled sealed sources, including the Department's progress in developing a GTCC LLW disposal facility.[1] In addition, the Energy Policy Act of 2005 contains several provisions (e.g., sections 631, 651, and 957) directed at improving the control of sealed sources, including disposal availability.

Because of its technical expertise in radiation protection, the U.S. Environmental Protection Agency (EPA) will participate as a cooperating agency in the preparation of this EIS. NRC will be a commenting agency.

Energy Policy Act of 2005 Reporting Requirements

Section 631 of the Energy Policy Act of 2005 requires the Secretary of Energy to: provide Congress with notification of the DOE office with responsibility for completing activities needed to provide for safe disposal of GTCC LLW; submit a report to Congress containing an estimate of the cost and schedule to complete an EIS and record of decision (ROD) for a permanent disposal facility for GTCC LLW; and prior to making a final decision on the disposal alternative or alternatives to be implemented, submit to Congress a report that describes all alternatives considered in the EIS. In meeting these requirements thus far, DOE has named the Office of Environmental Management as the lead organization having responsibility to develop GTCC LLW disposal capability and has submitted a report to Congress dated July 2006 on the estimated cost and proposed schedule to complete the EIS.

Types and Estimated Quantities of GTCC LLW and DOE GTCC-like Waste

GTCC LLW may generally be categorized into the following three types: sealed sources, activated metals, and other miscellaneous waste (e.g., contaminated equipment). Sealed sources are typically small, high-activity radioactive materials encapsulated in closed metal containers. They are used for a variety of purposes including irradiating food and medical products for sterilization, detecting flaws and failures in pipelines and metal welds, calculating moisture content in soil and other materials, and assisting in the diagnosis and treatment of illnesses.

Activated metal wastes are primarily generated in nuclear reactors during facility modifications and decommissioning. There are 104 operating commercial reactors in the United States and an additional 18 that have been closed or decommissioned. The activated metals consist of internal nuclear components that have become radioactive from neutron absorption. These components include portions of the reactor vessel and other stainless steel components near the fuel assemblies.

Other miscellaneous waste includes all GTCC LLW that is not activated metals or sealed sources. This waste includes contaminated equipment, debris, trash, scrap metal and decontamination and decommissioning waste from miscellaneous industrial activities, such as the manufacture of sealed sources and laboratory research.

DOE GTCC-like waste includes some sealed sources owned or generated by DOE activities; activated metals including reflector materials from research reactors as well as other miscellaneous waste owned by DOE or generated by DOE activities that has characteristics similar to GTCC LLW and may not have a path to disposal.

[1] These GAO reports are entitled Nuclear Security: Federal and State Action Needed to Improve Security of Sealed Radiological Sources, GAO–03804 (August 6, 2004); Nuclear Nonproliferation: DOE Action Needed to Ensure Continued Recovery of Unwanted Radioactive Sources, GAO–03–438 (April 15, 2003); and Nuclear Security: DOE Needs Better Information to Guide Its Expanded Recovery of Sealed Sources, GAO–05–967 (September 2005). These reports can be found at *http://www.gao.gov/*.

Most of the DOE GTCC-like waste consists of transuranic waste [2] (a DOE waste category) that may have originated from non-defense activities and therefore may not be authorized for disposal at WIPP under the Waste Isolation Pilot Plant Land Withdrawal Act of 1992 and has no other currently identified path to disposal.

DOE estimates a total inventory (existing and projected to be generated) of approximately 2,600 cubic meters of GTCC LLW and approximately 3,000 cubic meters of GTCC-like waste. A small percentage of this waste is mixed waste (i.e., radioactive waste that contains a hazardous component subject to the Resource Conservation and Recovery Act). Table 1 shows estimated quantities of GTCC LLW and GTCC-like waste that DOE proposes to analyze and is based on the report entitled *Greater-Than-Class C Low-Level Radioactive Waste Inventory Estimates*, (DOE, July 2007). This report updates the 1993 inventory estimates contained in the report entitled *Greater-Than-Class C Low-Level Radioactive Waste Characterization: Estimated Volumes, Radionuclides, Activities, and Other Characteristics,* DOE/LLW–114, Revision 1 (Sept. 1994), which served as the basis for inventories in the ANOI. Copies of both reports are available by contacting the Document Manager listed under **ADDRESSES** above or at *http://www.gtcceis.anl.gov.*

TABLE 1.—INVENTORY SUMMARY OF ESTIMATED QUANTITIES OF GTCC LLW AND DOE GTCC-LIKE WASTE [a]

Waste type	In storage	Projected	Total stored and projected			
			Volume in cubic meters (m^3)	Activity [b] MCi	Volume m^3	Activity [b] MCi
GTCC LLW:						
Activated metal	58	3.5	810	110	870	110
Sealed sources	(c)	(c)	1,700	2.4	1,700	2.4
Other [d]	76	0.0076	1.0	0.00023	77	0.0078
Total GTCC LLW	130	3.5	2,500	110	2,600	110
DOE GTCC-like waste:						
Activated metal	5.0	0.11	29	0.82	34	0.93
Sealed sources	8.7	0.013	25	0.030	34	0.043
Other [d]	860	11	2,000	19	2,900	30
Total DOE GTCC-like waste	870	11	2,100	20	3,000	31
Total GTCC and GTCC-like waste	1,000	15	4,600	130	5,600	140

[a] Values have been rounded to two significant figures.
[b] Radioactivity values are in millions of curies (MCi).
[c] There are sealed sources currently possessed by NRC licensees that may become GTCC LLW when no longer needed by the licensee. The estimated volume and activity of those sources are included in the projected inventory, notwithstanding the lack of information on the current status of the sources (e.g., in use, waste, etc.).
[d] Other GTCC LLW and DOE GTCC-like waste includes contaminated equipment, debris, trash, scrap metal and decontamination and decommissioning waste.

Purpose and Need for Action

As shown in Table 1, NRC and Agreement State licensees have generated and continue to generate GTCC LLW for which there is no permitted disposal facility. DOE is responsible for the safe and secure disposal of GTCC LLW covered under Section 3(b)(1)(D) of the LLRWPAA, including determining how and where to dispose of these wastes. In addition, DOE owns or generates certain LLW and transuranic wastes with characteristics similar to GTCC LLW that also may not have an identified path to disposal.

Proposed Action

DOE proposes to construct and operate a new facility or facilities, or use an existing facility, for the disposal of GTCC LLW and GTCC-like waste. DOE would then close the facility or facilities at the end of each facility's operational life. Based on the EIS analysis, DOE expects to make a decision on the method(s) and location(s) for disposing of GTCC LLW and DOE GTCC-like waste. A combination of disposal methods and locations may be appropriate based on the characteristics of the waste and other factors.

Alternatives Proposed for Evaluation

The GTCC EIS will evaluate the range of reasonable alternatives for the disposal of GTCC LLW and GTCC-like waste, together with a no action alternative. The NRC regulations at 10 CFR 61.55(a)(2)(iv) define GTCC LLW as that waste which would require disposal in a geologic repository as defined in 10 CFR Part 60 or 63, unless proposals for an alternative method of disposal are approved by NRC under 10 CFR 61.55(a)(2)(iv). Although NRC regulations state that GTCC LLW is generally not acceptable for near surface-disposal, the NRC recognizes in 10 CFR 61.7(b)(5) that ''there may be some instances where waste with concentrations greater than permitted for Class C waste would be acceptable for near-surface disposal with special processing or design.'' Therefore, the disposal methods DOE proposes to evaluate in the EIS include deep geologic repository disposal, intermediate depth borehole disposal, and enhanced near-surface disposal.

For deep geologic disposal, DOE intends to analyze disposal at Yucca Mountain in Nevada, a proposed geologic repository to be licensed under 10 CFR Part 63. DOE will also evaluate deep geologic repository disposal at WIPP in New Mexico. Identification of

[2] Transuranic waste is radioactive waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes per gram of waste, with half-lives greater than 20 years, except for: (1) High-level waste; (2) waste that the Secretary of Energy has determined, with the concurrence of the Administrator of EPA, does not need the degree of isolation required by the 40 CFR Part 191 disposal regulations; or (3) waste that the NRC has approved for disposal on a case-by-case basis in accordance with 10 CFR Part 61. PAGE

the proposed Yucca Mountain repository for analysis in the EIS is based on the 10 CFR 61.55 regulations, which identify disposal in a geologic repository licensed under 10 CFR Part 60 or 63 as an acceptable method for the disposal of GTCC LLW. Identification of WIPP is based on its characteristics as a geologic repository, although not subject to NRC licensing as a geologic repository under 10 CFR Parts 60 or 63. DOE does not plan to evaluate an additional deep geologic repository facility because siting of another deep geologic repository facility for GTCC LLW and GTCC-like waste is impractical due to the cost, time, and the relatively small volume of GTCC LLW and GTCC-like waste.

DOE also intends to evaluate disposal of GTCC LLW and GTCC-like waste in a new intermediate depth borehole facility and enhanced-near surface facility at existing DOE sites and generic commercial locations. The DOE sites considered for analysis include INL in Idaho, LANL in New Mexico, WIPP vicinity (either within the WIPP Land Withdrawal perimeter that is under the jurisdiction of DOE, or on government property in the vicinity of WIPP), NTS in Nevada, SRS in South Carolina, ORR in Tennessee, and Hanford in Washington. Identification of these sites for potential analysis is based on mission compatibility (these DOE sites currently have waste disposal operations as part of their mission) and physical characteristics of the sites such as hydrogeology and topography.

In addition, DOE intends to evaluate a generic enhanced near surface and intermediate depth borehole commercial disposal facility under both arid and humid conditions in the EIS. In a Request for Information in the *FedBizOpps* on July 1, 2005, DOE solicited technical capability statements from commercial vendors that may be interested in constructing and operating a GTCC waste disposal facility. Although several commercial vendors expressed an interest, no vendors have provided specific information on disposal locations and methods for analysis in the EIS. Including a generic commercial facility in the EIS would allow DOE to make a programmatic determination regarding disposal of GTCC LLW and GTCC-like waste in such a facility. Should one or more commercial facilities be identified at a later time, DOE would conduct further NEPA review, as appropriate.

DOE intends to evaluate each of the GTCC waste types (*i.e.*, sealed sources, activated metals, and other waste) individually and in combination for each of the disposal alternatives, taking into account the characteristics of the waste types and other considerations (e.g., waste volumes, physical and radiological characteristics, and generation rates). For example, GTCC LLW containing transuranic radionuclides with longer half-lives may require greater isolation or other special measures to protect against potential inadvertent human intrusion, whereas GTCC LLW containing radionuclides with shorter half-lives may require less extensive measures. DOE will also consider volumes and time periods when wastes would be generated and require disposal.

In the GTCC LLW EIS, DOE will describe the statutory and regulatory requirements for each disposal alternative and whether legislation or regulatory modifications may be needed to implement the alternative under consideration. In summary, DOE proposes to evaluate the alternatives listed below:

Alternative 1: No Action—under this alternative, current and future GTCC LLW and GTCC-like waste would be stored at designated locations consistent with ongoing practices, such as storage of GTCC LLW activated metals at nuclear utilities;

Alternative 2: Disposal in a Geologic Repository at WIPP—under this alternative, DOE would dispose of GTCC LLW and GTCC-like waste at WIPP;

Alternative 3: Disposal in a Geologic Repository at Yucca Mountain—under this alternative, DOE would dispose of GTCC LLW and GTCC-like waste at the proposed Yucca Mountain Repository;

Alternative 4: Disposal at a New Enhanced Near-Surface Facility—under this alternative, DOE would dispose of GTCC LLW or GTCC-like waste at a new enhanced near-surface facility at INL, LANL, WIPP vicinity, NTS, SRS, ORR, and Hanford, or a commercial facility should such a facility be identified in the future;

Alternative 5: Disposal at a New Intermediate Depth Borehole Facility—under this alternative, DOE would dispose of GTCC LLW or GTCC-like waste at a new intermediate depth borehole facility at INL, LANL, WIPP vicinity, NTS, SRS, ORR and Hanford, or a commercial facility should such a facility be identified in the future.

Identification of Environmental Issues

DOE proposes to evaluate disposal technologies at various DOE and generic commercial locations for the construction, operation, and closure of a facility or facilities for the disposal of GTCC LLW and GTCC-like waste. DOE proposes to address the issues listed below in the process of considering the potential impacts of the proposed disposal alternatives.

- Potential impacts on air, noise, surface water and groundwater.
- Potential impacts from the shipment of GTCC LLW and GTCC-like waste to the disposal site(s).
- Potential impacts from postulated accidents.
- Potential impacts on human health, including impacts to involved and non-involved site workers and members of the public.
- Potential impacts to historical and cultural artifacts or sites of historical and cultural significance.
- Potential disproportionately high and adverse effects on low income and minority populations (environmental justice).
- Potential Native American concerns.
- Short-term and long-term land use impacts.
- Long-term site suitability, including erosion and seismicity.
- Potential impacts to endangered species.
- Intentional destructive acts.
- Compliance with applicable federal, state, and local requirements.
- Irretrievable and irreversible commitment of resources.
- Cumulative impacts from past, present and reasonably foreseeable actions.

This list is not intended to be inclusive, and we invite interested parties to suggest other issues to be considered, including aspects of the waste inventories presented in Table 1.

Summary of Public Comments on the Advance Notice of Intent

In 2005, DOE issued an ANOI, 70 Fed. Reg. 24775 (May 11, 2005), inviting the public to provide preliminary comments on the potential scope of the EIS. DOE received comments on the ANOI from: the states of Nevada, Oregon and Washington; the Sacramento Municipal Utility District; the New England Coalition; the Sierra Club; the Nuclear Energy Institute; and the Savannah River Site Citizens Advisory Board. The major scoping issues identified in the comments are summarized below, along with DOE's response.

- *EIS General Scope:* Commenters questioned the need for the EIS, assuming that GTCC LLW would be disposed of in the proposed Yucca Mountain repository for spent nuclear fuel and high-level waste. Some commenters favored the inclusion of DOE's GTCC-like waste along with GTCC LLW generated from NRC-licensed activities in the EIS, while

other commenters recommended restricting the scope of the EIS to GTCC LLW analyzed in the Yucca Mountain EIS (DOE/EIS–0250, February 2002) or to waste generated from NRC-licensed activities. Still other commenters questioned the basis for projecting the GTCC LLW volume to 2035 and 2055.

Response: GTCC waste is LLW, not high-level waste or spent nuclear fuel; nevertheless, DOE has identified the proposed Yucca Mountain repository as one of the sites to be analyzed in the EIS for GTCC LLW as a disposal alternative, as well as other appropriate sites, in accordance with 10 CFR Part 61. Under the LLRWPAA, DOE is responsible for disposing of this waste, and because such disposal would be a major federal action, DOE is required by the Council on Environmental Quality regulations that implement NEPA to complete an EIS analyzing the range of reasonable alternatives for this action. The Energy Policy Act of 2005 also requires DOE to take actions related to the preparation of an EIS for GTCC LLW. DOE plans to include its GTCC-like waste that may have no path to disposal, as well as waste generated from NRC or Agreement State licensed activities, and to identify where economies of scale may be achieved in using the same disposal methods and locations.

DOE has identified the estimated GTCC LLW and GTCC-like waste volumes based on the best available data. DOE has changed the projections to 2035 and 2062 to include the 20-year license renewal that commercial reactors may receive plus an additional 6-year ''cooling period'' before commencing reactor decommissioning activities. Thus GTCC LLW and GTCC-like waste estimates are projected through 2035, except for GTCC LLW activated metals estimates, which are projected through 2062, based on anticipated nuclear reactor decommissioning schedules.

• *Waste Disposal Alternatives:* Commenters stated that DOE should identify its criteria for including sites considered in the EIS as potential disposal locations and criteria for selecting the technologies and disposal methods to be evaluated.

Response: DOE has identified its basis for the disposal locations and disposal methods proposed for analysis in the EIS under ''Alternatives Proposed for Evaluation'' in this Notice.

• *Waste Inventories:* Commenters stated that the inventory data provided in the ANOI should be updated.

Response: DOE has updated the inventory data as shown in Table 1. DOE will incorporate other appropriate inventory data that may become available during preparation of the EIS.

• *Resource Areas Proposed for Analysis:* Commenters suggested a number of subjects that DOE should include in the EIS impact analyses.

Response: DOE's list of subjects proposed for evaluation in the EIS under ''Identification of Environmental Issues'' in this NOI responds to those comments.

• *Concentration Averaging:* Commenters raised questions about DOE's potential use of ''concentration averaging'' in which, for example, the activity of one component is averaged over the volume or mass of waste to identify applicable waste classification standards.

Response: For the purposes of analysis in the EIS, DOE would use guidance in the *Branch Technical Position on Concentration Averaging and Encapsulation,* U.S. Nuclear Regulatory Commission, Washington DC, January 1995, to determine when LLW is greater than Class C as defined at according to 10 CFR Part 61.

• *Regulatory Requirements:* A number of commenters discussed the need to address compliance with regulatory and other legal requirements in the EIS.

Response: The EIS would describe applicable regulatory and other legal requirements and consider the extent to which the alternatives analyzed meet those requirements.

Public Scoping

Interested parties are invited to participate in the public scoping process to provide their comments on the proposed disposal alternatives for analysis in the EIS and the environmental issues to be analyzed. The scoping process is intended to involve all interested agencies (federal, state, county, and local), public interest groups, Native American tribes, businesses, and members of the public. Public scoping meetings will be held at the following locations and times:

• *Carlsbad, New Mexico:* Pecos River Village Conference Center, Carousel House, 711 Muscatel Avenue, Carlsbad, New Mexico, Monday, August 13, 2007, 6 p.m.–9 p.m.

• *Los Alamos, New Mexico:* Hilltop House Best Western, La Vista Room, 400 Trinity Drive, Los Alamos, New Mexico, Tuesday, August 14, 2007, 6 p.m.–9 p.m.

• *Oak Ridge, Tennessee:* DOE Oak Ridge Information Center, 475 Oak Ridge Turnpike, Oak Ridge, Tennessee, Wednesday, August 22, 6 p.m.—9 p.m.

• *North Augusta, South Carolina:* North Augusta Community Center, 495 Brookside Avenue, North Augusta, South Carolina, Thursday, August 23, 6 p.m.–9 p.m.

• *Troutdale, Oregon:* Comfort Inn & Suites-Columbia Gorge West, 477 NW Phoenix Drive, Troutdale, Oregon, Monday, August 27, 2007, 6 p.m.–9 p.m.

• *Pasco, Washington:* Red Lion Hotel, Gold Room, 2525 N 20th Avenue, Pasco, Washington, Tuesday, August 28, 2007, 6 p.m.–9 p.m.

• *Idaho Falls, Idaho:* Red Lion Hotel On The Falls, Yellowstone/Teton Rooms, 475 River Parkway, Idaho Falls, Idaho, Thursday, August 30, 2007, 6 p.m.–9 p.m.

• *Las Vegas, Nevada:* Atomic Testing Museum, 755 E. Flamingo Road (Just East of Paradise Road), Las Vegas, Nevada, Tuesday, September 4, 2007, 6 p.m.–9 p.m.

• *Washington DC:* Hotel Washington, Washington Room, 15th and Pennsylvania Avenue, NW., Washington, DC, Monday, September 10, 1 p.m.–5 p.m.

During the first hour of each scoping meeting, DOE officials will be available for informal discussions with attendees. During the formal part of the meeting, the public will have the opportunity to provide comments orally or in writing. The presiding officer will establish procedures to ensure that everyone who wishes to speak has a chance to do so. Both oral and written comments will be considered and given equal weight.

Issued in Washington, DC on July 17, 2007.

James A. Rispoli,

Assistant Secretary for Environmental Management.

[FR Doc. E7–14139 Filed 7–20–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Civilian Radioactive Waste Management; Safe Routine Transportation and Emergency Response Training; Technical Assistance and Funding

AGENCY: Department of Energy.

ACTION: Notice of revised proposed policy and request for comments.

SUMMARY: The Department of Energy (DOE) is publishing this notice of revised proposed policy to set forth its revised plans for implementing Section 180(c) of the Nuclear Waste Policy Act of 1982 (the NWPA). Under Section 180(c) of the NWPA, DOE shall provide technical and financial assistance for training of local public safety officials to States and Indian Tribes through whose jurisdictions the DOE plans to transport spent nuclear fuel or high-level

radioactive waste to a facility authorized under Subtitle A or C of the NWPA (NWPA-authorized facility). The training is to cover both safe routine transportation and emergency response procedures. The purpose of this notice is to communicate to stakeholders the revised proposed policy of DOE regarding Section 180(c) issues and request comments on this revised proposed policy and the questions specified herein. Written and electronic comments may be submitted to DOE on this document.

DATES: Comments must be received by DOE on or before October 22, 2007.

ADDRESSES: Written comments should be directed to Ms. Corinne Macaluso, U.S. Department of Energy, c/o Patricia Temple, Bechtel SAIC Company, LLC, 955 N. L'Enfant Plaza, SW., Suite 8000, Washington, DC 20024. The revised proposed policy and electronic comment forms are also available at *http://www.ocrwm.doe.gov.* Fill out the form and click ''submit'' to send your comments in through the Web site. Persons submitting comments should include their name and address. Receipt of written comments in response to this notice will be acknowledged if a stamped, self-addressed postal card or envelope is enclosed. Electronic comments will receive an electronic notice of receipt.

FOR FURTHER INFORMATION CONTACT: For further information on the transportation of spent nuclear fuel and high-level radioactive waste under the NWPA, please contact: Ms. Corinne Macaluso, Office of Logistics Management, Office of Civilian Radioactive Waste Management (RW–10), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC, 20585, Telephone: 202–586–2837.

General program information is available on the Office of Civilian Radioactive Waste Management (OCRWM) Web site located at *www.ocrwm.doe.gov.*

Copies of comments received will be posted on the OCRWM Web site. Please allow up to two weeks after DOE receives comments to view them on the Web site.

Request for Comments: DOE will consider all comments submitted by the closing date. Comments received after that date will be considered to the extent practicable. DOE requests that commenters pay particular attention to the questions at the end of this revised proposed policy.

SUPPLEMENTARY INFORMATION:

I. Purpose and Need for Agency Action

Under the NWPA, DOE is responsible for the transportation of spent nuclear fuel and high-level radioactive waste to an NWPA-authorized facility. In particular, under Section 180(c) of the NWPA, DOE is responsible for providing technical and financial assistance for training of local public safety officials to States and Indian Tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste to an NWPA-authorized facility. Section 180(c) further provides that such training cover procedures required for both safe routine transportation of these materials and for dealing with emergency response situations. Section 180(c) identifies the Nuclear Waste Fund as the source of funds for this assistance.

DOE has announced a schedule to begin shipping spent nuclear fuel and high-level radioactive waste to an NWPA-authorized facility in 2017.[1] Subject to the availability of appropriated funds, DOE plans to conduct a pilot program for 180(c) grants beginning in fiscal year 2008. DOE will evaluate public comments received on this revised proposed policy prior to implementing the pilot program. After review of the comments received on this revised proposed policy and completion of the pilot program, DOE plans to issue a new revised proposed policy for public comment and thereafter to issue a final policy prior to awarding the first 180(c) grants. The first grants are planned to be issued approximately four years prior to the commencement of shipments through a State or Tribe's jurisdiction to support assessing the need for and planning for training.

The *Office of Civilian Radioactive Waste Management, Strategic Plan for the Safe Transportation of Spent Nuclear Fuel and High-Level Radioactive Waste to Yucca Mountain: A Guide to Stakeholder Interactions* calls for DOE to work closely with State Regional Groups and individual impacted States and Tribes as it makes operational decisions regarding shipments to an NWPA-authorized facility. The DOE's practice of involving States, Tribes, industry, utilities, and other interested parties in transportation planning has contributed to a decades-long record of safely transporting such material. This revised proposed policy supports the DOE's OCRWM objective to develop and begin implementation of a comprehensive national spent fuel transportation plan that accommodates State, local, and Tribal concerns and input to the greatest extent practicable.

II. Background

On January 3, 1995, DOE issued a proposed policy on how it would implement Section 180(c) of the NWPA (60 FR 99). DOE subsequently issued several notices relating to its proposed 180(c) policy in the **Federal Register** on July 18, 1995 (60 FR 36793), May 16, 1996 (61 FR 24772), July 17, 1997 (62 FR 38272), and April 30, 1998 (63 FR 23753). DOE is publishing this Notice of Revised Proposed Policy to set forth and communicate to stakeholders the revised policy by which DOE currently intends to implement Section 180(c). DOE previously requested comments on the 1998 Notice of Revised Proposed Policy and Procedures. Those comments were reviewed and considered during the development of this revised proposed policy.

As part of its longstanding commitment to work with stakeholders on transportation matters, DOE has engaged in ongoing discussions on how to implement Section 180(c). Such discussions have taken place in the context of the Transportation External Coordination (TEC) Working Group, which is comprised of representatives of State, Tribal, and local governments, and professional, technical, and industry associations, and which meets biannually to identify and discuss issues related to the transport of radioactive materials. In 2004, DOE formed a TEC Topic Group specifically to discuss Section 180(c) issues, and the Topic Group met at least monthly from June 2004 through November 2005. In addition, DOE has discussed Section 180(c) issues with the six national and regional organizations with which DOE has cooperative agreements. These agreements enable DOE to exchange information and solicit input regarding the planned transportation activities of OCRWM, including Section 180(c) activities. These organizations comprise the four State Regional Groups (the Southern States Energy Board, Western Interstate Energy Board, Council of State Governments Midwestern Office, and Council of State Governments Eastern Regional Conference), the Commercial Vehicle Safety Alliance, and the

[1] The schedule for the proposed Yucca Mountain repository is based on factors within the control of DOE, appropriations consistent with optimum Project execution, issuance of an Nuclear Regulatory Commission (NRC) Construction Authorization consistent with the three year period specified in the Nuclear Waste Policy Act, and the timely issuance by the NRC of a Receive and Possess license. This schedule also is dependent on the timely issuance of all necessary other authorizations and permits, the absence of litigation related delays, and the enactment of legislation proposed by the Administration.

National Conference of State Legislatures.

Through the TEC Section 180(c) Topic Group, discussions with the national and regional organizations described above, and other stakeholder interactions, DOE received valuable comments and views on 180(c) issues which have been considered in the development of this revised proposed policy. The Topic Group reached significant agreement on eligibility requirements and timing of the grants and allowable uses of the funding.

This policy is intended to be consistent with Homeland Security Presidential Directives Number 5, ''Management of Domestic Incidents,'' issued February 28, 2003, and Number 8, ''National Preparedness,'' issued December 17, 2003; the Department of Homeland Security's National Preparedness Goal, issued December 2005; the National Preparedness Guidance issued April 27, 2005; the National Incident Management System, issued March 1, 2004; and the National Response Plan, issued December 2004.

III. Policy

Policy Statement

Section 180(c) of the NWPA states:

> The Secretary [of DOE] shall provide technical assistance and funds to States for training for public safety officials of appropriate units of local government and Indian tribes through whose jurisdiction the Secretary plans to transport spent nuclear fuel or high-level radioactive waste under subtitle A or under subtitle C. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations.

This proposed policy addresses the provision of technical and financial assistance for training, both for normal transportation operations and for potential incidents that may require emergency response during shipments of spent nuclear fuel or high-level radioactive waste to an NWPA-authorized facility. Technical assistance to support 180(c) activities will consist of non-monetary assistance that the Secretary of Energy can provide from DOE's specific knowledge, expertise, and existing resources to aid training of public safety officials on procedures for safe routine transportation and for emergency response situations during the transport of spent nuclear fuel and high-level radioactive waste to an NWPA-authorized facility. Technical assistance includes, but is not limited to, access to DOE's regional and Headquarters representatives involved in the planning and operation of NWPA transportation or emergency preparedness activities, provision of information packets that include materials about the OCRWM Program and shipments, and provision of other training materials and information. Financial assistance will consist of assessment and planning grants and annual training grants. The provision of grants will be subject to the criteria described herein, as well as the availability of appropriated funds.

This revised proposed policy is consistent with DOE's longstanding commitment to meet or exceed requirements and standards applicable to the transport of spent nuclear fuel and high-level radioactive waste; to cooperate with States, Tribes, and local governments; and to make use of the existing expertise of States, Tribes, and local governments to the maximum extent practicable.

Section 180(c) funds are intended to be used for training specific to shipments of spent nuclear fuel and high-level radioactive waste to an NWPA-authorized facility. DOE will work with States and Tribes to evaluate current preparedness for safe routine transportation and emergency response capability and will provide funding as appropriate to ensure that State, Tribal, and local officials are prepared for OCRWM shipments. Section 180(c) funds and related training are intended to supplement but not duplicate existing training for safe routine transportation and emergency preparedness. DOE will work with States and Tribes to coordinate and integrate Section 180(c) activities with existing training programs designed for State, Tribal, and local public safety officials. Equipment purchased with Section 180(c) funds is intended to be used for training to prepare for the specific hazards presented by shipments to an NWPA-authorized facility. If necessary, such equipment could then be used for inspections and for responding to emergencies. Since State and Tribal governments have primary responsibility to protect the public health and safety in their jurisdictions, they will have flexibility to decide which allowable activities to request Section 180(c) assistance to meet their unique needs within the limits of the NWPA and DOE and other Federal financial assistance regulations and restrictions.

Training with Section 180(c) funds should be to the level of detail and to the degree necessary to prepare for shipments to an NWPA-authorized facility. When necessary or appropriate, training should be consistent with the Occupational Safety and Health Administration (OSHA) awareness or operations levels, as those terms are defined in 29 CFR 1910.120, and the jurisdiction's emergency response plans. Any deficiency in basic emergency response capability may be addressed through consultation and technical assistance.

Funding Mechanism

DOE will implement Section 180(c) by funding direct grants to eligible States and Tribes. The grants program will be administered in accordance with the DOE Financial Assistance rules (10 CFR part 600), which implement applicable Office of Management and Budget circulars, and applicable law. The grant application process will require States and Tribes to describe and justify their proposed work in the format of a five-year project with a more detailed two-year work plan. Applications will only be accepted through the Federal government's electronic grant application system at *www.grants.gov.*

Basis for Cost Estimate/Grant Funding Allocation to States

DOE anticipates providing funds to States in accordance with the approach described below. Specifically, DOE expects to make two grants available to States: An assessment and planning grant and an annual training grant.[2]

The assessment and planning grant to each eligible State will support an initial needs assessment to identify training needs that might be addressed in future training grants to that State. The amount of the assessment and planning grant is not expected to exceed $200,000, adjusted annually for inflation, for each eligible State based on appropriated funds available for that purpose in a particular fiscal year. The annual training grant to each eligible State will support allowable activities as specified in the grant. The annual training grant for each eligible State will consist of a base amount not expected to exceed $100,000, adjusted annually for inflation, as well as a variable amount. The base amount for each grant depends on Congressional appropriations. DOE selected the amounts of the base grants based on experience with similar training programs and discussions with State and emergency response officials about the scope of work likely for each grant.

The variable amount of the training grant will be determined through a risk-based formula using the factors of population along routes, route miles,

[2] DOE has recently begun meeting with Indian Tribes to discuss the funding allocation options for grants to Tribes. The proposed funding allocation approach described herein applies only to States.

number of shipments, and shipping sites. The population figure, calculated from U.S. Census Bureau data, acts as a surrogate for either the number of responders requiring training or the number of jurisdictions requiring training. Total route miles (for all shipping modes) acts as a surrogate for the accident risk. The number of shipments addresses the additional burden placed on States that are heavily impacted by shipments. Finally, the number of shipping sites will factor in the additional training burden placed on States that must prepare for point-of-origin inspections of both the package and the vehicle. Shipping sites will include commercial nuclear power plants, DOE sites, and any other entity shipping spent nuclear fuel or high-level radioactive waste to an NWPA-authorized facility.

The amount of the annual training grants will be based on the appropriated funds available for that purpose in a particular fiscal year. Available funds will be first used to fund the base portion of the grant, which would be the same for each eligible State. Remaining available funds will be used to fund the variable portion of the grant for each eligible State on the basis of the following five-step formula.

The steps are as follows:

Step 1: Collect raw data with respect to the factors of population along routes, route miles, number of shipments, and shipping sites for each State.

Step 2: Divide the raw State data for each factor by the national total for each factor. The result is each State's percentage of the national total for each factor.

Step 3: Multiply each State's percentage of each factor by the correspondent weighting for each factor as specified below; the result would be summed to reach a total for each State, as follows:

0.3 × Percentage of Population Along Route Corridors
+ 0.3 × Percentage of Route Miles
+ 0.3 × Percentage of Number of Shipments
+ 0.1 × Percentage of Shipping Sites
= Total for Each State

Step 4: Sum the total for each State to obtain a national total.

Step 5: Divide each State's total by the national total to reach each State's percentage of available funds for the year.

DOE will work with applicants to ensure consistent sources are used to estimate the raw data for each factor of the formula. All factors are specific to the shipping year. The specific sources DOE will use for the raw data are as follows:

- The population factor will be calculated using the population within 2,500 meters of the route as calculated by the Transportation Routing Analysis Geographic Information System (TRAGIS), DOE's routing model. TRAGIS uses U.S. Census Bureau data as its source for population.
- For route miles, DOE will calculate the national total using TRAGIS to estimate the route miles for each year's projected shipments.
- The number of shipments annually through a State will be estimated based on DOE's projected shipments for each year.
- The number of shipping sites will be based on the number of defense and civilian sites originating a shipment within the State for the year for which an applicant is applying for funding.

Eligibility and Timing of the Grants Program

DOE will provide grants and technical assistance to those States and Tribes through whose jurisdictions the Secretary of Energy plans to transport spent nuclear fuel and high-level radioactive waste to an NWPA-authorized facility. Where a route constitutes a border between two States, a State and a Tribal reservation, or two Tribal reservations, every jurisdiction with emergency response responsibility and inspection authority over the route will be eligible for Section 180(c) assistance. If a State or Tribe will *not* have shipments but has cross-deputization or mutual aid agreements with a jurisdiction that *will* have shipments, the non-shipment jurisdiction may work with DOE to receive funding.

DOE will send a letter to the Governor or Tribal leader's office notifying them of their State or Tribe's eligibility to apply for Section 180(c) grants approximately five years before shipments are scheduled through that State or Tribe's jurisdiction. Each State or Tribe shall designate which agency or staff member of the State or Tribe will administer its Section 180(c) grants. Subsequently, DOE will communicate with the State or Tribe's designated agency or staff person regarding Section 180(c) grants.

Subject to the availability of appropriated funds, DOE expects to begin making assessment and planning grants available to a State or Tribe approximately four years prior to the first shipment to an NWPA-authorized facility through that State or Tribe's jurisdiction.

DOE intends to issue training grants in each of the three years prior to a scheduled shipment through a State or Tribe's jurisdiction and every year that shipments are scheduled.

Allowable Activities

DOE intends to allow a broad array of eligible planning and training activities, thus providing the recipients flexibility to direct funds toward their individual needs. DOE will require applicants to describe and justify the need for proposed activities, training, and purchases in the application package for review and approval by DOE.

Under Section 180(c) of the NWPA, DOE shall provide technical and financial assistance to States and Indian Tribes through whose jurisdictions the DOE plans to transport spent nuclear fuel or high-level radioactive waste to an NWPA-authorized facility. States and Tribes should describe in their grant applications how the grants will be used to provide training to local public safety officials. States and Tribes are expected to coordinate with local public safety officials during the assessment and planning phase and in developing their applications for the annual training grants. DOE recognizes that, depending on the State or Tribe, the role of local public safety officials in responding to incidents involving radioactive materials varies from a minimal role of crowd and traffic control to the primary role of incident command. Therefore, the benefit to local public safety officials should be consistent with established State, Tribal, and local roles in dealing with routine transportation and in responding to an incident involving NWPA shipments.

Potential activities for the Assessment and Planning Grant include:

- Assessment of the jurisdiction's needs for training on procedures related to safe routine transportation and emergency response situations.
- Development of mutual aid agreements among neighboring jurisdictions and with Federal agencies.
- Planning for how to provide needed training for public safety officials.
- Participation in DOE, regional, and national transportation planning meetings.
- Intra- and interstate and Tribal planning and coordination.
- Support for exercises to test plans and training.
- Review of DOE transportation, emergency management, communications, and security plans, including threat assessments and civil disobedience/law enforcement planning.
- Obtaining access to DOE data and systems, such as the Transportation Tracking and Communications system

(TRANSCOM) for information and shipment tracking.

• Evaluation and identification of alternative routes for DOE non-classified radioactive materials shipments according to 49 CFR 397, *Transportation of Hazardous Materials' Driving and Parking Rules* (referred to as HM–164).

• Risk assessments.

• Participation in DOE's Transportation Emergency Preparedness Program (TEPP).[3]

• Coordination with DOE's Radiological Assistance Program (RAP) training, exercises, and planning activities.[4]

• Planning activities using Transportation Routing Analysis Geographic Information System (TRAGIS) or other DOE route or risk assessment models.

• Participation in carrier evaluation programs that may be implemented through other agencies or organizations.

• Staff costs related to planning and needs assessments.

The Training Grant has two categories of allowable activities: Activities related to safe routine transportation and activities related to emergency response.

Activities for the safe routine transportation aspects of the Training Grant may include:

• Continuation of the activities initiated under the Assessment and Planning Grant, such as coordination with agencies within the State or Tribe, assessment of training needs, and assessment of technical assistance needs.

• Training and staff costs associated with the Department of Transportation's State Rail Safety Participation Program. The Federal Railroad Administration will provide informal outreach and training opportunities to Tribal nations, since there is no statutory authority for participation by Indian Tribes in the State Safety Participation Program as outlined in 49 CFR 212.

• Training for public safety officials in safety and enforcement inspections of highway shipments (drivers, vehicles, and shipping containers).

• Training related to accident prevention (e.g., for safe parking, bad weather, and road conditions).

• Training for appropriate local, State, and Tribal officials on the proper handling of information and documents, including secure and confidential shipments.

• Training for radiological inspections, both rail and truck.

• Training on a satellite tracking system.

• Equipment purchases, calibration, and maintenance for training purposes.[5]

• Staff costs related to training.

Activities for the emergency response aspects of the Training Grant may include:

• Continuation of planning activities begun under the Assessment and Planning Grant.

• Training in implementation of mutual aid agreements among neighboring jurisdictions and agreements with Federal agencies.

• Training for public safety officials in hazardous materials emergency response procedures. When necessary or appropriate, training should be consistent with OSHA awareness or operations levels, as those terms are defined in 29 CFR 1910.120, and the jurisdiction's emergency response plans.

• Participation in DOE's TEPP.

• Equipment purchases, calibration, and maintenance for training purposes.

• Training for emergency medical personnel, including hospital emergency medical personnel.

• Designing, conducting, and evaluating drills and exercises, including the implementation of mutual aid agreements and emergency response plans and procedures.

• Staff costs related to training.

IV. Merit Review Criteria

States and Tribes will have flexibility to decide for which allowable activities to request Section 180(c) assistance to meet their unique needs within the limits of the NWPA and DOE and other Federal financial assistance regulations and restrictions. Grant applications will be reviewed in accordance with 10 CFR 600.13, *Merit Review.*

The merit review process consists of a board of technically qualified reviewers who evaluate each grant application on pre-established criteria. The merit review board advises the DOE's selection officials as to the merits of each proposed activity and the overall quality of the application. The DOE's selection officials will make final funding determinations and notify successful applicants of their award in accordance with standard grant procedures.

The proposed criteria, which the merit review board will use for its review, are described below in *Table 1, Assessment and Planning Grant and Table 2, Training Grant.* The applicant's narrative should address each of these criteria in accordance with the instructions provided.

TABLE 1.—ASSESSMENT AND PLANNING GRANT

Criteria	Instructions
Conduct a needs assessment and develop a training plan to prepare for NWPA shipments through the applicant's jurisdiction.	In the grant application narrative, make sure the scope of the assessment and plan development is clear and thorough: a. Describe how the State or Tribe will assess needs, including how the State or Tribe will determine what additional planning, training, equipment, and exercises may be needed. b. Describe the technical assistance that will be requested from DOE or other Federal agencies in order to conduct the needs assessment. c. Describe the cost and timeframe of each proposed assessment and planning activity. d. Describe what planning will occur within the State or Tribe and with local jurisdictions. e. Identify all mutual aid agencies that will be contacted to complete the needs assessment and training plan. f. Describe how the proposed grant funding does not supplant or duplicate existing funding from Federal or State sources.

[3] DOE's TEPP integrates transportation emergency preparedness activities for DOE non-classified shipments of radioactive materials to address the emergency response concerns of State, Tribal, and local officials affected by such shipments. TEPP is implemented on a regional basis, with a TEPP Coordinator for each region. TEPP ensures responders have access to the model plans and procedures, training, and technical assistance necessary to respond safely, efficiently, and effectively to transportation incidents.

[4] DOE's RAP is a team of DOE and DOE contractor personnel specifically trained to perform radiological emergency response activities. The RAP teams may deploy at the request of DOE sites; other Federal agencies; State, Tribal or local governments; or from any private organization or individual. Teams are located at eight sites around the Nation.

[5] Grant funds can be used to purchase equipment for training purposes. They can also be used to calibrate and maintain equipment as long as the equipment is training-related and specific to the needs created by the NWPA shipments.

TABLE 1.—ASSESSMENT AND PLANNING GRANT—Continued

Criteria	Instructions
Prepare public safety officials of appropriate units of local government.	The narrative should completely and accurately describe: a. How local public safety officials were involved in developing the grant application. b. How local public safety officials will be involved in the needs assessment consistent with their role in radioactive/hazardous materials transportation as defined by the State.
Prepare sufficiently to reassure the public of adequate preparedness.	The narrative should accurately and completely describe: a. How the applicant will assess what is needed to respond to inquiries from the public and the media. b. What activities and measures, if any, are needed to reassure the public of adequate preparedness.
Train for the increment of need specific to NWPA shipments.	The narrative should accurately and completely describe: a. What the applicant is already doing to prepare for radioactive materials shipments. b. How each proposed needs assessment activity is specific to the NWPA shipments.

TABLE 2.—TRAINING GRANT

Criteria	Instructions
Conduct training on procedures for safe routine transportation to help prevent accidents and respond in a timely and appropriate fashion to incidents involving NWPA shipments.	The narrative should accurately and completely describe: a. How many public safety officials will be trained and what training they will receive, based on the needs assessment conducted under the Assessment and Planning Grant. b. List the equipment the applicant proposes to purchase, describe why this equipment is necessary for training for these shipments, and how it is consistent with the training level to which the responders will be trained. c. How the proposed grant funding does not supplant or duplicate existing funding from Federal or State sources. d. How the actions listed in this section help the applicant increase its capability to prevent accidents and respond appropriately to accidents. e. The technical assistance that will be requested from DOE, either from OCRWM, RAP teams, TEPP coordinators, or other Federal agencies. f. How the training and technical assistance will be integrated with assistance received from other Federal Government sources.
Help prepare public safety officials of appropriate units of local government.	The narrative should accurately and completely describe: a. How local public safety officials will benefit from the proposed activities. b. Whether those local public safety officials support the activities proposed in this application and how their level of support is determined.
Prepare sufficiently to reassure the public of adequate preparedness.	The narrative should accurately and completely describe: a. How the applicant will train to respond to inquiries from the public and the media. b. What activities and measures, if any, will be taken to reassure the public of adequate preparedness.
Train in the increment of need specific to NWPA shipments.	The narrative should accurately and completely describe: a. How each proposed activity is specific to the NWPA shipments. b. How the training will be integrated with assistance received from other DOE programs or Federal agencies for radioactive materials transportation preparedness.
Assess level of preparedness after training, exercises, and technical assistance.	The narrative should accurately and completely describe: a. How the applicant will assess their level of preparedness after conducting the proposed activities. The proposed assessment should measure readiness against the objectives described in the applicant's project narrative. b. How the applicant will assess how well it utilized the technical assistance requested.

V. Request for Comments

DOE requests that interested parties comment on this notice of revised proposed policy, including the specific questions identified below:

Question 1

(a) Would $200,000 be an appropriate amount for the assessment and planning grant to conduct an initial needs assessment?

(b) Should the amount be the same for each eligible State and Tribe?

(c) Would there be a need to update the initial needs assessment and, if so, at what intervals and should funding be made available for this purpose and in what amount?

Question 2

(a) Would $100,000 be an appropriate amount for the annual training grant?

(b) Recognizing that, after commencement of shipments through an eligible State or Tribe, training to maintain capability may become less costly with increased expertise and efficiency, should the base amount of subsequent annual training grants be adjusted downward to reflect the number of years that annual training grants have been received?

(c) What should be the allocation of available appropriated funds for a fiscal year between the base amount and the variable amount of the annual training grants?

(d) Should the entire training grant be variable based on the funding allocation formula described herein?

Question 3

(a) Should the amount of funding be adjusted where a route forms a border between two States, a State and a Tribal reservation, or two Tribal reservations?

(b) Should States or Tribes with mutual aid responsibilities along a route outside their borders be eligible for

180(c) grants on the basis of the mutual aid agreement?

(c) If so, how should the amount of funding be calculated, and should the calculation take into account whether or not the State or Tribe would otherwise be eligible for a grant?

(d) Should the State or Tribe that received notification of eligibility from DOE indicate in their grant application that a neighboring State or Tribe has a mutual aid agreement along a particular route, whereupon DOE would then notify the neighboring State or Tribe of its eligibility?

Question 4

(a) Do assessment and planning grants need to be undertaken four years prior to an initial scheduled shipment through a State or Tribe's jurisdiction?

(b) Do training grants need to commence three years prior to a scheduled shipment through a State or Tribe's jurisdiction?

(c) Do training grants need to be provided every year that shipments are scheduled?

Question 5

(a) Should the Section 180(c) grants be adjusted to account for fees levied by States or Tribes on the transportation of spent nuclear fuel or high-level radioactive waste through their jurisdiction?

(b) How should DOE determine if a fee covers all or part of the cost of activities allowed under Section 180(c) grants?

(c) Is the language in this policy, requiring States and Tribes to explain in their grant application how the fees and Section 180(c) grant awards are separate and distinct, sufficient to prevent DOE from paying twice for the same activity?

Question 6

(a) How should Section 180(c) grants be adjusted to reflect other funding or technical assistance from DOE or other Federal agencies for training for safe routine transportation and emergency response procedures?

(b) In particular, how should DOE account for TEPP and other similar programs that provide funding and/or technical assistance related to transportation of radioactive materials?

(c) To what extent is Section 180(c) funding necessary where funding and/or technical assistance are being or have been provided for other DOE shipping campaigns such as to DOE's Waste Isolation Pilot Plant?

Issued in Washington, DC, on July 18, 2007.

Edward F. Sproat III,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. E7–14181 Filed 7–20–07; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OARM–2007–0341; FRL–8443–3]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Conflict of Interest Rule #1 (Renewal), EPA ICR No. 1550.07, OMB Control No. 2030–0023

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (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 information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before August 22, 2007.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OARM–2007–0341, to (1) EPA online using *www.regulations.gov* (our preferred method), by e-mail to *oei.docket@epa.gov,* or by mail to: OEI Docket, EPA Docket Center, Environmental Protection Agency, Mailcode 28221T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503. EPA Docket Center, Environmental Protection Agency.

FOR FURTHER INFORMATION CONTACT: Marilyn E. Chambers, Office of Acquisition Management, 3802R, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–4398; fax number: (202) 565–2474; e-mail address: *chambers.marilyn@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 April 25, 2007 (72 FR 20532), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received one comment during the comment period, which is addressed in the ICR. 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 No. EPA–HQ–OARM–2007–0341, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Office of Environmental Information Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 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 Office of Environmental Information Docket is 202–566–1752.

Use EPA's electronic docket and comment system at *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 *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 *www.regulations.gov.*

Title: Conflict of Interest Rule #1 (Renewal).

ICR Numbers: EPA ICR No. 1550.07, OMB Control No. 2030–0023.

ICR Status: This ICR is scheduled to expire on July 31, 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, are 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: EPA contractors will be required to keep a database of business relationships. EPA contractors will be required to certify annually, or when work is ordered under a contract, that they have no actual or potential conflicts of interest involving the work to be performed under the contract. If an actual or potential conflict of interest is identified, then the contractor must disclose the relevant information to EPA. Under certain contracts, the contractor will be restricted in its future contracting in certain areas. To enter contracts in the restricted area, the contractor must submit a request to EPA with the relevant facts. This information is used by EPA to ensure contractors' work products are objective and unbiased, that contractors render impartial assistance or advice to EPA, and that contractors do not have an unfair competitive advantage. Responses are required to obtain a benefit. 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); and 41 U.S.C. 418b. Information received is treated as confidential in accordance with 40 CFR part 2, subpart B.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1,138 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: 135.

Estimated Number of Respondents: 135 .

Frequency of Response: On occasion.

Estimated Total Annual Hour Burden: 153,626.

Estimated Total Annual Cost: $9,561,000, which includes $0 annualized capital or O&M costs and $9,561,000 labor costs.

Changes in the Estimates: There is an increase of 7,986 hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens. This increase is due to an increase in the number of EPA contracts containing conflict of interest requirements.

Dated: July 10, 2007.

Robert L. Gunter,

Acting Director, Collection Strategies Division.

[FR Doc. E7–14155 Filed 7–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0478; FRL–8443–7]

Agency Information Collection Activities; Proposed Collection; Comment Request; Gasoline Volatility; EPA ICR No. 1367.08, OMB Control No. 2060–0178

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on January 31, 2008. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before September 21, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2007–0478, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: a-and-r-docket@epa.gov.*
- *Fax:* (202) 566–1741.
- *Mail:* Air and Radiation Docket, Docket ID No. EPA–HQ–OAR–2007–0478, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20460. 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–OAR–2007–0478. 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.ht*m.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Office of Transportation and Air Quality, Mailcode: 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343–9303; fax number: (202) 343–2802; e-mail address: *caldwell.jim@epa.gov*.

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OAR–2007–0478, which is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room

is open from 8 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 Air and Radiation Docket is 202–566–1742.

Use *www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested In?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Offer alternative ways to improve the collection activity.
6. Make sure to submit your comments by the deadline identified under DATES.
7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply To?

Affected Entities: Entities potentially affected by this action are those who produce or import gasoline containing ethanol, or who wish to obtain a testing exemption.

Title: Regulation of Fuels and Fuel Additives: Gasoline Volatility, Reporting Requirements for Parties Which Produce of Import Gasoline Containing Ethanol, and Reporting Requirements for Parties Seeking a Testing Exemption (40 CFR 80.27) .

ICR Numbers: EPA ICR No. 1367.08, OMB Control No. 2060–0178.

ICR Status: This ICR is currently scheduled to expire on January 31, 2008. 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, are 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: Gasoline volatility, as measured by Reid Vapor Pressure (RVP) in pounds per square inch (psi), is controlled in the spring and summer in order to minimize evaporative hydrocarbon emissions from motor vehicles. RVP is subject to a federal standard of 7.8 psi or 9.0 psi, depending on location. The addition of ethanol to gasoline increases the RVP by about 1 psi. Gasoline that contains at least 9 volume percent ethanol is subject to a standard that is 1.0 psi greater. As an aid to industry compliance and EPA enforcement, the product transfer document, which is prepared by the producer or importer and which accompanies a shipment of gasoline containing ethanol, is required by regulation to contain a legible and conspicuous statement that the gasoline contains ethanol and the percentage concentration of ethanol. This is intended to deter the mixing within the distribution system, particularly in retail storage tanks, of gasoline which contains ethanol with gasoline which does not contain ethanol. Such mixing would likely result in a gasoline with an ethanol concentration of less than 9 volume percent but with an RVP above the standard. Also, a party wishing a testing exemption for research on gasoline that is not in compliance with the applicable volatility standard, must submit certain information to EPA.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 5 seconds 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.

The ICR provides a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated Total Number of Potential Respondents: 2,000.

Frequency of Response: On occasion.

Estimated Total Average Number of Responses for Each Respondent: 5,000.

Estimated Total Annual Burden Hours: 13,997.

Estimated Total Annual Costs: $0.9 million. This includes an estimated burden cost of $0.9 million and an estimated cost of $20 for capital investment or maintenance and operational costs.

Are There Changes in the Estimates From the Last Approval?

There is an increase of 7,550 hours in the total estimated annual respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects EPA's updating of burden estimates. The increase is due to an increase in the use of ethanol in gasoline due to the discontinued use of methyl tertiary butyl ether in gasoline and the renewable fuels requirements which recently took effect.

What Is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

Dated: July 17, 2007.

Margo Tsirigotis Oge,

Director, Office of Transportation and Air Quality.

[FR Doc. E7–14156 Filed 7–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2003–0019; FRL–8444–1]

Agency Information Collection Activities; Proposed Collection; Comment Request; Clean Watersheds Needs Survey; ICR No. 0318.11; OMB Control No. 2040–0050

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection Request (ICR) to the Office of Management and Budget (OMB). This ICR is scheduled to expire on July 31, 2008. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before September 21, 2007.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2003–0019 by one of the following methods:

http://www.regulations.gov: Follow the on-line instructions for submitting comments.

E-mail: OW–Docket@epa.gov.

Mail: Water Docket, Environmental Protection Agency, Mailcode: 4104T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

Hand Delivery: Docket at Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC. 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–2003–0019. 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Michael Plastino, Municipal Support Division, Office of Wastewater Management, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; phone number: 202–564–0682; fax number: 202–501–2397; e-mail address: *plastino.michael@epa.gov.*

SUPPLEMENTARY INFORMATION:

How Can I Access the Docket and/or Submit Comments?

EPA has established a public docket for this ICR under Docket ID No. EPA–HQ–OW–2003–0019, which is available for online viewing at *www.regulations.gov*, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 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 Water Docket is 202–566–2426.

Use *www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the docket ID number identified in this document.

What Information Is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the PRA, EPA specifically solicits comments and information to enable it to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

What Should I Consider When I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Offer alternative ways to improve the collection activity.

6. Make sure to submit your comments by the deadline identified under DATES.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

What Information Collection Activity or ICR Does This Apply to?

Affected entities: Entities potentially affected by this action are state governments and publicly owned wastewater treatment facilities.

Title: Clean Watersheds Needs Survey.

ICR numbers: EPA ICR No. 0318.11, OMB Control No. 2040–0050.

ICR status: The current ICR (EPA ICR No. 0318.10) is scheduled to expire on July 31, 2008. The effective date of this ICR renewal (EPA ICR No. 0318.11) is January 22, 2008—at which point EPA ICR No. 0318.10 will be superseded by EPA ICR No. 0318.11. 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, are 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: The Clean Watersheds Needs Survey (CWNS) is required by Sections 205(a) and 516(b)(1) of the Clean Water Act (*http://www.epa.gov/cwns*). It is a periodic inventory of existing and proposed publicly owned wastewater treatment works (POTWs) and other water pollution control facilities in the United States, as well as an estimate of how many POTWs need to be built. The CWNS is a voluntary, joint effort of EPA and the States. The Survey records cost and technical data associated with POTWs and other water pollution control facilities, existing and proposed, in the United States. The State respondents who provide this information to EPA are State agencies responsible for environmental pollution control. No confidential information is used, nor is sensitive information protected from release under the Public Information Act. EPA achieves national consistency in the final results through the application of uniform guidelines and validation techniques.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 1.46 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.

The ICR will provide a detailed explanation of the Agency's estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 56 State (States, District of Columbia, and U.S. Territories) respondents, approximately 5,400 water pollution control facilities.

Frequency of response: Every 4 Years.

Estimated total average number of responses for each State respondent: 322, of which approximately 100 are estimated to involve State interaction with water pollution control facilities.

Estimated total annual burden hours: 8,807.

Estimated total annual costs: $296,000. This includes an estimated burden cost of $296,000 and an estimated cost of $0 for capital investment or maintenance and operational costs.

Are There Changes in the Estimates From the Last Approval?

There is an overall increase of 1,136 annual hours in the total estimated respondent burden compared with that identified in the ICR approved by OMB for the 2004 Survey under EPA ICR No. 0318.09 (the currently active EPA ICR No. 0318.10 only covers infrequent updates, made by States solely for their own State's benefit, in the period between the 2004 and 2008 Surveys).

Feedback received from States following the 2004 survey indicated that the total burden to the 56 respondents was approximately 893 annual hours greater than the 7,672 annual hours estimated in EPA ICR No. 0318.09. Additionally, State feedback indicated approximately 1,713 annual burden hours for POTWs to interact with States on State's responses to the 2004 Survey. Taken together, the 893 additional annual state hours and the 1,713 POTW hours add to 2,605 annual hours expended in 2004 beyond what was estimated in EPA ICR No. 0318.09.

EPA, in partnership with States, is in the process of completing several activities that will decrease the total annual burden hours. The development of a new web-based data entry system, in conjunction with reduced data element requirements and several streamlined methods for assuring data quality, are estimated to reduce reporting burden by 2,536 annual hours.

The projected increase in the number of facilities for which States submit needs (due to greater availability of substantiating documentation and needs estimation techniques) correlates with an increase of approximately 1,066 annual hours.

What is the Next Step in the Process for This ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: July 17, 2007.

James A. Hanlon,

Director, Office of Wastewater Management.

[FR Doc. E7–14157 Filed 7–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8443–8]

Science Advisory Board Staff Office EPA Clean Air Scientific Advisory Committee (CASAC) Panel for Review of EPA's Lead Renovation, Repair, and Painting (LRRP) Activities; Notification of a Public Advisory Committee Meeting (Teleconference)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public teleconference of the Clean Air Scientific Advisory Committee (CASAC) Panel for Review of EPA's Lead Renovation, Repair, and Painting (LRRP) Activities (CASAC Panel) to hold follow-on discussions to inform the CASAC's forthcoming letter to the EPA Administrator resulting from its July 9–10, 2007 meeting to conduct a peer review of EPA's *Draft Approach for Estimating Changes in Children's IQ from Lead Dust Generated During Renovation, Repair, and Painting in Residences and Child-Occupied Facilities* (Draft LRRP Activity IQ-Change Methodology, June 2007), and the *Draft Final Report on Characterization of Dust Lead Levels After Renovation, Repair, and Painting Activities* (OPPT Dust Study, January 2007).

DATES: The teleconference meeting will be held on Tuesday, August 7, 2007, from 1 p.m. to 5 p.m. (Eastern Time).

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to obtain the teleconference call-in number and access code; submit a written or brief oral statement (three minutes or less); or receive further information concerning this teleconference meeting, must contact Mr. Fred Butterfield, Designated Federal Officer (DFO). Mr. Butterfield may be contacted at the EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or via telephone/voice mail: (202) 343–9994; fax: (202) 233–0643; or e-mail at: *butterfield.fred@epa.gov.* General information concerning the CASAC or the EPA SAB can be found on the EPA Web site at: *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The CASAC, which is comprised of seven members appointed by the EPA Administrator, was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee. The CASAC provides advice, information and recommendations on the scientific and technical aspects of issues related to air quality criteria and NAAQS under sections 108 and 109 of the Act. The CASAC is chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The CASAC Panel consists of the seven CASAC members supplemented by subject-matter-experts. The CASAC Panel provides advice and recommendations to EPA concerning the Agency's proposed rule for LRRP activities. The Panel complies with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

On July 9–10, 2007, at the request of EPA's Office of Pollution Prevention and Toxics (OPPT), within the Agency's Office of Prevention, Pesticides and Toxic Substances (OPPTS), the CASAC Panel met in a public meeting in Durham, NC to conduct a peer review of the Agency's Draft LRRP Activity IQ-Change Methodology and the OPPT Dust Study. The purpose of this public teleconference meeting is to hold follow-on discussions to inform the CASAC's forthcoming letter to the Administrator resulting from its July 9–10 meeting.

Availability of Meeting Materials: Materials for this CASAC Panel teleconference will be posted on the SAB Web Site at: *http://www.epa.gov/sab/panels/casac_adv_tech_assessment_lrrp.htm* prior to the meeting. In addition, the Draft LRRP Activity IQ-Change Methodology is posted on EPA's ''Lead in Paint, Dust, and Soil: Renovation, Repair, and Painting Program'' Web site at: *http://www.epa.gov/lead/pubs/casac.htm*; and the OPPT Dust Study is posted on the Agency's ''Lead Safe Work Requirements to Protect Children During Renovation, Repair and Painting Activities'' Web site at: *http://www.epa.gov/lead/pubs/renovation.htm#info.*

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the CASAC Panel to consider during the advisory process.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact Mr. Butterfield, CASAC DFO, in writing (preferably via e-mail), by July 31, 2007, at the contact information noted above, to be placed on the list of public speakers for this meeting. *Written Statements:* Written statements should be received in the SAB Staff Office by August 3, 2007, so that the information may be made available to the CASAC Panel for their consideration prior to this teleconference. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature (optional), and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format).

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Butterfield at the phone number or e-mail address noted above, preferably at least ten days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: July 16, 2007.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. E7–14169 Filed 7–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8443–9]

Science Advisory Board Staff Office EPA Clean Air Scientific Advisory Committee (CASAC); Notification of a Public Advisory Committee Meeting of the CASAC Lead Review Panel for the Review of the Lead National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) Science Advisory Board (SAB) Staff Office announces a public meeting of the Clean Air Scientific Advisory Committee (CASAC) Lead Review Panel (CASAC Panel) to conduct a peer review of the Agency's *Lead Human Exposure and Health Risk Assessments for Selected Case Studies, Draft Report* (2nd Draft Lead Exposure and Risk Assessments, July 2007), as part of the Panel's ongoing participation in the Agency's current review of the National Ambient Air Quality Standards (NAAQS) for Lead.

DATES: The meeting will be held from 8:30 a.m. (Eastern Time) on Tuesday, August 28, 2007, through 4 p.m. (Eastern Time) on Wednesday, August 29, 2007.

ADDRESSES: The meetings will take place at the Marriott at Research Triangle Park, 4700 Guardian Drive, Durham, NC 27703, phone: 919–941–6200.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wishes to submit a written or brief oral statement (five minutes or less) or wants further information concerning these meetings must contact Mr. Fred Butterfield, Designated Federal Officer (DFO). Mr. Butterfield may be contacted at the EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or via telephone/voice mail: 202–343–9994; fax: 202–233–0643; or e-mail at: *butterfield.fred@epa.gov.* General information concerning the CASAC or the EPA SAB can be found on the EPA Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION:

Background: The CASAC, which is comprised of seven members appointed by the EPA Administrator, was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee. The CASAC provides advice, information and recommendations on the scientific and technical aspects of issues related to air quality criteria and NAAQS under sections 108 and 109 of the Act. The CASAC is chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The CASAC Lead Review Panel consists of the seven CASAC members supplemented by subject-matter-experts. The CASAC Lead Review Panel provides advice and recommendations to EPA concerning lead in ambient air. The Panel complies with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including Lead. In December 2006, EPA's Office of Air Quality Planning and Standards (OAQPS), within the Office of Air and Radiation (OAR), released the 1st Draft Lead Staff Paper and the Draft Lead Exposure and Risk Assessments technical support document as part of its review of the Lead NAAQS. The purpose of the 1st Draft Lead Staff Paper was to evaluate the policy implications of the key scientific and technical information contained in the Agency's Final AQCD for Lead and to identify critical elements that EPA staff believes should be considered in its review of the Lead NAAQS. The Draft Lead Exposure and Risk Assessments technical support document described the methodology and presents the results of the pilot phase human exposure and health risk assessments and ecological risk assessments for a number of case studies. In February 2007, the CASAC Panel held a public advisory meeting to review the 1st Draft Lead Staff Paper and the Draft Lead Exposure and Risk Assessments technical support document. The CASAC's letter/report to the Administrator concerning this review (EPA–CASAC–07–003, dated March 27, 2007) is posted on the SAB Web site at *http://www.epa.gov/sab/pdf/casac-07-003.pdf.*

Technical Contacts: Any questions concerning the Agency's 2nd Draft Lead Exposure and Risk Assessments document can be directed to Dr. Zachary Pekar, OAQPS, at phone: 919–541–3704, or e-mail: *pekar.zachary@epa.gov.*

Availability of Meeting Materials: On or about July 31, 2007, the 2nd Draft Lead Exposure and Risk Assessments document will be posted on the Agency's Technology Transfer Network (TTN) Web site at URL *http://www.epa.gov/ttn/naaqs/standards/pb/s_pb_index.html*, in the ''Documents from Current Review'' section under ''Technical Documents.'' A copy of the draft agenda and other materials for these CASAC meetings will be posted on the SAB Web site at *http://www.epa.gov/sab/panels/casacorpanel.html* prior to the meetings.

Procedures for Providing Public Input: Interested members of the public may submit relevant written or oral information for the CASAC Lead Review Panel to consider during the advisory process. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes per speaker, with no more than a total of one hour for all speakers. Interested parties should contact Mr. Butterfield, DFO, in writing (preferably via e-mail), by August 21, 2007, at the contact information noted above, to be placed on the list of public speakers for these meetings. *Written Statements:* Written statements should be received in the SAB Staff Office by Friday, August 24, 2007, so that the information may be made available to the CASAC Panel for their consideration prior to these meetings. Written statements should be supplied to the DFO in the following formats: One hard copy with original signature (optional), and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format).

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Butterfield at the phone number or e-mail address noted above, preferably at least ten days prior to the first meeting, to give EPA as much time as possible to process your request.

Dated: July 16, 2007.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. E7–14172 Filed 7–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8443–2]

Notice of Open Meeting of the Environmental Financial Advisory Board (EFAB)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The United States Environmental Protection Agency's Environmental Financial Advisory Board (EFAB) will hold an open meeting. EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act (FACA) to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities. A meeting of the full board will be held to discuss progress with work products under EFAB's current strategic action agenda and develop an action agenda to direct the board's ongoing and new activities through FY 2008. Topics of discussion include financial assurance mechanisms; environmental management systems; non-point source (watershed) financing; water infrastructure financing; leveraging the state revolving funds; and smartway transportation partnerships. The meeting is open to the public, however, seating is limited. All members of the public who wish to attend the meeting must register in advance, no later than Monday, August 6, 2007.

DATES: August 15, 2007 from 1 p.m.–5 p.m. and August 16, 2007 from 8:30 a.m.–5 p.m.

ADDRESSES: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

FOR FURTHER INFORMATION CONTACT: For information on access or services for

individuals with disabilities, please contact Alecia Crichlow at (202) 564–5188 or *crichlow.alecia@epa.gov*. To request accommodations of a disability, please contact Alecia Crichlow at least ten days prior to the meeting date.

Dated: July 12, 2007.

Vanessa Bowie,

Acting Director, Office of Enterprise, Technology and Innovation.

[FR Doc. E7–14158 Filed 7–20–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8444–2]

MEETING OF THE MOBILE SOURCES TECHNICAL REVIEW SUBCOMMITTEE

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Mobile Sources Technical Review Subcommittee (MSTRS) will meet in September 2007. the MSTRS is a subcommittee under the Clean Air Act Advisory Committee. This is an open meeting. The meeting will include discussion of current topics and presentations about activities being conducted by EPA's Office of Transportation and Air Quality. The preliminary agenda for the meeting, as well as the minutes from the previous (March 28, 2007) meeting and any notices about change in venue will be posted on the Subcommittee's Web site: *http://www.epa.gov/air/caaac/mobile_sources.html.* MSTRS listserver subscribers will receive notification when the agenda is available on the Subcommittee Web site. To subscribe to the MSTRS listserver, send a blank email to *lists-mstrs@lists.epa.gov.*

DATES: Wednesday, September 19, 2007 from 9 a.m. to 5 p.m. Registration begins at 8:30 a.m.

ADDRESSES: The meeting will be held at the Doubletree Hotel Crystal City-National Airport, 300 Army Navy Drive, Arlington, VA 22202–2891. Phone 703–416–4100. The hotel is located three blocks from the Pentagon City Metro station, and shuttle buses are available to and from both the Metro station and Washington Reagan National Airport.

FOR FURTHER INFORMATION CONTACT:

For Technical Information: John Guy, Designated Federal Officer, Transportation and Regional Programs Division, Mailcode 6405J, U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460; Ph: 202–343–9276; e-mail: *guy.john@epa.gov.*

For Logistical and Administrative Information: Ms. Cheryl Jackson, U.S. EPA, Transportation and Regional Programs Division, Mailcode 6405J, U.S. EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460; 202–343–4653; e-mail: *jackson.cheryl@epa.gov.*

Background on the work of the Subcommittee is available at: http://www.epa.gov/air/caaac/mobile_sources.html.

Individuals or organizations wishing to provide comments to the Subcommittee should submit them to Mr. Guy at the address above by September 4, 2007. The Subcommittee expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

SUPPLEMENTARY INFORMATION: During the meeting, the Subcommittee may also hear progress reports from some of its workgroups as well as updates and announcements on activities of general interest to attendees.

Dated: July 16, 2007.

Margo Tsirigotis Oge,

Director, Office of Transportation and Air Quality.

[FR Doc. 07–3562 Filed 7–20–07; 8:45 am]

BILLING CODE 650–50–M

FEDERAL MARITIME COMMISSION

[Docket No. 06–11]

R.O. White and Company, Inc. and Ceres Marine Terminals, Inc. v. Port of Miami Terminal Operating Company, L.L.C., Continental Stevedoring and Terminals, Inc., Florida Stevedoring, Inc., P&O Ports North America, Inc., P&O Ports Florida, Inc., Eller-ITO Stevedoring Company L.L.C., Dante B. Fascell Port of Miami-Dade, aka Miami-Dade County Seaport Department, Miami-Dade County; Notice of Amended Complaint

Notice is given that an amended complaint has been filed with the Federal Maritime Commission by R.O. White & Company, Inc., and Ceres Marine Terminals, Inc., against Port of Miami Terminal Operating Company, L.L.C., Continental Stevedoring & Terminals, Inc., Florida Stevedoring, Inc., P&O Ports North America, Inc., P&O Ports Florida, Inc., Eller-ITO Stevedoring Company L.L.C., and Dante B. Fascell Port of Miami-Dade, a.k.a. Miami-Dade County Seaport Department. The Amended Complaint names Miami-Dade County as a respondent in the original proceeding noticed at 71 FR 70965.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 07–3553 Filed 7–20–07; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY: Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board–approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposals

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the

proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before September 21, 2007.

ADDRESSES: You may submit comments, identified by FR 1374:7100–0302; or FR 2436: 7100–0286, by any of the following methods:

• Agency Web Site: http://www.federalreserve.gov. Follow the instructions for submitting comments at http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.

• Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

• E–mail: regs.comments@federalreserve.gov. Include docket number in the subject line of the message.

• FAX: 202/452–3819 or 202/452–3102.

• Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551.

All public comments are available from the Board's web site at www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets, N.W.) between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters should send a copy of their comments to the OMB Desk Officer by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503 or by fax to 202–395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission, supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Michelle Shore, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202–263–4869), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, with revision, of the following report:

Report title: Intermittent Survey of Businesses

Agency form number: FR 1374

OMB control number: 7100–0302

Frequency: on occasion

Reporters: businesses

Annual reporting hours: 205

Estimated average hours per response: 15 minutes

Number of respondents: 250

General description of report: This information collection is voluntary (12 U.S.C. §§ 225a and 263) and may be given confidential treatment (5 U.S.C. § 552(b)(4)).

Abstract: The survey data are used by the Federal Reserve to gather information specifically tailored to the Federal Reserve's policy and operational responsibilities. There are two parts to this event–generated survey. First, the Federal Reserve Banks survey business contacts as economic developments warrant. Currently, they conduct these surveys two times per year, with approximately 120 business respondents for each survey (about ten per Reserve Bank). Usually, these surveys are conducted by Reserve Bank economists telephoning or emailing purchasing managers, economists, or other knowledgeable individuals at selected, relevant businesses. The frequency and content of the questions, as well as the businesses contacted, vary depending on changing developments in the economy. Second, economists at the Board survey business contacts by telephone, inquiring about current business conditions. Historically, these surveys have been conducted biweekly, with approximately ten respondents for each survey.

Current actions: The Federal Reserve proposes to revise the frequency of both parts of the survey in response to recent changes in the demand for these data by the Board members. The Reserve Bank part of the survey would be conducted as economic events dictate (about three times per year). The Board part of the survey would be conducted on an event–generated basis, no more than ten times per year. In addition, the Federal Reserve proposes to increase the number of respondents for the Reserve Bank part of the survey from 120 to 240 (twenty per Reserve Bank).

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following reports:

Report title: Semiannual Report of Derivatives Activity

Agency form number: FR 2436

OMB control number: 7100–0286

Frequency: Semiannually

Reporters: U.S. dealers of over–the–counter derivatives

Annual reporting hours: 2,100

Estimated average hours per response: 150

Number of respondents: 7

General description of report: This information collection is voluntary (12 U.S.C. §§ 225a, 263, 348a, and 353–359) and is given confidential treatment (5 U.S.C. § 552(b)(4)).

Abstract: Data are collected on notional amounts and gross market values of outstanding OTC derivatives contracts for broad categories of market risk: foreign exchange, interest rate, equities, commodities, and credit. For the different types of market risk except commodities, further detail is collected on the underlying market risk of each contract–– the underlying currency, equity market, or reference entity (borrower). This collection of information complements the triennial Central Bank Survey of Foreign Exchange and Derivatives Market Activity (FR 3036; OMB No. 7100–0285). The FR 2436 collects similar data on the outstanding volume of derivatives, but not on derivatives turnover. The Federal Reserve conducts both surveys in coordination with other central banks and forwards the aggregated data furnished by U.S. reporters to the Bank for International Settlements (BIS), which publishes global market statistics that are aggregations of national data.

Board of Governors of the Federal Reserve System, July 18, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7–14131 Filed 7–20–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank

holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 7, 2007.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. The Randall L. Pieper Trust, Randall L. Pieper, trustee; and Joan L. Lawson Trust, Joan, L. Lawson, trustee, all of Calhan, Colorado; Candice S. Enix Trust, Candice S. Enix, trustee, both of Centennial, Colorado; John A. Pieper Trust, John A. Pieper, trustee, Albuquerque, New Mexico; to acquire voting shares of Pieper Bancorp, Inc., and thereby indirectly acqure voting shares of Farmers State Bank of Calhan, both of Calhan, Colorado.

Board of Governors of the Federal Reserve System, July 18, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–14154 Filed 7–20–07; 8:45 am]

BILLING CODE 6210–01–S

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 August 17, 2007.

A. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. Dakota Financial, Inc., Alexandria, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of The State Bank of Marietta, Marietta, Minnesota.

Board of Governors of the Federal Reserve System, July 18, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–14153 Filed 7–20–07; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: OS–0990–0000; 60-day notice]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of the Secretary.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New.

Title of Information Collection: Report of Medical Examination)—Form PHS–7059.

Form/OMB No.: 0990–0000.

Use: Health professionals applying to the Commissioned Corps of the U.S. Public Health Service (Corps) must be medically qualified prior to appointment. Applicants must have a healthcare provider/physician complete form PHS–7059, Report of Medical Examination, documenting the health status of the applicant. The Corps Medical Evaluations Officer will review the information to ascertain if the applicant is medically qualified presently and in the near future.

Frequency: One time.

Affected Public: Individuals or Households.

Annual Number of Respondents: 4,000.

Total Annual Responses: 4,000.

Average Burden per Response: 15 minutes.

Total Annual Hours: 1,000 hours.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov*, or call the Reports Clearance Office at (202) 690–6162. Written comments and recommendations for the proposed information collections must be received with 60 days, and directed to the OS Paperwork Clearance Officer at the following address: Department of Health and Human Services, Office of the Secretary, Assistant Secretary for Resources and Technology, Office of Resources Management, Attention: Sherrette Funn-Coleman (0990–0000), Room 537–H, 200 Independence Avenue, SW., Washington DC 20201.

Dated: July 11, 2007.

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E7–14104 Filed 7–20–07; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[OS–0990–0221; 30-day notice]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of the Secretary.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension.

Title of Information Collection: Family Planning Annual Report: Forms and Instructions.

Form/OMB No.: 0990–0221.

Use: This annual reporting requirement is for family planning service delivery projects authorized and funded under the Population Research and Voluntary Family Planning Programs (Section 1001 Title X of the Public Health Service Act, 42 U.S.C. 300). The FPAR is the only source of annual, uniform reporting by all Title X family planning service grantees. OPA uses FPAR data to monitor compliance with statutory requirements, to comply with accountability and performance requirements for GPRA and HHS plans and to guide program planning and evaluation.

Frequency: Reporting Annually.

Affected Public: State, Local, or Tribal Government.

Annual Number of Respondents: 88.

Total Annual Responses: 88.

Average Burden per Response: 20 Hours.

Total Annual Hours: 1760.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, e-mail your request, including your address, phone number, OMB number, and OS document identifier, to *Sherette.funncoleman@hhs.gov,* or call the Reports Clearance Office on (202) 690–6162. Written comments and recommendations for the proposed information collections must be received within 30 days of this notice directly to the Desk Officer at the address below:

OMB Desk Officer: John Kraemer, OMB Human Resources and Housing Branch, Attention: (OMB #0990–0221), New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: July 12, 2007.

Seleda Perryman,

Office of the Secretary, Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. E7–14112 Filed 7–20–07; 8:45 am]

BILLING CODE 4150–25–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of the Assistant Secretary for Administration and Management; Organizations, Functions and Delegations of Authority

Part A, Office of the Secretary, Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (HHS) is being amended at Chapter AJ, Office of the Assistant Secretary for Administration and Management, which was last amended at 72 FR 2282–2283, dated January 17, 2007; and the Office of Human Resources (AJA) as last amended at 71 FR 38884–38888, dated July 10, 2006. The Notice will revise the functional statement for the Office of Human Resources. The changes are as follows:

I. Under Section AJ.20 Functions, Paragraph C, ''Office of Human Resources (AJA), delete in its entirety and replace with the following:

Section AJA.10 Organization. The Office of Human Resources (OHR) is headed by a Deputy Assistant Secretary for Human Resources (DASHR) who reports to the Assistant Secretary for Management and Administration (ASAM), and consists of the following components:

- Immediate Office (AJA).
- Office of Strategic Planning and Performance Alignment (AJA1).
- Accountability and Analysis Division (AJAA1).
- Workforce and Career Development Division (AJAA2).
- Executive Resources Division (AJAA3).
- Office of Service Delivery and Management (AJAB).
- Employee and Labor Relations (AJAB1).
- Talent Management Division (AJAB2).
- Human Resources Center (PJ1, PJ2, PJ4).
- Talent Resources Center (PJ5)

Section AJA.20 Functions.

1. *The Immediate Office (AJA):* The Immediate Office provides leadership to the development and assessment of the Department's human resources and human capital programs and policies. In coordination with the Operating Divisions (OPDIV), designs human resource programs that support and enhance the HHS missions. Serves as the principal source of advice on all aspects of Department-wide organizational analysis including: Planning for new organizational elements; evaluating current organizational structures for effectiveness; and conducting the review process for reorganization proposals; manages the reorganization process for the Office of the Secretary (OS) requiring the Secretary's signature and the ASAM's; administers the Department's system for review, approval and documentation of delegations of authority; develops Department-wide policy and provides technical assistance on the use and application of delegations of authority; advises senior officials within the Department on delegations of authority, coordinates review of proposed delegations requiring the Secretary's or other senior officials' approval; analyzes and makes recommendations related to legislative proposals with potential impact upon the Department's organizational structure or managerial procedures; manages the Departmental Standard Administrative Code (SAC) system; and provides special management review services for selected activities.

2. *Office of Strategic Planning and Performance Alignment (AJAA):* The Office of Strategic Planning and Performance Alignment (OSPPA) is headed by an Associate Deputy Assistant Secretary who reports directly to the Assistant Secretary for Human Resources. OSPPA provides technical assistance to the OPDIVs in building the capacity to evaluate the effectiveness of their human resource programs and policies, including the development of performance standards. OSPPA provides oversight of the Department human resources activities relating to human capital, performance management, major Administrative and Department initiatives, human resources

accountability; workforce and career development, and the executive resources.

a. *Accountability and Analysis Division (AJAA1):* The Accountability and Analysis Division (AAD) will: (a) Promote and support OPDIV capacity building efforts, including innovative approaches to human resources management; (b) provide strategic advice to the Deputy Assistant Secretary for Human Resources, the Assistant Secretary for Administration and Management, and the Secretary on those initiatives having major workforce implications; (c) evaluate major human resources policies and programs for the Department to determine the effectiveness; (d) is responsible for the Department's human resources accountability system; (f) have responsibility for planning accountability policy and programs, (and the development of the Department's Human Capital Accountability Plan); and (g) responsible for developing, managing, and directing the Department's policy, plans and guidance for assessment and performance improvement functions in the areas of employee surveys and human resource performance measurement.

b. *Division of Workforce and Career Development (AJAA2):* The Division of Workforce and Career Development (DWCD) responsibilities include requirements (*i.e.,* 5 U.S.C. 4103 and 4121) mandated under the Federal Workforce Flexibility Act of 2004: (a) Formulate and oversee the implementation of Department-wide policies, regulations, procedures, and measures to ensure that training and development plans and programs are aligned with HHS strategic goals and performance objectives, and ensure alignment of training activities across the Department; (b) formulate, implement, evaluate and measure employee development activities; (c) serve as the central HHS reference point for inquiries, guidance, interpretation and program monitoring and evaluation for training and workforce development planning; (d) provide Department-level workforce planning guidance; (e) working with HHS University, develop new and enhance existing Department-wide training program (*e.g.,* Emerging Leaders Programs, Senior Executive Service Candidate Development Program, etc.) and review training programs proposed by OPDIVs, STAFFDIVs, or Human Resources Centers; (f) serve as the central HHS contact point and representative to non-government and government training communities and their auditors on training and development matters; and (g) monitor the implementation of a Department-wide automated training program and establishes.

c. *Executive Resources Division (AJAA3):* The Executive Resources Division (ERD): (a) Is responsible for the development, coordination, policy formulation and administration of the Department's Executive Resources Management program, excluding those functions associated with executive development; (b) serve as the central point of contact for executive resources operational matters, advising on a broad range of executive personnel management matters; (c) administer most aspects of the Senior Executive Service (SES) program and coordinating analytical studies impacting on executive personnel; (d) provide support as required to the Executive Secretary of the Executive Resources Board; (e) manage the SES control and allocation program, provides recruitment assistance when needed, and provide leadership and oversee the executive staffing; (f) review key position cases, expert and consultant appointment, Section 209(f) of Title 42, and other employment cases requiring Departmental approval; and (g) maintain Schedule C appointment control and principal position information listing.

3. *Office of Service Delivery and Management (AJAB):* The Office of Service Delivery and Management (OSDM) is headed by an Associate Deputy Assistant Secretary who reports directly to the Deputy Assistant Secretary for Human Resources. The OSDM has oversight responsibilities for the Office of Human Resources' budget, IT systems; and coordinates human resources activities related to employee and labor relations; Talent Management and the Human Resources Centers.

a. *Employee and Labor Relations Division (AJAB1):* The Labor and Employee Relations Division (LERD): (a) Promote labor-management cooperation and promulgate labor-management relations policy and programs for the Department; (b) provider leadership, involvement, and training; (c) provide guidance and support for conducting labor management negotiations; (d) review negotiated agreement(s) or supplemental agreement(s) in accordance with the Federal Service Labor Management Relations Statutes requirements; (e) review local agreements and settlement agreement for compliance with applicable labor relations policy and collective bargaining agreements; (f) serve as the Department's focal point for liaison on personnel and labor relations issues with the Office of Personnel Management, the General Accounting Office, the Merit Systems Protection Board, and the Federal labor Relations Authority; (g) develop, implement and interpret Departmental and Government-wide employee relations policy; (h) provides technical advice and assistance on employee relations issues to OPDIVs; and (i) plan and develop personnel policies and programs related to benefits, and the Benefit Officer serves as expert in providing technical assistance to OPDIVs and STAFFDIVs. ELRD is responsible following activities related to performance management: (a) Plan and develop personnel policies and programs; (b) formulate and implement policies; and (c) provide technical assistance to the OPDIV in these areas. Also provide oversight and guidance for HHS policy related to awards, benefits and leave, worker's compensation, work life (including childcare subsidy and telework), and the employee assistance program.

b. *Talent Management Division (AJAB2):* The Talent Management Division (TMD): (a) Provides leadership to the planning and development of human resource policies and programs relevant to employment, staffing, recruitment and placement; compensation; position management and classification that support and enhance the Department's mission; (b) in coordination with the OPDIVs, formulates HHS policies pertaining to the above; (c) provides technical assistance to the HR Centers/Offices and OPDIVs in the proper application of Federal human resource management laws, regulations, and policies; and (d) accomplishes required human capital initiatives as required by the Office of Personnel Management, the Office of Management and Budget or other organizations.

II. *Continuation of Policy:* Except as inconsistent with this reorganization, all statements of policy and interpretations with respect to the Office of Human Resources, Office of the Assistant Secretary for Administration and Management, hereforeto issued and in effect prior to this reorganization are continued in full force and effect.

III. *Delegation of Authority:* All delegations and redelegations of authority made to officials and employees of the Office of Human Resources (AJA) will continue in them or their successors pending further redelegation, provided they are consistent with this reorganization.

IV. *Funds, Personnel and Equipment:* Transfer of organizations and functions affected by this reorganization shall be accompanied by direct and support

funds, positions, personnel, records, equipment, supplies and other sources.

Dated: July 12, 2007.

Joe W. Ellis,

Assistant Secretary for Administration and Management.

[FR Doc. 07–3547 Filed 7–20–07; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) and the Assistant Secretary for Health have taken final action in the following case:

James David Lieber, University of California at Los Angeles: Based on the findings of an inquiry report by the University of California at Los Angeles (UCLA) and additional analysis and information obtained by the Office of Research Integrity (ORI) during its oversight review, the U.S. Public Health Service (PHS) found that James David Lieber, Staff Research Associate, Semel Institute for Neuroscience and Human Behavior, Integrated Substance Abuse Programs, UCLA, engaged in research misconduct in research funded by National Institute on Drug Abuse (NIDA), National Institutes of Health (NIH), grant R01 DA15390.

Mr. Lieber knowingly and intentionally falsified and fabricated multiple follow-up interviews, urine samples, and urine sample records of human subject study participants and entered such false and fabricated data into the study's data base. A total of 914 follow-up interviews of opiate users were planned to be completed as part of a study of gender differences in a follow up of opiate users in California. Mr. Lieber was assigned to interview 53 of the 132 subjects located for the follow-up study. Over a six-month period, Mr. Lieber falsely claimed to have conducted face-to-face interviews for the study while subsequent contacts with the subjects revealed that they had not been interviewed for the study. A review by the institution determined that the respondent fabricated interviews for 20 of the 53 interviews assigned to him. In addition, he falsified the urine specimens for those 20 subjects and caused the entry of false information into the study tracking and locating data base for 11 subjects. Aggravating factors included the theft of $5180 for incentive payments to subjects and travel expenses.

ORI has implemented the following administrative actions for a period of three (3) years, beginning on July 2, 2007:

(1) Mr. Lieber is debarred from eligibility for any contracting or subcontracting with any agency of the United States Government and from eligibility or involvement in nonprocurement programs of the United States Government referred to as ''covered transactions'' as defined in HHS' implementation of OMB Guidelines to Agencies on Governmentwide Debarment and Suspension at 2 CFR part 376, *et seq.*; and

(2) Mr. Lieber is prohibited from serving in any advisory capacity to PHS, including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION CONTACT: Director, Division of Investigative Oversight, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8800.

Chris B. Pascal,

Director, Office of Research Integrity.

[FR Doc. E7–14185 Filed 7–20–07; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Secondary Review Panel for Translation Research; Improving Public Health Practice through Translation Research (R18), Request for Application (RFA) CD07–005

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Time and Date: 1 p.m.–3 p.m., August 7, 2007 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of programmatic relevance and priority of grant applications received in response to RFA CD07–005, ''Improving Public Health Practice through Translation Research (R18).''

FOR FURTHER INFORMATION CONTACT: Juliana Cyril, PhD, Scientific Program Administrator, Office of Extramural Research, CDC, 1600 Clifton Road NE., Mailstop D72, Atlanta, GA 30333, Telephone 404.639.4639.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Edward Schultz,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. E7–14148 Filed 7–20–07; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 1999D–2013 (formerly Docket No. 99D–2013)]

Agency Information Collection Activities; Proposed Collection; Comment Request; Draft Guidance for Industry: Cooperative Manufacturing Arrangements for Licensed Biologics

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 and to allow 60 days for public comment in response to the notice. This notice solicits comments on the proposed collection of information concerning cooperative manufacturing arrangements for licensed biologics.

DATES: Submit written or electronic comments on the collection of information by September 21, 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.

Submit written requests for single copies of the draft guidance dated January 2007 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. 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*.

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 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.

Draft Guidance for Industry: Cooperative Manufacturing Arrangements for Licensed Biologics

The draft guidance document, when finalized, will provide information concerning cooperative manufacturing arrangements applicable to biological products subject to licensure under section 351 of the U.S. Public Health Service Act. The draft guidance addresses several types of manufacturing arrangements (i.e., short supply arrangements, divided manufacturing arrangements, shared manufacturing arrangements, and contract manufacturing arrangements) and describes certain reporting and recordkeeping responsibilities, associated with these arrangements, for the licensed manufacturer(s), contract manufacturer(s), and final product manufacturer(s) including the following: (1) Notification of any proposed change in the product, production process, quality controls or facilities; (2) notification of results of tests and investigations related to or impacting the product; (3) notification of products manufactured in a contract facility; and (4) standard operating procedures.

A. Notification of Any Proposed Change in the Product, Production Process, Quality Controls or Facility

Each licensed manufacturer in a divided manufacturing arrangement or shared manufacturing arrangement must notify the appropriate FDA Center regarding proposed changes in the manufacture, testing, or specifications of its product, in accordance with § 601.12 (21 CFR 601.12). In the draft guidance, we recommend that each licensed manufacturer that proposes such a change should inform other participating licensed manufacturer(s) of the proposed change.

For contract manufacturing arrangements, we recommend that the contract manufacturer should share with the license manufacturer all important proposed changes to production and facilities (including introduction of new products or at inspection). The license holder is responsible for reporting these changes to FDA (§ 601.12).

B. Notification of Results of Tests and Investigations Related to or Impacting the Product

In the draft guidance, we recommend the following for contract manufacturing arrangements:

- The contract manufacturer should fully inform the license manufacturer of the results of all tests and investigations regarding or possibly having an impact on the product; and
- The license manufacturer should obtain assurance from the contractor that any FDA list of inspectional observations will be shared with the license manufacturer to allow evaluation of its impact on the purity, potency, and safety of the license manufacturer's product.

C. Notification of Products Manufactured in a Contract Facility

In the draft guidance, we recommend for contract manufacturing arrangements that a license manufacturer cross reference a contract manufacturing facility's Master Files only in circumstances involving certain proprietary information of the contract manufacturer such as a list of all products manufactured in a contract facility. In this situation the license manufacturer should be kept informed of the types or categories of all products manufactured in the contract facility.

D. Standard Operating Procedures

In the draft guidance, we remind the license manufacture that the license manufacturer assumes responsibility for compliance with the applicable product and establishment standards (§ 600.3(t)) (21 CFR 600.3(t)). Therefore, if the license manufacturer enters into an agreement with a contract manufacturing facility, the license manufacturer must ensure that the facility complies with the applicable standards. An agreement between a license manufacturer and a contract manufacturing facility normally includes procedures to regularly assess the contract manufacturing facility's compliance. These procedures may include, but are not limited to, review of records and manufacturing deviations and defects, and periodic audits.

For shared manufacturing arrangements, each manufacturer must submit a separate biologics license application describing the manufacturing facilities and operations applicable to the preparation of that manufacturer's biological substance or product (§ 601.2(a)) (21 CFR 601.2(a)). In this draft guidance, we expect the manufacturer that prepares (or is responsible for the preparation of) the product in final form for commercial distribution to assume primary responsibility for providing data demonstrating the safety, purity, and potency of the final product. We also expect the licensed finished product manufacturer to be primarily

responsible for any postapproval obligations, such as postmarketing clinical trials, additional product stability studies, complaint handling, recalls, postmarket reporting of the dissemination of advertising and promotional labeling materials as required under § 601.12(f)(4) and adverse experience reporting. We recommend that the final product manufacturer establish a procedure with the other participating manufacturer(s) to obtain information in these areas.

Description of Respondents: The recordkeeping and reporting recommendations described in this document affect the participating licensed manufacturer(s), final product manufacturer(s), and contract manufacturer(s) associated with cooperative manufacturing arrangements.

Burden Estimate: We believe that the information collection provisions in the draft guidance do not create a new burden for respondents. We believe the reporting and recordkeeping provisions are part of usual and customary business practice. Licensed manufacturers would have contractual agreements with participating licensed manufacturers, final product manufacturers, and contract manufacturers, as applicable for the type of cooperative manufacturing arrangement, to address all these information collection provisions.

This draft guidance also refers to previously approved collections of information found in FDA regulations at parts 201, 207, 211, 600, 601, 606, 607, 610, 660, 803, and 807 (21 CFR parts 201, 207, 211, 600, 601, 606, 607, 610, 660, 803, and 807). The collections of information in §§ 606.121, 606.122, and 610.40 have been approved under OMB Control No. 0910–0116; § 610.2 has been approved under OMB Control No. 0910–0206; §§ 600.12(e) and 600.80 have been approved under OMB Control No. 0910–0308; §§ 601.2(a), 601.12, 610.60, 610.61, 610.62, 610.67, 660.2(c), 660.28(a) and (b), 660.35(a), (c) through (g), and (i) through (m), 660.45, and 660.55(a) and (b) have been approved under OMB Control No. 0910–0338; §§ 803.20, 803.50, and 803.53 have been approved under OMB Control No. 0910–0437; and §§ 600.14 and 606.171 have been approved under OMB Control No. 0910–0458. The current good manufacturing practice regulations for finished pharmaceuticals (part 211) have been approved under OMB Control No. 0910–0139; the establishment registration regulations (parts 207, 607, and 807) have been approved under OMB Control Nos. 0910–0045, 0910–0052, and 0910–0387; and the labeling regulations (part 201) have been approved under OMB Control Nos. 0910–0340 and 0910–0370.

Dated: July 17, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–14149 Filed 7–20–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Joint Meeting of the Cardiovascular and Renal Drugs Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committees: Cardiovascular and Renal Drugs Advisory Committee and the Drug Safety and Risk Management Advisory Committee.

General Function of the Committees: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on September 12, 2007, from 8 a.m. to 5 p.m.

Location: Hilton Washington DC North/Gaithersburg, The Ballrooms, 620 Perry Pkwy., Gaithersburg, MD, 301–977–8900.

Contact Person: Mimi Phan, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane (for express delivery, 5630 Fishers Lane, rm. 1093), Rockville, MD 20857, 301–827–7001, FAX: 301–827–6776, e-mail: *Mimi.Phan@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512533 or 3014512535. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: The committee will discuss clinical data for aprotinin injection (TRASYLOL, Bayer Pharmaceuticals), a product indicated for prophylactic use to reduce perioperative blood loss and the need for blood transfusion in patients undergoing cardiopulmonary bypass in the course of coronary artery bypass graft surgery who are at increased risk for blood loss and blood transfusion. This discussion follows a September 27, 2006, FDA Public Health Advisory regarding a study of aprotinin injection safety (*http://www.fda.gov/cder/drug/advisory/aprotinin20060929.htm*).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/ohrms/dockets/ac/acmenu.htm*, click on the year 2007 and scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 28, 2007. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 20, 2007. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by August 21, 2007.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical

disabilities or special needs. If you require special accommodations due to a disability, please contact Mimi Phan at 301–827–7001, at least 7 days in advance of the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: July 16, 2007.

Randall W. Lutter,

Deputy Commissioner for Policy.

[FR Doc. E7–14151 Filed 7–20–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate, Office of Grants and Training, Assistance to Firefighters Program Office; Agency Information Collection Activities: Submission for OMB review; Comment Request on a Reinstating Collection (Application for Assistance to Firefighters Grants (AFG))

AGENCY: Department of Homeland Security, National Protection and Programs Directorate, Office of Grants and Training. Assistance to Firefighters Program Office.

ACTION: Notice; 30-day notice of information collection under review.

SUMMARY: The Department of Homeland Security (DHS), has submitted the following information collection to the Office of Management and Budget (OMB) for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). The information collection was previously published in the **Federal Register** on October 24, 2006, Vol 71, Page 62273 allowing for a 60-day public comment period. No comments were received on this existing information collection. The purpose of this notice is to allow an additional 30 days for public comments. The submission describes the nature of the information collection, the categories of respondents, the estimated burden (i.e., the time, effort and resources used by respondents to respond) and cost, and includes the actual data collection instruments DHS will use. This collection was previously referenced as 3067–0285. The number of collection has been corrected to 1660–0054.

DATES: Comments are encouraged and will be accepted until August 22, 2007. This process is conduced in accordance with 5 CFR 1320.10.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Nathan Lesser, Desk Officer, Department of Homeland Security/Grants and Training, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

The Office of Management and Budget is particularly interested in comments which:

(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, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by calling Nathan Lesser, Desk Officer, Department of Homeland Security Washington, DC 20528; and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

Analysis

Agency: National Protection and Programs Directorate, Office of Grants and Training, Assistance to the Firefighters Program Office, Department of Homeland Security.

Title: Staffing for Adequate Fire and Emergency Response grants program.

Title: Assistance in Firefighters Grants (AFG).

OMB Number: 1660–0054.

Frequency of Response: On occasion.

Affected Public: Fire departments; not-for-profit institutions; local or tribal government.

Number of Respondents: 25,000 applicants; 7,000 awardees.

Estimated Time per Respondent: 12 hours for application; 4 hours for administration.

FF20–10: Summary Sheet for Assurances and Certifications—1 hour.

FF20–16: Summary Sheet for Assurances and Certifications—1.7 hours.

FF16A: Assurances—Construction Program—1.7 hours.

FF16B: Financial Status Report—1.7 hours.

FF16C: Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibilities—1.7 hours.

FF20–20: Budget Information—Non-Construction Programs—9.7 hours.

Estimated Total Annual Burden Hours: 28,000 hours for grantee administration.

Description: Information sought under this submission will comprise the grant application for Assistance to Firefighters Grants. This submission is necessary in order for Department of Homeland Security (DHS) to effectively implement a competitive grant program. One of the twelve eligible activities is fire prevention and safety (FP&S). Fire departments and National, State, regional and local organizations are eligible to apply for assistance under FP&S. Because of the complexities of eligibility and the various projects that are eligible under this activity, DHS has elected to have an application period for FP&S that is separate from the FIRE Grants application period. This collection is for both applications. The information collected will be used to objectively evaluate each of the 20,000 to 25,000 anticipated applicants to determine which of the applicants' proposals in each of the activities are the closest to the established program priorities. The information is necessary in order for DHS to assess the financial needs of the applicants as well as the projected benefits to be obtained from the use of the grant funds. DHS will also use the information to determine eligibility and whether the proposed use of funds meets the requirements and intent of the legislation.

For the FY 2007 program year, there will be two functional areas under FIRE Grants that the applicants can spend the grant funds: (1) Fire Operations and Firefighter Safety (which includes emergency medical activities, training, wellness and fitness programs, firefighting equipment, and personal protection equipment), and (2) Acquisition of Response Vehicles.

Dated: July 17, 2007.

Fawn Pettigrew,

Director of Operations, National Programs and Protection Directorate, Department of Homeland Security.

[FR Doc. E7–14141 Filed 7–20–07; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate, Office of Grants and Training for Comments on a New Information Collection Request (Staffing for Adequate Fire and Emergency Response Grants Program); Submission for Review; New Information Collection Request

AGENCY: Department of Homeland Security, National Protection and Programs Directorate, Office of Grants and Training, Staffing for the Adequate Fire and Emergency Response Grants Programs.

ACTION: Notice; 30-day notice of information collections under review.

SUMMARY: The Department of Homeland Security (DHS) has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995: 1670_NEW. The information collection was previously published in the **Federal Register** on October 24, 2006 pages Volume 71, Number 205, Page 62273, allowing for OMB review and a 60-day public comment period. No comments have been received by DHS. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until August 22, 2007. This process is conduced in accordance with 5 CFR 1320.10.

Comments: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to Nathan Lesser, Desk Officer, Department of Homeland Security/ Grants and Training, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

The Office of Management and Budget is particularly interested in comments which:

(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, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by calling Nathan Lesser, Desk Officer, Department of Homeland Security, Washington, DC 20528; and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974 (this is not a toll free number.)

SUPPLEMENTARY INFORMATION:

Analysis

Agency: National Protection and Programs Directorate, Office of Grants and Training, Assistance to the Firefighters Program Office, Department of Homeland Security.

Title: Staffing for Adequate Fire and Emergency Response grants program (SAFER).

OMB No.: 1670–NEW.

Frequency: Annual.

Affected Public: State, Local, Tribal Government.

Estimated Number of Respondents: 4,500–5,000 respondents.

Estimated Time Per Respondent: 1 hour per response.

Total Burden Hours: 70,000.

Total Burden Cost: (capital/startup): None.

Total Burden Cost: (operating/ maintaining): None.

Description: Information sought under this submission will comprise the grant application for the Staffing for Adequate Fire and Emergency Response (SAFER) grant program. This submission is necessary in order for DHS to effectively implement a competitive grant program. The SAFER program provides for $110,000,000 in grant funding to be distributed directly to individual fire departments on a competitive basis. The law allows DHS to provide funds to pay the salaries and benefits of newly hired firefighters with decreasing Federal contributions over the span of five years. The law also allows DHS to provide funding to volunteer and combination fire departments to create or expand a recruitment and retention program for volunteer firefighters. The funding is available for up to four years depending on the original proposal submitted by the grantee. The information collected through the program's application is the minimum necessary to evaluate grant applications authorized under the SAFER grant program or is necessary for DHS to comply with mandates delineated in the law. The Assistance to Firefighters Program Office has created an online tutorial and drafted program guidance which will be available prior to the application period at *www.firegrantsupport.com.*

Dated: July 17, 2007.

Fawn Pettigrew,

Director of Operations, National Programs and Protection Directorate, Department of Homeland Security.

[FR Doc. E7–14142 Filed 7–20–07; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

National Protection and Programs Directorate, National Communications System Agency Information Collection Activities: Notice of Intent To Request Approval From the Office of Management and Budget (OMB); Shared Resources High Frequency Radio Station Data Form

AGENCY: Department of Homeland Security, National Protection and Programs Directorate, National Communications System.

ACTION: Notice.

SUMMARY: The Department of Homeland Security (DHS) invites comments from the general public and other federal agencies on an information collection requirement that will be submitted to OMB as required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106).

DATES: Written comments should be received on or before September 21, 2007 to be assured consideration.

ADDRESSES: Office of the Manager, NCS, Attn: Larry Hazzard, 701 South Courthouse Road, Arlington VA 22204 or e-mail *larry.hazzard@hq.dhs.gov*.

FOR FURTHER INFORMATION CONTACT: Office of the Manager, NCS, Attn: Larry Hazzard, 701 South Courthouse Road, Arlington VA 22204, e-mail, *larry.hazzard@hq.dhs.gov,* or telephone, 703–607–4865 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Direct all written comments to the Department of Homeland Security at the above address. A copy of this Information Collection Request, with applicable

supporting documentation, may be obtained by calling the contact listed above. The Office of Management and Budget is particularly interested in comments which:

(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, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: National Protection and Programs Directorate, National Communications System.

Title: Shared Resources High Frequency Radio Program (SHARES) Station Data Form.

OMB No.: 1670—New.

Frequency: 1,430 times per year.

Affected Public: Private Citizens.

Estimated Number of Respondents: 1,430 responses per year.

Estimated Time Per Respondent: 15 minutes per response.

Total Burden Hours: 2,860 hours.

Total Burden Cost: (capital/startup): None.

Total Burden Cost: (operating/maintaining): None.

Description: The purpose of the SHARES program is to provide a single, interagency emergency message handling system by bringing together existing High Frequency (HF) radio resources of Federal, state and private organizations when normal communications are destroyed or unavailable for the transmission of national security and emergency preparedness information. SHARES is available on a 24-hour basis to provide an emergency communications link to support intra- or interagency mission requirements. Potential HR radio resources exist in every state and overseas. Radio Operators or other radio operating entities may request to be a part of the SHARES program by submitting appropriate information to DHS on a SHARES Station Data Form. The form will also be used when a station requests to be removed from the program and when providing updated station information. The form will contain information such as station address, station telephone numbers, call signs, address codes, frequencies, technical station capabilities, hours of operation, and point of contact information. SHARES implements Executive Order No. 12472, ''Assignment of National Security and Emergency Preparedness Telecommunications Functions,'' dated April 3, 1984 (amended by Executive Order 13286, dated February 28, 2003).

Dated: July 17, 2007.

Fawn Pettigrew,

Director of Operations, National Protection and Programs Directorate, Department of Homeland Security.

[FR Doc. E7–14144 Filed 7–20–07; 8:45 am]

BILLING CODE 4010–10–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2006–26298]

Homeporting of Four National Security Cutters at Alameda, CA; Final Environmental Assessment and Finding of No Significant Impact

AGENCY: Coast Guard, DHS.

ACTION: Notice of Availability of Final Environmental Assessment and Finding of No Significant Impact.

SUMMARY: The Coast Guard (USCG) announces the availability of the Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Commissioning and Homeporting of four National Security Cutters (NSCs) at Coast Guard Island (CGI), Alameda, California. The EA tiers from the USCG's Programmatic Environmental Impact Statement (PEIS) for the Integrated Deepwater System (IDS) Program. The purpose of the proposed action is to replace the four existing 378-foot High Endurance Cutters (WHECs), currently homeported at CGI, with the NSCs. The USCG proposes to replace the WHECs on a one-for-one replacement schedule starting in 2007/2008 and continuing one per year until 2010/2011.

Availability: Electronic copies of the Final EA and FONSI are available from the Docket Management Facility at the U.S. Department of Transportation's Web site at *http://dms.dot.gov* using the Coast Guard's docket number USCG–2006–26298.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, the Final EA or the FONSI, contact CDR Paul Boinay, Coast Guard, telephone 571–218–3382 or by e-mail at *Paul.Boinay@dwicgs.com*. If you have questions on viewing material on the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–493–0402.

SUPPLEMENTARY INFORMATION:

Proposed Action

To continue to meet America's 21st century maritime threats and challenges, the USCG initiated the Integrated Deepwater System Program, the largest and most innovative acquisition in the Coast Guard's history. The IDS will contribute to the Coast Guard's maritime domain awareness, as well as the improved ability to intercept, engage, and deter those activities that pose a direct challenge/threat to U.S. sovereignty and security. The IDS will provide the means to extend our layered maritime defenses from our ports and coastal areas to hundreds of miles out to sea.

As part of the IDS program, the USCG proposes a NSC home-porting plan that entails home porting four NSCs, some pier improvements, and a new administrative building at CGI in Alameda, California. The four NSCs would replace, on a one-for-one basis, the four aging 378-foot WHECs currently stationed in Alameda.

To accommodate the vessels and crew, in addition to the proposed home porting, improvements to the existing waterfront pier and construction of a new administration building would be required at the existing base to provide adequate shore-side support.

Environmental Assessment

We prepared an Environmental Assessment to identify and examine the reasonable alternatives and assess their potential environmental impact. The EA evaluated the potential direct, indirect and cumulative impacts associated with the NSC homeporting plan on natural, cultural and human resources. The EA tiers from the USCG's Final PEIS for the IDS Program (see notice of availability, 67 FR 15275, Mar. 29, 2002).

Our preferred alternative is to commission and home port the four NSCs into an area where the necessary shore-side infrastructure and port environment already exists to support this class and number of vessels. The existing base on CGI provides the shore support necessary to meet the logistical requirements of the four NSCs. This existing support includes secure facilities, easy access for Coast Guard

personnel, administrative and support buildings and services, and required shore ties to service in-port cutters.

Based on a review of the Final EA, which was determined to adequately and accurately discuss the environmental issues and impacts of the proposed action and provides sufficient evidence and analysis for determining that an environmental impact statement is not required, a Finding of No Significant Impact was issued for the preferred alternative of the proposed action.

Dated: May 9, 2007.

J.E. Mihelic,

Chief, Office of Logistics Systems Acquisition.

[FR Doc. E7–14125 Filed 7–20–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[CBP Dec. 07–60]

Re-Accreditation and Re-Approval of Intertek USA as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of re-approval of Intertek USA of Carteret, New Jersey, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.12 and 151.13, Intertek USA, 1000 Port Carteret Drive, Carteret, New Jersey 07008, has been re-approved to gauge petroleum and petroleum products, organic chemicals and vegetable oils, and to test petroleum and petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 151.13. Anyone wishing to employ this entity to conduct laboratory analysis or gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific tests or gauger services this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *http://www.cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/org_and_operations.xml.*

DATES: The re-approval of Intertek USA as a commercial gauger and laboratory became effective on May 9, 2007. The next triennial inspection date will be scheduled for May 2010.

FOR FURTHER INFORMATION CONTACT: Eugene J. Bondoc, Ph.D, or Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: July 16, 2007.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E7–14137 Filed 7–20–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[CBP Dec. 07–61]

Re-Approval of Inspectorate America as a Commercial Gauger

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of re-approval of Inspectorate America of Baton Rouge, Louisiana, as a commercial gauger.

SUMMARY: Notice is hereby given that, pursuant to 19 CFR 151.13, Inspectorate America, 8367 Paris Avenue, Baton Rouge, Louisiana 70814, has been re-approved to gauge petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes, in accordance with the provisions of 19 CFR 151.13. Anyone wishing to employ this entity for gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger services this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *http://www.cbp.gov/xp/cgov/import/operations_support/labs_scientific_svcs/org_and_operations.xml.*

DATES: The re-approval of Inspectorate America as a commercial gauger became effective on May 2, 2005. The next triennial inspection date will be scheduled for May 2008.

FOR FURTHER INFORMATION CONTACT: Eugene J. Bondoc, PhD, or Randall Breaux, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Suite 1500N, Washington, DC 20229, 202–344–1060.

Dated: July 16, 2007.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services.

[FR Doc. E7–14136 Filed 7–20–07; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–59]

Notice of Submission of Proposed Information Collection to OMB; Financial Standards for Housing Agency-Owned Insurance Entities

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Public Housing Agencies (PHAs) can purchase insurance coverage from a nonprofit insurance entity owned and controlled by PHAs which are approved by HUD. PHA-owned insurance entities must submit certain documentation to HUD and also submit audit and actuarial reviews to HUD.

DATES: *Comments Due Date:* August 22, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number (2577–0186) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information

collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Financial Standards for Housing Agency-Owned Insurance Entities.

OMB Approval Number: 2577–0186.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use: Public Housing Agencies (PHAs) can purchase insurance coverage from a nonprofit insurance entity owned and controlled by PHAs which are approved by HUD. PHA-owned insurance entities must submit certain documentation to HUD and also submit audit and actuarial reviews to HUD.

Frequency of Submission: Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting burden:	29	1		6.55		190

Total Estimated Burden Hours: 190.

Status: Extension of a current collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 17, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–14174 Filed 7–20–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5117–N–58]

Notice of Submission of Proposed Information Collection to OMB; Grant Drawdown Payment Request/LOCCS/VRS Voice Activated

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Public and Indian Housing Grant recipients use the payment vouchers to request funds from HUD through the LOCCS/VRS voice activated system. The information collected on the form serves also as an internal control measure to ensure the lawful and appropriate disbursement of Federal funds.

DATES: *Comments Due Date:* August 22, 2007.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2577–0166) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm.*

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Grant Drawdown Payment Request/LOCCS/VRS voice activated.

OMB Approval Number: 2577–0166.

Form Numbers: 50080–CFP; 50080–OFND; 50080–IHBG; 50080–HOMI; 50080–TIHD; 50080–AP,C,CB–CR,CBG, HSS,NN,RMBD,RSDE,RSDF,RSDM,SC; 50080–PHTA; 50080–PDEV; 50080–PSPG; 50080–URP; 50080–SNGP; 50080–SCPH; 50080–YAP; 50080–UYC; 50080–YSP; 50080–MTW; 50080–FSS; 50080–HEI; 50080–HOP1–a; 50080–HOP1b; 50080–HOZ; 50080–ITG; 50080–LBP; 50080–MTO; 50080–OTA;

Description of the Need for the Information and Its Proposed Use: Public and Indian Housing Grant recipients use the payment vouchers to request funds from HUD through the LOCCS/VRS voice activated system. The information collected on the form serves also as an internal control measure to ensure the lawful and appropriate disbursement of Federal funds.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting burden	4,746	1		3.11		14,780

Total Estimated Burden Hours: 14,780.

Status: Extension of a currently collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: July 17, 2007.

Lillian L. Deitzer,

Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.

[FR Doc. E7–14176 Filed 7–20–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Information Collection; OMB Control Number 1018–0078; Injurious Wildlife; Importation Certification for Live Fish and Fish Eggs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (Fish and Wildlife Service) will ask the Office of Management and Budget (OMB) to renew the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on October 31, 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.

DATES: You must submit comments on or before September 21, 2007.

ADDRESSES: Send your comments on the IC to Hope Grey, Information Collection Clearance Officer, Fish and Wildlife Service, MS 222–ARLSQ, 4401 North Fairfax Drive, Arlington, VA 22203 (mail); *hope_grey@fws.gov* (e-mail); or (703) 358–2269 (fax).

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:

I. Abstract

The Lacey Act (18 U.S.C. 42)(Act) prohibits the possession or importation of any animal or plant deemed to be and prescribed by regulation to be injurious to human beings; to the interests of agriculture, horticulture, and forestry; or to wildlife or the wildlife resources of the United States. The Department of the Interior is charged with enforcement of this Act. The Act and our regulations at 50 CFR 16 allow for the importation of animals classified as injurious if specific criteria are met. To effectively carry out our responsibilities and protect the aquatic resources of the United States, we must gather information on the animals being imported with regard to their source, destination, and health status. It is also imperative that we ensure the qualifications of those individuals providing the fish health data upon which we base our decision to allow importation.

We use three forms to collect this information:

(1) FWS Form 3–2273 (Title 50 Certifying Official Form). New applicants and those seeking recertification as a Title 50 certifying official provide information so that we can assess their qualifications. Information includes, but is not limited to:

(a) Name, position title, current place of employment (with address) and work phone number, fax number, and e-mail address.

(b) Professional degrees.

(c) Primary duties.

(d) Areas of expertise and related certifications.

(e) Facilities available for diagnostic tests and available equipment.

(2) FWS Form 3–2274 (U.S. Title 50 Certification Form). The certifying official uses this form to affirm the health status of the fish or their reproductive products to be imported. Information includes, but is not limited to:

(a) Certifying official's name and date of most recent certification.

(b) Number, life stage, and species of animals or eggs.

(c) Site and date of sample collection.

(d) Name and address of laboratory conducting the assays.

(e) Site from which the animals or eggs will be shipped.

(f) Dates of the shipment.

(g) Means of shipment and anticipated border crossing.

(3) FWS Form 3–2275 (Title 50 Importation Request Form). We use the information on this form to ensure the safety of the shipment and to track and control importations. Information includes, but is not limited to:

(a) Name and address of company/agency and facility receiving animals or eggs.

(b) Number, life stage, and species of animals or eggs.

(c) Origin of animals or eggs.

(d) Name and address of exporter.

II. Data

OMB Control Number: 1018–0078.

Title: Injurious Wildlife; Importation Certification for Live Fish and Fish Eggs, 50 CFR 16.13.

Service Form Number(s): 3–2273, 3–2274, and 3–2275.

Type of Request: Extension without change.

Affected Public: Aquatic animal health professionals seeking to be certified Title 50 inspectors; certified Title 50 inspectors who have performed health certifications on live salmonids; and any entity wishing to import live salmonids or their reproductive products into the United States.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Activity	Number of annual respondents	Number of annual responses	Completion time per response	Annual burden hours
FWS Form 3–2273	16	16	1 hour	16
FWS Form 3–2274	25	50	30 minutes	25
FWS Form 3–2275	25	50	15 minutes	12.5
Totals	56	116		53.5

III. Request for Comments

We invite comments concerning this IC 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. We will include and/or summarize each comment in our request to OMB to approve this IC. 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.

Dated: July 9, 2007.

Hope Grey,

Information Collection Clearance Officer, Fish and Wildlife Service.

[FR Doc. E7–14168 Filed 7–20–07; 8:45 am]

BILLING CODE 4310–55–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

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

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

DATES: Comments on these permit applications must be received on or before August 22, 2007.

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

FOR FURTHER INFORMATION CONTACT: Daniel Marquez, Fish and Wildlife Biologist, at the above CNO address, (telephone: 760–431–9440; fax: 760–431–9624).

SUPPLEMENTARY INFORMATION: The following applicants have applied for scientific research permits to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*). The U.S. Fish and Wildlife Service (''we'') solicits review and comment from local, State, and Federal agencies, and the public on the following permit requests. 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.

Permit No. TE–154960

Applicant: James P. Henke, Galt, California

The applicant requests a permit to take (capture, and collect and kill) the Conservancy fairy shrimp (*Branchinecta conservatio*), the longhorn fairy shrimp (*Branchinecta longiantenna*), the vernal pool tadpole shrimp (*Lepidurus packardi*), the Riverside fairy shrimp (*Streptocephalus wootoni*), and the San Diego fairy shrimp (*Branchinecta sandiegonensis*) in conjunction with surveys throughout the range of each species in California for the purpose of enhancing their survival.

Permit No. TE–154963

Applicant: Robert K. Bates, San Clemente, California.

The applicant requests a permit to take (harass by survey) the Coastal California gnatcatcher (*Polioptila californica*) in conjunction with surveys throughout the range of the species in California, and take (harass by survey) the Southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys throughout the range of the species in California, Arizona, and Nevada, for the purpose of enhancing their survival.

Permit No. TE–154966

Applicant: Stewart Reid, Ashland, Oregon

The applicant requests a permit to take (survey, capture, handle, collect biological samples and voucher specimens, salvage and relocate, pit tag, and release) the Modoc sucker (*Catostomus microps*) in conjunction with surveys and demographic studies in Lassen and Modoc Counties, California, and Lake County, Oregon for the purpose of enhancing its survival.

Permit No. TE–040239

Applicant: SWCA Environmental Consultants, Salt Lake City, Utah

The applicant requests an amendment to take (harass by survey) the Southwestern willow flycatcher (*Empidonax traillii extimus*) in conjunction with surveys in Clark, Lincoln, and Nye Counties, Nevada for the purpose of enhancing its survival.

Permit No. TE–045994

Applicant: United States Geological Survey, San Diego, California

The applicant requests a permit to take (survey, capture, handle, mark, collect biological samples, and release) the pacific pocket mouse (*Perognathus longimembris pacificus*) in conjunction with ecological research and surveys within San Diego and Orange Counties, California for the purpose of enhancing its survival.

Permit No. TE–103595

Applicant: Greg A. Lomnicky, Corvallis, California

The permittee requests an amendment to take (capture and translocate) the Lost River sucker (*Deltistes luxatus*) and the shortnose sucker (*Chasmistes brevirostris*) in conjunction with salvage in Klamath County, Oregon for the purpose of enhancing their survival.

Permit No. TE–155721

Applicant: Margaret Sherriffs, Davis, California

The applicant requests an amendment to take (harass by survey) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with surveys in Sonoma, Napa, Solano, and Contra Costa Counties, California for the purpose of enhancing its survival.

Permit No. TE–157291

Applicant: National Park Service, Paicines, California

The applicant requests a permit to take (capture; mark; collect blood and feathers; captive rear; and release) the California condor (*Gymnogyps califonianus*) in conjunction with ecological research and other life history studies throughout the range of the species in San Benito, Monterey, Santa Cruz, Fresno, and San Luis Counties, California for the purpose of enhancing its survival.

Permit No. TE–157199

Applicant: Julie Stout, San Diego, California

The applicant requests an amendment to take (harass by survey and monitor) the California least tern (*Sterna antillarum browni*) in conjunction with surveys and other life history studies throughout the range of the species in California for the purpose of enhancing its survival.

Permit No. TE–157216

Applicant: U.S. Geological Survey, Dixon, California

The applicant requests a permit to take (harass by survey, capture, and mark) the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) in conjunction with surveys and monitoring activities throughout the range of the species in California, for the purpose of enhancing its survival.

Permit No. TE–157221

Applicant: University of California, Berkley, California

The applicant requests a permit to take (capture, mark, and release) the giant kangaroo rat (*Dipodomys engens*) in conjunction with surveys throughout the range of the species in California for the purpose of enhancing its survival.

We solicit public review and comment on each of these recovery permit applications. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home addresses from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment, but you should be aware that we may be required to disclose your name and address pursuant to the Freedom of Information Act. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

Dated: July 17, 2007.

Michael Fris,

Acting Manager, California/Nevada Operations Office, Sacramento, California.

[FR Doc. E7–14146 Filed 7–20–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before July 7, 2007. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., 2280, Washington, DC 20240; By all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by August 7, 2007.

Paul R. Lusignan,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

COLORADO

Adams County

Bromley Farm—Koizuma Hishinuma Farm, 15820 E. 152nd Ave., Brighton, 07000811

MARYLAND

Frederick County

Woods Mill Farm, 11210 Cash Smith Rd., Woodsboro, 07000812

MISSOURI

Buchanan County

Western Tablet and Stationery Company, Building #2, (St. Joseph, Buchanan County, Missouri MPS AD) 1300 S 12th St., St. Joseph, 07000814

Callaway County

Court Street Historic Residential District, Roughly along Court bet. St. Louis and 10th Sts., Fulton, 07000817

St. Louis Independent City

Ramsey Accessories Manufacturing Corporation, 3693 Forest Park Blvd., St. Louis (Independence City), 07000813

MONTANA

Carbon County

Kero Farmstead Historic District, 223 W. Bench Rd., Roberts, 07000815

Lake County

Big Arm School, 7th and D Sts., Big Arm, 07000816

NORTH CAROLINA

Alamance County

Alamance Mill Village Historic District, 3927–3981 NC 62 S, Great Alamance Creek W of NC 62S, Alamance, 07000821

Cabarrus County

Peeler, Harvey Jeremiah, House, 101 S. Ridge Ave., Kannapolis, 07000818

Forsyth County

Nissen, S.J., Building, 310 E. Third St., Winston-Salem, 07000820

Madison County

Marshall Main Street Historic District, 101 N. Main St.—165 S. Main St., Bridge St. and 33 Bailey's Branch Rd., Marshall, 07000819

NORTH DAKOTA

Hettinger County

Neuburg Congregational Church, 83rd Ave. SW. and 57 St. SW., Mott, 07000822

OREGON

Lane County

Southern Pacific Passenger Depot, 433 Williamette St., Eugene, 07000823

Multnomah County

Lone Fir Cemetery, 2115 SE., Morrison St., Portland, 07000824

VIRGINIA

Buena Vista Independent City

Seay, W.N., House, 245 W. 26th St., Buena Vista (Independent City), 07000826

Cumberland County

Cumberland Court House Historic District, VA 60, jct. of VA 600, Cumberland, 07000829

Franklin County

Dudley, Gwin, Home Site, Twin Chimneys Dr., Wirtz, 07000827

Loudoun County

Home Farm, 40332 Mount Gilead, Leesburg, 07000828

Louisa County

Duke House, 2729 Diggstown Rd., Bumpass, 07000830

Lunenburg County

Spring Bank, 1070 Courthouse Rd., Lunenburg Courthouse, 07000825

WASHINGTON

Pierce County

Hershey, Peter L. and Emma, Homestead, 33514 Mount Tahoma Canyon Rd., Ashford, 07000833

Spokane County

Ehrenberg, Gus and Florence, House, 1304 S. Cook St., Spokane, 07000832

Solby, William and Margaret, House, 1325 E. 20th Ave., Spokane, 07000831

Thomas, Dr. Charles and Elsie, House, 1212 N. Summit Blvd., Spokane, 07000834

WISCONSIN

Monroe County

Marz, Albert and Theresa, House, 805 Cashton Ave., Cashton, 07000835.

In the interest of preservation the Comment Period for the following resource is reduced to 2 (two) days:

DISTRICT OF COLUMBIA

District of Columbia

Hilltop Manor, (Apartment Buildings in Washington, DC, MPS) 3500 14th St. NW., Washington, 07000810.

[FR Doc. E7–14138 Filed 7–20–07; 8:45 am]

BILLING CODE 4312–51–P

JUDICIAL CONFERENCE OF THE UNITED STATES

90 Days of Public Comment and Hearing for Draft Rules Governing Judicial Conduct and Disability Proceedings

AGENCY: Judicial Conference of the United States, Committee on Judicial Conduct and Disability.

ACTION: Notice of Public Comment on Draft Rules and Hearing.

SUMMARY: The Judicial Conference of the United States Committee on Judicial Conduct and Disability has released draft *Rules Governing Judicial Conduct and Disability Proceedings* for public comment and notice of hearing.

Notice of Draft Rules for Public Comment and Hearing

On July 16, 2007, the Committee on Judicial Conduct and Disability of the Judicial Conference of the United States released its draft *Rules Governing Judicial Conduct and Disability Proceedings* for 90 days of public comment, to conclude on October 15, 2007. A link has been added to *http://www.uscourts.gov* to enable members of the public to review those rules online and comment on them by e-mail.

The draft rules were developed at the direction of the Judicial Conference as a means of ensuring that the Judicial Conduct and Disability Act, 28 U.S.C. 351–364, operates consistently throughout the federal court system. If adopted by the Conference, they will constitute binding guidance for chief judges, circuit judicial councils, and circuit staff on the full spectrum of issues noted in *Implementation of the Judicial Conduct and Disability Act of 1980, A Report to the Chief Justice*, 239 F.R.D. 116 (September 2006) (''Breyer Committee Report''). Those issues, and the historical and policy context of these rules, are discussed fully in that report, available at *http://www.supremecourtus.gov/publicinfo/breyercommitteereport.pdf*.

Members of the public who submit comments are asked to provide their name and mailing address, and to identify any entity on whose behalf they are commenting. They should also specify their occupation (federal judge, state judge, lawyer in private practice, government lawyer, professor, or non-lawyer). Although submissions will not receive a response, those that are timely will be considered by the Judicial Conduct and Disability Committee as it prepares the draft rules for Judicial Conference consideration.

Members of the public wishing to comment may also do so at a hearing being planned for that purpose, to commence at 10 a.m. on September 27, 2007, in the U.S. Courthouse at 225 Cadman Plaza East, Brooklyn, New York. Requests to appear and testify at the hearing must be e-mailed by August 27 to the Office of the General Counsel, Administrative Office of the U.S. Courts, at *JudicialConductRules@ao.uscourts.gov*. Those who submit such requests will be asked to give a written indication of the testimony they intend to provide.

Dated: July 19, 2007.

William R. Burchill, Jr.,

Associate Director and General Counsel, Administrative Office of the United States Courts.

[FR Doc. E7–14268 Filed 7–20–07; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

United States Parole Commission

Public Announcement, Pursuant to the Government in the Sunshine Act (Pub. L. 94–409) [5 U.S.C. Section 552b]

AGENCY HOLDING MEETING: Department of Justice, United States Parole Commission.

TIME AND DATE: 10 a.m., Thursday, July 26, 2007.

PLACE: 5550 Friendship Blvd., Fourth Floor, Chevy Chase, MD 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the *open* Parole Commission meeting:

1. Approval of Minutes of June 2006 Quarterly Business Meeting.
2. Approval of Minutes of April 2007 Quarterly Business Meeting.
3. Reports from the Chairman, Commissioners, Chief of Staff, and Section Administrators.

AGENCY CONTACT: Thomas W. Hutchison, Chief of Staff, United States Parole Commission, (301) 492–5990.

Dated: July 18, 2007.

Rockne Chickinell,

General Counsel, U.S. Parole Commission.

[FR Doc. 07–3599 Filed 7–19–07; 12:30 pm]

BILLING CODE 4410–31–M

DEPARTMENT OF LABOR

Office of the Secretary

Combating Exploitive Child Labor Through Education in Bolivia, Cambodia, Colombia, the Democratic Republic of the Congo, the Dominican Republic, Indonesia, Morocco, the Philippines, Togo, and Uganda Amendment

July 24, 2007.

AGENCY: Bureau of International Labor Affairs, Department of Labor.

ACTION: Correction. Amendment to SGA 07–10.

SUMMARY: On June 14, 2007, the Department of Labor published a Notice of Availability of Funds and Solicitation for Cooperative Agreement Applications. That document, appearing in the **Federal Register**, Vol. 72, No. 114, on pages 32869 to 32914, is hereby amended.

Amendments

A. On page 32894, Section III. Eligibility Information, *1. Eligible Applicants,* column 1, delete the sentence:

''However, the Grantee (or Lead Grantee, in the case of an Association) is not allowed to charge a fee (profit).''

Replace with the following sentence:

''However, the Grantee (or Lead or Non-Lead Grantees, in the case of an Association) is not allowed to charge a fee (profit).''

B. On page 32894, Section III. Eligibility Information, *2. Other Eligibility Requirements,* column 3, delete the following sentence:

''If no DUNS number is provided in the application, and the Applicant does not provide evidence of an OMB exemption from the DUNS number requirement, then the application will be considered non-responsive.''

Replace with the following sentence:

''Unless the Applicant provides evidence of an OMB exception from the DUNS number requirement, it must provide either its DUNS number in the

application or evidence of having submitted an application for a DUNS number prior to the deadline for this SGA, in order for the application to be considered responsive.

C. On page 32895, Section IV. Application and Submission Information, *2. Content and Form of Application Submission,* column 2, following the sentence ''The Technical Proposal must not exceed 45 single-sided (8½″ × 11″), double-spaced pages with 1-inch margins'', insert the language:

''The following information, however, does not count toward the 45 page limit:

- The two-page abstract summarizing the proposed project and Applicant profile information;
- Table of Contents;
- Section B. Sustainability Plan and Sustainability Matrix (however, the narrative for the Sustainability Plan should not exceed 5 double-spaced pages);
- For Key Personnel—letters of agreement and resumes (please note, applicants are no longer required to submit an SF 1420 for key personnel);
- Annex A. The Logical Framework Matrix;
- Annex B. Outputs-Based Budget;
- Project Work Plan;
- Audit attachments; and
- Supporting documentation demonstrating an applicants' country presence and/or outreach to host government ministries and nongovernmental organizations in the country.''

D. On page 32895, Section IV. Application and Submission Information, *2. Content and Form of Application Submission,* column 2, delete the following sentence:

''A project design description as specified in the Application Evaluation Criteria found in section V.1.A. of this solicitation (maximum 45 pages) and a corresponding Logical Framework matrix as described in section V.1.A''

Replace with the following sentence, which drops the reference to the ''maximum 45 pages'':

''A project design description as specified in the Application Evaluation Criteria found in section V.1.A. of this solicitation and a corresponding Logical Framework matrix as described in section V.1.A''

E. On Page 32897, Section J. Inherently Religious Activities, column 3, after the sentence, ''Any inherently religious activities conducted by the Grantee must be clearly separated in time or physical space from activities funded by USDOL,'' the following sentence is added:

''Grantees will be expected to segregate from federal and matching funds (neither of which may be used to fund inherently religious activities), and to account for separately, any non-federal and nonmatching funds (or allocable portion of those funds) used for such inherently religious activities.''

F. On page 32903, Section D. Key Personnel/Management Plan/Staffing, i. Key Personnel, column 1, delete the following paragraph regarding the SF 1420:

''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/ilab/grants/.''*

G. On page 32903, Section D. Key Personnel/Management Plan/Staffing, i. Key Personnel, column 2, delete the following sentence:

''The letters of agreement, resumes, and salary history forms (SF 1420) must be submitted as attachments to the application and will not count toward the page limit.''

Replace with the following sentence:

''The letters of agreement and resumes must be submitted as attachments to the application and will not count toward the page limit. Applicants must also submit information on salary history for key personnel covering their last 10 years of employment and for the various positions held during that period. This information may be included within resumes submitted as part of the application.''

Agency Contacts

All inquiries regarding SGA 07–10 or this Amendment to SGA 07–10 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/faqs.htm.*

Signed at Washington, DC this 17th day of July, 2007.

Lisa Harvey,

Grant Officer.

[FR Doc. E7–14129 Filed 7–20–07; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Office of the Secretary

Research on Children Working in the Carpet Industry of India, Nepal and Pakistan Amendment

AGENCY: Bureau of International Labor Affairs, Department of Labor.

ACTION: Correction. Amendment to SGA 07–11.

SUMMARY: On June 21, 2007, the Department of Labor published a Notice of Availability of Funds and Solicitation for Cooperative Agreement Applications. That document, appearing in the **Federal Register**, Vol. 72, No. 119, on pages 34279 to 34299, is hereby amended.

Amendments

A. On page 34283, Section III. Eligibility Information, *1. Eligible Applicants,* column 2, delete the sentence:

''However, the Grantee (or Lead Grantee, in the case of an Association) is not allowed to charge a fee (profit).''

Replace with the following sentence:

''However, the Grantee (or Lead or Non-Lead Grantees, in the case of an Association) is not allowed to charge a fee (profit).''

B. On page 34283, Section III. Eligibility Information, *2. Other Eligibility Requirements,* column 3, delete the following sentence:

''If no DUNS number is provided in the application, and the Applicant does not provide evidence of an OMB exemption from the DUNS number requirement, then the application will be considered non-responsive.''

Replace with the following sentence:

''Unless the Applicant provides evidence of an OMB exception from the DUNS number requirement, it must provide either its DUNS number in the application or evidence of having submitted an application for a DUNS number prior to the deadline for this SGA, in order for the application to be considered responsive.

C. On page 34284, Section IV. Application and Submission Information, *2. Content and Form of Application Submission,* column 2, following the sentence ''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'', insert the language: ''Section V.1(A–F) comprises the Technical Proposal.''

D. On page 34284, Section IV. Application and Submission Information, *2. Content and Form of*

Application Submission, column 2, delete the following sentence:

''A research project description as specified in the Application Evaluation Criteria found in Section V.1. of this solicitation (maximum 45 pages);''

Replace with the following sentence, which drops the reference to the ''maximum 45 pages'':

''A research project description as specified in the Application Evaluation Criteria found in Section V.1. of this solicitation;''

E. On page 34284, Section IV. Application and Submission Information, *2. Content and Form of Application Submission,* column 2, following the sentence ''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'', insert the language:

''In addition, the following information does not count toward the 45 page limit:

- For Key Personnel—letters of agreement and resumes (please note, applicants are no longer required to submit an SF 1420 for key personnel);
- Outputs-Based Budget; and
- Audit attachments.

F. On Page 34286, Section G. Inherently Religious Activities, column 2, after the sentence, ''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,*'' the following sentence is added:

''Grantees will be expected to segregate from federal and matching funds (neither of which may be used to fund inherently religious activities), and to account for separately, any non-federal and nonmatching funds (or allocable portion of those funds) used for such inherently religious activities.''

G. On page 34287, Section V. Application Review Information, *1. Application Evaluation Criteria*, column 2, change the points allocated to Organizational Capacity to 15 points.

H. On page 34288, Section C. Key Personnel/Management Plan/Staffing, i. Key Personnel, column 2, delete the following paragraph regarding the SF 1420:

''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/ilab/grants/.*''

I. On page 34288, Section C. Key Personnel/Management Plan/Staffing, i. Key Personnel, column 2, delete the following sentence:

''The letters of agreement, resumes, and salary history forms (SF 1420) must be submitted as attachments to the application and will not count toward the page limit.''

Replace with the following sentence:

''The letters of agreement and resumes must be submitted as attachments to the application and will not count toward the page limit. Applicants must also submit information on salary history for key personnel covering their last 10 years of employment and for the various positions held during that period. This information may be included within resumes submitted as part of the application.''

Agency Contacts

All inquiries regarding SGA 07–11 or this Amendment to SGA 07–11 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/faqs.htm.*

Signed at Washington, DC this 17th day of July, 2007.

Lisa Harvey,

Grant Officer.

[FR Doc. E7–14128 Filed 7–20–07; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0050]

Welding, Cutting and Brazing Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comment.

SUMMARY: OSHA solicits comments concerning its proposal to extend OMB approval of the Information Collection requirement contained in the Welding, Cutting and Brazing Standard (29 CFR 1910.255(e)). The information collected is used by employers and employees whenever welding, cutting and brazing are performed. The purpose of the information is to ensure that employers evaluate hazards associated with welding and ensure that adequate measures are taken to make the process safe.

DATES: Comments must be submitted (postmarked, sent, or received) by September 21, 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–2007–0050, U.S. Department of Labor, Occupational Safety and Health Administration, 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. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for the ICR (OSHA–2007–0050). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov*. For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.*, copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

Section 1910.255(e) requires that a periodic inspection of resistance welding equipment be made by qualified maintenance personnel, and that a certification record be generated and maintained. The certification shall include the date of the inspection, the signature of the person who performed the inspection and the serial number, or other identifier, for the equipment inspected. The record shall be made available to an OSHA inspector upon request. The maintenance inspection ensures that welding equipment is in safe operating condition while the maintenance record provides evidence to employees and Agency compliance officers that employers performed the required inspections.[1]

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Welding, Cutting and Brazing (29 CFR part 1910, subpart Q). The Agency is requesting to reduce its current burden hour estimate associated with this Standard from 6,588 to 5,994 hours for a total reduction of 594 hours. 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 a currently approved collection.

Title: Welding, Cutting and Brazing (29 CFR part 1910, subpart Q).

OMB Number: 1218–0207.

Affected Public: Business or other for-profit.

Number of Respondents: 21,373.

Frequency: On occasion.

Average Time Per Response: Varies from 1 minute (.02 hour) to maintain the inspection certification record to 7 minutes (.12 hour) to perform the inspection and to generate and maintain the inspection certification record.

Estimated Total Burden Hours: 5,994.

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 (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2007–0050). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the 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 *www.regulations.gov* index, some information (*e.g.*, copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *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).

[1] The ICR does not account for the paperwork burden associated with several provisions of the standard either because manufacturers typically provide the required information (*i.e.*, §§ 1910.252(b)(2)(ii)(G), (c)(1)(i)(A), (c)(1)(i)(B), (c)(1)(i)(C), 1910.253(b)(1)(ii), (d)(4)(ii), (d)(4)(iii), (e)(6)(iii), (f)(1)(i), (g)(1)(ii), and 1910.254(b)(4)(iv)); the Agency believes that the paperwork requirement was a usual and customary business practice among the industry prior to publication of the standard (*i.e.*, §§ 1910.252(a)(2)(xiii)(D), (a)(2)(xiv)(D), 1910.253(b)(5)(iii)(G), (c)(3)(v), and (f)(7)(i)(A)); or the Agency believes that the implied training provisions are performance-oriented and, therefore, not subject to PRA–95 (*i.e.*, §§ 1910.252(a)(2)(xiii)(C) and 1910.253(a)(4)).

Signed at Washington, DC, on July 16, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E7–14109 Filed 7–20–07; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0057]

Fire Protection in Shipyard Employment Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comment.

SUMMARY: OSHA solicits public comment concerning its proposal to extend OMB approval of the information collection requirements specified in its Fire Protection in Shipyard Employment Standard (29 CFR 1915.501–1915.509).

DATES: Comments must be submitted (postmarked, sent, or received) by September 21, 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–2007–0057, U.S. Department of Labor, Occupational Safety and Health Administration, 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. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and OSHA docket number for the ICR (OSHA–2007–0057). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.*, copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The Standard specifies a number of collections of information (paperwork) requirements. In general, the Standard requires employers to develop a written fire safety plan and written statements or policies that contain information about fire watches and fire response duties and responsibilities. The Standard also requires the employer to obtain medical exams for certain employees and to develop training programs and to train employees exposed to fire hazards. Additionally, the Standard requires employers to create and maintain records to certify that employees have been made aware of the details of the fire safety plan and that employees have been trained as required by the Standard.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend its approval of the information collection requirements contained in the Standard on Fire Protection in Shipyard Employment (29 CFR 1915.501–1915.509). The Agency is requesting to reduce its current burden hour estimate associated with this Standard from 5,344 to 4,635 hours for a total reduction of 709 hours. 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 a currently approved collection.

Title: Fire Protection in Shipyard Employment (29 CFR 1915.501-.509).

OMB Number: 1218–0248.

Affected Public: Business or other for-profit.

Number of Respondents: 317.

Frequency: On occasion; Quarterly; Annually.

Average Time Per Response: Varies from 5 minutes (.08 hour) for an employer to post the fire safety plan or to place it in an area accessible to

employees to 12 hours for new firms to develop a written fire safety plan.

Estimated Total Burden Hours: 4,635.

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 (FAX); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2007–0057). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the 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 *www.regulations.gov* index, some information (*e.g.*, copyrighted material) is not publicly available to read or download through this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *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 July 16, 2007.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E7–14110 Filed 7–20–07; 8:45 am]

BILLING CODE 4510–26–P

LEGAL SERVICES CORPORATION

Sunshine Act Meetings of the Board of Directors and Four of the Board's Committees

TIMES AND DATES: The Legal Services Corporation Board of Directors and four of its Committees will meet on July 27–28, 2007 in the order set forth in the following schedule, with each meeting commencing shortly after adjournment of the immediately preceding meeting.

PUBLIC OBSERVATION BY TELEPHONE: Members of the public that wish to listen to the open portions of the meetings live may do so by following the telephone call-in directions given below. You are asked to keep your telephone muted to eliminate background noises. Comments from the public may from time to time be solicited by the presiding Chairman.

Call-in Directions for Open Sessions

Friday, July 27, 2007

- Call toll-free number 1–888–942–8391;
- When prompted, enter the following numeric pass code: 46256;
- When connected to the call, please MUTE your telephone immediately.

Saturday, July 28, 2007

- Call toll-free number 1–877–915–2768;
- When prompted, enter the following numeric pass code: 14765;
- When connected to the call, please MUTE your telephone immediately.

Meeting Schedule

	Time [1]
Friday, July 27, 2007:	
1. Provision for the Delivery of Legal Services Committee (Provisions Committee).	1:30 p.m.
2. Board of Directors [2]	
3. Annual Performance Reviews Committee (Performance Reviews Committee).	
Saturday, July 28, 2007	
1. Operations & Regulations Committee.	8:30 a.m.
2. Finance Committee [3]	
3. Board of Directors	

[1] Please note that all times in this notice are Central Time.

[2] Please note that portions of the Board of Directors' meeting will be held on Friday and Saturday. This notice reflects this bifurcation.

[3] It is expected that the Finance Committee will adjourn for lunch and will reconvene at approximately 1:15 p.m. Depending on the length of the preceding meetings, however, it is possible that the Committee's meeting could begin earlier or later than 1:15 p.m.

LOCATION: The Sheraton Hotel, 623 Union Street, Nashville, Tennessee.

STATUS OF MEETINGS: Open, except as noted below.

- *Status:* July 27, 2007 Performance Reviews Committee Meeting—Open, except that a portion of the meeting may be closed to the public pursuant to a vote of the Board of Directors authorizing the Committee to meet in executive session to consider and act on a recommendation to make to the full Board on the annual performance review of the LSC Inspector General for calendar year 2006. The closing will be authorized by the relevant provision of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6), and the corresponding provision of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(e). A verbatim written transcript of the session will be made. The transcript of any portions of the closed session falling within the relevant provision(s) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6), and the corresponding provision of LSC's implementing regulation, 45 CFR 1622.5(e), will not be available for public inspection. The transcript of any portions not falling within the cited provisions will be available for public inspection. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.
- *Status:* July 27 and 28, 2007 Board of Directors Meeting—Open, except that portions of the meeting of the Board of Directors may be closed to the public pursuant to a vote of the Board of Directors to hold executive sessions.
- At the closed session on Friday, July 27, 2007, the Board will consider and may act on its response to the U.S. Government Accountability Office's Draft Report on LSC Governance and Accountability. A verbatim written transcript of the session will be made. The transcript of any portions of the closed session falling within the relevant provision of the Government in the Sunshine Act, 5 U.S.C.

552b(c)(9)(B), and the corresponding provision of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(g), will not be available for public inspection. The transcript of any portions not falling within the cited provisions will be available for public inspection. A copy of the General Counsel's Certifications that the closings are authorized by law will be available upon request.

• At the closed session on Saturday, July 28, 2007, the Board will consider and may act on the appointment of an Acting Inspector General, consider and may act on the General Counsel's report on litigation to which the Corporation is or may become a party, and will be briefed (a) By staff on the relevance of Sarbanes-Oxley to governance of the Legal Services Corporation, and (b) by the Inspector General on activities of the Office of Inspector General.[4] A verbatim written transcript of the session will be made. Closing will be based on the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) & (c)(10), and the corresponding provisions of the Legal Services Corporation's implementing regulation, 45 CFR 1622.5(e) & (h). The transcript of any portions of the closed session not falling within one or more of these provisions will be available for public inspection. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Friday, July 27, 2007

Provision for the Delivery of Legal Services Committee

Agenda

Open Session

1. Approval of agenda.
2. Approval of the Committee's meeting minutes of April 27, 2007.
3. Staff Update on activities implementing the LSC Private Attorney Involvement Action Plan—Help Close the Justice Gap: Unleash the Power of Pro Bono.
4. Panel Presentation on Recruitment and Retention issues in LSC programs, focusing on examples of Executive Director leadership transitions.

Presenters:

• César Torres, Executive Director, and Pat McIntyre, former Executive Director, Northwest Justice Project, Seattle, Washington.

• Neil McBride, Interim Executive Director, and Ashley Wiltshire, former Executive Director, Legal Aid Society of Middle Tennessee and the Cumberlands, Nashville, Tennessee.

• Jessie Nicholson, Executive Director, Bruce Beneke, former Executive Director, and Terry Newby, member of the Board, Southern Minnesota Regional Legal Services, St. Paul, Minnesota.

5. Public comment.
6. Consider and act on other business.
7. Consider and act on adjournment of meeting.

Board of Directors

Agenda

Open Session

1. Approval of agenda.
2. Consider and act on whether to authorize an executive session of the Performance Reviews Committee on July 27, 2007, to consider and act on a recommendation to make to the full Board on a performance review of LSC's Inspector General.
3. Consider and act on whether to authorize an executive session of the Board to address items listed below under Closed Session.

Closed Session

4. Consider and act on response to the U.S. Government Accountability Office's Draft Report on LSC Governance and Accountability.
5. Consider and act on motion to adjourn meeting.

Performance Reviews Committee

Agenda

Open Session

1. Approval of Agenda.
2. Consider and act on whether to go into closed session for agenda item # 3.

Closed Session

3. Consider and act on the recommendation to make to the full Board on the annual performance review of the LSC Inspector General.

Open Session

4. Consider and act on other business.
5.Consider and act on adjournment of meeting.

Saturday, July 28, 2007

Operations & Regulations Committee

Agenda

Open Session

1. Approval of agenda.
2. Approval of the minutes of the Committee's April 27, 2007 meeting.
3. Consider and act on initiation of rulemaking to adopt ''lesser sanctions''
   a. Staff report.
   b. OIG comment.
   c. Public comment.
4. Consider and act on initiation of rulemaking to revise Part 1626 relative to eligibility of citizens of the Republic of the Marshall Islands, the Federated States of Micronesia and the Republic of Palau.
   a. Staff report.
   b. OIG comment.
   c. Public comment.
5. Consider and act on adoption of 2008 Grant Assurances
   a. Staff report.
   b. OIG comment.
   c. Public comment.
6. Presentation by the OIG on its oversight of the grantees' Independent Public Accountants.
7. Consider and act on locality pay issues.
8. Discussion of an LSC corporate compliance program.
9. Staff report on dormant class actions.
10. Consider and act on other business.
11. Other public comment.
12. Consider and act on adjournment of meeting.

Finance Committee

Agenda

Open Session

1. Approval of agenda.
2. Approval of the minutes of the Committee's meeting of April 28, 2007.
3. Presentation on FY 2006 audit and report on delay in completion of the audit.

• Presentation by Kirt West and Dutch Merryman.

4. Consider and act on a revised Finance Committee role in LSC's annual audit.
5. Report on the appropriate financial statement standards for LSC.

• Presentation by Dutch Merryman and David Richardson.

6. Response to audit management recommendations.

• Modifications to the fixed asset inventory and control system.
• Certification of users of accounting system.
• Documentation of control procedures.
• Presentation by David Richardson.

7. Consider and act on final response to recommendations from the OIG Report on Certain Fiscal Practices.

• Presentation by Charles Jeffress.

8. Consider and act on FY 2007 Revised Consolidated Operating Budget.

• Presentation by David Richardson.

[4] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 CFR 1622.2 and 1622.3.

9. Presentation on LSC's Financial Reports for the Third Quarter Ending June 30, 2007 and on projected operating expenditures for the remainder of the fiscal year.
• Presentation by David Richardson.
• Comments by Charles Jeffress.
10. Discussion of format for the provision of financial information to the Committee.
11. Report on the status of the FY 2008 Appropriations process.
• Report by John Constance.
12. Consider and act on adoption of FY 2008 Temporary Operating Authority effective October 1, 2007.
13. Report on Equal Justice Magazine expenses and future plans.
• Report by John Constance.
14. Discussion regarding planning for FY 2009 budget.
15. Consider and act on annual September meeting of Finance Committee.
16. Consider and act on other business.
17. Public comment.
18. Consider and act on adjournment of meeting.

Board of Directors

Agenda

Open Session

1. Approval of agenda.
2. Approval of minutes of the Board's meeting of April 28, 2007.
3. Approval of minutes of the Board's Telephonic meeting of May 29, 2007.
4. Approval of minutes of the Board's Telephonic meeting of June 25, 2007.
5. Approval of minutes of the Executive Session of the Board's meeting of April 28, 2007.
6. Consider and act on a process to be used for selection of a new Inspector General for LSC.
7. Chairman's Report.
8. Members' Reports.
9. President's Report.
10. Inspector General's Report.
11. Consider and act on the report of the Provision for the Delivery of Legal Services Committee.
12. Consider and act on the report of the Finance Committee.
13. Consider and act on the report of the Operations & Regulations Committee.
14. Consider and act on the report of the Performance Reviews Committee.
15. Consider and act on proposed protocol for processing Board Members' document requests.
16. Consider and act on proposed locations for Board meetings in calendar year 2009.
17. Consider and act on other business.
18. Public comment.
19. Consider and act on whether to authorize an executive session of the Board to address items listed below under Closed Session.

Closed Session

20. Consider and act on appointment of an Acting Inspector General for LSC.
21. Consider and act on General Counsel's report on potential and pending litigation involving LSC.
22. Staff briefing on the relevance of Sarbanes-Oxley to LSC governance.
23. IG report to the Board.
24. Consider and act on motion to adjourn meeting.

FOR FURTHER INFORMATION CONTACT: Patricia D. Batie, Manager of Board Operations, at (202) 295–1500.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia D. Batie, at (202) 295–1500.

Dated: July 19, 2007.

Victor M. Fortuno,

Vice President & General Counsel.

[FR Doc. 07–3603 Filed 7–19–07; 1:37 pm]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 07–052]

NASA Advisory Council; Science Committee; Planetary Protection Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: The National Aeronautics and Space Administration (NASA) announces a meeting of the Planetary Protection Subcommittee of the NASA Advisory Council (NAC). This Subcommittee reports to the Science Committee of the NAC. The Meeting will be held for the purpose of soliciting from the scientific community and other persons scientific and technical information relevant to program planning.

DATES: Monday, August 6, 2007, 8:30 a.m. to 5 p.m. and Tuesday, August 7, 2007, 8:30 a.m. to 2 p.m. Eastern Daylight Time.

ADDRESSES: Doubletree Hotel Cocoa Beach, 2080 North Atlantic Avenue, Cocoa Beach, FL 32931.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–4452, fax (202) 358–4118, or *mnorris@nasa.gov*.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Status of NASA Planetary Exploration Activities
—Status of Concept Studies for Outer Planet Missions
—Mission Implementation of Planetary Protection Requirements
—Planetary Protection Requirements for Human Missions Beyond Earth Orbit

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Attendees will be requested to sign a register.

Dated: July 10, 2007.

P. Diane Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. E7–14111 Filed 7–20–07; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Meeting

TIME AND DATE: 10 a.m., Thursday, July 26, 2007.

PLACE: Board Rom, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Quarterly Insurance Fund Report.
2. Reprogramming of NCUA's Operating Budget for 2007.
3. Advance Notice of Proposed Rulemaking: Parts 703 and 704 of NCUA's Rules and Regulations, Permissible Foreign Currency Investments for Federal Credit Unions and Corporate Credit Unions.
4. Final Rule: Parts 748 and 749 of NCUA'S Rules and Regulations, Catastrophic Act Reporting and Records Preservation.

RECESS: 11 a.m.

TIME AND DATE: 11:15 a.m., Thursday, July 26, 2007.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under section 206 of the Federal Credit Union

Act. Closed pursuant to Exemptions (6), (8), and (9).

2. Action under Section 205 of the Federal Credit Union Act. Closed pursuant to Exemptions (5), (6), (7), and (8).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304.

Mary Rupp,

Secretary of the Board.

[FR Doc. 07–3613 Filed 7–19–07; 3:25 pm]

BILLING CODE 7535–07–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Proposed Collection: Comment Request

ACTION: Notice.

SUMMARY: The National Endowment for the Arts, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(A)]. This program helps ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the National Endowment for the Arts, on behalf of the Federal Council on the Arts and the Humanities, is soliciting comments concerning renewal of the Application for Indemnification. A copy of this collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below on or before September 17, 2007. The National Endowment for the Arts 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 the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting the electronic submissions of responses.

ADDRESSES: Alice Whelihan, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Room 726, Washington, DC 20506–0001, telephone (202) 682–5574 (this is not a toll-free number), fax (202) 682–5603.

Murray Welsh,

Director, Administrative Services.

[FR Doc. E7–14133 Filed 7–20–07; 8:45 am]

BILLING CODE 7536–01–P

PENSION BENEFIT GUARANTY CORPORATION

Election of Multiemployer Plan Status

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice.

SUMMARY: This Notice establishes implementing procedures for a special election concerning multiemployer plan status that may be made under the Employee Retirement Income Security Act of 1974, as amended by the Pension Protection Act of 2006. Under these procedures, an eligible plan may elect to be a multiemployer plan for all purposes under ERISA and the Internal Revenue Code of 1986.

FOR FURTHER INFORMATION CONTACT: John H. Hanley, Director, or Constance Markakis, Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation,1200 K Street, NW., Washington. DC 20005–4026; 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

The Pension Protection Act of 2006

The Pension Protection Act of 2006 (''PPA 2006''), Public Law 109–280, 120 Stat. 780, became law on August 17, 2006, and amended the Employee Retirement Income Security Act of 1974 (''ERISA'') and the Internal Revenue Code of 1986 (the ''Code''). ERISA and the Code, as amended by section 1106 of PPA 2006, was further amended by section 6611(a) of the fiscal year 2007 supplemental appropriations legislation, Public Law 110–28, 121 Stat. 112, which became law on May 25, 2007. Reference in this document to any ERISA provision should be construed to include reference to any parallel provision in section 414(f) of the Code.

Election of Multiemployer Plan Status Generally

Section 1106 of PPA amended the definition of a ''multiemployer plan'' under ERISA and the Code to allow certain plans to elect to be multiemployer plans, pursuant to procedures prescribed by PBGC. An eligible plan may elect to be a multiemployer plan for all purposes under ERISA and the Code, provided that PBGC procedures are followed and the election is made on or before August 17, 2007. Under Public Law 110–28, an election is effective starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008, as designated by the plan in its election. No later than 30 days before an election is made, the plan administrator must give notice of the pending election to each plan participant and beneficiary, each labor organization representing such participants or beneficiaries, and each employer that has an obligation to contribute to the plan. (See Model Notice of Pending Election Regarding Plan's Status issued by the Department of Labor, *http://www.dol.gov/ebsa/regs/fedreg/notices/2006009491.htm*.) In order to be eligible for the election, a plan must satisfy the requirements of section 3(37)(G)(i)(I) or section 3(37)(G)(i)(II) of ERISA.

Election To Revoke Single-Employer Plan Status

Under section 3(37)(G)(i)(I) of ERISA, a plan may revoke an existing election under section 3(37)(E) to be treated as a single-employer plan. An election made under section 3(37)(G)(i)(I) is irrevocable.

Section 3(37)(E) of ERISA, as amended by the Multiemployer Pension Plan Amendments Act of 1980, permitted a plan that was excluded from multiemployer status under the prior contributions test,[1] and that would otherwise be a multiemployer plan, to continue its single-employer status. To do so, a plan was required to follow

[1] Prior to amendment by the Multiemployer Pension Plan Amendments Act of 1980, the definition of a multiemployer plan excluded a plan if one of its employers contributed 50% or more of the total annual contributions made under the plan (or 75% or more of the total contributions, if a plan met the less than 50% contributions test for any preceding plan year). (ERISA sections 3(37)(A)(iii) and 3(37)(B)(i) prior to September 26, 1980.)

PBGC procedures, including a written notice of election filed with PBGC. An election was effective upon written approval by PBGC.

In order to be eligible under PPA to revoke an election made under the 1980 Multiemployer Act, the plan must show that, for each of last three plan years before August 17, 2006, the plan would have been a multiemployer plan absent the election. Under section 3(37)(A), a multiemployer plan is defined as a plan to which more than one employer is required to contribute, that is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer, and that satisfies the requirements established under Department of Labor (''DOL'') regulations. For these purposes, all trades or business (whether or not incorporated) under common control within the meaning of section 4001(b)(1) of ERISA (or section 414(c) of the Code) are considered a single employer.

DOL regulations (29 CFR 2510.3–37) prescribe other requirements that a plan must meet, in addition to those contained in section 3(37)(A) of ERISA, to be a multiemployer plan. The regulation provides that a multiemployer plan established on or after September 2, 1974, must further meet the requirement that it was established for a substantial business purpose, which includes the interest of a labor organization in securing an employee benefit plan for its members, in accordance with relevant factors set forth under the regulation.

Election by Plans With Significant Contributions by Tax-Exempt Organizations

Under section 3(37)(G)(i)(II) of ERISA, a plan may elect to be a multiemployer plan if it meets the criteria for a multiemployer plan under clauses (i) and (ii) of section 3(37)(A). Specifically, for the plan year ending after August 17, 2006, and for each of the three plan years ending immediately before the first plan year for which the plan elects multiemployer status, the plan must be a plan to which more than one employer is required to contribute, and that is maintained pursuant to one or more collective bargaining agreements. For these purposes, all trades or businesses (whether or not incorporated) under common control within the meaning of section 4001(b)(1) of ERISA (or section 414(c) of the Code) are considered a single employer.

In addition, the plan must have been established before September 2, 1974, and, for each of the three plan years immediately preceding the first plan year for which the plan elects multiemployer status, substantially all of the plan's employer contributions must have been made or required to be made by organizations that were exempt from taxation under section 501 of the Code. A plan is not required to satisfy the multiemployer criteria if that plan was sponsored by an organization described in section 501(c)(5) of the Code, exempt from taxation under section 501(a) of the Code, and established in Chicago, Illinois, on August 12, 1881.

An election under section 3(37)(G)(i)(II) is irrevocable, except that the plan ceases to be a multiemployer plan as of the plan year beginning immediately after the first plan year for which more than fifty percent of all of the plan's employer contributions were made or required to be made by organizations that were not exempt from taxation under section 501 of the Code.

Explanation of PBGC Procedures

Election Requirements

Under section 2(b) of the procedures, a plan making an election under section 3(37)(G)(i)(I) of ERISA must demonstrate that it would have been a multiemployer plan but for the existing election. The specific information required under section 3(d) of the procedures to demonstrate compliance with section 3(37) includes the identity of the contributing employers to the plan, information on whether trades or businesses that are required to contribute to the plan are under common control, and copies of collective bargaining agreements for the three largest contributing employers to the plan (in amount of contributions).

Pursuant to section 6611(a) of Public Law 110–28, for the limited purpose of this election and these procedures, a plan will be treated as maintained pursuant to one or more collective bargaining agreements if a collective bargaining agreement, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.

In satisfying clause (iii) of section 3(37)(A) of ERISA, the procedures allow a plan some flexibility in establishing whether it was in existence before September 2, 1974. The procedures require the best available evidence that, before September 2, 1974, more than one employer was required to contribute to the plan under one or more collective bargaining agreements. PBGC may in its discretion accept evidence for this proof. For a plan established on or after September 2, 1974, the procedures also require the plan to show compliance with 29 CFR 2510.3–37(c) of the Department of Labor regulations.

A plan making an election under section 2(b) of the procedures is required to submit a copy of PBGC's written decision approving the plan's post-1980 election to continue being a single-employer plan under section 3(37)(E) of ERISA. To address the possibility that a plan may no longer have PBGC's written decision, the procedures permit a plan to produce the plan amendment adopted pursuant to, and cotemporaneous with, the election under section 4303 of ERISA providing that the plan will be treated as a single-employer plan. In addition, the procedures require a written statement signed by the plan sponsor that the plan received PBGC's written approval for the election.

Under section 2(c) of the procedures, a plan making an election under section 3(37)(G)(i)(II) of ERISA must provide evidence that it satisfies certain criteria for a multiemployer plan in section 3(37) for the first plan year ending after August 17, 2006, and for each of the three plan years ending immediately before the first plan year for which the plan elects multiemployer status. In this regard, the information required under section 3(d) (and the exceptions thereto) is the same as the information required for a plan electing multiemployer status under section 2(b), except that a plan eligible for the election under section 2(c) is not required to satisfy clause (iii) of section 3(37)(A).

For purposes of establishing that substantially all of the employer contributions were made or required to be made by organizations that are exempt from taxation under section 501 of the Code, the procedures require a copy of a governmental filing or document evidencing the tax-exempt status of each contributing employer that meets this definition, for each of the three plan years ending immediately before the effective date of the multiemployer election; appropriate filings or documents include a current favorable determination letter issued by the Internal Revenue Service (''IRS'') approving the organization's exempt status, an IRS Form 990 or Form 990–EZ (Return of Organization Exempt from Income Tax) (copy of first page and

signed and dated last page), or a Form LM–2 or LM–3 (Labor Organization Annual Report) filed with the DOL (copy of signed and dated first page).

A plan must also provide the amount of annual contributions that were made or required to be made in the aggregate by all tax-exempt organizations, and the percentage of such contributions to the total annual contributions to the plan. The PBGC procedures establish a safe harbor for plans certifying that at least 85 percent of all employer contributions for the relevant plan year were made or required to be made by tax-exempt organizations. A plan that meets this safe harbor is required to provide evidence of the tax-exempt status of only those employers needed to reach the 85 percent threshold, and not the tax-exempt status of any additional employers. PBGC will review the filing of a plan that is unable to certify to the safe harbor provision and will approve the election if it determines that the requirements of section 3(37)(G)(i)(II)(bb) are met under all the relevant facts and circumstances

Notice to PBGC

Section 3 of these procedures prescribes the requirements for giving notice of an election to PBGC, including due dates, how to file, and contents of the notice, which as explained above are necessary to satisfy the statutory requirements for an election. The plan's submission to PBGC must include a copy of the notice of the pending election of multiemployer plan status to participants and other parties and a written statement signed by the plan administrator that it has complied with the notice requirements in section 3(37)(G)(v)(I). Information provided under these procedures is subject to disclosure under FOIA.

A summary checklist of information and documents for an election filing is found at the end of the procedures. A filing is considered complete if it substantially includes the information in the checklist. A complete filing is required for a timely election. PBGC may permit a plan sponsor to supplement or update a filing after the election deadline if PBGC determines that the omitted item was minor in nature and the plan sponsor reasonably believed that the filing was complete at the time it was filed, or the plan sponsor can show there was good cause for the omission. PBGC may request additional information relating to the requirements under these procedures at any time without affecting the timeliness of the filing.

PBGC Action

Depending on the number of filings PBGC receives and the volume of material submitted with each file, there may be some delay before PBGC is able to determine that the information requirements set forth in the procedures are met. A plan that has properly filed an election is not prohibited from acting in accordance with the election solely because PBGC has not issued a decision approving or disapproving the election on or before August 17, 2007. However, if PBGC subsequently disapproves the election, any actions taken by the plan will need to be corrected.

PBGC will issue a written decision on a plan's request for approval of an election. PBGC will approve the election based on its determination that a plan has complied with these procedures based on the plan's information and representations in its notice of election to PBGC. PBGC may audit the plan to verify any information or representation made and may revoke its approval if the plan is unable to verify the representations made or the information submitted. Consistent with section 4003 of ERISA, plans should maintain records necessary to verify the representations and information submitted in support of the election. In addition, PBGC may audit a plan for continued compliance with the legally-mandated percentage of tax-exempt contributing employers or other statutory or regulatory requirements. The Code and ERISA may impose additional recordkeeping requirements that are under the jurisdiction of the Internal Revenue Service or the Department of Labor. See section 6001 of the Code and section 107 of ERISA.

PBGC approval has no effect on the rights of private parties nor the authority of other Federal agencies. However, PBGC has been advised by both the Internal Revenue Service and the Department of Labor that, for the limited purposes of an election under section 3(37)(G) of ERISA and section 414(f)(6) of the Code, the agencies will follow the safe harbor for a demonstration that substantially all of the plan's employer contributions were made by tax-exempt organizations.

The information collection in these procedures has been approved by the Office of Management and Budget under OMB control number 1212–0062. 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.

PBGC Procedures Election of Multiemployer Plan Status

Sec.
1 Purpose and Scope.
2 Eligibility and Requirements for Election.
3 Notice of Election.
4 PBGC Action on Election.

Authority: 29 U.S.C. 1002(3)(37).

Section 1 Purpose and Scope

(a) *Purpose.* This notice establishes procedures for an eligible plan to elect under section 3(37)(G) of the Employee Retirement Income Security Act of 1974, as amended (''ERISA''), and section 414(f)(6) of the Internal Revenue Code of 1986, as amended (''Code''), to be a multiemployer plan for all purposes under ERISA and the Code.

(b) *Scope.* This notice applies to any plan covered under section 4021(a) of ERISA:

(1) That made an election to be treated as a single-employer plan pursuant to section 3(37)(E) and section 4303 of ERISA, and that otherwise satisfies the criteria for a multiemployer plan under section 3(37)(G) of ERISA, and

(2) That satisfies certain criteria for a multiemployer plan under section 3(37)(G) of ERISA or is otherwise specifically described, that is sponsored in large part by organizations that are exempt from taxation under section 501 of the Code, and that was established before September 2, 1974.

Section 2 Eligibility and Requirements for Election

(a) *General rule.* A plan that is eligible to make an election under paragraph (b) or paragraph (c) of this section and makes a valid election in accordance with the procedures in section 3 and within the time limits specified in paragraph (e) of this section will be treated as a multiemployer plan for all purposes under ERISA and the Code. An election made under this notice is irrevocable, except as provided under paragraph (f) of this section.

(b) *Eligibility for election to revoke single-employer status.* A plan may elect to be a multiemployer plan if—

(1) The plan made an irrevocable election to be a single-employer plan pursuant to section 3(37)(E) and section 4303 of ERISA; and

(2) For each of the last three plan years ending on or before August 17, 2006, the plan would have been a multiemployer plan described in section 3(37) of ERISA (modified in accordance with paragraph (e) of section 3 of these procedures), absent the election under section 3(37)(E). (For this purpose, all trades or businesses (whether or not incorporated) under common control within the meaning of section 4001(b)(1)

of ERISA (or section 414(c) of the Code) are considered a single employer.)

(c) *Eligibility for election to be a multiemployer plan by plans maintained by tax-exempt employers.* Except as provided in paragraph (d) of this section, a plan may elect to be a multiemployer plan if—

(1) For the first plan year ending after August 17, 2006, and each of the three plan years ending immediately before the first plan year for which the plan elects multiemployer status, the plan met the criteria in section 3(37)(A)(i) and (ii) of ERISA (modified in accordance with paragraph (e) of section 3 of these procedures). (For this purpose, all trades or businesses (whether or not incorporated) under common control within the meaning of section 4001(b)(1) of ERISA (or section 414(c) of the Code) are considered a single employer.) Solely for purposes of this election and these procedures, a plan would not be treated as failing to satisfy the requirement for more than one employer in section 3(37)(A)(i) and (ii) for the first plan year ending after August 17, 2006, solely as a result of a reduction to less than two employers required to contribute pursuant to a collective bargaining agreement that occurs in the intervening period from the effective date of the election;

(2) For each of the last three plan years ending immediately before the first plan year for which the plan elects multiemployer status, substantially all of the plan's employer contributions were made or required to be made by employers that were exempt from taxation under section 501 of the Code (see paragraph (c) of section 4); and

(3) The plan was established prior to September 2, 1974.

(d) *Exception.* The conditions stated in paragraph (c)(1) of this section are met if the plan is sponsored by an organization which is described in section 501(c)(5) of the Code and exempt from taxation under section 501(a) of the Code, and which was established in Chicago, Illinois, on August 12, 1881.

(e) *Requirements for an effective election.* An election is effective only if—

(1) A written notice of the election that conforms with the requirements of section 3 of these procedures is filed by the plan with PBGG on or before August 17, 2007, and at least 30 days after the plan administrator has provided notice of the pending election to each plan participant and beneficiary, each labor organization representing such participants or beneficiaries, and each employer that has an obligation to contribute to the plan, in accordance with ERISA section 3(37)(G)(v)(I); and

(2) The election is approved by PBGC.

(f) *Effect of election.* An election approved by PBGC will be effective for all purposes under ERISA and the Code as of the first day of the first plan year for which the plan elects multiemployer status, starting with any plan year beginning on or after January 1, 1999, and ending before January 1, 2008. If approved, an election will be irrevocable, except that a plan described in paragraph (c) of this section will automatically cease to be a multiemployer plan as of the first day of the plan year beginning immediately after the first plan year for which a majority of its employer contributions were made or required to be made by organizations that were not exempt from taxation under section 501 of the Code.

Section 3 Notice of Election

(a) *General.* A written notice of election must be filed with PBGC no later than August 17, 2007. The notice of election must include a copy of the notice of the pending election provided to participants and other parties in accordance with ERISA section 3(37)(G)(v)(I) and a signed statement signed by the plan administrator that it has complied with the notice requirements in section 3(37)(G)(v)(I).

(b) *Who must sign notice.* A notice under these procedures must be signed by the plan sponsor or a duly authorized representative acting on behalf of the plan sponsor.

(c) *How to file.* A notice under these procedures may be filed by hand, mail, commercial delivery service, or electronic means. The notice may be provided to: Multiemployer Program Division, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Suite 930, Washington, DC 20005, faxed to 202–326–4243, or e-mailed to *Multiemployerprogram@PBGC.gov*.

(d) *Content.* In addition to the information required in paragraph (a) of this section, and except as provided in paragraph (g) of this section, each notice under these procedures must contain the following information:

(1) The name of the plan and the plan's PN and EIN (if applicable);

(2) The name, address and telephone number of the plan administrator, and of the duly-authorized representative, if any, of the plan administrator;

(3) The first plan year for which an election is effective with respect to the plan;

(4) For each of the three plan years ending immediately before the first plan year for which the plan elects multiemployer status—

(i) The trust agreement, plan document, plan amendments, and summary plan description in effect;

(ii) The name and EIN of each employer required to contribute to the plan and information as to whether any trades or businesses required to contribute to the plan are under common control; and

(iii) A copy of each collective bargaining agreement obligating an employer to make contributions to the plan for the three largest contributing employers to the plan (in amount of contributions).

(5) For a plan electing multiemployer status under paragraph (b) of section 2—

(i) The information described in paragraph (d)(4) of this section for each of the three plan years ending on or before August 17, 2006 (rather than for the plan years described in paragraph (d)(4));

(ii) A copy of the PBGC's decision approving the plan's application to stay a single-employer plan pursuant to section 3(37)(E) of ERISA, or, if such documentation is unavailable, a copy of the plan amendment required pursuant to section 4303 of ERISA providing that the plan will be treated as a single-employer plan, evidence that the amendment was adopted contemporaneous with the election, and a written statement signed by the plan sponsor that the plan's election to be a single-employer plan under section 3(37)(E) of ERISA was approved by the PBGC; and

(iii) For a plan established—

(I) Before September 2, 1974, the best available evidence that, for the plan year preceding September 2, 1974, the plan was one to which more than one employer was required to contribute under one or more collective bargaining agreements between one or more employee organizations and more than one employer;

(II) On or after September 2, 1974, demonstrate that the requirement (I) above is met and show compliance with 29 CFR 2510.3–37(c) of the Department of Labor regulations.

(6) For a plan electing multiemployer status under paragraph (c) of section 2—

(i) The information described in paragraph (d)(4) of this section for the first plan year ending after August 17, 2006 (in addition to the plan years described in paragraph (d)(4)), or, documentation showing that there has been a reduction in the intervening period since the plan years described in paragraph (d)(4) to less than two of the number of employers required to contribute pursuant to a collective bargaining agreement;

(ii) For each of the three plan years ending immediately before the first plan year for which the plan elects multiemployer status, a list of all employers that made contributions or were required to make contributions to the plan and that were also exempt from taxation under section 501 of the Code, and with respect to each such employer, a copy of a favorable determination letter issued by the Internal Revenue Service (''IRS'') approving the organization's exempt status that is currently effective, an IRS Form 990 or Form 990–EZ (Return of Organization Exempt from Income Tax) (copy of first page and signed and dated last page) applicable to each tax year ending with or within the last three plan years, or a Form LM–2 or LM–3 (Labor Organization Annual Report) filed with the DOL (copy of signed and dated first page) applicable to each fiscal year ending with or within the last three plan years. If the plan sponsor certifies to the safe harbor provision in clause (iii) of this subparagraph (6), documentation on the tax-exempt status of employers beyond the safe harbor is not required;

(iii) The amount of the annual contributions in the aggregate that were made or required to be made by all tax-exempt organizations listed in paragraph (d)(6)(ii) of this section for each year described in such paragraph (d)(6)(ii), and the percentage of the contributions made or required to be made in the aggregate by all tax-exempt organizations to the total annual contributions to the plan. If at least 85 percent of all employer contributions for the relevant plan year were made or required to be made by tax-exempt organizations, submit a written statement by the plan sponsor to that effect; and

(iv) A plan document, trust instrument, plan amendment, or Plan Description Form D–1 or Annual Report Form D–2 under the Welfare and Pension Plans Disclosure Act, from a period in the plan's existence prior to September 2, 1974 (if this documentation is unavailable, a plan may submit for PBGC's review documentation from a later date that provides substantial evidence of the plan's existence before September 2, 1974).

(e) *Collective bargaining agreement.* For the limited purpose of this election and these procedures, a collective bargaining agreement means a written agreement between a bona fide employee representative and an employer that, expressly or otherwise, provides for or permits employer contributions to the plan by one or more employers that are signatory to such agreement, or participation in the plan by one or more employees of an employer that is signatory to such agreement, regardless of whether the plan was created, established, or maintained for such employees by virtue of another document that is not a collective bargaining agreement.

(f) *Additional information.* In addition to the information described in paragraph (d) of this section, PBGC may require the plan sponsor to submit any other information directly related to these requirements that PBGC determines it needs to review a notice of election. Additional information must be submitted within 60 days of PBGC's request.

(g) *Exception for a certain plan.* A plan sponsored by an organization which is described in section 501(c)(5) of the Code and exempt from tax under section 501(a) of the Code and which was established in Chicago, Illinois, on August 12, 1881, that files a notice under these procedures must establish its identity accordingly and is not required to provide the information described in paragraph (d)(4)(iii) of this section.

Section 4 PBGC Action on Election

(a) *General.* PBGC's decision approving or disapproving an election will be in writing. If PBGC disapproves the election, the decision will state the reasons for the determination. PBGC will approve the election based on its determination that a plan has complied with these procedures based on the plan's information and representations in its notice of election to PBGC. PBGC may audit a plan to verify any information or representation made and may revoke its approval if the plan is unable to verify the representations made or the information submitted. Consistent with section 4003 of ERISA, plans should maintain records necessary to verify the representations and information submitted in support of the election. The Code and ERISA may impose additional recordkeeping requirements that are under the jurisdiction of the Internal Revenue Service or the Department of Labor. See section 6001 of the Code and section 107 of ERISA.

(b) *Effect of PBGC decision.* PBGC approval has no effect on the rights of private parties nor the authority of other Federal agencies. However, PBGC has been advised by both the Internal Revenue Service and the Department of Labor that, for the limited purposes of an election under section 3(37)(G) of ERISA and section 414(f)(6) of the Code, the agencies will follow the safe harbor provision under section 4(c).

(c) *Safe Harbor (Tax-Exempt Organizations).* A plan will be deemed to comply with the requirement that substantially all of the plan's employer contributions were made or required to be made by tax-exempt organizations if the plan certifies that at least 85 percent of all employer contributions for the relevant plan year were made or required to be made by employers that were exempt from taxation under section 501 of the Code.

PBGC will review the filing of a plan that is unable to certify to the safe harbor provision and will approve the election if it determines that the requirements of section 3(37)(G)(i)(II)(bb) are met under all the relevant facts and circumstances.

Issued in Washington, DC, on this 18th day of July 2007.

Charles E. F. Millard,

Interim Director, Pension Benefit Guaranty Corporation.

Checklist of Documents and Information

I. Name of plan
   Plan number
   Plan EIN
   Name, address, telephone number of plan administrator and representative (if any)
   First PY for which the plan is electing multiemployer status

II. For each of 3 PYs ending before first PY that plan elects multiemployer status:
- Trust agreement (one copy if same for 3 years)
- Plan document (one copy if same for 3 years)
- Summary plan description (one copy if same for 3 years)
- Plan amendments
- Name and EIN of each employer required to contribute to plan
- Information whether trades or businesses required to contribute to plan are under common control
- Copies of collective bargaining agreements for 3 largest contributing employers (in amount of contributions)

III. For plans electing under section 2(b) of the procedures:
- Information in II is required for each of 3 PYs ending before 8–17–2006 (rather than PYs described in II)
- PBGC approval of election to stay a single-employer plan under ERISA section 3(37)(E), or copy of amendment, evidence of timeliness, and certification that election was approved
- Best available evidence that before 9–2–74, plan had more than 1 contributing employer under collective bargaining agreements
- If plan established after 9–2–74, best available evidence that plan had more than 1 contributing employer under collective bargaining agreements and compliance with section 2510.3–37(c) of DOL regulations

IV. For plans electing under section 2(c) of the procedures:

- Information in II is required for PY ending after 8–17–2006 (or, evidence of a reduction in number of employers to less than two since the PYs described in II), in addition to PYs described in II
- For PYs described in II, list contributing employers exempt under section 501
- For employers listed above, evidence of exempt status—IRS approval letter; IRS Form 990 or Form 990–EZ (first page and signed and dated last page only); copy of LM–2 or LM–3 (signed and dated first page only)
- For PYs described in II, aggregate contributions by employers listed above, and percentage of the total annual contributions to plan
- If percentage above at least 85%, written statement by plan administrator
- Plan document, trust instrument, plan amendment, Plan Description Form D–1, or Annual Report Form D–2 from period before 9–2–74, or if unavailable, documentation from later date providing substantial evidence of plan's existence before 9–2–74

[FR Doc. E7–14247 Filed 7–20–07; 8:45 am]

BILLING CODE 7709–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of July 23, 2007:

Open Meetings will be held on Tuesday, July 24, 2007 at 10 a.m. and Wednesday, July 25, 2007, at 10 a.m., in the Auditorium, Room L–002 and Closed Meetings will be held on Tuesday, July 24, 2007 at 11 a.m. and Thursday, July 26, 2007 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (8), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), (8), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meetings.

Chairman Cox, as duty officer, voted to consider the items listed for the closed meetings in closed sessions.

The subject matter of the Open Meeting scheduled for Tuesday, July 24, 2007 will be:

The Commission will hear oral argument in an appeal by Gregory M. Dearlove, CPA, from the decision of an administrative law judge. The law judge found that the financial statements of Adelphia Communications Corporation, a public company, for the period ending December 31, 2000 violated generally accepted accounting principles in several respects. The law judge also found that Dearlove, a certified public accountant and former partner at Deloitte and Touche, LLP, engaged in improper professional conduct under Commission Rule of Practice 102(e) when he served as the engagement partner on Deloitte's audit of Adelphia's 2000 financial statements. The law judge also found that Dearlove caused Adelphia's violations of the reporting and recordkeeping provisions of the Securities Exchange Act of 1934, specifically, Exchange Act Section 13(a) and rules 13a–1 and 12b–20 thereunder, and Exchange Act Section 13(b)(2)(A). The law judge barred Dearlove from appearing or practicing before the Commission in any capacity.

Among the issues likely to be argued are whether Dearlove's conduct during the audit constituted improper professional conduct, whether Dearlove caused Adelphia's violations of the Exchange Act and rules thereunder, and whether there is merit to Dearlove's contention that he was deprived of due process because he did not have adequate time to prepare for the hearing before the law judge. The parties may also address whether and to what extent Dearlove should be sanctioned if he is found to have committed the alleged violations.

The subject matter of the Closed Meeting scheduled for Tuesday, July 24, 2007 will be:

Post-argument discussion.

The subject matter of the Open Meeting scheduled for Wednesday, July 25, 2007 will be:

1. The Commission will consider whether to approve the Public Company Accounting Oversight Board's Auditing Standard No. 5, *An Audit of Internal Control Over Financial Reporting that is Integrated with an Audit of Financial Statements,* a Related Independence Rule 3525, and Conforming Amendments.

2. The Commission will consider whether to adopt rule amendments to Exchange Act Rule 12b–2 and Rule 1–02 of Regulation S–X to define the term ''significant deficiency.''

3. The Commission will consider whether to publish a Concept Release to solicit public comment on allowing U.S issuers, including investment companies subject to the Investment Company Act of 1940, to prepare financial statements in accordance with International Financial Reporting Standards as published in English by the International Accounting Standards Board for purposes of complying with the Commission's rules and regulations.

4. The Commission will consider whether to propose amendments to the proxy rules under the Securities Exchange Act of 1934 for operating and investment companies regarding shareholder proposals, disclosure about shareholder proponents, shareholder communications, and related matters.

The subject matter of the Closed Meeting scheduled for Thursday, July 26, 2007 will be:

Formal orders of investigations;

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings of an enforcement nature;

Resolution of litigation claims;

Amicus consideration;

An adjudicatory matters; and

Other matters related to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: July 18, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–14216 Filed 7–20–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

In the matter of Bentley Commerce Corp., File No. 500–1.; Order of Suspension of Trading

July 19, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Bentley Commerce Corp. because it has not filed any periodic reports since it filed a Form 10–QSB for the period ended March 31, 2005.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in Bentley Commerce Corp. is suspended for the period from 9:30 a.m. EDT on July 19,

2007, through 11:59 p.m. EDT on August 1, 2007.

By the Commission.

Nancy M. Morris,

Secretary.

[FR Doc. 07–3602 7–19–07; 1:18 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56086; File No. SR–BSE–2007–36]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit the Listing and Trading of Quarterly Options Series

July 17, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 17, 2007, the Boston Stock Exchange, Inc. (''Exchange'' or ''BSE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by the Exchange. The Exchange has designated the proposed rule change as a non-controversial rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the rules of the Boston Options Exchange (''BOX''), including Rule Chapter I Section 1 (''Definitions''); Chapter IV Section 6 (''Series of Options Contracts Open for Trading''); Chapter VII Section 1 (''Exercise of Options Contracts''); and Chapter XIV, Section 2 (''Definitions''), Section 5 (''Position Limits for Broad-Based Index Options''), Section 6 (''Position Limits for Industry Index Options''), and Supplemental Material to Section 10 (''Terms of Index Options Contracts'') to establish a pilot program (''BOX Pilot'') which would accommodate the listing and trading of options series that may be opened for trading on any business day and that expire at the close of business on the last business day of a calendar quarter (''Quarterly Options'' or ''Quarterly Options Series''). The pilot program (the ''BOX Pilot'') will commence the day the Exchange first initiates trading in a Quarterly Options Series and will continue through July 10, 2008.[5] The text of the proposed rule change is available on the Exchange's Web site (*http://www.bostonoptions.com*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Rules, including BOX Rules Chapter I Section 1, Chapter IV Section 6, Chapter VII Section 1, and Chapter XIV Section(s) 2, 5, 6, and Supplemental Material to Section 10, to establish the Pilot Program, which would accommodate the listing of Quarterly Options Series that would expire at the close of business on the last business day of a calendar quarter.

Quarterly Options Series could be opened on any approved options class [6] on a business day (''Quarterly Options Opening Date'') and would expire at the close of business on the last business day of a calendar quarter (''Quarterly Options Expiration Date''). The Exchange would list series that expire at the end of the next four consecutive calendar quarters, as well as the fourth quarter of the next calendar year.

Quarterly Options Series listed on approved options classes would be P.M.-settled and, in all other respects, would settle in the same manner as do the monthly expiration series in the same options class.

The proposed rule change would allow BOX to open up to five currently listed options classes that are either options on exchange traded funds (''ETFs'') or options on indexes. With respect to quarterly options on ETFs, the strike price for each series would be fixed at a price per share, with at least two strike prices above and two strike prices below the approximate value of the underlying security at about the time that a Quarterly Options Series is opened for trading on BOX. BOX may list strike prices for a Quarterly Options Series based on an underlying ETF that are within $5 from the closing price of the underlying security on the preceding trading day.

With respect to Quarterly Options Series based on an underlying index, the proposed rule change would allow BOX to list not more than five strike prices above and not more than five strike prices below the value of the underlying index at the time the series is initially listed.

The proposal would permit BOX to open for trading additional Quarterly Options Series of the same class when the Exchange deems it necessary to maintain an orderly market, to meet customer demand, or when the current market price of the underlying security or index moves substantially from the exercise prices of those Quarterly Options Series that already have been opened for trading on BOX. The exercise price of each Quarterly Options Series on an underlying index would be

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The BOX proposal is substantially similar to a proposal by the Philadelphia Stock Exchange (''Phlx'') to list Quarterly Options Series on a pilot basis through July 24, 2007. *See* Securities Exchange Act Release No. 55301 (February 15, 2007), 72 FR 8238 (February 23, 2007) (SR–Phlx–2007–08) (notice of filing and immediate effectiveness). The Commission has approved a substantially similar Quarterly Options Series pilots on behalf of the International Securities Exchange. *See* Securities Exchange Act Release No. 54113 (July 7, 2006), 71 FR 39694 (July 13, 2006) (SR–ISE–2006–24) (order approving proposal). In addition, the Chicago Board Options Exchange, NYSE Arca, and the American Stock Exchange have filed substantially similar proposals. *See* Securities Exchange Act Releases No. 54123 (July 11, 2006), 71 FR 40558 (July 17, 2006) (SR–CBOE–2006–65) (notice of filing and immediate effectiveness); 54166 (July 18, 2006), 71 FR 42151 (July 25, 2006) (SR–NYSEArca–2006–45) (notice of filing and immediate effectiveness); and 54137 (July 12, 2006), 71 FR 41283 (July 20, 2006) (SR–Amex–2006–67) (notice of filing and immediate effectiveness). The Phlx proposal also incorporates certain changes made by CBOE to its version of the Quarterly Options Series pilot (*e.g.*, limiting Quarterly Options Series based on an underlying index to five strike prices above or below the value of the index). *See* Securities Exchange Act Release No. 54762 (November 16, 2006), 71 FR 67663 (November 22, 2006) (SR–CBOE–2006–93) (notice of filing and order granting accelerated approval).

[6] Quarterly Options Series may be opened in options on indexes or options on ETFs that satisfy the applicable listing criteria under BOX rules.

required to be reasonably related to the current index value of the index at or about the time such series of options were first opened for trading on BOX. For purposes of the BOX Pilot, the term ''reasonably related to the current index value of the underlying index'' means that the exercise price is within 30 percent of the current index value.

BOX would also be permitted to open for trading additional Quarterly Options Series on an underlying index that are more than 30 percent away from the current index value, provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate, or individual customers or their brokers.[7] Market-makers trading for their own account shall not be considered when determining customer interest under this provision. BOX may list additional strike prices for Quarterly Options Series on indexes above the value of the underlying index provided that the total number of strike prices above the value of the underlying index is no greater than five. Similarly, BOX may list additional Quarterly Options Series strike prices on indexes below the value of the underlying index provided that the total number of strike prices below the value of the underlying index is no greater than five.

The interval between strike prices on Quarterly Options Series would be the same as the interval for strike prices for series in the same options class that expires in accordance with the normal monthly expiration cycles.

Because monthly options series expire on the third Friday of their expiration month, a Quarterly Options Series (which would expire on the last business day of the quarter) could never expire in the same week in which a monthly options series in the same class expires.

The Exchange believes that Quarterly Options Series would provide investors with a flexible and valuable tool to manage risk exposure, minimize capital outlays, and be more responsive to the timing of events affecting the securities that underlie option contracts. At the same time, the Exchange is cognizant of the need to be cautious in introducing a product that can increase the number of outstanding strike prices. For that reason, the Exchange is proposing a limited pilot program for Quarterly Options Series. Under the terms of the BOX Pilot, BOX could select up to five option classes on which Quarterly Options Series may be opened on any Quarterly Options Opening Date. BOX would also be allowed to list those Quarterly Options Series on any options class that is selected by another securities exchange with a similar pilot program under its rules. The Exchange believes that limiting the number of options classes in which Quarterly Options Series may be opened would help to ensure that the addition of the new series through the BOX Pilot will have only a negligible impact on BOX's and the Option Price Reporting Authority's (''OPRA'') quoting capacity. Also, limiting the term of the BOX Pilot to a finite period will allow the Exchange and the Commission to determine whether the program should be extended, expanded, and/or made permanent.

If the Exchange were to propose an extension or an expansion of the BOX Pilot, or were to propose to make the BOX Pilot permanent, along with any filing proposing such amendments, the Exchange would submit a BOX Pilot Report (''Report'') that would provide an analysis of the pilot program covering the entire period during which the BOX Pilot was in effect. The Report would include, at a minimum: (1) Data and written analysis on the open interest and trading volume in the classes for which Quarterly Option Series were opened; (2) an assessment of the appropriateness of the options classes selected for the BOX Pilot; (3) an assessment of the impact of the BOX Pilot on the capacity of BOX, OPRA, and on market data vendors (to the extent data from market data vendors is available); (4) any capacity problems or other problems that arose during the operation of the BOX Pilot and how BOX addressed such problems; (5) any complaints that the Exchange received during the operation of the BOX Pilot and how BOX addressed them; and (6) any additional information that would assist in assessing the operation of the BOX Pilot. The Report must be submitted to the Commission at least 60 days prior to the expiration date of the BOX Pilot.

Alternately, at the end of the BOX Pilot, if the Exchange determines not to propose an extension or an expansion of the BOX Pilot, or if the Commission determines not to extend or expand the BOX Pilot, BOX would no longer list any additional Quarterly Options Series and would limit all existing open interest in Quarterly Options Series to closing transactions only.

Finally, the Exchange represents that it has the necessary systems capacity to support new options series that will result from the introduction of Quarterly Options Series. The Exchange has provided to the Commission information in a confidential submission that supports its system capacity representations.

2. Statutory Basis

The Exchange believes that its proposal to list and trade Quarterly Options Series will satisfy institutional demand for such options and provide additional flexibility, risk management, and hedging tools to investors. Accordingly, the Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act[8] in general, and Section 6(b)(5) of the Act[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated the proposed rule change as one that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. Therefore, the foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11] The Exchange has asked the Commission to waive the operative delay to permit the Pilot Program

[7] The ''within 30 percent'' requirement is proposed specifically for the BOX Pilot and is not otherwise in the Exchange's options rules. *See* Chapter XIV, Supplemental Materials to Section 10.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

extension to become operative prior to the 30th day after filing.[12]

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[13] The Commission notes that the proposal is substantially identical to existing pilot programs currently in place at other SROs.[14] Thus, the Exchange's proposal raises no new issues of regulatory concern. Moreover, waiving the operative delay will allow the Exchange to immediately compete with other exchanges that list and trade quarterly options under similar programs, and consequently will benefit the public. Therefore, the Commission designates the proposal operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File No. SR–BSE–2007–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BSE–2007–36. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BSE–2007–36 and should be submitted on or before August 13, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–14132 Filed 7–20–07; 8:45 am]

BILLING CODE 8010–01–P

[12] As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change at least five business days before doing so.

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] *See supra* note 5.

[15] As set forth in Part I above, if the Exchange were to propose an extension, an expansion, or permanent approval of the Pilot Program, the Exchange would submit, along with any filing proposing such amendments to the program, a report that would provide an analysis of the Pilot Program covering the entire period during which the Pilot Program was in effect.

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56071; File No. SR–NYSEArca–2007–59]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to Amendments to Rule 12 To Provide Guidance Regarding New and Pending Arbitration Claims in Light of the Consolidation of NYSE Regulation Into NASD DR

July 13, 2007.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 26, 2007, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NYSE Arca. On July 13, 2007, the NYSEArca filed Amendment No. 1 to the proposed rule change.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Arca proposes to amend NYSE Arca Rule 12.

NYSE Regulation, Inc. (''NYSE Regulation'') administers an arbitration program for NYSE Arca. As part of the consolidation of the member firm regulation function of NYSE Regulation with the National Association of Securities Dealers, Inc. (''NASD''), NYSE Regulation will cease to provide an arbitration program, and its existing arbitration department (''NYSE Arbitration'') will be consolidated with that of NASD Dispute Resolution, Inc. (''NASD DR'').

The proposed amendments provide that: (i) All arbitrations filed with NYSE Arca after January 31, 2007 and prior to the later of the effective date of the consolidation or approval of this proposed rule change (the ''Effective Date''), shall continue to be governed by the Code of Arbitration contained in the 600 series of the New York Stock Exchange LLC Rules (''NYSE Arbitration Rules''); (ii) arbitrations filed on or prior to January 31, 2007 shall continue to be governed by NYSE Arca Rule 12 as it was in effect on or prior to January 31, 2007; and (iii) from and after the Effective Date, disputes between NYSE Arca Option Trading Permit (''OTP'') holders and NYSE Arca OTP firms, associated persons, and/or their customers will be arbitrated under the NASD DR Codes of Arbitration Procedure. The text of the proposed rule change is set forth below. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

Rule 12 Arbitration

(a) General. All arbitrations filed with NYSE Arca after January 31, 2007 *and*

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 4 In Amendment No. 1, which supplemented the original filing, the Exchange clarified the applicability of Rule 12 as it was in effect on or prior to January 31, 2007.

prior to [insert later of effective date of the consolidation or approval of this proposed rule change] shall be governed by the Code of Arbitration contained in the 600 series of the New York Stock Exchange, L.L.C. Rules (''NYSE Arbitration Rules''), as the same may be in effect from time to time, except *that arbitrations filed on or prior to January 31, 2007 shall be governed by NYSE Arca Rule 12 as it was in effect on or prior to January 31, 2007* [as may be specified in this Rule 12]. The term ''member'' as used in this Rule 12 and in the NYSE Arbitration Rules shall mean and refer to OTP Holders and OTP Firms. *From and after [insert later of effective date of the consolidation or approval of this proposed rule change] (i) any dispute, claim or controversy between or among OTP Holders and/or OTP Firms and/or associated persons shall be arbitrated pursuant to the NASD Dispute Resolution, Inc. (''NASD DR'') Codes of Arbitration Procedure; and, (ii) any dispute, claim or controversy between a customer or non-member and an OTP Holder and/or OTP Firm and/or associated person arising in connection with the business of such OTP Holder and/or OTP Firm and/or in connection with the activities of an associated person, shall be arbitrated pursuant to NASD DR Codes of Arbitration Procedure as provided by any duly executed and enforceable written agreement, or upon demand of the customer or non-member. Such obligation to arbitrate shall extend only to those matters that are permitted to be arbitrated under NASD DR Codes of Arbitration Procedure.*

(b) Referrals. NYSE Arca may receive, investigate and take disciplinary action with respect to any referral it receives from a NASD DR arbitrator of any matter which comes to the attention of such arbitrator during and in connection with the arbitrator's participation in a proceeding, either from the record of the proceeding or from material or communications related to the proceeding, that the arbitrator has reason to believe may constitute a violation of NYSE Arca's Rules or the federal securities laws.

(c) Failure to Arbitrate or to Pay an Arbitration Award. Any OTP Holder and/or OTP Firm and/or associated person who fails to submit to arbitration a matter required to be arbitrated pursuant to this Rule, or that fails to honor an arbitration award made pursuant to the NASD DR Codes of Arbitration Procedure, or made under the auspices of any other self-regulatory organization, shall be subject to disciplinary proceedings in accordance with NYSE Arca Rule 10.

(d) Other Actions. The submission of any matter to arbitration as provided for under this Rule shall in no way limit or preclude any right, action or determination by NYSE Arca that it would otherwise be authorized to adopt, administer or enforce. [(b) Jurisdiction. Any dispute, claim or controversy arising out of or in connection with the business of any member of NYSE Arca, or arising out of the employment or termination of employment of associated person(s) with any member may be arbitrated under this Rule 12 except that: (1) A dispute, claim, or controversy alleging employment discrimination (including a sexual harassment claim) in violation of a statute may only be arbitrated if the parties have agreed to arbitrate it after the dispute arose; and (2) any type of dispute, claim, or controversy that is not permitted to be arbitrated under the NYSE Arbitration Rules, such as class action claims, shall not be eligible for arbitration under this Rule 12.

(c) Predispute Arbitration Agreements. The requirements of NYSE Arbitration Rules shall apply to predispute arbitration agreements between NYSE Arca members and/or associated persons and their customers.

(d) Referrals. If any matter comes to the attention of an arbitrator during and in connection with the arbitrator's participation in a proceeding, either from the record of the proceeding or from material or communications related to the proceeding, that the arbitrator has reason to believe may constitute a violation of NYSE Arca's Rules or the federal securities laws, the arbitrator may refer the matter to NYSE Regulation, Inc. for disciplinary investigation.

(e) Payment of Awards. Any member or associated person who fails to honor an award of arbitrators appointed in accordance with this Rule 12 shall be subject to disciplinary proceedings in accordance with Rule 10 (Disciplinary Proceedings, Other Hearings, and Appeals).

(f) Other Actions. The submission of any matter to arbitration under this Chapter shall in no way limit or preclude any right, action or determination by NYSE Arca that it would otherwise be authorized to adopt, administer or enforce.]

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NYSE Arca included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NYSE Arca has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide guidance regarding both new and pending arbitration claims in light of the consolidation of the member firm regulation function of NYSE Regulation into NASD DR.[5] NYSE Arbitration currently administers an arbitration program for NYSE Arca, governed by what is referred to as ''Rule 12.''[6]

As part of the consolidation of NYSE Regulation with NASD,[7] NYSE Regulation will cease to administer an arbitration program, and its existing arbitration department will be consolidated with NASD DR. As a result, on and after the date of the consolidation, all arbitration claims filed prior to the Effective Date, and previously subject to Rule 12 or NYSE Regulation rules, will be administered by NASD DR pursuant to a Regulatory Services Agreement with the New York Stock Exchange LLC (''NYSE'').

The rules governing the administration of any particular arbitration will depend on the date the case was filed. This will ensure that any person that filed an arbitration under a particular set of arbitration rules will continue to have the case administered pursuant to those rules through to the case's conclusion. There are two

[5] The NYSE has proposed a separate filing related to the consolidation of NYSE Arbitration into NASD DR. *See* Securities Exchange Act Release No. 55818 (May 25, 2007), 72 FR 30898 (June 4, 2007) (SR–NYSE 2007–48). On June 21, 2007, the NYSE filed Amendment No. 1 to this proposed rule change. *See* Securities Exchange Act Release No. 56015 (July 5, 2007), 72 FR 37811 (July 11, 2007).

[6] Although Rule 12 has subsequently been amended, for purposes of administering NYSE Arca arbitrations filed on or prior to January 31, 2007, NYSE Arbitration follows Rule 12 as it was in effect on that date.

[7] Additional information regarding the consolidation may be found in: SR–NASD–2007–23 (March 19, 2007) concerning proposed amendments to the By-Laws of NASD to implement governance and related changes to accommodate the consolidation of the member firm regulatory functions of NASD and NYSE Regulation, Inc.; and SR–NYSE–2007–22 (February 27, 2007) concerning proposed amendments to several NYSE rules which, among other matters, harmonize the rules with corresponding NASD regulatory requirements.

categories of cases. First, NYSE Arca cases filed on or prior to January 31, 2007 are and would continue to be governed by Rule 12 as it was in effect on that date. Second, NYSE Arca cases filed after January 31, 2007, but prior to the Effective Date will continue to be governed by existing NYSE Regulation arbitration rules.[8]

Rule 12, as amended, would provide detailed guidance concerning claims involving OTP Holders and/or OTP Firms and/or associated persons that are asserted on and after the Effective Date.[9] First, any dispute, claim or controversy between or among OTP Holders and/or OTP Firms and/or associated persons shall be arbitrated pursuant to the NASD DR Codes of Arbitration Procedure. Second, any dispute, claim or controversy between a customer or a non-member and an OTP Holder and/or OTP Firm, and/or associated person arising in connection with the business of such OTP Holder and/or OTP Firm and/or in connection with the activities of an associated person, shall be arbitrated pursuant to NASD DR Codes of Arbitration Procedure as provided by any duly executed and enforceable written agreement, or upon the demand of the customer or non-member. This obligation to arbitrate shall extend only to those matters that are permitted to be arbitrated under NASD DR Codes of Arbitration Procedure.

In almost all cases the change from NYSE rules or NYSE Arca rules to NASD DR arbitration rules should not result in material, substantive differences to persons participating in the arbitration process. However, one difference is the treatment of employment discrimination claims. NASD DR rules provide that any claim alleging employment discrimination, including any sexual harassment claims, in violation of a statute, will be eligible for arbitration pursuant to either a pre-dispute or a post-dispute agreement to arbitrate. In contrast, NYSE Rule 600(f), NYSE Rule 347(b) and current NYSE Arca Rule 12(b) permit claims to be arbitrated only when the parties have agreed to arbitrate the claim after it has arisen.

Proposed Rule 12(b) would explicitly retain NYSE Arca's enforcement authority related to arbitration. In appropriate cases, arbitrators would refer to NYSE Arca potential violations of NYSE Arca's rules or the federal securities laws that come to their attention during and in connection with a proceeding. Rule 12(b) would specify that NYSE Arca would retain the ability to take action based on such referrals that may come from arbitrators in cases being arbitrated at NASD DR.

Proposed Rule 12(c) also would provide that any OTP Holder and/or OTP Firm, and/or associated person of any OTP Holder and/or OTP Firm, that fails to honor an award of arbitrators rendered under the NASD DR Codes of Arbitration Procedure, or under the auspices of any other self-regulatory organization, shall be subject to disciplinary proceedings in accordance with NYSE Arca Rule 10. Proposed Rule 12(c) also would specify that failure to submit a matter to arbitration as required by Rule 12 also would subject the OTP Holder and/or OTP Firm and/or associated person to Exchange disciplinary action.

Proposed Rule 12(d) would also specify that the submission of any matter to arbitration as provided for under the Rule shall in no way limit or preclude any right, action or determination by NYSE Arca that it would otherwise be authorized to adopt, administer or enforce.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5)[10] of the Act, which requires, among other things, that the rules of an Exchange be designed to promote just and equitable principles of trade and to protect investors and the public interest. The proposed rule change will streamline the arbitration process and, after a transitional period, provide for a unified and more efficient arbitration forum with one set of arbitration rules and administrative procedures. This will allow resources to be devoted to maintaining and improving the NASD DR program, rather than splitting resources among duplicative programs. As a result of these improvements, the proposed rule change will better protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send e-mail to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2007–59 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2007–59. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the

[8] *See* Securities Exchange Act Release No. 55142 (January 19, 2007), 72 FR 3898 (January 26, 2007) (SR–NYSEArca–2006–54) and Securities Exchange Act No. 55141 (January 19, 2007), 72 FR 3897 (January 26, 2007)(SR–NYSEArca–2006–55).

[9] It is proposed that the provisions in the current Rule 12(b)–(f) be deleted because these sections would be replaced by the proposed Rule 12 provisions described herein.

[10] 15 U.S.C. 78f(b)(5).

proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NYSE Arca. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2007–59 and should be submitted on or before August 13, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–14165 Filed 7–20–07; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10866 and #10867]

Kansas Disaster Number KS–00018

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 9.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Kansas (FEMA–1699–DR), dated 05/06/2007.

Incident: Severe storms, tornadoes, and flooding.

Incident Period: 05/04/2007 and continuing through 06/01/2007.

Effective Date: 07/13/2007.

Physical Loan Application Deadline Date: 08/06/2007.

EIDL Loan Application Deadline Date: 02/06/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Kansas, dated 05/06/2007 is hereby amended to re-establish the incident period for this disaster as beginning 05/04/2007 and continuing through 06/01/2007.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E7–14120 Filed 7–20–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 10927 and # 10928]

Oklahoma Disaster Number OK–00012

AGENCY: Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–1712–DR), dated 07/07/2007.

Incident: Severe Storms, flooding, and tornadoes.

Incident Period: 06/10/2007 and continuing.

Effective Date: 07/13/2007.

Physical Loan Application Deadline Date: 09/05/2007.

EIDL Loan Application Deadline Date: 04/07/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Oklahoma, dated 07/07/2007 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: Comanche, Nowata, Pottawatomie.

Contiguous Counties:

Oklahoma: Caddo, Cleveland, Cotton, Grady, Kiowa, Lincoln, Mcclain, Okfuskee, Oklahoma, Pontotoc, Seminole, Stephens, Tillman.

Kansas: Labette.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E7–14119 Filed 7–20–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10942 and #10943]

Pennsylvania Disaster #PA–00010

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the Commonwealth of Pennsylvania dated 07/12/2007.

Incident: Severe Storms and Flooding.

Incident Period: 07/05/2007.

Effective Date: 07/12/2007.

Physical Loan Application Deadline Date: 09/10/2007.

Economic Injury (EIDL) *Loan Application Deadline Date:* 04/14/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Beaver.

Contiguous Counties:

Pennsylvania: Allegheny, Butler, Lawrence, Washington.

Ohio: Columbiana.

West Virginia: Hancock.

The Interest Rates are:

	Percent
Homeowners With Credit Available Elsewhere	5.750
Homeowners Without Credit Available Elsewhere	2.875
Businesses With Credit Available Elsewhere	8.000
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Other (Including Non-Profit Organizations) With Credit Available Elsewhere	5.250

	Percent
Businesses And Non-Profit Organizations Without Credit Available Elsewhere	4.000

The number assigned to this disaster for physical damage is 10942 6 and for economic injury is 10943 0.

The States which received an EIDL Declaration # are: Pennsylvania, Ohio, West Virginia.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: July 12, 2007.

Steven C. Preston,

Administrator.

[FR Doc. E7–14124 Filed 7–20–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10923 and #10924]

Kansas Disaster Number KS–00022

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Kansas (FEMA–1711–DR), dated 07/05/2007.

Incident: Severe storms and flooding.

Incident Period: 06/26/2007 and continuing.

Effective Date: 07/13/2007.

Physical Loan Application Deadline Date: 09/04/2007.

EIDL Loan Application Deadline Date: 04/07/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Kansas, dated 07/05/2007 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: Allen, Cowley, Labette, Linn.

Contiguous Counties:

Kansas: Cherokee, Coffey, Sedgwick, Sumner.

Missouri: Vernon.

Oklahoma: Craig, Kay, Osage.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E7–14121 Filed 7–20–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Advisory Committee on Veterans Business Affairs; Public Meeting

Pursuant to the Federal Advisory Committee Act, Appendix 2 of Title 5, United States Code, Public Law 92–463, notice is hereby given that the U.S. Small Business Administration (SBA) will hold a public federal meeting on Tuesday, July 24, 2007, starting at 9 a.m. until 5 p.m. The meeting will take place at the U.S. Small Business Administration, 409 3rd Street, SW., Eisenhower Conference Room, Side B, Washington, DC 20416. The purpose of the meeting is to discuss SBA's services, programs and outreach for veterans and service-disabled veterans. Anyone wishing to attend must contact Cheryl Clark, Program Liaison, Office of Veterans Business Development at (202) 205–6773 or e-mail *cheryl.clark@sba.gov.*

Matthew Teague,

Committee Management Officer.

[FR Doc. E7–14122 Filed 7–20–07; 8:45 am]

BILLING CODE 8025–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56070; File No. SR–NYSEArca–2007–60]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change and Amendment No. 1 Thereto Relating to Amendments to Arca Equities Rule 12 To Provide Guidance Regarding New and Pending Arbitration Claims in Light of the Consolidation of NYSE Regulation Into NASD DR

July 13, 2007.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 26, 2007, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by NYSE Arca. On July 13, 2007, the NYSEArca filed Amendment No. 1 to the proposed rule change.[4] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE Arca, through its subsidiary NYSE Arca Equities, Inc. (''NYSE Arca Equities'' or ''Corporation''), proposes to amend NYSE Arca Equities Rule 12.

NYSE Regulation, Inc. (''NYSE Regulation'') administers an arbitration program for NYSE Arca Equities. As part of the consolidation of the member firm regulation function of NYSE Regulation with the National Association of Securities Dealers, Inc. (''NASD''), NYSE Regulation will cease to provide an arbitration program, and its existing arbitration department (''NYSE Arbitration'') will be consolidated with that of NASD Dispute Resolution, Inc. (''NASD DR'').

The proposed amendments provide that: (i) All arbitrations filed with NYSE Arca Equities after January 31, 2007 and prior to the later of the effective date of the consolidation or approval of this proposed rule change (the ''Effective Date''), shall continue to be governed by the Code of Arbitration contained in the 600 series of the New York Stock Exchange LLC Rules (''NYSE Arbitration Rules''); (ii) arbitrations filed on or prior to January 31, 2007 shall continue to be governed by NYSE Arca Equities Rule 12 as it was in effect on or prior to January 31, 2007; and (iii) from and after the Effective Date, disputes between NYSE Arca Equity Trading Permit (''ETP'') holders, associated persons, and/or their customers will be arbitrated under the NASD DR Codes of Arbitration Procedure. The text of the proposed rule change is set forth below. Proposed new language is in italic; proposed deletions are in brackets.

* * * * *

Rule 12 Arbitration

(a) General. All arbitrations filed with the Corporation after January 31, 2007 *and prior to [insert later of effective date of the consolidation or approval of this proposed rule change]* shall be governed by the Code of Arbitration contained in the 600 series of the New York Stock Exchange, L.L.C. Rules (''NYSE Arbitration Rules''), as the same may be

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] In Amendment No. 1, which supplemented the original filing, the Exchange clarified the applicability of NYSE Arca Equities Rule 12 as it was in effect on or prior to January 31, 2007.

in effect from time to time, except *that arbitrations filed on or prior to January 31, 2007 shall be governed by NYSE Arca Equities Rule 12 as it was in effect on or prior to January 31,* 2007 [as may be specified in this Rule 12]. The term ''member'' as used in this Rule 12 and in the NYSE Arbitration Rules shall mean and refer to ETP Holders. *From and after [insert later of effective date of the consolidation or approval of this proposed rule change] (i) any dispute, claim or controversy between or among ETP Holders and/or associated persons shall be arbitrated pursuant to the NASD Dispute Resolution, Inc. (''NASD DR'') Codes of Arbitration Procedure; and, (ii) any dispute, claim or controversy between a customer or non-member and an ETP Holder and/or associated person arising in connection with the business of such ETP Holder and/or in connection with the activities of an associated person, shall be arbitrated pursuant to NASD DR Codes of Arbitration Procedure as provided by any duly executed and enforceable written agreement, or upon demand of the customer or non-member. Such obligation to arbitrate shall extend only to those matters that are permitted to be arbitrated under NASD DR Codes of Arbitration Procedure.*

(b) Referrals. The Corporation may receive, investigate and take disciplinary action with respect to any referral it receives from a NASD DR arbitrator of any matter which comes to the attention of such arbitrator during and in connection with the arbitrator's participation in a proceeding, either from the record of the proceeding or from material or communications related to the proceeding, that the arbitrator has reason to believe may constitute a violation of the Corporation's Rules or the federal securities laws.

(c) Failure to Arbitrate or to Pay an Arbitration Award. Any ETP Holder and/or associated person who fails to submit to arbitration a matter required to be arbitrated pursuant to this Rule, or that fails to honor an arbitration award made pursuant to the NASD DR Codes of Arbitration Procedure, or made under the auspices of any other self-regulatory organization, shall be subject to disciplinary proceedings in accordance with NYSE Arca Equities Rule 10.

(d) Other Actions. The submission of any matter to arbitration as provided for under this Rule shall in no way limit or preclude any right, action or determination by the Corporation that it would otherwise be authorized to adopt, administer or enforce.

[(b) Jurisdiction. Any dispute, claim or controversy arising out of or in connection with the business of any member of the Corporation, or arising out of the employment or termination of employment of associated person(s) with any member may be arbitrated under this Rule 12 except that: (1) A dispute, claim, or controversy alleging employment discrimination (including a sexual harassment claim) in violation of a statute may only be arbitrated if the parties have agreed to arbitrate it after the dispute arose; and (2) any type of dispute, claim, or controversy that is not permitted to be arbitrated under the NYSE Arbitration Rules, such as class action claims, shall not be eligible for arbitration under this Rule 12.

(c) Predispute Arbitration Agreements. The requirements of NYSE Arbitration Rules shall apply to predispute arbitration agreements between the Corporation's members and/or associated persons and their customers.

(d) Referrals. If any matter comes to the attention of an arbitrator during and in connection with the arbitrator's participation in a proceeding, either from the record of the proceeding or from material or communications related to the proceeding, that the arbitrator has reason to believe may constitute a violation of the Corporation's Rules or the federal securities laws, the arbitrator may refer the matter to NYSE Regulation, Inc. for disciplinary investigation.

(e) Payment of Awards. Any member or associated person who fails to honor an award of arbitrators appointed in accordance with this Rule 12 shall be subject to disciplinary proceedings in accordance with Rule 10 (Disciplinary Proceedings, Other Hearings, and Appeals).

(f) Other Actions. The submission of any matter to arbitration under this Chapter shall in no way limit or preclude any right, action or determination by the Corporation that it would otherwise be authorized to adopt, administer or enforce.]

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NYSE Arca included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NYSE Arca has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide guidance regarding both new and pending arbitration claims in light of the consolidation of the member firm regulation function of NYSE Regulation into NASD DR.[5] NYSE Arbitration currently administers an arbitration program for NYSE Arca Equities, governed by what is referred to as ''Rule 12.''[6]

As part of the consolidation of NYSE Regulation with NASD,[7] NYSE Regulation will cease to administer an arbitration program, and its existing arbitration department will be consolidated with NASD DR. As a result, on and after the date of the consolidation, all arbitration claims filed prior to the Effective Date, and previously subject to Rule 12 or NYSE Regulation rules, will be administered by NASD DR pursuant to a Regulatory Services Agreement with the New York Stock Exchange LLC (''NYSE'').

The rules governing the administration of any particular arbitration will depend on the date the case was filed. This will ensure that any person that filed an arbitration under a particular set of arbitration rules will continue to have the case administered pursuant to those rules through to the case's conclusion. There are two categories of cases. First, NYSE Arca Equities cases filed on or prior to January 31, 2007 are and would continue to be governed by Rule 12 as it was in effect on that date. Second, NYSE Arca Equities cases filed after January 31, 2007, but prior to the

[5] The NYSE has proposed a separate filing related to the consolidation of NYSE Arbitration into NASD DR. *See* Securities Exchange Act Release No. 55818 (May 25, 2007), 72 FR 30898 (June 4, 2007) (SR–NYSE 2007–48). On June 21, 2007, the NYSE filed Amendment No. 1 to this proposed rule change. *See* Securities Exchange Act Release No. 56015 (July 5, 2007), 72 FR 37811 (July 11, 2007).

[6] Although Rule 12 has subsequently been amended, for purposes of administering NYSE Arca Equities arbitrations filed on or prior to January 31, 2007, NYSE Arbitration follows Rule 12 as it was in effect on that date.

[7] Additional information regarding the consolidation may be found in: SR–NASD–2007–23 (March 19, 2007) concerning proposed amendments to the By-Laws of NASD to implement governance and related changes to accommodate the consolidation of the member firm regulatory functions of NASD and NYSE Regulation, Inc.; and SR–NYSE–2007–22 (February 27, 2007) concerning proposed amendments to several NYSE rules which, among other matters, harmonize the rules with corresponding NASD regulatory requirements.

Effective Date will continue to be governed by existing NYSE Regulation arbitration rules.[8]

NYSE Arca Equities Rule 12, as amended, would provide detailed guidance concerning claims involving ETP Holders and/or associated persons that are asserted on and after the Effective Date.[9] First, any dispute, claim or controversy between or among ETP Holders and/or associated persons shall be arbitrated pursuant to the NASD DR Codes of Arbitration Procedure. Second, any dispute, claim or controversy between a customer or a non-member and an ETP Holder and/or associated person arising in connection with the business of such ETP Holder and/or in connection with the activities of an associated person, shall be arbitrated pursuant to NASD DR Codes of Arbitration Procedure as provided by any duly executed and enforceable written agreement, or upon the demand of the customer or non-member. This obligation to arbitrate shall extend only to those matters that are permitted to be arbitrated under NASD DR Codes of Arbitration Procedure.

In almost all cases the change from NYSE rules or NYSE Arca Equities rules to NASD DR arbitration rules should not result in material, substantive differences to persons participating in the arbitration process. However, one difference is the treatment of employment discrimination claims. NASD DR rules provide that any claim alleging employment discrimination, including any sexual harassment claims, in violation of a statute, will be eligible for arbitration pursuant to either a pre-dispute or a post-dispute agreement to arbitrate. In contrast, NYSE Rule 600(f), NYSE Rule 347(b) and current NYSE Arca Equities Rule 12(b) permit claims to be arbitrated only when the parties have agreed to arbitrate the claim after it has arisen.

Proposed Rule 12(b) would explicitly retain NYSE Arca Equities' enforcement authority related to arbitration. In appropriate cases, arbitrators would refer to NYSE Arca Equities potential violations of NYSE Arca Equities' rules or the federal securities laws that come to their attention during and in connection with a proceeding. Rule 12(b) would specify that NYSE Arca Equities would retain the ability to take action based on such referrals that may come from arbitrators in cases being arbitrated at NASD DR.

Proposed Rule 12(c) also would provide that any ETP Holder and/or associated person of any ETP Holder, that fails to honor an award of arbitrators rendered under the NASD DR Codes of Arbitration Procedure, or under the auspices of any other self-regulatory organization, shall be subject to disciplinary proceedings in accordance with NYSE Arca Equities Rule 10. Proposed Rule 12(c) also would specify that failure to submit a matter to arbitration as required by Rule 12 also would subject the ETP Holder and/or associated person to Exchange disciplinary action.

Proposed Rule 12(d) would also specify that the submission of any matter to arbitration as provided for under the Rule shall in no way limit or preclude any right, action or determination by NYSE Arca Equities that it would otherwise be authorized to adopt, administer or enforce.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5)[10] of the Act, which requires, among other things, that the rules of an Exchange be designed to promote just and equitable principles of trade and to protect investors and the public interest. The proposed rule change will streamline the arbitration process and, after a transitional period, provide for a unified and more efficient arbitration forum with one set of arbitration rules and administrative procedures. This will allow resources to be devoted to maintaining and improving the NASD DR program, rather than splitting resources among duplicative programs. As a result of these improvements, the proposed rule change will better protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Exchange Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2007–60 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2007–60. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington,

[8] *See* Securities Exchange Act Release No. 55142 (January 19, 2007), 72 FR 3898 (January 26, 2007) (SR–NYSEArca–2006–54) and Securities Exchange Act Release No. 55141 (January 19, 2007), 72 FR 3897 (January 26, 2007) (SR–NYSEArca–2006–55).

[9] It is proposed that the provisions in the current Rule 12(b)–(f) be deleted because these sections would be replaced by the proposed Rule 12 provisions described herein.

[10] 15 U.S.C. 78f(b)(5).

DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NYSE Arca. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2007–60 and should be submitted on or before August 13, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–14166 Filed 7–20–07; 8:45 am]

BILLING CODE 8010–01–P

[11] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 5 Committee of the Taxpayer Advocacy Panel (Including the States of Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Texas)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 5 Committee of the Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is soliciting public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 14, 2007, at 9:30 a.m. Central Time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1–888–912–1227, or (414) 231–2360.

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 a meeting of the Area 5 Committee of the Taxpayer Advocacy Panel will be held Tuesday, August 14, 2007, at 9:30 a.m. Central Time via a telephone conference call. You can submit written comments to the Panel by faxing to (414) 231–2363, or by mail to Taxpayer Advocacy Panel, Stop1006MIL, PO Box 3205, Milwaukee, WI 53201–3205, or you can contact us at *http://www.improveirs.org.* Please contact Mary Ann Delzer at 1–888–912–1227 or (414) 231–2360 for additional information.

The agenda will include the following: Various IRS issues.

Dated: July 17, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–14184 Filed 7–20–07; 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, August 9, 2007 at 2 p.m. ET.

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, August 9, 2007 at 2 p.m. ET via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 954–423–7977, 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: July 18, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–14188 Filed 7–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 7 Committee of the Taxpayer Advocacy Panel (Including the States of Alaska, California, Hawaii, and Nevada)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 7 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 Wednesday, August 15, 2007.

FOR FURTHER INFORMATION CONTACT: Janice Spinks 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 7 Committee of the Taxpayer Advocacy Panel will be held Wednesday, August 15, 2007 from 2 p.m. to 3:30 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 Janice Spinks, 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 Ms. Spinks at the telephone numbers listed above.

The agenda will include the following: Various IRS issues.

Dated: July 17, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–14189 Filed 7–20–07; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Monday,
July 23, 2007

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations; Notice of Meetings; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AV12

Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations; Notice of Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter Service or we) is proposing to establish the 2007–08 early-season hunting regulations for certain migratory game birds. We annually prescribe frameworks, or outer limits, for dates and times when hunting may occur and the maximum number of birds that may be taken and possessed in early seasons. Early seasons may open as early as September 1, and include seasons in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands. These frameworks are necessary to allow State selections of specific final seasons and limits and to allow recreational harvest at levels compatible with population status and habitat conditions.

DATES: The Service Migratory Bird Regulations Committee will meet to consider and develop proposed regulations for late-season migratory bird hunting and the 2008 spring/summer migratory bird subsistence seasons in Alaska on August 1 and 2, 2007. All meetings will commence at approximately 8:30 a.m. You must submit comments on the proposed migratory bird hunting-season frameworks for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and other early seasons by August 2, 2007, and for the forthcoming proposed late-season frameworks by August 30, 2007.

ADDRESSES: The Service Migratory Bird Regulations Committee will meet in room 200 of the U.S. Fish and Wildlife Service's Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. Send your comments on the proposals to the Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, MS MBSP–4107–ARLSQ, 1849 C Street, NW., Washington, DC 20240. All comments received, including names and addresses, will become part of the public record. You may inspect comments during normal business hours at the Service's office in room 4107, 4501 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Robert Blohm, Chief, or Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 2007

On April 11, 2007, we published in the **Federal Register** (72 FR 18328) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and dealt with the establishment of seasons, limits, proposed regulatory alternatives for the 2007–08 duck hunting season, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2007–08 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the April 11 proposed rule. Further, we explained that all sections of subsequent documents outlining hunting frameworks and guidelines were organized under numbered headings. As an aid to the reader, we reiterate those headings here:

1. Ducks
   - A. General Harvest Strategy
   - B. Regulatory Alternatives
   - C. Zones and Split Seasons
   - D. Special Seasons/Species Management
     - i. September Teal Seasons
     - ii. September Teal/Wood Duck Seasons
     - iii. Black Ducks
     - iv. Canvasbacks
     - v. Pintails
     - vi. Scaup
     - vii. Mottled Ducks
     - viii. Youth Hunt
2. Sea Ducks
3. Mergansers
4. Canada Geese
   - A. Special Seasons
   - B. Regular Seasons
   - C. Special Late Seasons
5. White-fronted Geese
6. Brant
7. Snow and Ross's (Light) Geese
8. Swans
9. Cranes
10. Coots
11. Moorhens and Gallinules
12. Rails
13. Snipe
14. Woodcock
15. Band-Tailed Pigeons
16. Mourning Doves
17. White-Winged and White-Tipped Doves
18. Alaska
19. Hawaii
20. Puerto Rico
21. Virgin Islands
22. Falconry
23. Other

Subsequent documents will refer only to numbered items requiring attention. Therefore, it is important to note that we will omit those items requiring no attention, and remaining numbered items will be discontinuous and appear incomplete.

On June 8, 2007, we published in the **Federal Register** (72 FR 31789) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations and the regulatory alternatives for the 2007–08 duck hunting season. The June 8 supplement also provided detailed information on the 2007–08 regulatory schedule and announced the Service Migratory Bird Regulations Committee (SRC) and Flyway Council meetings.

This document, the third in a series of proposed, supplemental, and final rulemaking documents for migratory bird hunting regulations, deals specifically with proposed frameworks for early-season regulations. It will lead to final frameworks from which States may select season dates, shooting hours, and daily bag and possession limits for the 2007–08 season. We have considered all pertinent comments received through July 6, 2007, on the April 11 and June 8, 2007, rulemaking documents in developing this document. In addition, new proposals for certain early-season regulations are provided for public comment. Comment periods are specified above under **DATES**. We will publish final regulatory frameworks for early seasons in the **Federal Register** on or about August 20, 2007.

Service Migratory Bird Regulations Committee Meetings

Participants at the June 20–21, 2007, meetings reviewed information on the current status of migratory shore and upland game birds and developed 2007–08 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the U.S. Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl. Participants at the previously announced August 1–2, 2007, meetings will review information on the current status of waterfowl and develop recommendations for the 2007–08 regulations pertaining to regular

waterfowl seasons and other species and seasons not previously discussed at the early-season meetings. In accordance with Department of the Interior policy, these meetings are open to public observation and you may submit comments to the Director on the matters discussed.

Population Status and Harvest

The following paragraphs provide preliminary information on the status of waterfowl and information on the status and harvest of migratory shore and upland game birds excerpted from various reports. For more detailed information on methodologies and results, you may obtain complete copies of the various reports at the address indicated under **ADDRESSES** or from our Web site at *http://fws.gov/migratorybirds/reports.*

May Breeding Waterfowl and Habitat Survey

Federal, provincial, and State agencies conduct surveys each spring to estimate the size of breeding populations and to evaluate the conditions of the habitats. These surveys are conducted using fixed-wing aircraft and helicopters and encompass principal breeding areas of North America, and cover over 2.0 million square miles. The Traditional survey area comprises Alaska, Canada, and the northcentral United States, and includes approximately 1.3 million square miles. The Eastern survey area includes parts of Ontario, Quebec, Labrador, Newfoundland, Nova Scotia, Prince Edward Island, New Brunswick, New York, and Maine, an area of approximately 0.7 million square miles.

Overall, habitat conditions for breeding waterfowl in 2007 are fairly similar or slightly improved compared to conditions in 2006.

Canadian Prairies

For the third year in a row, habitat conditions were good-to-excellent in the northern grasslands and parklands of southern Saskatchewan and southern Manitoba. Three years of plentiful precipitation has generally maintained or improved the quality of the wetland and upland vegetation in this region. However, some areas of the parklands of southern Saskatchewan experienced severe flooding due to record amounts of spring runoff. This runoff may have flooded some nests. The southern grasslands of Saskatchewan and Manitoba were dry, and in fair or poor condition. Conditions in southern Alberta, which have generally been fair or poor for much of the last decade, improved for the second consecutive year. Improvements this year came largely as a result of melting of large snowpacks and wet soil conditions, which caused above-average natural runoff volume in many river basins.

U.S. Prairies

Habitat conditions in U.S. prairies are highly variable, and mostly ranged from good to poor. The drought conditions seen last year in the Eastern Dakotas were improved by abundant fall and winter precipitation, especially in eastern South Dakota. Exceptionally heavy rain events during May helped to improve conditions in eastern Montana and parts of the Dakotas. Unfortunately, the area covered by the May rains did not include the high quality duck habitat of the Missouri Coteau region in the Eastern Dakotas. Although the May rains occurred after many ducks had moved through the survey area, the precipitation should benefit renesting birds and improve the quality of vegetation in wetlands and uplands, thereby aiding brood survival.

Bush (Alaska, Northern Manitoba, Northern Saskatchewan, Western Ontario)

Habitat in the bush regions of the traditional survey area were mostly classified as good due to a normal spring break-up and generally good water conditions in the beaver ponds, river deltas, and small lakes and ponds that are characteristic of this region. Spring phenology and water levels varied slightly in local areas. For example spring was slightly late in the Old Crow Flats, slightly early in the Yukon Delta, and it was slightly drier in the Yukon Flats compared to other regions in Alaska, but habitat conditions were still generally good across the bush region. The exceptions were the slightly drier conditions in northwest Saskatchewan and central Alberta. There is also the potential for some flooding in northern Saskatchewan and Manitoba.

Eastern Survey Area

The boreal forests of the eastern survey area were generally in good or excellent condition this spring, except for a few drier patches in Northern Quebec, that were in fair condition. Spring arrived early in the James and Hudson Bay Lowlands for the third consecutive year, and habitat conditions were classified as excellent. In eastern and southern Ontario, the winter snowpack was below normal, however, a good frost seal, spring runoff, and spring storms left this region in good condition at the time of the survey. Storms following the survey period produced local flooding of some nesting habitat. Wetland basins in Quebec were adequately charged and spring temperatures were near normal. There was some potential for flooding of nests in Maine and the Maritimes due to heavy rain during mid-May, but this was not as problematic as it has been during the past few years. Newfoundland and Labrador experienced a late spring compared to the last 5 years, with northernmost part of the survey region in Labrador still frozen in late May. However, this region was still considered to be in good condition.

Status of Teal

The estimate of blue-winged teal numbers from the Traditional Survey Area is 6.7 million. This represents a 14 percent increase from 2006 and is 48 percent above the 1955–2006 average.

Sandhill Cranes

Compared to increases recorded in the 1970s, annual indices to abundance of the Mid-Continent Population (MCP) of sandhill cranes have been relatively stable since the early 1980s. The Central Platte River Valley, Nebraska, spring index for 2007, uncorrected for visibility bias, was 302,600 sandhill cranes. The photo-corrected, 3-year average for 2004–06 was 378,420, which is within the established population-objective range of 349,000–472,000 cranes. All Central Flyway States, except Nebraska, allowed crane hunting in portions of their States during 2006–07. About 10,120 hunters participated in these seasons, which was similar to the number that participated in the previous year season. Hunters harvested 17,631 MCP cranes in the U.S. portion of the Central Flyway during the 2006–07 seasons, which was 3 percent lower than the estimated harvest for the previous year. The retrieved harvest of MCP cranes in hunt areas outside the Central Flyway (Arizona, New Mexico, Alaska, Canada, and Mexico combined) was estimated at 13,048 during 2006–07. The preliminary estimate for the North American MCP sport harvest, including crippling losses, was 35,341 birds, which is 3 percent lower than the previous year's estimate. The long-term (1982–2004) trends for the MCP indicate that harvest has been increasing at a higher rate than population growth.

The fall 2006 pre-migration survey for the Rocky Mountain Population (RMP) was not completed due to engine problems with the survey aircraft. The 3-year average for 2003–05 was 19,633 sandhill cranes, which is within established population objectives of 17,000–21,000 for the RMP. Hunting

seasons during 2006–07 in portions of Arizona, Idaho, Montana, New Mexico, Utah, and Wyoming, resulted in a harvest of 907 RMP cranes, a 29 percent increase from the harvest of 702 the year before, and a record high harvest for this population.

Woodcock

Singing-ground and Wing-collection Surveys were conducted to assess the population status of the American woodcock (*Scolopax minor*). The Singing-ground Survey is intended to measure long-term changes in woodcock population levels. Singing-ground Survey data indicated that the numbers of displaying American woodcock in the Eastern Region in 2007 declined 11.6 percent from 2006; however, the Central Region was unchanged. We note that measurement of short-term (i.e., annual) trends tend to give estimates with larger variances and is more prone to be influenced by climatic factors that may affect local counts during the survey. For example, it is possible that the decrease observed in the Eastern Region this year may have been due in part to late season snowfalls that portions of the Northeast received after woodcock arrived on the breeding grounds.

There was no significant trend in woodcock heard in either the Eastern or Central Regions during 1997–2007. This represents the fourth consecutive year since 1992 that the 10-year trend estimate for either region did not indicate a significant decline. There were long-term (1968–2007) declines of 2.0 percent per year in the Eastern Region and 1.8 percent per year in the Central Region. Wing-collection survey data indicate that the 2006 recruitment index for the U.S. portion of the Eastern Region (1.5 immatures per adult female) was 7 percent lower than the 2005 index, and 8 percent lower than the long-term average. The recruitment index for the U.S. portion of the Central Region (1.6 immatures per adult female) was 11 percent higher than the 2005 index, and 2 percent higher than the long-term average.

Band-Tailed Pigeons and Doves

A rangewide survey for the Pacific Coast Band-tailed Pigeon Population was initiated on an experimental basis in 2001 and became operational in 2004. Pigeons are counted at selected mineral sites throughout their range in British Columbia, Washington, Oregon, and California. Results are used as an index to determine the population trend over time. Rangewide trend estimates showed an increase in Pacific Coast pigeons during 2001–2006 of over 10 percent/year. Pigeon counts at more than half of mineral sites (54 percent) increased in 2006. In 2006, there were 44 sites counted.

Breeding Bird Survey (BBS) data are used to monitor the Interior Band-tailed Pigeon Population. Analyses of BBS data over the most recent 10 years (1997–2006) showed a significant decline, while there was no trend indicated between 1968 and 2006. For the Pacific Coast Population, the preliminary 2006 harvest estimate from the Harvest Information Program (HIP) was 16,600 pigeons. For the Interior Population, the preliminary harvest estimate was 1,600 pigeons.

Analyses of Mourning Dove Call-count Survey data over the most recent 10 years indicated no significant trend for doves heard in either the Eastern or Western Management Units, while the Central Unit showed a significant decline. Over the 42-year period 1966–2007, all 3 units exhibited significant declines in mourning doves heard. In contrast, for doves seen over the 10-year period, no significant trends were found in any of the three Management Units. For doves seen over 42 years, no trend was found in the Eastern and Central Units, while a significant decline was indicated for the Western Unit. The preliminary 2006 harvest estimate for the United States was 19,245,300 doves, a 13 percent decrease from 2005. A banding project is underway to obtain current information in order to develop mourning dove population models for each unit to provide guidance for improving our decision-making process with respect to harvest management.

The two key states with a white-winged dove population are Arizona and Texas. California and New Mexico have much smaller populations. In Arizona, the white-winged dove population showed a significant decline between 1962 and 1980. To adjust harvest with population size, the bag limits, season length, and shooting hours have been reduced over the years, most recently in 1988. These regulations changes appear to have slowed the decline, and in recent years, the harvest has stabilized at around 110,000 birds per year. Arizona is currently experiencing the greatest drought in recorded history. In 2007, the Call-count index was 24.6. According to HIP surveys, the 2006 harvest estimate was 107,400 doves.

In Texas, white-winged doves continue to expand their breeding range and are even extending into the northeast part of the state. Nesting is essentially confined to urban areas, but appears to be expanding to exurban areas. Concomitant with this range expansion has been a dramatic increase in whitewing abundance. Moreover, because until recently, whitewing populations were not surveyed outside south Texas, the population increase has probably been even more dramatic. A new distance sampling protocol was implemented for Central and South Texas for 2007. It is anticipated that this protocol will be implemented statewide in 2008, which should give the ability to obtain a good estimate of white-winged dove abundance in Texas. The 2007 data were not available at the time of this report. However, 2006 surveys in Central Texas indicated a population in this region of 991,103 to 1,394,300 whitewings. Preliminary harvest estimates suggest that, during the 2006–07 season, 2,165,128 white-winged doves were harvested statewide. This includes approximately 278,000 whitewings harvested during the special white-winged dove season in the Special White-winged Dove Zone, and approximately 319,000 white-wings harvested during the same period outside the Special Zone. Total statewide harvest represents a slight, but not necessarily significant, change from the previous season of 1,840,536 whitewings.

In California, BBS data indicate that there has been a significant increase in the population between 1968 and 2006 while no trend was indicated over the most recent 10 years. According to HIP surveys, the preliminary harvest estimate for 2006 was 55,200. In New Mexico, both the long- and short-term trends show a significant increase. In 2006, the estimated harvest was 66,100 doves.

White-tipped doves are maintaining a relatively stable population in the Lower Rio Grande Valley of Texas. They are most abundant in cities and, for the most part, are not available to hunting. White-winged dove distance sampling in the Valley included white-tipped doves for the first time in 2007. However, these data were not available at the time of this report. Once available, they should provide, for the first time, an estimate of actual white-tipped dove abundance in Texas. During the 2006–07 season, an estimated total of 150,521 white-tipped doves were killed in Texas. This is essentially unchanged from the 2005–06 estimate of 144,302 doves.

Review of Public Comments

The preliminary proposed rulemaking (April 11 **Federal Register**) opened the public comment period for migratory game bird hunting regulations and announced the proposed regulatory alternatives for the 2007–08 duck hunting season. Comments concerning

early-season issues and the proposed alternatives are summarized below and numbered in the order used in the April 11 **Federal Register** document. Only the numbered items pertaining to early-seasons issues and the proposed regulatory alternatives for which written comments were received are included. Consequently, the issues do not follow in consecutive numerical or alphabetical order.

We received recommendations from all four Flyway Councils. Some recommendations supported continuation of last year's frameworks. Due to the comprehensive nature of the annual review of the frameworks performed by the Councils, support for continuation of last year's frameworks is assumed for items for which no recommendations were received. Council recommendations for changes in the frameworks are summarized below.

We seek additional information and comments on the recommendations in this supplemental proposed rule. New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the April 11 **Federal Register** document.

1. Ducks

Categories used to discuss issues related to duck harvest management are: (A) General Harvest Strategy; (B) Regulatory Alternatives, including specification of framework dates, season lengths, and bag limits; (C) Zones and Split Seasons; and (D) Special Seasons/Species Management. The categories correspond to previously published issues/discussions, and only those containing substantial recommendations are discussed below.

A. General Harvest Strategy

Council Recommendations: The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended that regulations changes be restricted to one step per year, both when restricting as well as liberalizing hunting regulations.

The Pacific Flyway Council recommended that the proposal developed by the Service for a revised protocol for managing the harvest of mallards in Western North America be implemented in 2008. The Council stated that this delay is needed to fully understand and pick a management objective, to incorporate explicit consideration of mallards derived from those portions of Alberta that contribute mallards to the Pacific Flyway, to determine how this strategy relates to Alaska's early season regulations, and to investigate the addition of alternative models.

Service Response: As we stated in the April 11 **Federal Register**, we intend to continue use of adaptive harvest management (AHM) to help determine appropriate duck-hunting regulations for the 2007–08 season. AHM is a tool that permits sound resource decisions in the face of uncertain regulatory impacts, as well as providing a mechanism for reducing that uncertainty over time. The current AHM protocol is used to evaluate four alternative regulatory levels based on the population status of mallards (special hunting restrictions are enacted for certain species, such as canvasbacks, scaup, and pintails).

In recent years, the prescribed regulatory alternative for the Pacific, Central, and Mississippi Flyways has been based on the status of mallards and breeding-habitat conditions in central North America (Federal survey strata 1–18, 20–50, and 75–77, and State surveys in Minnesota, Wisconsin, and Michigan). In the April 11 **Federal Register**, we also stated our intent for the 2007 hunting season to consider setting hunting regulations in the Pacific Flyway based on the status and dynamics of a newly defined stock of ''western'' mallards. For now, western mallards would be defined as those breeding in Alaska (as based on Federal surveys in strata 1–12), and in California and Oregon (as based on State-conducted surveys). However, upon further review of the issue, we agree with the Pacific Flyway Council's recommendation to delay implementation of the revised protocol for managing the harvest of mallards in Western North America until 2008 for the reasons identified by the Council. Delaying implementation of the revised protocol until 2008 should allow us and the Council to more effectively consider these management concerns.

Finally, since 2000, we have prescribed a regulatory alternative for the Atlantic Flyway based on the population status of mallards breeding in eastern North America (Federal survey strata 51–54 and 56, and State surveys in New England and the mid-Atlantic region). We will continue this protocol for the 2007–08 season.

Regarding incorporation of a one-step constraint into the AHM process, as we stated in the June 24, 2005, **Federal Register** (70 FR 36794), and last year in the May 30, 2006, **Federal Register** (71 FR 30786), our incorporation of a one-step constraint into the AHM process was addressed by the AHM Task Force of the International Association of Fish and Wildlife Agencies (IAFWA) in its report and recommendations. This recommendation will be included in considerations of potential changes to the set of regulatory alternatives at a yet to be determined later date.

We will propose a specific regulatory alternative for each of the Flyways during the 2007–08 season after survey information becomes available later this summer. More information on AHM is located at *http://www.fws.gov/migratorybirds/mgmt/AHM/AHM-intro.htm.*

D. Special Seasons/Species Management

i. September Teal Seasons

Utilizing the criteria developed for the teal season harvest strategy, this year's estimate of 6.7 million blue-winged teal from the Traditional Survey Area indicates that a 16-day September teal season is appropriate in 2007.

iii. Black Ducks

Council Recommendations: The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council endorsed the draft International Harvest Strategy for Black Ducks developed by the Black Duck AHM Working Group until such time that a full AHM model is available and requested a dialogue with the Service on options for implementing harvest restrictions, assuming harvest restrictions are warranted.

Service Response: In the April 11 **Federal Register** we announced our intent to propose the specifics of a joint black duck harvest strategy with Canada in this rule. The draft strategy consisted of a maximum harvest rate for the continental black duck population, as well as criteria for maintaining approximate parity in harvest between the two countries. However, although the Mississippi Flyway Council approved the draft strategy, the Atlantic Flyway Council did not, due to concerns over several technical issues. Thus, further consultations are required between all parties to determine an acceptable upper limit to the overall harvest rate, procedures for determining whether the realized harvest rate is below this limit, procedures for determining whether the distribution of harvest between the countries is acceptable, and rules for changing regulations if the harvest-rate and parity criteria are not met. We will continue to work with the Black Duck Adaptive Harvest Management Working Group to refine the black duck strategy to address outstanding concerns. We hope to present a revised strategy to the Flyway

Councils prior to their summer Flyway meetings.

v. Pintails

Council Recommendations: The Pacific Flyway Council recommended that the proposal developed by the Service for the addition of a compensatory model for Northern Pintail harvest management be incorporated in 2007 and that work continue on improving the harvest management decision-making process for pintail. Additionally, the Council urged the Service to complete its banding needs assessment and to work with the Flyways and the Canadian Wildlife Service to improve the basic biological data to more fully inform decision making.

Written Comments: An individual expressed support for liberalizing pintail limits as we continue to refine the pintail harvest strategy.

Service Response: We concur with the Pacific Flyway Council's proposal to incorporate a compensatory model of harvest into the existing pintail harvest strategy and agree that this strategy will benefit by including this alternative model. We also believe that further technical improvements should be pursued with the objective of achieving a more fully adaptive strategy in the future. Lastly, we appreciate the Council's continued support for improving this strategy and remain committed to making the best regulatory decisions possible based on application of the best scientific approaches we can cooperatively develop.

vi. Scaup

Council Recommendations: The Central Flyway Council recommended not implementing a scaup harvest strategy that uses an objective function based on Maximum Sustained Yield (MSY). They suggested that scaup regulatory alternatives for the Central Flyway in 2009 be based on the most recent 3-year running mean of the May Breeding Population estimates (BPOP) as follows:

a. BPOP mean > 4.0 million, daily bag limit of 3.

b. BPOP mean 3.25–4.0 million, daily bag limit of 2.

c. BPOP mean 2.5–3.25 million, daily bag limit of 1.

d. BPOP mean < 2.5 million, Hunter's Choice or 1-bird daily bag limit with a season-within-a-season.

The Pacific Flyway Council was supportive of the proposed approach outlined in the recently proposed Service assessment and decision-making framework to inform scaup harvest management, and endorsed a shoulder strategy of less than Maximum Sustained Yield (MSY). In developing regulation packages to implement the framework, the Council further requested recognition of flyway differences in scaup populations and harvest potential.

Written Comments: We received comments from the Atlantic, Mississippi, and Central Flyway Councils; wildlife agencies in the States of Iowa, Louisiana, Minnesota, Mississippi, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming; 5 non-governmental organizations; and 13 individuals. None of the commenters supported the implementation of the proposed scaup strategy at this time and all expressed various technical, biological, social, and policy concerns with the Service's scaup assessment and draft decision-making framework (summarized below).

Service Response: The continental scaup (greater *Aythya marila* and lesser *Aythya affinis* combined) population has experienced a long-term decline over the past 20 years. Over the past several years in particular, we have continued to express our growing concern about the status of scaup. Last year, we stated that we did not change scaup harvest regulations with the firm understanding that a draft harvest strategy would be available for Flyway Council review prior to the winter meetings (71 FR 55654, September 22, 2006) and be in place to guide development of scaup hunting regulations in 2007. As part of this effort, we developed an assessment framework that uses available data to help predict the effects of harvest and other uncontrollable environmental factors on the scaup population. After extensive review that we believe resulted in substantial improvements, the final technical assessment was presented during the Winter Flyway Technical Section meetings and made available for public review in the April 11 **Federal Register**. We stated then, and continue to believe, that this technical assessment represents an objective and comprehensive synthesis of data relevant to scaup harvest management and can help frame a scientifically-sound scaup harvest strategy. We note that results of the assessment suggest that a reduction in scaup harvest is commensurate with the current population status of scaup. Based on this updated technical assessment, a proposed scaup harvest strategy was made available for public review in the June 8 **Federal Register**. The proposed harvest strategy included initial Service recommendations on a harvest management objective and proposed Flyway-specific harvest allocations, as well as an additional analysis that predicted scaup harvest from various combinations of Flyway-specific season lengths and bag limits (*www.fws.gov/migratorybirds/reports*).

We received a number of comments on the proposed assessment. Some comments were very general in nature or related to fundamental concerns about the models we used or the assumptions we made in the assessment. Other comments were more specific and technical in nature. We have attempted to respond to the more general, broad-based comments, concerns, and issues in this proposed rule. A more detailed, technical response to other comments received can be found at (*www.fws.gov/migratorybirds/reports*).

Many of the comments concerned scaup population biology. However, it is important to recognize that a full understanding of these biological processes does not presently exist even for mallards, a species where we have accumulated a significant amount of information. The primary purpose of management models is to provide a tool to predict rather than to explain. If data are abundant, it may be possible to do both. But with scaup, and probably most other species besides mallards, we often must rely on more empirical models (i.e., models that lack details of biological processes). Nonetheless, these models must be well supported by data, allow us to make reasonable predictions, and be updated as experience allows. The logistic growth model is an empirical model that has proven to be robust for describing patterns in population abundance for a large variety of species and, in the case of scaup, efficiently uses available data.

Some commenters focused on the use of a yield curve, which depicts the relationship between sustainable harvests and breeding population size. Yield curves are derived from specific hypotheses concerning fundamental aspects of population biology. They underlie modern harvest theory and actually have been the basis for optimizing harvests and regulations in mid-continent and eastern mallards, black ducks, and other stocks for some time.

Another common misconception was that the proposed scaup harvest assessment uses a single model to describe scaup dynamics. The accounting for uncertainty is perhaps more obvious with other harvest assessment frameworks used by the Service, such as mid-continent mallards, because we use four discrete models with mechanistic names (e.g.,

additive hunting mortality and weakly density-dependent reproduction) to describe mallard population dynamics. Nonetheless, while the scaup assessment framework utilizes a single functional form (the logistic growth model), it still accounts for the high degree of uncertainty in the model parameters (e.g., carrying capacity, intrinsic rate of growth).

Several commenters questioned the need to restrict hunting opportunity if harvest is not likely the cause of the scaup population decline. We acknowledge that the decline in scaup since the early 1980s was most likely driven by large-scale changes in environmental conditions. Regardless, smaller populations have less harvestable surpluses than large populations, everything else being equal. In addition, harvest rates of scaup appear to have increased while the harvest potential of scaup appears to have declined. The proposed strategy seeks to make scaup harvest commensurate with current population status.

Several common concerns involved misconceptions about the assumptions we made in the assessment or disagreement with some of the associated inferences and underlying assumptions. The first was that within the proposed assessment framework, all scaup harvest is assumed to be additive because no correlation has been demonstrated between harvest and population size. We must note, however, that it is not possible to make any inference about additive hunting mortality with a correlation between harvest and population size without explicitly accounting for possible density-dependent and other environmental factors. We do acknowledge that a standard logistic model with harvest incorporated does assume that hunting mortality is additive. However, the logistic model upon which the assessment framework is based incorporates a scaling factor to allow for the possibility of compensatory harvest mortality. Additionally, the logistic model allows for compensation for hunting losses in subsequent breeding seasons through both the survival and recruitment processes.

The second concern related to inferences from the assessment was that the estimated carrying capacity (K) for scaup is 8.2 million when the population has never been that high. The scaup assessment suggests that population size would only reach this level in the complete absence of harvest and if there were no further deterioration in habitat conditions. Under the proposed assessment, we are the first to acknowledge that considerable uncertainty exists in the estimate of K (95% credibility interval for K is 5.7–12.2 million). However, for purposes of developing the harvest strategy for scaup, it is important to note that the uncertainty surrounding any estimate of K can be accounted for within the assessment framework.

The third concern was that the logistic model employed by the Service for scaup does not account for the fact that the reproductive value of some cohorts is higher than others and thus, for example, shooting a female has the same effect on the population as shooting a male. It is true that the logistic model does not distinguish among age-sex cohorts. Unfortunately, available data are not sufficient to support a more detailed model. In addition, accounting for age and sex-specific effects of hunting mortality would be of little practical use unless the age and sex composition of the harvest could be controlled, which we do not believe is the case.

A final concern was that the carrying capacity (K) of scaup is changing over time and, therefore, historical data cannot be used as a basis to determine allowable harvests. However, a review of historical data does suggest that scaup population dynamics have changed since the early 1980s and that this change has resulted in lower harvest potential. The assessment framework used permits model parameters like *K* to be updated annually so changes can be tracked. If history is not a useful guide to the future, no modeling effort based on data will provide useful information for harvest management. Further, in the absence of a model, decisions about hunting regulations would be subjective and not supported by our biological knowledge.

While we continue to support the technical assessment of scaup harvest potential, we are sensitive to the concerns expressed by the Flyway Councils about the policy and social aspects of implementation of the proposed strategy at this time. Specifically, we agree that more dialogue about the nature of harvest management objectives and regulatory alternatives is necessary for successful implementation of the strategy. Failure to agree on crucial policy aspects of the proposed strategy in a timely fashion increases the risk that more drastic regulatory measures may be necessary in the future. In preparation for that dialogue, we reiterate our longstanding objections to State-specific regulations and encourage the Flyway Councils to focus efforts on achieving consensus around Flyway-wide regulatory alternatives. Secondly, we recognize that additional effort is necessary over the coming year to communicate the rationale for a scaup strategy and possible regulatory changes to the Flyways and the public. We intend to review progress on policy issues at the winter 2008 SRC meeting and anticipate significant progress by that time.

Having considered all of these concerns, we agree that another year is needed to develop consensus on a harvest strategy for scaup. We believe that one year is sufficient time to resolve all outstanding issues and it is our intent to implement a strategy in 2008. This does not preclude the possibility that we would consider possible changes to scaup harvest regulations for the 2007–08 hunting season, based on population status. We will work with the Flyway Councils to resolve outstanding issues and to continue ongoing cooperative efforts to improve the monitoring programs and databases upon which scaup regulatory decisions are based. These include: Evaluation of potential biases in population estimates, expansion and improvement of population surveys, and a feasibility assessment of a broad-scale scaup banding program. Additionally, we will continue retrospective analyses of existing databases to assist in the identification of casual factors which might explain the continued scaup decline.

Finally, we acknowledge that many misconceptions about our technical assessment of scaup harvest potential exist and commit to continued work with the Flyway Councils to reach a common understanding about the true strengths, limitations, and implications of this framework. Throughout this process, we will continue to incorporate reviews or model refinements that are supported by data.

4. Canada Geese

A. Special Seasons

Council Recommendations: The Atlantic Flyway Council made several recommendations dealing with early Canada goose seasons. First, the Council recommended allowing the experimental seasons in portions of Florida, Georgia, New York, North Carolina, South Carolina, and Vermont to become operational in 2007. Lastly, the Council recommended that the Service allow the use of special regulations (electronic calls, unplugged guns, extended hunting hours) later than September 15 during existing September Canada goose hunting

seasons in Atlantic Flyway States. Use of these special regulations would be limited to the geographic areas of States that were open to hunting and under existing September season ending dates as approved by the Service for the 2007 regulation cycle.

The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended that the closing dates for Canada goose hunting during the September goose season in the Northwest goose zone of Minnesota be extended through September 22 to coincide with the remainder of the state with a waiver of the experimental season requirements of collecting Canada goose parts.

Service Response: We support the Atlantic Flyway Council's request to make the experimental seasons in portions of Florida, Georgia, New York, North Carolina, South Carolina, and Vermont operational in 2007. Data and analysis submitted by the Council shows a minimal impact of these seasons on migrant stocks of Canada geese and demonstrates that they meet the criteria for establishment of special early Canada goose hunting seasons.

We also support the Atlantic Flyway Council's desire to increase opportunities to harvest resident Canada geese during special early Canada goose hunting seasons. In many areas of the Flyway, resident Canada geese remain overabundant. Recent spring population surveys continue to estimate that approximately 1 million geese reside in the States of the Atlantic Flyway—a number far in excess of the Flyway's established goal of 650,000 resident geese. Allowing the use of these special expanded hunting methods would be consistent with our August 10, 2006, final rule on resident Canada goose management (71 FR 45964) and November 2005 Final Environmental Impact Statement on resident Canada goose management, would have a minimal impact on migrant Canada goose populations, would contribute to maximizing the harvest of resident Canada geese in the Flyway, would allow greater flexibility to affected States, would be consistent with the Atlantic Flyway Resident Canada Goose Management Plan, and would provide a simplified, consistent set of regulations throughout the September Canada goose season.

We do not support the Mississippi Flyway Council's request to extend the framework closing date for the September goose season in the Northwest Goose Zone of Minnesota to September 22. Special September Canada goose seasons were implemented for the purpose of controlling local breeding populations or nuisance geese that nest primarily in the conterminous United States (60 FR 45021). Prior to 1995, in order to implement a special season, each State was required to conduct a 3-year evaluation to determine whether the take of non-target Canada goose populations (migrants) exceeded 10 percent of the harvest. This evaluation requirement was removed in 1995 for special seasons held September 1–15, but remained in effect for all such seasons, or extensions of seasons, after September 15.

In 1999, Minnesota received approval to initiate a 3-year experimental extension of the September goose season from September 15–22. Minnesota was granted a 1-year extension of the experiment in 2002. Minnesota's experiment did not include the Northwest Goose Zone, due to concerns (at that time) about the status and potential impacts to migrant Canada geese, particularly Eastern Prairie Population (EPP) Canada geese. While parts collection, harvest, and banding data obtained in the evaluation of Minnesota's experiment indicated that migrant geese in areas adjacent to the Northwest Goose Zone comprised less than 5 percent of the harvest, granting an extension of the framework closing date without conducting an experiment would be contrary to established criteria for such seasons. Although the magnitude of expected harvest of migrant geese during September 16–22 in the Northwest Goose Zone is small, a waiver of the evaluation criteria will likely invite requests for similar waivers. Further, we recognize that collection of sufficient parts collection and harvest data in the Northwest zone is problematic. However, we are open to working with Minnesota to develop an appropriate evaluation plan.

B. Regular Seasons

Council Recommendations: The Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended that the framework opening date for all species of geese for the regular goose seasons in Michigan and Wisconsin be September 16, 2007.

Service Response: We concur. As we stated last year (71 FR 51406), we agree with the objective to increase harvest pressure on resident Canada geese in the Mississippi Flyway and will continue to consider the opening dates in both States as exceptions to the general Flyway opening date, to be reconsidered annually.

9. Sandhill Cranes

Council Recommendations: The Central and Pacific Flyway Councils recommended using the 2006 Rocky Mountain Population sandhill crane harvest allocation of 1,321 birds, as proposed in the allocation formula, using the 2003–2005 3-year running average.

The Pacific Flyway Council recommended initiating a limited hunt for Lower Colorado River sandhill cranes in Arizona, with the goal of the hunt being a limited harvest of 5 cranes in January. To limit harvest, Arizona would issue permits to hunters and require mandatory check of all harvested cranes. To limit disturbance of wintering cranes, Arizona would restrict the hunt to one 3-day period. Arizona would also coordinate with the National Wildlife Refuges where cranes occur.

Service Response: Greater and lesser sandhill cranes are presently hunted in parts of their range and have been divided into management populations based on their geographic distribution during Fall and Winter. The current Flyway Management Plan for the Lower Colorado River Valley Population (LCRVP) of sandhill cranes allows for hunting of this population when the wintering population exceeds 2,500 cranes, a population level now exceeded. In 2005, the Pacific Flyway Council proposed a limited open season on this population. In response to proposal, we stated in the August 29, 2006, **Federal Register** (71 FR 51406) that while we were in general support of allowing a very limited, carefully controlled harvest of sandhill cranes from this population, we did not believe that this limited harvest was of immediate concern, and recommended that prior to initiating such a season, a more detailed harvest strategy be developed by the Flyway Council. We stated that this harvest strategy should be included as an appendix to the management plan prior to any hunting season being initiated. The Pacific Flyway has modified the management plan as recommended.

We prepared a draft environmental assessment (DEA) considering the action to begin a limited harvest of sandhill cranes from the LCRVP by reviewing current management strategies and population objectives, and examining alternatives to current management programs. The preferred alternative in the DEA was to institute the limited season. We made this DEA available for public comment and received only two responses. We have addressed these

comments and prepared a final environmental assessment (FEA).

Based on our FEA, we will authorize a limited experimental season for this population of sandhill cranes as requested by the Pacific Flyway Council. All of the described requirements in the management plan and the FEA will apply to this 3-year experiment. Further, we will work with the participating Pacific Flyway States to meet the monitoring and assessment requirements described in the management plan for the evaluation of this experimental season. In addition, we encourage the participating States to work with us to improve our understanding and management of this important group of sandhill cranes.

The FEA can be obtained by writing Robert Trost, Pacific Flyway Representative, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 911 NE 11th Avenue, Portland, Oregon 97232–4181, or it may be viewed via the Service's home page at *http://fws.gov/migratorybirds/reports.*

14. Woodcock

Council Recommendations: The Atlantic Flyway Council recommended allowing compensatory days for woodcock hunting in States where Sunday hunting is prohibited by State law.

Service Response: In 1995, the Atlantic Flyway Council asked the Service to reconsider its longstanding policy of denying compensatory days to those States that forego hunting opportunity due to State laws that prohibit Sunday hunting. We agreed to work with the Flyway Council to ''frame'' or better clarify this issue with regard to aspects such as Federal authority, number of States involved, migratory birds affected, harvest impacts, framework adjustments, etc. In 1997, the Council again requested that we grant compensatory days for States in their Flyway that were closed to waterfowl hunting statewide on Sunday by State law. The Council's requested compensatory days applied to waterfowl seasons only and not to other migratory game birds (62 FR 44234). We granted this request and stipulated that all Sundays would be closed to all take of migratory waterfowl and that other migratory game species were not eligible for compensatory days. Furthermore, only States in the Atlantic Flyway that prohibited Sunday hunting statewide by State law prior to 1997 were eligible for compensatory days for waterfowl.

We are sensitive to the Atlantic Flyway's desire to provide additional woodcock hunting opportunity, and acknowledge the longstanding difficulties some States have in reversing statutes that prevent hunting on Sundays. However, granting a request for compensatory days for hunting American woodcock would be contrary to the agreement reached between the Service and the Flyway Council that limited granting of compensatory days to waterfowl hunting. We also note that the ability to hunt on Sundays may provide more opportunities for hunter recruitment than the allowance of compensatory days.

Further, we do not view this as a good time to liberalize woodcock regulations. Although we cannot attribute a cause-and-effect relationship between 1997 woodcock harvest restrictions and improved woodcock population status, the stabilization of woodcock trends in both the Eastern and Central Region is encouraging.

16. Mourning Doves

Council Recommendations: The Atlantic Flyway Council and the Upper- and Lower-Region Regulations Committees of the Mississippi Flyway Council recommended that, based on criteria set forth in the current version of the Mourning Dove Harvest Management Strategy for the Eastern Management Unit (EMU), no changes in bag limit and season length components of the mourning dove harvest framework are warranted. They both further recommended that EMU States should be offered the choice of either a 12-bird daily bag limit and 70-day season or a 15-bird daily bag limit and 60-day season for the 2007–08 mourning dove hunting season, with a standardized 15-bird daily bag limit and 70-day season beginning with the 2008–09 mourning dove hunting season. The standardized bag limit and season length will then be used as the ''moderate'' harvest option for revising the Initial Mourning Dove Harvest Management Strategy.

Service Response: We concur with the recommendation to maintain the current bag limit and season length options of 70 days with a 12-bird daily bag limit or 60 days with a 15-bird daily bag for the 2007–08 season. However, we recommend that the proposal to standardize this framework as a 70-day season length with a 15-bird daily bag limit, beginning with the 2008–09 season, be included in ongoing discussions on the interim harvest strategy for the Eastern Management Unit, rather than considered at this time. While it is our understanding that this framework represents the ''moderate'' harvest option for the Eastern Unit's harvest strategy, we anticipate that these interim strategies, representing each of the three management units, will be introduced at the January 2008 SRC meeting, and formally proposed and finalized prior to the early-season SRC meeting next June.

18. Alaska

Council Recommendations: The Pacific Flyway Council recommended maintaining status quo in the Alaska early-season framework, except for increasing the dark goose daily bag limit in selected units to provide more harvest opportunity for white-fronted geese.

Service Response: We concur. Pacific white-fronted geese are nearly 70 percent above current management objectives at 509,000 birds. The Council's proposed liberalization of white-front limits to as many as 6 per day within most of the range is consistent with liberalizations in Pacific Flyway coastal states. Further, the Council's recommendation is crafted to avoid additional harvest in units where Tule white-fronts occur (Units 1–16), and retains the restrictions on cackling geese on the primary breeding and staging areas (Unit 9E and 18) because the population is below objective.

Public Comments Solicited

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments received. Such comments, and any additional information received, may lead to final regulations that differ from these proposals. We invite interested persons to participate in this rulemaking by submitting written comments to the address indicated under the caption **ADDRESSES**. 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.

Special circumstances involved in the establishment of these regulations limit the amount of time that we can allow for public comment. Specifically, two

considerations compress the time in which the rulemaking process must operate: (1) The need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, we believe that to allow comment periods past the dates specified in **DATES** is contrary to the public interest. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments received during the comment period. Such comments, and any additional information received, may lead to final regulations that differ from these proposals.

You may inspect comments received on the proposed annual regulations during normal business hours at the Service's Division of Migratory Bird Management office in room 4107, 4501 North Fairfax Drive, Arlington, VA 22203. For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments received during the comment period and respond to them after the closing date in any final rules.

NEPA Consideration

NEPA considerations are covered by the programmatic document ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14),'' filed with the Environmental Protection Agency on June 9, 1988. We published a notice of availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). In addition, an August 1985 environmental assessment entitled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available (see **ADDRESSES**).

In a notice published in the September 8, 2005, **Federal Register** (70 FR 53376), we announced our intent to develop a new Supplemental Environmental Impact Statement for the migratory bird hunting program. Public scoping meetings were held in the spring of 2006, as detailed in a March 9, 2006, **Federal Register** (71 FR 12216). A scoping report summarizing the scoping comments and scoping meetings is available either at the address indicated under **ADDRESSES** or on our Web site at *http://www.fws.gov/migratorybirds*.

Endangered Species Act Consideration

Prior to issuance of the 2007–08 migratory game bird hunting regulations, we will comply with provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; hereinafter, the Act), to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened, or modify or destroy its critical habitat, and is consistent with conservation programs for those species. Consultations under Section 7 of this Act may cause us to change proposals in this and future supplemental rulemaking documents.

Executive Order 12866

The migratory bird hunting regulations are economically significant and were reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. As such, a cost/benefit analysis was initially prepared in 1981. This analysis was subsequently revised annually from 1990 through 1996, updated in 1998, and updated again in 2004. It is further discussed below under the heading Regulatory Flexibility Act. Results from the 2004 analysis indicate that the expected welfare benefit of the annual migratory bird hunting frameworks is on the order of $734 to $1,064 million, with a midpoint estimate of $899 million. Copies of the cost/benefit analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at *http://www.fws.gov/migratorybirds/reports/SpecialTopics/EconomicAnalysis-Final-2004.pdf*.

Executive Order 12866 also requires each agency to write regulations that are easy to understand. We invite comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more sections? (5) Is the description of the rule in the ''Supplementary Information'' section of the preamble helpful in understanding the rule? (6) What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240, or e-mail to *Exsec@ios.doi.gov*.

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis discussed under Executive Order 12866. This analysis was revised annually from 1990 through 1995. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was subsequently updated in 1996, 1998, and 2004. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2004 Analysis was based on the 2001 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend between $481 million and $1.2 billion at small businesses in 2004. Copies of the Analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at *http://www.fws.gov/migratorybirds/reports/SpecialTopics/EconomicAnalysis-Final-2004.pdf*.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808 (1).

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. The various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the surveys associated with the Migratory Bird Harvest Information Program and assigned

clearance number 1018–0015 (expires 2/29/2008). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Sandhill Crane Harvest Survey and assigned clearance number 1018–0023 (expires 11/30/2007). The information from this survey is used to estimate the magnitude and the geographical and temporal distribution of the harvest, and the portion it constitutes of the total population. A Federal 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.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 et seq., that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this proposed rule, has determined that this proposed rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this proposed rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this proposed rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship With Tribes

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. Thus, in accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the April 11 proposed rule we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2006–07 migratory bird hunting season. The resulting proposals will be contained in a separate proposed rule. By virtue of these actions, we have consulted with all the tribes affected by this rule.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 2007–08 hunting season are authorized under 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j.

Dated: July 13, 2007.

David M. Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

Proposed Regulations Frameworks for 2007–08 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Department of the Interior approved the following proposed frameworks, which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may select hunting seasons for certain migratory game birds between September 1, 2007, and March 10, 2008.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are twice the daily bag limit.

Flyways and Management Units

Waterfowl Flyways

Atlantic Flyway—includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway—includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway—includes Colorado (east of the Continental Divide), Kansas, Montana (Counties of Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except the Jicarilla Apache Indian Reservation), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

Pacific Flyway—includes Alaska, Arizona, California, Idaho, Nevada,

Oregon, Utah, Washington, and those portions of Colorado, Montana, New Mexico, and Wyoming not included in the Central Flyway.

Management Units

Mourning Dove Management Units

Eastern Management Unit—All States east of the Mississippi River, and Louisiana.

Central Management Unit—Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

Western Management Unit—Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

Woodcock Management Regions

Eastern Management Region—Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Central Management Region—Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

Other geographic descriptions are contained in a later portion of this document.

Definitions

Dark geese: Canada geese, white-fronted geese, brant (except in Alaska, California, Oregon, Washington, and the Atlantic Flyway), and all other goose species except light geese.

Light geese: snow (including blue) geese and Ross' geese.

Waterfowl Seasons in the Atlantic Flyway

In the Atlantic Flyway States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, and Virginia, where Sunday hunting is prohibited statewide by State law, all Sundays are closed to all take of migratory waterfowl (including mergansers and coots).

Special September Teal Season

Outside Dates: Between September 1 and September 30, an open season on all species of teal may be selected by the following States in areas delineated by State regulations:

Atlantic Flyway—Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, and Virginia.

Mississippi Flyway—Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

Central Flyway—Colorado (part), Kansas, Nebraska (part), New Mexico (part), Oklahoma, and Texas.

Hunting Seasons and Daily Bag Limits: Not to exceed 9 consecutive days in the Atlantic Flyway and 16 consecutive days in the Mississippi and Central Flyways. The daily bag limit is 4 teal.

Shooting Hours:

Atlantic Flyway—One-half hour before sunrise to sunset except in Maryland, where the hours are from sunrise to sunset.

Mississippi and Central Flyways—One-half hour before sunrise to sunset, except in the States of Arkansas, Illinois, Indiana, Missouri, and Ohio, where the hours are from sunrise to sunset.

Special September Duck Seasons

Florida, Kentucky and Tennessee: In lieu of a special September teal season, a 5-consecutive-day season may be selected in September. The daily bag limit may not exceed 4 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks.

Iowa: Iowa may hold up to 5 days of its regular duck hunting season in September. All ducks that are legal during the regular duck season may be taken during the September segment of the season. The September season segment may commence no earlier than the Saturday nearest September 20 (September 22). The daily bag and possession limits will be the same as those in effect last year, but are subject to change during the late-season regulations process. The remainder of the regular duck season may not begin before October 10.

Special Youth Waterfowl Hunting Days

Outside Dates: States may select two consecutive days (hunting days in Atlantic Flyway States with compensatory days) per duck-hunting zone, designated as ''Youth Waterfowl Hunting Days,'' in addition to their regular duck seasons. The days must be held outside any regular duck season on a weekend, holidays, or other non-school days when youth hunters would have the maximum opportunity to participate. The days may be held up to 14 days before or after any regular duck-season frameworks or within any split of a regular duck season, or within any other open season on migratory birds.

Daily Bag Limits: The daily bag limits may include ducks, geese, mergansers, coots, moorhens, and gallinules and would be the same as those allowed in the regular season. Flyway species and area restrictions would remain in effect.

Shooting Hours: One-half hour before sunrise to sunset.

Participation Restrictions: Youth hunters must be 15 years of age or younger. In addition, an adult at least 18 years of age must accompany the youth hunter into the field. This adult may not duck hunt but may participate in other seasons that are open on the special youth day.

Scoter, Eider, and Oldsquaw Ducks (Atlantic Flyway)

Outside Dates: Between September 15 and January 31.

Hunting Seasons and Daily Bag Limits: Not to exceed 107 days, with a daily bag limit of 7, singly or in the aggregate, of the listed sea-duck species, of which no more than 4 may be scoters.

Daily Bag Limits During the Regular Duck Season: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may choose to allow the above sea duck limits in addition to the limits applying to other ducks during the regular duck season. In all other areas, sea ducks may be taken only during the regular open season for ducks and are part of the regular duck season daily bag (not to exceed 4 scoters) and possession limits.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia; and provided that any such areas have been described, delineated, and designated as special sea-duck hunting areas under the hunting regulations adopted by the respective States.

Special Early Canada Goose Seasons

Atlantic Flyway

General Seasons

Canada goose seasons of up to 15 days during September 1–15 may be selected for the Eastern Unit of Maryland and Delaware. Seasons not to exceed 25 days during September 1–25 may be selected for the Montezuma Region of New York and the Lake Champlain Region of New

York and Vermont. Seasons not to exceed 30 days during September 1–30 may be selected for Connecticut, Florida, Georgia, New Jersey, New York (Long Island Zone), North Carolina, Rhode Island, and South Carolina. Seasons may not exceed 25 days during September 1–25 in the remainder of the Flyway. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Daily Bag Limits: Not to exceed 15 Canada geese.

Mississippi Flyway

General Seasons

Canada goose seasons of up to 15 days during September 1–15 may be selected, except in the Upper Peninsula in Michigan, where the season may not extend beyond September 10, and in Minnesota (except in the Northwest Goose Zone), where a season of up to 22 days during September 1–22 may be selected. The daily bag limit may not exceed 5 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

A Canada goose season of up to 10 consecutive days during September 1–10 may be selected by Michigan for Huron, Saginaw, and Tuscola Counties, except that the Shiawassee National Wildlife Refuge, Shiawassee River State Game Area Refuge, and the Fish Point Wildlife Area Refuge will remain closed. The daily bag limit may not exceed 5 Canada geese.

Central Flyway

General Seasons

In Kansas, Nebraska, Oklahoma, South Dakota, and Texas, Canada goose seasons of up to 30 days during September 1–30 may be selected. In Colorado, New Mexico, North Dakota, Montana, and Wyoming, Canada goose seasons of up to 15 days during September 1–15 may be selected. The daily bag limit may not exceed 5 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Pacific Flyway

General Seasons

California may select a 9-day season in Humboldt County during the period September 1–15. The daily bag limit is 2.

Colorado may select a 9-day season during the period of September 1–15. The daily bag limit is 3.

Oregon may select a special Canada goose season of up to 15 days during the period September 1–15. In addition, in the NW goose management zone in Oregon, a 15-day season may be selected during the period September 1–20. Daily bag limits may not exceed 5 Canada geese.

Idaho may select a 7-day season during the period September 1–15. The daily bag limit is 2 and the possession limit is 4.

Washington may select a special Canada goose season of up to 15 days during the period September 1–15. Daily bag limits may not exceed 5 Canada geese.

Wyoming may select an 8-day season on Canada geese between September 1–15. This season is subject to the following conditions:

1. Where applicable, the season must be concurrent with the September portion of the sandhill crane season.

2. A daily bag limit of 2, with season and possession limits of 4, will apply to the special season.

Areas open to hunting of Canada geese in each State must be described, delineated, and designated as such in each State's hunting regulations.

Regular Goose Seasons

Regular goose seasons may open as early as September 16 in Wisconsin and Michigan. Season lengths, bag and possession limits, and other provisions will be established during the late-season regulations process.

Sandhill Cranes

Regular Seasons in the Central Flyway:

Outside Dates: Between September 1 and February 28.

Hunting Seasons: Seasons not to exceed 37 consecutive days may be selected in designated portions of North Dakota (Area 2) and Texas (Area 2). Seasons not to exceed 58 consecutive days may be selected in designated portions of the following States: Colorado, Kansas, Montana, North Dakota, South Dakota, and Wyoming. Seasons not to exceed 93 consecutive days may be selected in designated portions of the following States: New Mexico, Oklahoma, and Texas.

Daily Bag Limits: 3 sandhill cranes, except 2 sandhill cranes in designated portions of North Dakota (Area 2) and Texas (Area 2).

Permits: Each person participating in the regular sandhill crane seasons must have a valid Federal sandhill crane hunting permit and/or, in those States where a Federal sandhill crane permit is not issued, a State-issued Harvest Information Survey Program (HIP) certification for game bird hunting in their possession while hunting.

Special Seasons in the Central and Pacific Flyways: Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population (RMP) subject to the following conditions:

Outside Dates: Between September 1 and January 31.

Hunting Seasons: The season in any State or zone may not exceed 30 days.

Bag limits: Not to exceed 3 daily and 9 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other provisions: Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils, with the following exceptions:

1. In Utah, the requirement for monitoring the racial composition of the harvest in the experimental season is waived, and 100 percent of the harvest will be assigned to the RMP quota;

2. In Arizona, monitoring the racial composition of the harvest must be conducted at 3-year intervals;

3. In Idaho, seasons are experimental, and the requirement for monitoring the racial composition of the harvest is waived; 100 percent of the harvest will be assigned to the RMP quota; and

4. In New Mexico, the season in the Estancia Valley is experimental, with a requirement to monitor the level and racial composition of the harvest; greater sandhill cranes in the harvest will be assigned to the RMP quota.

Special Seasons in the Pacific Flyway:

Arizona may select a season for hunting sandhill cranes within the range of the Lower Colorado River Population (LCR) of sandhill cranes, subject to the following conditions:

Outside Dates: Between January 1 and January 31.

Hunting Seasons: The season may not exceed 3 days.

Bag limits: Not to exceed 1 daily and 1 per season.

Permits: Participants must have a valid permit, issued by the appropriate State, in their possession while hunting.

Other provisions: The season is experimental. Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Pacific Flyway Council.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1 and the last Sunday in January (January 27) in the Atlantic, Mississippi and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks; therefore, they are late-season frameworks, and no frameworks are provided in this document.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into 2 segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Zoning: Seasons may be selected by zones established for duck hunting.

Rails

Outside Dates: States included herein may select seasons between September 1 and the last Sunday in January (January 27) on clapper, king, sora, and Virginia rails.

Hunting Seasons: The season may not exceed 70 days, and may be split into 2 segments.

Daily Bag Limits:

Clapper and King Rails—In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, 10, singly or in the aggregate of the 2 species. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails—In the Atlantic, Mississippi, and Central Flyways and the Pacific-Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 daily and 25 in possession, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

Common Snipe

Outside Dates: Between September 1 and February 28, except in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia, where the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Zoning: Seasons may be selected by zones established for duck hunting.

American Woodcock

Outside Dates: States in the Eastern Management Region may select hunting seasons between October 1 and January 31. States in the Central Management Region may select hunting seasons between the Saturday nearest September 22 (September 22) and January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 30 days in the Eastern Region and 45 days in the Central Region. The daily bag limit is 3. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 24 days.

Band-Tailed Pigeons

Pacific Coast States (California, Oregon, Washington, and Nevada)

Outside Dates: Between September 15 and January 1.

Hunting Seasons and Daily Bag Limits: Not more than 9 consecutive days, with a daily bag limit of 2 band-tailed pigeons.

Zoning: California may select hunting seasons not to exceed 9 consecutive days in each of two zones. The season in the North Zone must close by October 3.

Four-Corners States (Arizona, Colorado, New Mexico, and Utah)

Outside Dates: Between September 1 and November 30.

Hunting Seasons and Daily Bag Limits: Not more than 30 consecutive days, with a daily bag limit of 5 band-tailed pigeons.

Zoning: New Mexico may select hunting seasons not to exceed 20 consecutive days in each of two zones. The season in the South Zone may not open until October 1.

Mourning Doves

Outside Dates: Between September 1 and January 15, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 70 days with a daily bag limit of 12 mourning and white-winged doves in the aggregate, or not more than 60 days with a bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Central Management Unit

Hunting Seasons and Daily Bag Limits: Not more than 70 days with a daily bag limit of 12 mourning and white-winged doves in the aggregate, or not more than 60 days with a bag limit of 15 mourning and white-winged doves in the aggregate.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods.

Texas may select hunting seasons for each of three zones subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited mourning dove season may be held concurrently with that special season (see white-winged dove frameworks).

B. A season may be selected for the North and Central Zones between September 1 and January 25; and for the South Zone between September 20 and January 25.

C. Daily bag limits are aggregate bag limits with mourning, white-winged, and white-tipped doves (see white-winged dove frameworks for specific daily bag limit restrictions).

D. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

Western Management Unit

Hunting Seasons and Daily Bag Limits: Idaho, Oregon, and Washington—Not more than 30 consecutive days with a daily bag limit of 10 mourning doves.

Utah—Not more than 30 consecutive days with a daily bag limit that may not exceed 10 mourning doves and white-winged doves in the aggregate.

Nevada—Not more than 30 consecutive days with a daily bag limit of 10 mourning doves, except in Clark and Nye Counties, where the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

Arizona and California—Not more than 60 days, which may be split between two periods, September 1–15 and November 1–January 15. In Arizona, during the first segment of the season, the daily bag limit is 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves. During the remainder of the season, the daily bag limit is 10 mourning doves. In California, the daily bag limit is 10 mourning doves, except in Imperial,

Riverside, and San Bernardino Counties, where the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

White-Winged and White-Tipped Doves

Hunting Seasons and Daily Bag Limits:

Except as shown below, seasons must be concurrent with mourning dove seasons.

Eastern Management Unit: The daily bag limit may not exceed 12 (15 under the alternative) mourning and white-winged doves in the aggregate.

Central Management Unit:

In Texas, the daily bag limit may not exceed 12 mourning, white-winged, and white-tipped doves (15 under the alternative) in the aggregate, of which no more than 2 may be white-tipped doves. In addition, Texas also may select a hunting season of not more than 4 days for the special white-winged dove area of the South Zone between September 1 and September 19. The daily bag limit may not exceed 12 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 4 may be mourning doves and 2 may be white-tipped doves.

In the remainder of the Central Management Unit, the daily bag limit may not exceed 12 (15 under the alternative) mourning and white-winged doves in the aggregate.

Western Management Unit:

Arizona may select a hunting season of not more than 30 consecutive days, running concurrently with the first segment of the mourning dove season. The daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves.

In Utah, the Nevada Counties of Clark and Nye, and in the California Counties of Imperial, Riverside, and San Bernardino, the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

In the remainder of the Western Management Unit, the season is closed.

Alaska

Outside Dates: Between September 1 and January 26.

Hunting Seasons: Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and common snipe in each of 5 zones. The season may be split without penalty in the Kodiak Zone. The seasons in each zone must be concurrent.

Closures: The hunting season is closed on emperor geese, spectacled eiders, and Steller's eiders.

Daily Bag and Possession Limits:

Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone, they are 8 and 24. The basic limits may include no more than 1 canvasback daily and 3 in possession and may not include sea ducks.

In addition to the basic duck limits, Alaska may select sea duck limits of 10 daily, 20 in possession, singly or in the aggregate, including no more than 6 each of either harlequin or long-tailed ducks. Sea ducks include scoters, common and king eiders, harlequin ducks, long-tailed ducks, and common and red-breasted mergansers.

Light Geese—A basic daily bag limit of 4 and a possession limit of 8.

Dark Geese—A basic daily bag limit of 4 and a possession limit of 8.

Dark-goose seasons are subject to the following exceptions:

1. In Units 5 and 6, the taking of Canada geese is permitted from September 28 through December 16.

2. On Middleton Island in Unit 6, a special, permit-only Canada goose season may be offered. No more than 10 permits can be issued. A mandatory goose identification class is required. Hunters must check in and check out. The bag limit is 1 daily and 1 in possession. The season will close if incidental harvest includes 5 dusky Canada geese. A dusky Canada goose is any dark-breasted Canada goose (Munsell 10 YR color value five or less) with a bill length between 40 and 50 millimeters.

3. In Units 9, 10, 17 and 18, dark goose limits are 6 per day, 12 in possession; however, no more than 2 may be Canada geese in Units 9(E) and 18; and no more than 4 may be Canada geese in Units 9(A–C), 10 (Unimak Island portion), and 17.

Brant—A daily bag limit of 2.

Common snipe—A daily bag limit of 8.

Sandhill cranes—Bag and possession limits of 2 and 4, respectively, in the Southeast, Gulf Coast, Kodiak, and Aleutian Zones, and Unit 17 in the Northern Zone. In the remainder of the Northern Zone (outside Unit 17), bag and possession limits of 3 and 6, respectively.

Tundra Swans—Open seasons for tundra swans may be selected subject to the following conditions:

1. All seasons are by registration permit only.

2. All season framework dates are September 1—October 31.

3. In Game Management Unit (GMU) 17, no more than 200 permits may be issued during this operational season. No more than 3 tundra swans may be authorized per permit with no more than 1 permit issued per hunter per season.

4. In Game Management Unit (GMU) 18, no more than 500 permits may be issued during the operational season. Up to 3 tundra swans may be authorized per permit. No more than 1 permit may be issued per hunter per season.

5. In GMU 22, no more than 300 permits may be issued during the operational season. Each permittee may be authorized to take up to 3 tundra swan per permit. No more than 1 permit may be issued per hunter per season.

6. In GMU 23, no more than 300 permits may be issued during the operational season. No more than 3 tundra swans may be authorized per permit with no more than 1 permit issued per hunter per season.

Hawaii

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 65 days (75 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Doves and Pigeons:

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days.

Daily Bag and Possession Limits: Not to exceed 15 Zenaida, mourning, and white-winged doves in the aggregate, of which not more than 3 may be mourning doves. Not to exceed 5 scaly-naped pigeons.

Closed Areas: There is no open season on doves or pigeons in the following areas: Municipality of Culebra, Desecheo Island, Mona Island, El Verde Closure Area, and Cidra Municipality and adjacent areas.

Ducks, Coots, Moorhens, Gallinules, and Snipe:

Outside Dates: Between October 1 and January 31.

Hunting Seasons: Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The season may be split into two segments.

Daily Bag Limits:

Ducks—Not to exceed 6.

Common moorhens—Not to exceed 6.

Common snipe—Not to exceed 8.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck,

fulvous whistling duck, and masked duck, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule, American coot, and Caribbean coot.

Closed Areas: There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Doves and Pigeons

Outside Dates: Between September 1 and January 15.

Hunting Seasons: Not more than 60 days for Zenaida doves.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves.

Closed Seasons: No open season is prescribed for ground or quail doves, or pigeons in the Virgin Islands.

Closed Areas: There is no open season for migratory game birds on Ruth Cay (just south of St. Croix).

Local Names for Certain Birds: Zenaida dove, also known as mountain dove; bridled quail-dove, also known as Barbary dove or partridge; Common ground-dove, also known as stone dove, tobacco dove, rola, or tortolita; scaly-naped pigeon, also known as red-necked or scaled pigeon.

Ducks

Outside Dates: Between December 1 and January 31.

Hunting Seasons: Not more than 55 consecutive days.

Daily Bag Limits: Not to exceed 6.

Closed Seasons: The season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, and masked duck.

Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons must not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1 and March 10.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds must not exceed 3 and 6 birds, respectively, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29(k). Regular-season bag and possession limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

Area, Unit, and Zone Descriptions

Mourning and White-Winged Doves

Alabama

South Zone—Baldwin, Barbour, Coffee, Covington, Dale, Escambia, Geneva, Henry, Houston, and Mobile Counties.

North Zone—Remainder of the State.

California

White-winged Dove Open Areas—Imperial, Riverside, and San Bernardino Counties.

Florida

Northwest Zone—The Counties of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Okaloosa, Santa Rosa, Walton, Washington, Leon (except that portion north of U.S. 27 and east of State Road 155), Jefferson (south of U.S. 27, west of State Road 59 and north of U.S. 98), and Wakulla (except that portion south of U.S. 98 and east of the St. Marks River).

South Zone—Remainder of State.

Louisiana

North Zone—That portion of the state north of a line extending east from the Texas border along State Highway 12 to U.S. Highway 190, east along U.S. 190 to Interstate Highway 12, east along Interstate 12 to Interstate Highway 10, then east along Interstate 10 to the Mississippi border.

South Zone—The remainder of the State.

Mississippi

North Zone—That portion of the State north and west of a line extending west from the Alabama State line along U.S. Highway 84 to its junction with State Highway 35, then south along State Highway 35 to the Louisiana State line.

South Zone—The remainder of Mississippi.

Nevada

White-winged Dove Open Areas—Clark and Nye Counties.

Oklahoma

North Zone—That portion of the State north of a line extending east from the Texas border along U.S. Highway 62 to Interstate 44, east along Oklahoma State Highway 7 to U.S. Highway 81, then south along U.S. Highway 81 to the Texas border at the Red River.

South Zone—The remainder of Oklahoma.

Texas

North Zone—That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to TX 20; west along TX 20 to TX 148; north along TX 148 to I–10 at Fort Hancock; east along I–10 to I–20; northeast along I–20 to I–30 at Fort Worth; northeast along I–30 to the Texas-Arkansas State line.

South Zone—That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio; then south, east, and north along Loop 1604 to Interstate Highway 10 east of San Antonio; then east on I–10 to Orange, Texas.

Special White-winged Dove Area in the South Zone—That portion of the State south and west of a line beginning at the International Bridge south of Del Rio, proceeding east on U.S. 90 to State Loop 1604 west of San Antonio, southeast on State Loop 1604 to Interstate Highway 35, southwest on Interstate Highway 35 to TX 44; east along TX 44 to TX 16 at Freer; south along TX 16 to TX 285 at Hebbronville; east along TX 285 to FM 1017; southwest along FM 1017 to TX 186 at Linn; east along TX 186 to the Mansfield Channel at Port Mansfield; east along the Mansfield Channel to the Gulf of Mexico.

Area with additional restrictions—Cameron, Hidalgo, Starr, and Willacy Counties.

Central Zone—That portion of the State lying between the North and South Zones.

Band-Tailed Pigeons

California

North Zone—Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity Counties.

South Zone—The remainder of the State.

New Mexico

North Zone—North of a line following U.S. 60 from the Arizona State line east to I–25 at Socorro and then south along

I–25 from Socorro to the Texas State line.

South Zone—Remainder of the State.

Washington

Western Washington—The State of Washington excluding those portions lying east of the Pacific Crest Trail and east of the Big White Salmon River in Klickitat County.

Woodcock

New Jersey

North Zone—That portion of the State north of NJ 70.

South Zone—The remainder of the State.

Special September Canada Goose Seasons

Atlantic Flyway

Connecticut

North Zone—That portion of the State north of I–95.

South Zone—Remainder of the State.

Maryland

Eastern Unit—Anne Arundel, Calvert, Caroline, Cecil, Charles, Dorchester, Harford, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester Counties; that portion of Prince Georges, Howard, and Baltimore Counties east of Interstate 95.

Western Unit—Allegany, Carroll, Frederick, Garrett, Montgomery, and Washington Counties; that portion of Prince Georges, Howard, and Baltimore Counties west of Interstate 95.

Massachusetts

Western Zone—That portion of the State west of a line extending south from the Vermont border on I–91 to MA 9, west on MA 9 to MA 10, south on MA 10 to U.S. 202, south on U.S. 202 to the Connecticut border.

Central Zone—That portion of the State east of the Berkshire Zone and west of a line extending south from the New Hampshire border on I–95 to U.S. 1, south on U.S. 1 to I–93, south on I–93 to MA 3, south on MA 3 to U.S. 6, west on U.S. 6 to MA 28, west on MA 28 to I–195, west to the Rhode Island border; except the waters, and the lands 150 yards inland from the high-water mark, of the Assonet River upstream to the MA 24 bridge, and the Taunton River upstream to the Center St.-Elm St. bridge will be in the Coastal Zone.

Coastal Zone—That portion of Massachusetts east and south of the Central Zone.

New York

Lake Champlain Zone—The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone—That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone—That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border, except for the Montezuma Zone.

Montezuma Zone—Those portions of Cayuga, Seneca, Ontario, Wayne, and Oswego Counties north of U.S. Route 20, east of NYS Route 14, south of NYS Route 104, and west of NYS Route 34.

Northeastern Zone—That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone—The remaining portion of New York.

North Carolina

Northeast Hunt Unit—Camden, Chowan, Currituck, Dare, Hyde, Pasquotank, Perquimans, Tyrrell, and Washington Counties; that portion of Bertie County north and east of a line formed by NC 45 at the Washington County line to U.S. 17 in Midway, U.S. 17 in Midway to U.S. 13 in Windsor to the Hertford County line; and that portion of Northampton County that is north of U.S. 158 and east of NC 35.

Vermont

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area north and west of the line extending from the New York border along U.S. 4 to VT 22A at Fair Haven; VT 22A to U.S. 7 at Vergennes; U.S. 7 to the Canadian border.

Interior Zone: That portion of Vermont west of the Lake Champlain Zone and eastward of a line extending from the Massachusetts border at Interstate 91; north along Interstate 91 to U.S. 2; east along U.S. 2 to VT 102; north along VT 102 to VT 253; north along VT 253 to the Canadian border.

Connecticut River Zone: The remaining portion of Vermont east of the Interior Zone.

Mississippi Flyway

Illinois

Northeast Canada Goose Zone—Cook, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties.

North Zone: That portion of the State outside the Northeast Canada Goose Zone and north of a line extending west from the Indiana border along Peotone-Beecher Road to Illinois Route 50, south along Illinois Route 50 to Wilmington-Peotone Road, west along Wilmington-Peotone Road to Illinois Route 53, north along Illinois Route 53 to New River Road, northwest along New River Road to Interstate Highway 55, south along I–55 to Pine Bluff–Lorenzo Road, west along Pine Bluff—Lorenzo Road to Illinois Route 47, north along Illinois Route 47 to I–80, west along I–80 to I–39, south along I–39 to Illinois Route 18, west along Illinois Route 18 to Illinois Route 29, south along Illinois Route 29 to Illinois Route 17, west along Illinois Route 17 to the Mississippi River, and due south across the Mississippi River to the Iowa border.

Central Zone: That portion of the State outside the Northeast Canada Goose Zone and south of the North Zone to a line extending west from the Indiana border along Interstate Highway 70 to Illinois Route 4, south along Illinois Route 4 to Illinois Route 161, west along Illinois Route 161 to Illinois Route 158, south and west along Illinois Route 158 to Illinois Route 159, south along Illinois Route 159 to Illinois Route 156, west along Illinois Route 156 to A Road, north and west on A Road to Levee Road, north on Levee Road to the south shore of New Fountain Creek, west along the south shore of New Fountain Creek to the Mississippi River, and due west across the Mississippi River to the Missouri border.

South Zone: The remainder of Illinois.

Iowa

North Zone: That portion of the State north of U.S. Highway 20.

South Zone: The remainder of Iowa.

Cedar Rapids/Iowa City Goose Zone. Includes portions of Linn and Johnson Counties bounded as follows: Beginning at the intersection of the west border of Linn County and Linn County Road E2W; thence south and east along County Road E2W to Highway 920; thence north along Highway 920 to County Road E16; thence east along County Road E16 to County Road W58; thence south along County Road W58 to

County Road E34; thence east along County Road E34 to Highway 13; thence south along Highway 13 to Highway 30; thence east along Highway 30 to Highway 1; thence south along Highway 1 to Morse Road in Johnson County; thence east along Morse Road to Wapsi Avenue; thence south along Wapsi Avenue to Lower West Branch Road; thence west along Lower West Branch Road to Taft Avenue; thence south along Taft Avenue to County Road F62; thence west along County Road F62 to Kansas Avenue; thence north along Kansas Avenue to Black Diamond Road; thence west on Black Diamond Road to Jasper Avenue; thence north along Jasper Avenue to Rohert Road; thence west along Rohert Road to Ivy Avenue; thence north along Ivy Avenue to 340th Street; thence west along 340th Street to Half Moon Avenue; thence north along Half Moon Avenue to Highway 6; thence west along Highway 6 to Echo Avenue; thence north along Echo Avenue to 250th Street; thence east on 250th Street to Green Castle Avenue; thence north along Green Castle Avenue to County Road F12; thence west along County Road F12 to County Road W30; thence north along County Road W30 to Highway 151; thence north along the Linn-Benton County line to the point of beginning.

Des Moines Goose Zone. Includes those portions of Polk, Warren, Madison and Dallas Counties bounded as follows: Beginning at the intersection of Northwest 158th Avenue and County Road R38 in Polk County; thence south along R38 to Northwest 142nd Avenue; thence east along Northwest 142nd Avenue to Northeast 126th Avenue; thence east along Northeast 126th Avenue to Northeast 46th Street; thence south along Northeast 46th Street to Highway 931; thence east along Highway 931 to Northeast 80th Street; thence south along Northeast 80th Street to Southeast 6th Avenue; thence west along Southeast 6th Avenue to Highway 65; thence south and west along Highway 65 to Highway 69 in Warren County; thence south along Highway 69 to County Road G24; thence west along County Road G24 to Highway 28; thence southwest along Highway 28 to 43rd Avenue; thence north along 43rd Avenue to Ford Street; thence west along Ford Street to Filmore Street; thence west along Filmore Street to 10th Avenue; thence south along 10th Avenue to 155th Street in Madison County; thence west along 155th Street to Cumming Road; thence north along Cumming Road to Badger Creek Avenue; thence north along Badger Creek Avenue to County Road F90 in Dallas County; thence east along County Road F90 to County Road R22; thence north along County Road R22 to Highway 44; thence east along Highway 44 to County Road R30; thence north along County Road R30 to County Road F31; thence east along County Road F31 to Highway 17; thence north along Highway 17 to Highway 415 in Polk County; thence east along Highway 415 to Northwest 158th Avenue; thence east along Northwest 158th Avenue to the point of beginning.

Michigan

North Zone: The Upper Peninsula.

Middle Zone: That portion of the Lower Peninsula north of a line beginning at the Wisconsin border in Lake Michigan due west of the mouth of Stony Creek in Oceana County; then due east to, and easterly and southerly along the south shore of, Stony Creek to Scenic Drive, easterly and southerly along Scenic Drive to Stony Lake Road, easterly along Stony Lake and Garfield Roads to Michigan Highway 20, east along Michigan 20 to U.S. Highway 10 Business Route (BR) in the city of Midland, east along U.S. 10 BR to U.S. 10, east along U.S. 10 to Interstate Highway 75/U.S. Highway 23, north along I–75/U.S. 23 to the U.S. 23 exit at Standish, east along U.S. 23 to Shore Road in Arenac County, east along Shore Road to the tip of Point Lookout, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canada border.

South Zone: The remainder of Michigan.

Minnesota

Twin Cities Metropolitan Canada Goose Zone—

A. All of Hennepin and Ramsey Counties.

B. In Anoka County, all of Columbus Township lying south of County State Aid Highway (CSAH) 18, Anoka County; all of the cities of Ramsey, Andover, Anoka, Coon Rapids, Spring Lake Park, Fridley, Hilltop, Columbia Heights, Blaine, Lexington, Circle Pines, Lino Lakes, and Centerville; and all of the city of Ham Lake except that portion lying north of CSAH 18 and east of U.S. Highway 65.

C. That part of Carver County lying north and east of the following described line: Beginning at the northeast corner of San Francisco Township; thence west along the north boundary of San Francisco Township to the east boundary of Dahlgren Township; thence north along the east boundary of Dahlgren Township to U.S. Highway 212; thence west along U.S. Highway 212 to State Trunk Highway (STH) 284; thence north on STH 284 to County State Aid Highway (CSAH) 10; thence north and west on CSAH 10 to CSAH 30; thence north and west on CSAH 30 to STH 25; thence east and north on STH 25 to CSAH 10; thence north on CSAH 10 to the Carver County line.

D. In Scott County, all of the cities of Shakopee, Savage, Prior Lake, and Jordan, and all of the Townships of Jackson, Louisville, St. Lawrence, Sand Creek, Spring Lake, and Credit River.

E. In Dakota County, all of the cities of Burnsville, Eagan, Mendota Heights, Mendota, Sunfish Lake, Inver Grove Heights, Apple Valley, Lakeville, Rosemount, Farmington, Hastings, Lilydale, West St. Paul, and South St. Paul, and all of the Township of Nininger.

F. That portion of Washington County lying south of the following described line: Beginning at County State Aid Highway (CSAH) 2 on the west boundary of the county; thence east on CSAH 2 to U.S. Highway 61; thence south on U.S. Highway 61 to State Trunk Highway (STH) 97; thence east on STH 97 to the intersection of STH 97 and STH 95; thence due east to the east boundary of the State.

Northwest Goose Zone—That portion of the State encompassed by a line extending east from the North Dakota border along U.S. Highway 2 to State Trunk Highway (STH) 32, north along STH 32 to STH 92, east along STH 92 to County State Aid Highway (CSAH) 2 in Polk County, north along CSAH 2 to CSAH 27 in Pennington County, north along CSAH 27 to STH 1, east along STH 1 to CSAH 28 in Pennington County, north along CSAH 28 to CSAH 54 in Marshall County, north along CSAH 54 to CSAH 9 in Roseau County, north along CSAH 9 to STH 11, west along STH 11 to STH 310, and north along STH 310 to the Manitoba border.

Southeast Goose Zone—That part of the State within the following described boundaries: Beginning at the intersection of U.S. Highway 52 and the south boundary of the Twin Cities Metro Canada Goose Zone; thence along the U.S. Highway 52 to State Trunk Highway (STH) 57; thence along STH 57 to the municipal boundary of Kasson; thence along the municipal boundary of Kasson County State Aid Highway (CSAH) 13, Dodge County; thence along CSAH 13 to STH 30; thence along STH 30 to U.S. Highway 63; thence along U.S. Highway 63 to the south boundary of the State; thence along the south and east boundaries of the State to the south boundary of the Twin Cities Metro

Canada Goose Zone; thence along said boundary to the point of beginning.

Five Goose Zone—That portion of the State not included in the Twin Cities Metropolitan Canada Goose Zone, the Northwest Goose Zone, or the Southeast Goose Zone.

West Zone—That portion of the State encompassed by a line beginning at the junction of State Trunk Highway (STH) 60 and the Iowa border, then north and east along STH 60 to U.S. Highway 71, north along U.S. 71 to Interstate Highway 94, then north and west along I–94 to the North Dakota border.

Tennessee

Middle Tennessee Zone—Those portions of Houston, Humphreys, Montgomery, Perry, and Wayne Counties east of State Highway 13; and Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Moore, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, and Wilson Counties.

East Tennessee Zone—Anderson, Bledsoe, Bradley, Blount, Campbell, Carter, Claiborne, Clay, Cocke, Cumberland, DeKalb, Fentress, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White Counties.

Wisconsin

Early-Season Subzone A—That portion of the State encompassed by a line beginning at the intersection of U.S. Highway 141 and the Michigan border near Niagara, then south along U.S. 141 to State Highway 22, west and southwest along State 22 to U.S. 45, south along U.S. 45 to State 22, west and south along State 22 to State 110, south along State 110 to U.S. 10, south along U.S. 10 to State 49, south along State 49 to State 23, west along State 23 to State 73, south along State 73 to State 60, west along State 60 to State 23, south along State 23 to State 11, east along State 11 to State 78, then south along State 78 to the Illinois border.

Early-Season Subzone B—The remainder of the State.

Central Flyway

Nebraska

September Canada Goose Unit—That part of Nebraska bounded by a line from the Nebraska-Iowa State line west on U.S. Highway 30 to U.S. Highway 81, then south on U.S. Highway 81 to NE Highway 64, then east on NE Highway 64 to NE Highway 15, then south on NE Highway 15 to NE Highway 41, then east on NE Highway 41 to NE Highway 50, then north on NE Highway 50 to NE Highway 2, then east on NE Highway 2 to the Nebraska-Iowa State line.

South Dakota

September Canada Goose Unit A—Brown, Campbell, Edmunds, Faulk, McPherson, Spink, and Walworth Counties.

September Canada Goose Unit B—Clark, Codington, Day, Deuel, Grant, Hamlin, Marshall, and Roberts Counties.

September Canada Goose Unit C—Beadle, Brookings, Hanson, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, and Union Counties.

Pacific Flyway

Idaho

East Zone—Bonneville, Caribou, Fremont, and Teton Counties.

Oregon

Northwest Zone—Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Multnomah, Tillamook, Washington, and Yamhill Counties.

Southwest Zone—Coos, Curry, Douglas, Jackson, Josephine, and Klamath Counties.

East Zone—Baker, Gilliam, Malheur, Morrow, Sherman, Umatilla, Union, and Wasco Counties.

Washington

Area 1—Skagit, Island, and Snohomish Counties.

Area 2A (SW Quota Zone)—Clark County, except portions south of the Washougal River; Cowlitz, and Wahkiakum Counties.

Area 2B (SW Quota Zone)—Pacific County.

Area 3—All areas west of the Pacific Crest Trail and west of the Big White Salmon River that are not included in Areas 1, 2A, and 2B.

Area 4—Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla Counties.

Area 5—All areas east of the Pacific Crest Trail and east of the Big White Salmon River that are not included in Area 4.

Ducks

Atlantic Flyway

New York

Lake Champlain Zone: The U.S. portion of Lake Champlain and that area east and north of a line extending along NY 9B from the Canadian border to U.S. 9, south along U.S. 9 to NY 22 south of Keesville; south along NY 22 to the west shore of South Bay, along and around the shoreline of South Bay to NY 22 on the east shore of South Bay; southeast along NY 22 to U.S. 4, northeast along U.S. 4 to the Vermont border.

Long Island Zone: That area consisting of Nassau County, Suffolk County, that area of Westchester County southeast of I–95, and their tidal waters.

Western Zone: That area west of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, and south along I–81 to the Pennsylvania border.

Northeastern Zone: That area north of a line extending from Lake Ontario east along the north shore of the Salmon River to I–81, south along I–81 to NY 49, east along NY 49 to NY 365, east along NY 365 to NY 28, east along NY 28 to NY 29, east along NY 29 to I–87, north along I–87 to U.S. 9 (at Exit 20), north along U.S. 9 to NY 149, east along NY 149 to U.S. 4, north along U.S. 4 to the Vermont border, exclusive of the Lake Champlain Zone.

Southeastern Zone: The remaining portion of New York.

Mississippi Flyway

Indiana

North Zone: That portion of the State north of a line extending east from the Illinois border along State Road 18 to U.S. Highway 31, north along U.S. 31 to U.S. 24, east along U.S. 24 to Huntington, then southeast along U.S. 224 to the Ohio border.

Ohio River Zone: That portion of the State south of a line extending east from the Illinois border along Interstate Highway 64 to New Albany, east along State Road 62 to State 56, east along State 56 to Vevay, east and north on State 156 along the Ohio River to North Landing, north along State 56 to U.S. Highway 50, then northeast along U.S. 50 to the Ohio border.

South Zone: That portion of the State between the North and Ohio River Zone boundaries.

Iowa

North Zone: That portion of the State north of a line extending east from the Nebraska border along State Highway 175 to State Highway 37, southeast along State Highway 37 to State Highway 183, northeast along State Highway 183 to State Highway 141, east along State Highway 141 to U.S. Highway 30, then east along U.S. Highway 30 to the Illinois border.

South Zone: The remainder of Iowa.

Central Flyway

Colorado

Special Teal Season Area: Lake and Chaffee Counties and that portion of the State east of Interstate Highway 25.

Kansas

High Plains Zone: That portion of the State west of U.S. 283.

Low Plains Early Zone: That area of Kansas east of U.S. 283, and generally west of a line beginning at the Junction of the Nebraska State line and KS 28; south on KS 28 to U.S. 36; east on U.S. 36 to KS 199; south on KS 199 to Republic Co. Road 563; south on Republic Co. Road 563 to KS 148; east on KS 148 to Republic Co. Road 138; south on Republic Co. Road 138 to Cloud Co. Road 765; south on Cloud Co. Road 765 to KS 9; west on KS 9 to U.S. 24; west on U.S. 24 to U.S. 281; north on U.S. 281 to U.S. 36; west on U.S. 36 to U.S. 183; south on U.S. 183 to U.S. 24; west on U.S. 24 to KS 18; southeast on KS 18 to U.S. 183; south on U.S. 183 to KS 4; east on KS 4 to I–135; south on I–135 to KS 61; southwest on KS 61 to KS 96; northwest on KS 96 to U.S. 56; west on U.S. 56 to U.S. 281; south on U.S. 281 to U.S. 54; west on U.S. 54 to U.S. 183; north on U.S. 183 to U.S. 56; and southwest on U.S. 56 to U.S. 283.

Low Plains Late Zone: The remainder of Kansas.

Nebraska

Special Teal Season Area: That portion of the State south of a line beginning at the Wyoming State line; east along U.S. 26 to Nebraska Highway L62A east to U.S. 385; south to U.S. 26; east to NE 92; east along NE 92 to NE 61; south along NE 61 to U.S. 30; east along U.S. 30 to the Iowa border.

New Mexico (Central Flyway Portion)

North Zone: That portion of the State north of I–40 and U.S. 54.

South Zone: The remainder of New Mexico.

Pacific Flyway

California

Northeastern Zone: In that portion of California lying east and north of a line beginning at the intersection of Interstate 5 with the California-Oregon line; south along Interstate 5 to its junction with Walters Lane south of the town of Yreka; west along Walters Lane to its junction with Easy Street; south along Easy Street to the junction with Old Highway 99; south along Old Highway 99 to the point of intersection with Interstate 5 north of the town of Weed; south along Interstate 5 to its junction with Highway 89; east and south along Highway 89 to Main Street Greenville; north and east to its junction with North Valley Road; south to its junction of Diamond Mountain Road; north and east to its junction with North Arm Road; south and west to the junction of North Valley Road; south to the junction with Arlington Road (A22); west to the junction of Highway 89; south and west to the junction of Highway 70; east on Highway 70 to Highway 395; south and east on Highway 395 to the point of intersection with the California-Nevada state line; north along the California-Nevada State line to the junction of the California-Nevada-Oregon State lines west along the California-Oregon State line to the point of origin.

Colorado River Zone: Those portions of San Bernardino, Riverside, and Imperial Counties east of a line extending from the Nevada border south along U.S. 95 to Vidal Junction; south on a road known as ''Aqueduct Road'' in San Bernardino County through the town of Rice to the San Bernardino-Riverside County line; south on a road known in Riverside County as the ''Desert Center to Rice Road'' to the town of Desert Center; east 31 miles on I–10 to the Wiley Well Road; south on this road to Wiley Well; southeast along the Army-Milpitas Road to the Blythe, Brawley, Davis Lake intersections; south on the Blythe-Brawley paved road to the Ogilby and Tumco Mine Road; south on this road to U.S. 80; east 7 miles on U.S. 80 to the Andrade-Algodones Road; south on this paved road to the Mexican border at Algodones, Mexico.

Southern Zone: That portion of southern California (but excluding the Colorado River Zone) south and east of a line extending from the Pacific Ocean east along the Santa Maria River to CA 166 near the City of Santa Maria; east on CA 166 to CA 99; south on CA 99 to the crest of the Tehachapi Mountains at Tejon Pass; east and north along the crest of the Tehachapi Mountains to CA 178 at Walker Pass; east on CA 178 to U.S. 395 at the town of Inyokern; south on U.S. 395 to CA 58; east on CA 58 to I–15; east on I–15 to CA 127; north on CA 127 to the Nevada border.

Southern San Joaquin Valley Temporary Zone: All of Kings and Tulare Counties and that portion of Kern County north of the Southern Zone.

Balance-of-the-State Zone: The remainder of California not included in the Northeastern, Southern, and Colorado River Zones, and the Southern San Joaquin Valley Temporary Zone.

Canada Geese

Michigan

MVP—Upper Peninsula Zone: The MVP—Upper Peninsula Zone consists of the entire Upper Peninsula of Michigan.

MVP—Lower Peninsula Zone: The MVP—Lower Peninsula Zone consists of the area within the Lower Peninsula of Michigan that is north and west of the point beginning at the southwest corner of Branch County, north continuing along the western border of Branch and Calhoun Counties to the northwest corner of Calhoun County, then east to the southwest corner of Eaton County, then north to the southern border of Ionia County, then east to the southwest corner of Clinton County, then north along the western border of Clinton County continuing north along the county border of Gratiot and Montcalm Counties to the southern border of Isabella county, then east to the southwest corner of Midland County, then north along the west Midland County border to Highway M–20, then easterly to U.S. Highway 10, then easterly to U.S. Interstate 75/U.S. Highway 23, then northerly along I–75/U.S. 23 and easterly on U.S. 23 to the centerline of the Au Gres River, then southerly along the centerline of the Au Gres River to Saginaw Bay, then on a line directly east 10 miles into Saginaw Bay, and from that point on a line directly northeast to the Canadian border.

SJBP Zone is the rest of the State, that area south and east of the boundary described above.

Sandhill Cranes

Central Flyway

Colorado

The Central Flyway portion of the State except the San Luis Valley (Alamosa, Conejos, Costilla, Hinsdale, Mineral, Rio Grande, and Saguache Counties east of the Continental Divide) and North Park (Jackson County).

Kansas

That portion of the State west of a line beginning at the Oklahoma border, north on I–35 to Wichita, north on I–135 to Salina, and north on U.S. 81 to the Nebraska border.

Montana

The Central Flyway portion of the State except for that area south and west of Interstate 90, which is closed to sandhill crane hunting.

New Mexico

Regular-Season Open Area—Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt Counties.

Middle Rio Grande Valley Area—The Central Flyway portion of New Mexico in Socorro and Valencia Counties.

Estancia Valley Area—Those portions of Santa Fe, Torrance and Bernallilo Counties within an area bounded on the west by New Mexico Highway 55 beginning at Mountainair north to NM 337, north to NM 14, north to I–25; on the north by I–25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to NM 55 in Mountainair.

Southwest Zone—Sierra, Luna, Dona Ana Counties, and those portions of Grant and Hidalgo Counties south of I–10.

North Dakota

Area 1—That portion of the State west of U.S. 281.

Area 2—That portion of the State east of U.S. 281.

Oklahoma

That portion of the State west of I–35.

South Dakota

That portion of the State west of U.S. 281.

Texas

Zone A—That portion of Texas lying west of a line beginning at the international toll bridge at Laredo, thence northeast along U.S. Highway 81 to its junction with Interstate Highway 35 in Laredo, thence north along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, thence northwest along Interstate Highway 10 to its junction with U.S. Highway 83 at Junction, thence north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, thence east along U.S. Highway 62 to the Texas-Oklahoma State line.

Zone B—That portion of Texas lying within boundaries beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, thence southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, thence southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, thence southwest along Interstate Highway 35 to its junction with Interstate Highway 10 in San Antonio, thence northwest along Interstate Highway 10 to its junction with U.S. Highway 83 in Junction, thence north along U.S. Highway 83 to its junction with U.S. Highway 62, 16 miles north of Childress, thence east along U.S. Highway 62 to the Texas-Oklahoma State line, thence south along the Texas-Oklahoma state line to the south bank of the Red River, thence eastward along the vegetation line on the south bank of the Red River to U.S. Highway 81.

Zone C—The remainder of the State, except for the closed areas.

Closed areas—(A) That portion of the State lying east and north of a line beginning at the junction of U.S. Highway 81 and the Texas-Oklahoma State line, thence southeast along U.S. Highway 81 to its junction with U.S. Highway 287 in Montague County, thence southeast along U.S. Highway 287 to its junction with Interstate Highway 35W in Fort Worth, thence southwest along Interstate Highway 35 to its junction with U.S. Highway 290 East in Austin, thence east along U.S. Highway 290 to its junction with Interstate Loop 610 in Harris County, thence south and east along Interstate Loop 610 to its junction with Interstate Highway 45 in Houston, thence south on Interstate Highway 45 to State Highway 342, thence to the shore of the Gulf of Mexico, and thence north and east along the shore of the Gulf of Mexico to the Texas-Louisiana State line.

(B) That portion of the State lying within the boundaries of a line beginning at the Kleberg-Nueces County line and the shore of the Gulf of Mexico, thence west along the County line to Park Road 22 in Nueces County, thence north and west along Park Road 22 to its junction with State Highway 358 in Corpus Christi, thence west and north along State Highway 358 to its junction with State Highway 286, thence north along State Highway 286 to its junction with Interstate Highway 37, thence east along Interstate Highway 37 to its junction with U.S. Highway 181, thence north and west along U.S. Highway 181 to its junction with U.S. Highway 77 in Sinton, thence north and east along U.S. Highway 77 to its junction with U.S. Highway 87 in Victoria, thence south and east along U.S. Highway 87 to its junction with State Highway 35 at Port Lavaca, thence north and east along State Highway 35 to the south end of the Lavaca Bay Causeway, thence south and east along the shore of Lavaca Bay to its junction with the Port Lavaca Ship Channel, thence south and east along the Lavaca Bay Ship Channel to the Gulf of Mexico, and thence south and west along the shore of the Gulf of Mexico to the Kleberg-Nueces County line.

Wyoming

Regular-Season Open Area—Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston Counties.

Riverton-Boysen Unit—Portions of Fremont County.

Park and Big Horn County Unit—Portions of Park and Big Horn Counties.

Pacific Flyway

Arizona

Special-Season Area—Game Management Units 30A, 30B, 31, and 32.

Montana

Special-Season Area—See State regulations.

Utah

Special-Season Area—Rich, Cache, and Unitah Counties and that portion of Box Elder County beginning on the Utah-Idaho State line at the Box Elder-Cache County line; west on the State line to the Pocatello Valley County Road; south on the Pocatello Valley County Road to I–15; southeast on I–15 to SR–83; south on SR–83 to Lamp Junction; west and south on the Promontory Point County Road to the tip of Promontory Point; south from Promontory Point to the Box Elder-Weber County line; east on the Box Elder-Weber County line to the Box Elder-Cache County line; north on the Box Elder-Cache County line to the Utah-Idaho State line.

Wyoming

Bear River Area—That portion of Lincoln County described in State regulations.

Salt River Area—That portion of Lincoln County described in State regulations.

Farson-Eden Area—Those portions of Sweetwater and Sublette Counties described in State regulations.

All Migratory Game Birds in Alaska

North Zone—State Game Management Units 11–13 and 17–26.

Gulf Coast Zone—State Game Management Units 5–7, 9, 14–16, and 10 (Unimak Island only).

Southeast Zone—State Game Management Units 1–4.

Pribilof and Aleutian Islands Zone—State Game Management Unit 10 (except Unimak Island).

Kodiak Zone—State Game Management Unit 8.

All Migratory Game Birds in the Virgin Islands

Ruth Cay Closure Area—The island of Ruth Cay, just south of St. Croix.

All Migratory Game Birds in Puerto Rico

Municipality of Culebra Closure Area—All of the municipality of Culebra.

Desecheo Island Closure Area—All of Desecheo Island.

Mona Island Closure Area—All of Mona Island.

El Verde Closure Area—Those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture of 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for 1 kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public.

Cidra Municipality and adjacent areas—All of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality boundary to the point of the beginning.

[FR Doc. E7–14071 Filed 7–20–07; 8:45 am]

BILLING CODE 4310–55–P

Reader Aids

Federal Register

Vol. 72, No. 140

Monday, July 23, 2007

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **http://www.gpoaccess.gov/nara/index.html**

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: **http://www.archives.gov/federal_register**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JULY

35907–36336 2
36337–36588 3
36589–36858 5
36859–37096 6
37097–37418 9
37419–37628 10
37629–37990 11
37991–38462 12
38463–38746 13
38747–38996 16
38997–39300 17
39301–39554 18
39555–39726 19
39727–40060 20
40061–40214 23

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

2700 39727

3 CFR

Proclamations:
8158 36587
8159 37095
8160 38461
8161 38995
8162 38997

Executive Orders:
13338 36587
13348 (See Notice of July 19, 2007) 40059
13381 (Amended by 13436) 36337
13436 36337
13437 36339
13303 (See 13438) 39719
13315 (See 13438) 39719
13350 (See 13438) 39719
13364 (See 13438) 39719
13438 39719
13439 40053

Administrative Orders:
Memorandums:
Memorandum of June 26, 2007 36335
Memorandum of June 28, 2007 35907
Memorandum of July 3, 2007 37627
Notices:
Notice of July 19, 2007 40059
Presidential Determinations:
No. 2007-23 of June 28, 2007 37419
No. 2007-24 of June 28, 2007 37421
No. 2007-25 of July 5, 2007 38747
No. 2007-26 of July 10, 2007 39723
No. 2007-27 of July 12, 2007 39725

5 CFR

Proposed Rules:
733 39582

6 CFR

5 .....38749, 38750

7 CFR

2 36859
301 .....35909, 40061
305 .....35909, 39482
319 39482
352 39482
353 35915
800 39730
810 39730
922 37991
924 38463
925 37423
928 38465
959 37993
1170 36341
1214 38467
1220 37995

Proposed Rules:
301 39018
305 36629
340 .....39021, 39901
354 39025
Ch. VIII 39762
810 39764
915 38037
922 38496
981 36900
984 38498
1755 39028
1767 38511

9 CFR

71 39301
77 39301
78 .....39301, 40062
79 39301
80 39301
91 40064
309 38700
310 38700
318 38700
331 38467
381 38467

Proposed Rules:
130 40082

10 CFR

72 38468

Proposed Rules:
50 .....37470, 38030, 39354
71 37471

11 CFR

Proposed Rules:
113 39583

12 CFR

26 38753
205 36589
212 38753
348 38753
563f 38753

Proposed Rules:
1 36550
2 36550
3 36550
4 36550
5 36550
7 36550

9 36550
10 36550
11 36550
12 36550
16 36550
19 36550
21 36550
22 36550
23 36550
24 36550
26 36550
27 36550
28 36550
31 36550
32 36550
34 36550
37 36550
40 36550
701 37122

13 CFR

134 39727
145 39727

14 CFR

23 39555
25 37425
39 ....36860, 36861, 36863, 36866, 37997, 37999, 38000, 38002, 38004, 38006, 39307, 30310
71 ....36345, 36346, 36593, 36868, 37430, 37431, 37629, 38999, 39734
73 35917
97 ....38469, 38755
1260 40066
1274 40066

Proposed Rules:

25 38732
39 ....36370, 36373, 36378, 36380, 36385, 36391, 36901, 36905, 36907, 36912, 36914, 36916, 36920, 36925, 37122, 37124, 37126, 37130, 37132, 37472, 37475, 37477, 37479, 37484, 38527, 38529, 38532, 38797, 38800, 39039, 39584, 40090, 40094
71 ....36397, 37487, 37488, 37489, 37490
250 37491

15 CFR

4 36594
285 36347
730 38999
744 38008
764 38999
766 38999
774 39009

16 CFR

Proposed Rules:

24 39355

17 CFR

3 35918
232 39290
239 39290
240 36348
242 36348
270 39290
274 39290

Proposed Rules:

40 39764
41 39764
210 ....37962, 39670
228 39670
229 39670
230 ....36822, 37376, 37962, 39670
232 37376
239 ....36822, 37376, 37962, 39670
240 ....37608, 39670
249 ....37962, 39670
260 39670
269 39670

18 CFR

35 39904
38 38757
157 37431
284 38757

Proposed Rules:

35 36276

19 CFR

12 38470
123 39312

20 CFR

402 36359

Proposed Rules:

404 37496
405 37496
416 37496

21 CFR

179 39557
510 36595
520 37436
524 36595
558 37437
573 39560
880 36360
1300 37439
1309 35920
1310 35920
1315 37439

Proposed Rules:

2 37137
878 36398

22 CFR

121 39010

Proposed Rules:

201 37139
215 39768

24 CFR

203 40048
206 40048

Proposed Rules:

100 39534
203 37500
905 39546
990 39546

26 CFR

1 ....36869, 38474, 38475, 38477, 38767, 39138, 39313, 39734, 40066
31 38478
53 36871
54 36871
301 ....36869, 39737
602 38767

Proposed Rules:

1 ....36927, 37155, 38033, 38802, 39770
31 38534
53 36927
54 ....36927, 39139
301 ....36927, 38534, 39771

28 CFR

552 37630

Proposed Rules:

75 38033

29 CFR

2 37097
11 37097
14 37097
16 37097
20 37097
22 37097
70 37097
71 37097
75 37097
90 37097
95 37097
96 37097
97 37097
98 37097
99 37097
100 40069
102 38778
404 ....36106, 38484
1625 36873
1910 40073
4022 38484
4044 38484

Proposed Rules:

1910 ....37155, 37501, 39041

30 CFR

946 36595

Proposed Rules:

946 36632

32 CFR

197 36875
650 39740
841 35931
989 37105
1900 39315

Proposed Rules:

903 38039

33 CFR

3 36316
20 36316
100 ....36316, 36598, 37454, 38783
104 36316
105 38486
110 36316
135 36316
151 36316
160 36316
162 36316
165 ....36316, 36881, 38010, 38012, 38015, 38488, 38785, 39316, 40075

Proposed Rules:

100 ....38804, 38806, 38808
334 39355

36 CFR

Proposed Rules:

1193 36401
1194 36401

37 CFR

202 36883

38 CFR

21 39562

Proposed Rules:

17 ....38042, 40096
70 40096

39 CFR

20 37454
230 39011
233 39011
273 39011

40 CFR

51 38787
52 ....36599, 36601, 36889, 36892, 38787, 38920, 39564, 39566, 39568, 39571, 39574, 39577, 39741
62 ....36605, 37632
63 ....36363, 38864
81 ....36601, 36889, 36892, 36895, 39571, 39574, 39577
122 37107
125 37107
131 37109
180 ....37633, 37641, 37646, 39318
260 39331
278 39331
300 36607

Proposed Rules:

49 37156
50 ....37682, 37818
51 ....37156, 38538, 38952
52 ....36402, 36404, 36406, 37683, 38045, 38051, 39586, 39772, 39773, 40105
59 ....37582, 38952
60 37157
62 36413
63 36415
78 38538
81 37683
97 ....36406, 38538
131 37161
261 39587
300 36634

42 CFR

83 37455
100 36610
402 39746
412 ....36612, 36613
413 ....36612, 36613
435 38662
436 38662
440 38662
441 38662
447 39142
457 38662
483 38662

Proposed Rules:

409 38122
410 38122
411 38122
413 38122
414 38122
415 38122
418 38122
423 38122
424 38122
455 39776
482 38122
484 38122
485 38122

491 38122

43 CFR

Proposed Rules:
429 39530

44 CFR

65 ....35932, 35934, 35937, 38488
67 ....35938, 37115, 38492

Proposed Rules:
67 ....35947, 35949, 35956, 37162, 37164, 38539, 38543

46 CFR

1 36316
2 36316
4 36316
5 36316
16 36316
28 36316
45 36316
50 36316
67 36316
115 36316
122 36316
153 36316
169 36316
170 36316
176 36316
185 36316

47 CFR

0 39756
12 37655
22 38793
73 ....36616, 37673, 37674
90 39756

Proposed Rules:
Ch. I 38055
2 39357
15 39588
25 39357
73 ....36635, 37310
76 39370

48 CFR

Ch. 1 ....36852, 36858
4 36852
17 36852
19 36852
52 36852
970 39761
6101 36794
6102 36794
6103 36794
6104 36794
6105 36794
9903 36367

Proposed Rules:
212 35960
225 35960
2409 39286
3036 38548

49 CFR

192 39012
195 39012
350 36760
375 36760
383 36760
384 36760
385 36760
386 36760
390 36760
395 36760
571 38017

Proposed Rules:
Ch. I 38810
71 39593
172 35961

50 CFR

16 37459
17 ....37346, 39248
229 37674
648 ....37676, 38025, 39580, 40077
660 36617
679 ....36896, 37677, 37678, 38794, 38795, 38796, 39580, 39581, 40080, 40081

Proposed Rules:
17 ....36635, 36939, 36942, 37695
20 40194
216 37404
224 37697
600 39779

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JULY 23, 2007

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Interstate transportation of animals and animal products (quarantine):

Brucellosis in cattle—

State and area classifications; published 7-23-07

Plant-related quarantine, domestic:

Oriental fruit fly; published 7-23-07

Plant-related quarantine, foreign:

Fruit from Thailand; published 6-21-07

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Grants, other financial assistance, and nonprocurement agreements:

Nonprocurement debarment and suspension; OMB guidance; published 5-23-07

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Georgia; published 5-24-07

HOMELAND SECURITY DEPARTMENT

Coast Guard

Anchorage regulations:

New York; published 6-22-07

Drawbridge operations:

New York; published 6-27-07

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Grant and Cooperative Agreement Handbook:

Individual procurement action reports; published 7-23-07

NATIONAL LABOR RELATIONS BOARD

Debt collection procedures; published 7-23-07

PERSONNEL MANAGEMENT OFFICE

Pay under General Schedule:

Locality pay areas; adjustments; published 6-22-07

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Agent for consolidated group with foreign common parent; published 7-23-07

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Honey packers and importers research, promotion, consumer education, and industry information order:

Establishment; old honey research, promotion, and consumer information order terminated; comments due by 8-3-07; published 6-4-07 [FR 07-02737]

Referendum procedures; comments due by 8-3-07; published 6-4-07 [FR 07-02736]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Plant-related quarantine, domestic:

Emerald ash borer; comments due by 7-31-07; published 6-1-07 [FR E7-10560]

Plant-related quarantine, foreign:

Emerald ash borer material from Canada; comments due by 7-31-07; published 6-1-07 [FR E7-10562]

Wood packaging material; treatment modification; comments due by 7-31-07; published 6-1-07 [FR E7-10559]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

Cook Inlet beluga whale; comments due by 8-3-07; published 6-1-07 [FR E7-10587]

Hearing; comments due by 8-3-07; published 6-25-07 [FR E7-12262]

Hearing; comments due by 8-3-07; published 7-11-07 [FR E7-13481]

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Bering Sea and Aleutian Islands king and tanner crabs and groundfish; comments due by 7-30-07; published 6-29-07 [FR 07-03117]

West Coast States and Western Pacific fisheries—

Coastal pelagic species; comments due by 7-30-07; published 6-28-07 [FR E7-12566]

DEFENSE DEPARTMENT

Defense Acquisition Regulations System

Acquisition regulations:

Commercially available off-the-shelf items; specialty metals restriction waiver; comments due by 8-1-07; published 7-2-07 [FR E7-12763]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Natural gas companies (Natural Gas Act):

Land owner notification and noise survey requirements; comments due by 7-30-07; published 6-29-07 [FR E7-12557]

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Primary and secondary copper smelting area sources; comments due by 8-2-07; published 7-3-07 [FR E7-12848]

Air pollution control:

Nonroad spark-ignition engines and equipment; emissions control; comments due by 8-3-07; published 5-18-07 [FR 07-01998]

Air programs:

Stratospheric ozone protection—

N-propyl bromide in adhesives, coatings, and aerosols; listing of substitutes for ozone-depleting substances; comments due by 7-30-07; published 5-30-07 [FR E7-09706]

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

Virginia; comments due by 8-2-07; published 7-3-07 [FR E7-12854]

Air quality implementation plans; approval and promulgation; various States:

New Jersey; comments due by 8-2-07; published 7-3-07 [FR E7-12874]

Virginia; comments due by 8-2-07; published 7-3-07 [FR E7-12838]

Superfund program:

National oil and hazardous substances contingency plan priorities list; comments due by 7-30-07; published 6-28-07 [FR E7-12537]

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Local telecommunications markets; competitive networks promotion; comments due by 7-30-07; published 5-30-07 [FR E7-10078]

Radio stations; table of assignments:

California; comments due by 7-30-07; published 6-27-07 [FR E7-12151]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Drawbridge operations:

Florida; comments due by 8-2-07; published 6-18-07 [FR E7-11661]

Ports and waterways safety; regulated navigation areas, safety zones, security zones, etc.:

Lower Colorado River, Laughlin, NV; comments due by 7-31-07; published 5-1-07 [FR E7-08307]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Public and Indian housing:

Housing Choice Voucher Program—

Homeownership option; units not yet under construction; eligibility; comments due by 7-30-07; published 5-29-07 [FR E7-10177]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Critical habitat designations—

Piping plover; wintering population; comments due by 7-30-07; published 5-31-07 [FR E7-10476]

Hunting and fishing:
Refuge-specific regulations—
Upper Mississippi River National Wildlife and Fish Refuge, MN et al.; comments due by 7-30-07; published 6-28-07 [FR E7-12514]
Migratory bird hunting:
Seasons, limits, and shooting hours, establishment, etc.; comments due by 8-2-07; published 7-23-07 [FR E7-14071]

INTERIOR DEPARTMENT
National Park Service
Special regulations:
Cape Hatteras National Seashore, NC; off-road vehicle management; comments due by 7-30-07; published 6-28-07 [FR E7-12012]

LABOR DEPARTMENT
Occupational Safety and Health Administration
Occupational safety and health standards:
Mechanical power presses; comments due by 8-3-07; published 6-4-07 [FR E7-10655]

NUCLEAR REGULATORY COMMISSION
Rulemaking petitions:
California; comments due by 7-30-07; published 5-14-07 [FR E7-09211]

PENSION BENEFIT GUARANTY CORPORATION
Multiemployer plans:
Premium payments; variable-rate premiums; comments due by 7-30-07; published 5-31-07 [FR E7-10412]

STATE DEPARTMENT
Exchange Visitor Program:
Sanctions and terminations; comments due by 7-30-07; published 5-31-07 [FR E7-10505]

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Airbus; comments due by 7-30-07; published 6-28-07 [FR E7-12495]
Boeing; comments due by 8-3-07; published 6-19-07 [FR E7-11781]
DG Flugzeugbau GmbH; comments due by 7-30-07; published 6-28-07 [FR E7-12508]
General Electric Co.; comments due by 7-30-07; published 5-31-07 [FR E7-10512]
Sikorsky Aircraft Corp.; comments due by 7-30-07; published 5-31-07 [FR E7-10126]
Airworthiness standards:
Rotorcraft turbine engines; one-engine-inoperative rating definitions and type certification standards; comments due by 8-2-07; published 5-4-07 [FR E7-07943]
Special conditions—
Boeing Model 777-300ER airplane; comments due by 7-30-07; published 6-15-07 [FR 07-02939]
VOR Federal airways; comments due by 7-30-07; published 6-15-07 [FR E7-11537]

TREASURY DEPARTMENT
Internal Revenue Service
Income taxes:
Working Families Tax Relief Act of 2004—
Dependent child of divorced or separated parents or parents who live apart; comments due by 7-31-07; published 5-2-07 [FR E7-08378]

TREASURY DEPARTMENT
Thrift Supervision Office
Savings associations:
Personal securities transactions; officer and employee reporting requirements; comments due by 7-31-07; published 6-1-07 [FR E7-10401]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.gpoaccess.gov/plaws/index.html*. Some laws may not yet be available.

S. 1701/P.L. 110–48

To provide for the extension of transitional medical assistance (TMA) and the abstinence education program through the end of the fiscal year 2007, and for other purposes. (July 18, 2007; 121 Stat. 244; 2 pages)

Last List July 17, 2007

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at http://www.gpoaccess.gov/cfr/index.html. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is $1389.00 domestic, $555.60 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2250**.

Title	Stock Number	Price	Revision Date
1	(869–062–00001–4)	5.00	[4] Jan. 1, 2007
2	(869–062–00002–2)	5.00	Jan. 1, 2007
3 (2006 Compilation and Parts 100 and 102)	(869–062–00003–1)	35.00	[1] Jan. 1, 2007
4	(869–062–00004–9)	10.00	[5] Jan. 1, 2007
5 Parts:			
1–699	(869–062–00005–7)	60.00	Jan. 1, 2007
700–1199	(869–062–00006–5)	50.00	Jan. 1, 2007
1200–End	(869–062–00007–3)	61.00	Jan. 1, 2007
6	(869–062–00008–1)	10.50	Jan. 1, 2007
7 Parts:			
1–26	(869–062–00009–0)	44.00	Jan. 1, 2007
27–52	(869–062–00010–3)	49.00	Jan. 1, 2007
53–209	(869–062–00011–1)	37.00	Jan. 1, 2007
210–299	(869–062–00012–0)	62.00	Jan. 1, 2007
300–399	(869–062–00013–8)	46.00	Jan. 1, 2007
400–699	(869–062–00014–6)	42.00	Jan. 1, 2007
700–899	(869–062–00015–4)	43.00	Jan. 1, 2007
900–999	(869–062–00016–2)	60.00	Jan. 1, 2007
1000–1199	(869–062–00017–1)	22.00	Jan. 1, 2007
1200–1599	(869–062–00018–9)	61.00	Jan. 1, 2007
1600–1899	(869–062–00019–7)	64.00	Jan. 1, 2007
1900–1939	(869–062–00020–1)	31.00	Jan. 1, 2007
1940–1949	(869–062–00021–9)	50.00	[5] Jan. 1, 2007
1950–1999	(869–062–00022–7)	46.00	Jan. 1, 2007
2000–End	(869–062–00023–5)	50.00	Jan. 1, 2007
8	(869–062–00024–3)	63.00	Jan. 1, 2007
9 Parts:			
1–199	(869–062–00025–1)	61.00	Jan. 1, 2007
200–End	(869–062–00026–0)	58.00	Jan. 1, 2007
10 Parts:			
1–50	(869–062–00027–8)	61.00	Jan. 1, 2007
51–199	(869–062–00028–6)	58.00	Jan. 1, 2007
200–499	(869–062–00029–4)	46.00	Jan. 1, 2007
500–End	(869–066–00030–8)	62.00	Jan. 1, 2007
11	(869–062–00031–6)	41.00	Jan. 1, 2007
12 Parts:			
1–199	(869–062–00032–4)	34.00	Jan. 1, 2007
200–219	(869–062–00033–2)	37.00	Jan. 1, 2007
220–299	(869–062–00034–1)	61.00	Jan. 1, 2007
300–499	(869–062–00035–9)	47.00	Jan. 1, 2007
500–599	(869–062–00036–7)	39.00	Jan. 1, 2007
600–899	(869–062–00037–5)	56.00	Jan. 1, 2007
900–End	(869–062–00038–3)	50.00	Jan. 1, 2007
13	(869–062–00039–1)	55.00	Jan. 1, 2007
14 Parts:			
1–59	(869–062–00040–5)	63.00	Jan. 1, 2007
60–139	(869–062–00041–3)	61.00	Jan. 1, 2007
140–199	(869–062–00042–1)	30.00	Jan. 1, 2007
200–1199	(869–062–00043–0)	50.00	Jan. 1, 2007
1200–End	(869–062–00044–8)	45.00	Jan. 1, 2007
15 Parts:			
0–299	(869–062–00045–6)	40.00	Jan. 1, 2007
300–799	(869–062–00046–4)	60.00	Jan. 1, 2007
800–End	(869–062–00047–2)	42.00	Jan. 1, 2007
16 Parts:			
0–999	(869–062–00048–1)	50.00	Jan. 1, 2007
1000–End	(869–062–00049–9)	60.00	Jan. 1, 2007
17 Parts:			
1–199	(869–062–00051–1)	50.00	Apr. 1, 2007
200–239	(869–060–00052–6)	60.00	Apr. 1, 2006
*240–End	(869–062–00053–7)	62.00	Apr. 1, 2007
18 Parts:			
*1–399	(869–062–00054–5)	62.00	Apr. 1, 2007
400–End	(869–062–00055–3)	26.00	Apr. 1, 2007
19 Parts:			
1–140	(869–062–00056–1)	61.00	Apr. 1, 2007
141–199	(869–062–00057–0)	58.00	Apr. 1, 2007
200–End	(869–062–00058–8)	31.00	Apr. 1, 2007
20 Parts:			
1–399	(869–062–00059–6)	50.00	Apr. 1, 2007
400–499	(869–060–00060–7)	64.00	Apr. 1, 2006
500–End	(869–060–00061–5)	63.00	Apr. 1, 2006
21 Parts:			
1–99	(869–062–00062–6)	40.00	Apr. 1, 2007
100–169	(869–062–00063–4)	49.00	Apr. 1, 2007
170–199	(869–062–00064–2)	50.00	Apr. 1, 2007
200–299	(869–062–00065–1)	17.00	Apr. 1, 2007
300–499	(869–062–00066–9)	30.00	Apr. 1, 2007
500–599	(869–062–00067–7)	47.00	Apr. 1, 2007
600–799	(869–062–00068–5)	17.00	Apr. 1, 2007
800–1299	(869–062–00069–3)	60.00	Apr. 1, 2007
1300–End	(869–062–00070–7)	25.00	Apr. 1, 2007
22 Parts:			
*1–299	(869–062–00071–5)	63.00	Apr. 1, 2007
300–End	(869–062–00072–3)	45.00	Apr. 1, 2007
23	(869–062–00073–7)	45.00	Apr. 1, 2007
24 Parts:			
0–199	(869–062–00074–0)	60.00	Apr. 1, 2007
200–499	(869–062–00075–8)	50.00	Apr. 1, 2007
500–699	(869–062–00076–6)	30.00	Apr. 1, 2007
700–1699	(869–062–00077–4)	61.00	Apr. 1, 2007
1700–End	(869–062–00078–2)	30.00	Apr. 1, 2007
25	(869–062–00079–1)	64.00	Apr. 1, 2007
26 Parts:			
§§ 1.0–1–1.60	(869–062–00080–4)	49.00	Apr. 1, 2007
*§§ 1.61–1.169	(869–062–00081–2)	63.00	Apr. 1, 2007
§§ 1.170–1.300	(869–062–00082–1)	60.00	Apr. 1, 2007
§§ 1.301–1.400	(869–062–00083–9)	47.00	Apr. 1, 2007
§§ 1.401–1.440	(869–062–00084–7)	56.00	Apr. 1, 2007
§§ 1.441–1.500	(869–062–00085–5)	58.00	Apr. 1, 2007
§§ 1.501–1.640	(869–062–00086–3)	49.00	Apr. 1, 2007
§§ 1.641–1.850	(869–062–00087–1)	61.00	Apr. 1, 2007
§§ 1.851–1.907	(869–062–00088–0)	61.00	Apr. 1, 2007
§§ 1.908–1.1000	(869–062–00089–8)	60.00	Apr. 1, 2007
§§ 1.1001–1.1400	(869–062–00090–1)	61.00	Apr. 1, 2007
§§ 1.1401–1.1550	(869–062–00091–0)	58.00	Apr. 1, 2007
§§ 1.1551–End	(869–062–00092–8)	50.00	Apr. 1, 2007
2–29	(869–062–00093–6)	60.00	Apr. 1, 2007
30–39	(869–062–00094–4)	41.00	Apr. 1, 2007
40–49	(869–062–00095–2)	28.00	[7] Apr. 1, 2007
50–299	(869–062–00096–1)	42.00	Apr. 1, 2007

Title	Stock Number	Price	Revision Date
300–499	(869–062–00097–9)	61.00	Apr. 1, 2007
500–599	(869–062–00098–7)	12.00	[6] Apr. 1, 2007
600–End	(869–062–00099–5)	17.00	Apr. 1, 2007
27 Parts:			
1–399	(869–060–00100–0)	64.00	Apr. 1, 2006
400–End	(869–062–00102–9)	18.00	Apr. 1, 2007
28 Parts:			
0–42	(869–060–00102–6)	61.00	July 1, 2006
43–End	(869–060–00103–4)	60.00	July 1, 2006
29 Parts:			
0–99	(869–060–00104–2)	50.00	July 1, 2006
100–499	(869–060–00105–1)	23.00	July 1, 2006
500–899	(869–060–00106–9)	61.00	July 1, 2006
900–1899	(869–060–00107–7)	36.00	July 1, 2006
1900–1910 (§§ 1900 to 1910.999)	(869–060–00108–5)	61.00	July 1, 2006
1910 (§§ 1910.1000 to end)	(869–060–00109–3)	46.00	July 1, 2006
1911–1925	(869–060–00110–7)	30.00	July 1, 2006
1926	(869–060–00111–5)	50.00	July 1, 2006
1927–End	(869–060–00112–3)	62.00	July 1, 2006
30 Parts:			
1–199	(869–060–00113–1)	57.00	July 1, 2006
200–699	(869–060–00114–0)	50.00	July 1, 2006
700–End	(869–060–00115–8)	58.00	July 1, 2006
31 Parts:			
0–199	(869–060–00116–6)	41.00	July 1, 2006
200–499	(869–060–00117–4)	46.00	July 1, 2006
500–End	(869–060–00118–2)	62.00	July 1, 2006
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–060–00119–1)	61.00	July 1, 2006
191–399	(869–060–00120–4)	63.00	July 1, 2006
400–629	(869–060–00121–2)	50.00	July 1, 2006
630–699	(869–060–00122–1)	37.00	July 1, 2006
700–799	(869–060–00123–9)	46.00	July 1, 2006
800–End	(869–060–00124–7)	47.00	July 1, 2006
33 Parts:			
1–124	(869–060–00125–5)	57.00	July 1, 2006
125–199	(869–060–00126–3)	61.00	July 1, 2006
200–End	(869–060–00127–1)	57.00	July 1, 2006
34 Parts:			
1–299	(869–060–00128–0)	50.00	July 1, 2006
300–399	(869–060–00129–8)	40.00	July 1, 2006
400–End & 35	(869–060–00130–1)	61.00	[8] July 1, 2006
36 Parts:			
1–199	(869–060–00131–0)	37.00	July 1, 2006
200–299	(869–060–00132–8)	37.00	July 1, 2006
300–End	(869–060–00133–6)	61.00	July 1, 2006
37	(869–060–00134–4)	58.00	July 1, 2006
38 Parts:			
0–17	(869–060–00135–2)	60.00	July 1, 2006
18–End	(869–060–00136–1)	62.00	July 1, 2006
39	(869–060–00137–9)	42.00	July 1, 2006
40 Parts:			
1–49	(869–060–00138–7)	60.00	July 1, 2006
50–51	(869–060–00139–5)	45.00	July 1, 2006
52 (52.01–52.1018)	(869–060–00140–9)	60.00	July 1, 2006
52 (52.1019–End)	(869–060–00141–7)	61.00	July 1, 2006
53–59	(869–060–00142–5)	31.00	July 1, 2006
60 (60.1–End)	(869–060–00143–3)	58.00	July 1, 2006
60 (Apps)	(869–060–00144–7)	57.00	July 1, 2006
61–62	(869–060–00145–0)	45.00	July 1, 2006
63 (63.1–63.599)	(869–060–00146–8)	58.00	July 1, 2006
63 (63.600–63.1199)	(869–060–00147–6)	50.00	July 1, 2006
63 (63.1200–63.1439)	(869–060–00148–4)	50.00	July 1, 2006
63 (63.1440–63.6175)	(869–060–00149–2)	32.00	July 1, 2006
63 (63.6580–63.8830)	(869–060–00150–6)	32.00	July 1, 2006
63 (63.8980–End)	(869–060–00151–4)	35.00	July 1, 2006
64–71	(869–060–00152–2)	29.00	July 1, 2006
72–80	(869–060–00153–1)	62.00	July 1, 2006
81–85	(869–060–00154–9)	60.00	July 1, 2006
86 (86.1–86.599–99)	(869–060–00155–7)	58.00	July 1, 2006
86 (86.600–1–End)	(869–060–00156–5)	50.00	July 1, 2006
87–99	(869–060–00157–3)	60.00	July 1, 2006
100–135	(869–060–00158–1)	45.00	July 1, 2006
136–149	(869–060–00159–0)	61.00	July 1, 2006
150–189	(869–060–00160–3)	50.00	July 1, 2006
190–259	(869–060–00161–1)	39.00	July 1, 2006
260–265	(869–060–00162–0)	50.00	July 1, 2006
266–299	(869–060–00163–8)	50.00	July 1, 2006
300–399	(869–060–00164–6)	42.00	July 1, 2006
400–424	(869–060–00165–4)	56.00	July 1, 2006
425–699	(869–060–00166–2)	61.00	July 1, 2006
700–789	(869–060–00167–1)	61.00	July 1, 2006
790–End	(869–060–00168–9)	61.00	July 1, 2006
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–060–00169–7)	24.00	July 1, 2006
101	(869–060–00170–1)	21.00	[8] July 1, 2006
102–200	(869–060–00171–9)	56.00	July 1, 2006
201–End	(869–060–00172–7)	24.00	July 1, 2006
42 Parts:			
1–399	(869–060–00173–5)	61.00	Oct. 1, 2006
400–413	(869–060–00174–3)	32.00	Oct. 1, 2006
414–429	(869–060–00175–1)	32.00	Oct. 1, 2006
430–End	(869–060–00176–0)	64.00	Oct. 1, 2006
43 Parts:			
1–999	(869–060–00177–8)	56.00	Oct. 1, 2006
1000–end	(869–060–00178–6)	62.00	Oct. 1, 2006
44	(869–060–00179–4)	50.00	Oct. 1, 2006
45 Parts:			
1–199	(869–060–00180–8)	60.00	Oct. 1, 2006
200–499	(869–060–00181–6)	34.00	Oct. 1, 2006
500–1199	(869–060–00182–4)	56.00	Oct. 1, 2006
1200–End	(869–060–00183–2)	61.00	Oct. 1, 2006
46 Parts:			
1–40	(869–060–00184–1)	46.00	Oct. 1, 2006
41–69	(869–060–00185–9)	39.00	Oct. 1, 2006
70–89	(869–060–00186–7)	14.00	Oct. 1, 2006
90–139	(869–060–00187–5)	44.00	Oct. 1, 2006
140–155	(869–060–00188–3)	25.00	Oct. 1, 2006
156–165	(869–060–00189–1)	34.00	Oct. 1, 2006
166–199	(869–060–00190–5)	46.00	Oct. 1, 2006
200–499	(869–060–00191–3)	40.00	Oct. 1, 2006
500–End	(869–060–00192–1)	25.00	Oct. 1, 2006
47 Parts:			
0–19	(869–060–00193–0)	61.00	Oct. 1, 2006
20–39	(869–060–00194–8)	46.00	Oct. 1, 2006
40–69	(869–060–00195–6)	40.00	Oct. 1, 2006
70–79	(869–060–00196–4)	61.00	Oct. 1, 2006
80–End	(869–060–00197–2)	61.00	Oct. 1, 2006
48 Chapters:			
1 (Parts 1–51)	(869–060–00198–1)	63.00	Oct. 1, 2006
1 (Parts 52–99)	(869–060–00199–9)	49.00	Oct. 1, 2006
2 (Parts 201–299)	(869–060–00200–6)	50.00	Oct. 1, 2006
3–6	(869–060–00201–4)	34.00	Oct. 1, 2006
7–14	(869–060–00202–2)	56.00	Oct. 1, 2006

Title	Stock Number	Price	Revision Date
15–28	(869–060–00203–1)	47.00	Oct. 1, 2006
29–End	(869–060–00204–9)	47.00	Oct. 1, 2006
49 Parts:			
1–99	(869–060–00205–7)	60.00	Oct. 1, 2006
100–185	(869–060–00206–5)	63.00	Oct. 1, 2006
186–199	(869–060–00207–3)	23.00	Oct. 1, 2006
200–299	(869–060–00208–1)	32.00	Oct. 1, 2006
300–399	(869–060–00209–0)	32.00	Oct. 1, 2006
400–599	(869–060–00210–3)	64.00	Oct. 1, 2006
600–999	(869–060–00211–1)	19.00	Oct. 1, 2006
1000–1199	(869–060–00212–0)	28.00	Oct. 1, 2006
1200–End	(869–060–00213–8)	34.00	Oct. 1, 2006
50 Parts:			
1–16	(869–060–00214–6)	11.00	[9] Oct. 1, 2006
17.1–17.95(b)	(869–060–00215–4)	32.00	Oct. 1, 2006
17.95(c)–end	(869–060–00216–2)	32.00	Oct. 1, 2006
17.96–17.99(h)	(869–060–00217–1)	61.00	Oct. 1, 2006
17.99(i)–end and 17.100–end	(869–060–00218–9)	47.00	[9] Oct. 1, 2006
18–199	(869–060–00219–7)	50.00	Oct. 1, 2006
200–599	(869–060–00220–1)	45.00	Oct. 1, 2006
600–659	(869–060–00221–9)	31.00	Oct. 1, 2006
660–End	(869–060–00222–7)	31.00	Oct. 1, 2006
CFR Index and Findings Aids	(869–062–00050–2)	62.00	Jan. 1, 2007
Complete 2007 CFR set		1,389.00	2007
Microfiche CFR Edition:			
Subscription (mailed as issued)		332.00	2007
Individual copies		4.00	2007
Complete set (one-time mailing)		332.00	2006
Complete set (one-time mailing)		325.00	2005

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2005, through January 1, 2006. The CFR volume issued as of January 1, 2005 should be retained.

[5] No amendments to this volume were promulgated during the period January 1, 2006, through January 1, 2007. The CFR volume issued as of January 6, 2006 should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2006. The CFR volume issued as of April 1, 2000 should be retained.

[7] No amendments to this volume were promulgated during the period April 1, 2006 through April 1, 2007. The CFR volume issued as of April 1, 2006 should be retained.

[8] No amendments to this volume were promulgated during the period July 1, 2005, through July 1, 2006. The CFR volume issued as of July 1, 2005 should be retained.

[9] No amendments to this volume were promulgated during the period October 1, 2005, through October 1, 2006. The CFR volume issued as of October 1, 2005 should be retained.