

and Border Protection, 1300 Pennsylvania Avenue, NW., Room 3.2.C, Washington, DC 20229, at 202-344-1429.

Dated: July 19, 2007.

**Tracey Denning,**

*Agency Clearance Officer, Information Services Branch.*

[FR Doc. E7-14494 Filed 7-26-07; 8:45 am]

BILLING CODE 9111-14-P

**DEPARTMENT OF HOMELAND SECURITY**

**U.S. Customs and Border Protection**

[Docket No. USCBP-2007-0070]

**Notice of Meeting of The Departmental Advisory Committee on Commercial Operations of Customs and Border Protection and Related Homeland Security Functions (COAC)**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security (DHS).

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The Departmental Advisory Committee on Commercial Operations of U.S. Customs and Border Protection and Related Homeland Security Functions (popularly known as "COACH") will meet on August 16, 2007 in Washington, DC. The meeting will be open to the public.

**DATE:** COAC will meet Thursday, August 16th from 9 a.m. to 1 p.m. Please note that the meeting may close early if the committee has completed it business.

**ADDRESSES:** The meeting will be held at the Ronald Reagan Building in the Rotunda Ballroom, 1300 Pennsylvania Avenue, NW., Washington, DC 20004. Written material and comments should reach the contact person listed below by August 6th. Requests to have a copy of your material distributed to each member of the committee prior to the meeting should reach the contact person at the address below by August 9, 2007. Comments must be identified by USCBP-2007-0070 and may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *E-mail:* [traderelations@dhs.gov](mailto:traderelations@dhs.gov). Include the docket number in the subject line of the message.

- *Fax:* 202-344-2064.

- *Mail:* Ms. Wanda Tate, Office of International Affairs and Trade Relations, U.S. Customs and Border

Protection, Department of Homeland Security, Room 8.5C, Washington, DC 20229.

**Instructions:** All submissions received must include the words "Department of Homeland Security" and the docket number for this action. Comments received will be posted without alteration at [www.regulations.gov](http://www.regulations.gov), including any personal information provided.

**Docket:** For access to the docket to read background documents or comments received by the COAC, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Wanda Tate, Office of International Affairs and Trade Relations, U.S. Customs and Border Protection, Department of Homeland Security, 1300 Pennsylvania Ave., NW., Room 8.5C, Washington, DC 20229; [traderelations@dhs.gov](mailto:traderelations@dhs.gov); telephone 202-344-1440; facsimile 202-344-2064.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act (5 U.S.C., app.), DHS hereby announces the meeting of the Departmental Advisory Committee on Commercial Operations of U.S. Customs and Border Protection and Related Homeland Security Functions (COAC). COAC is tasked with providing advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within DHS or the Department of the Treasury.

The third meeting of the tenth term of COAC will be held at the date, time and location specified above. A tentative agenda for the meeting is set forth below.

**Tentative Agenda**

1. International Container Security Standards.
2. Post-Incident Business Resumption.
3. Advance Data Elements.
4. Secure Freight Initiative/Supply Chain Security.
5. Office of International Trade.
6. Intellectual Property Rights.
7. ACE Program.

**Procedural**

This meeting is open to the public. Please note that the meeting may close early if all business is finished.

Participation in COAC deliberations is limited to committee members, Department of Homeland Security officials, and persons invited to attend the meeting for special presentations.

All visitors to the Ronald Reagan Building will have to go through a

security checkpoint to be admitted to the building. Since seating is limited, all persons attending this meeting should provide notice, preferably by close of business Monday, August 13, 2007, to Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, Department of Homeland Security, Washington, DC 20229, telephone 202-344-1440; facsimile 202-344-2064.

**Information on Services for Individuals With Disabilities**

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Wanda Tate as soon as possible.

Dated: July 23, 2007.

**Michael C. Mullen,**

*Assistant Commissioner, Office of International Affairs and Trade Relations, U.S. Customs and Border Protection.*

[FR Doc. E7-14495 Filed 7-26-07; 8:45 am]

BILLING CODE 9111-14-P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5162-01]

**Draft Conformity Determination for the Proposed East River Waterfront Esplanade and Piers Project, City of New York, New York County, NY**

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the federal Clean Air Act General Conformity rule, the Lower Manhattan Development Corporation (LMDC) has prepared a draft general conformity determination (Draft Conformity Determination) for the proposed East River Waterfront Esplanade and Piers Project (Proposed Action), which has been made available for public review. LMDC is a subsidiary of the Empire State Development Corporation (a political subdivision and public benefit corporation of the State of New York) and is responsible for conducting reviews of projects receiving HUD funds in accordance HUD regulations and federal law. The Proposed Action would improve a two mile portion of the East River waterfront in Manhattan and create a City-owned public open space. The area of the Proposed Action would generally encompass the waterfront, the upland area adjacent to and under the elevated Franklin Delano Roosevelt Drive and South Street extending from the

Whitehall Ferry Terminal and Peter Minuit Plaza on the South to East River Park on the North, as well as Pier 15, the New Market Building pier, Pier 35, Pier 36, and Pier 42. The Proposed Action is fully described in the Final Environmental Impact Statement for the East River Waterfront Esplanade and Piers Project (FEIS).

**DATES:** *Comments Due Date:* August 27, 2007.

**ADDRESSES:** The Draft Conformity Determination is available for review at the Lower Manhattan Development Corporation, One Liberty Plaza, 20th Floor, New York, NY 10006.

The Draft Conformity Determination is also available on the LMDC Web site at <http://www.renewnyc.com> in the "Planning, Design & Development" section.

All comments must be in writing and received by LMDC within 30 days after publication of this notice or they will not be considered. Written comments should be sent to the Lower Manhattan Development Corporation, Attention: Christina Hynes, East River Waterfront Esplanade and Piers Project, One Liberty Plaza, 20th Floor, New York, NY 10006. LMDC published a notice of this Draft Conformity Determination in a daily newspaper of general circulation on June 2, 2007 and provided 30 days for public comment. LMDC also provided all relevant agencies with this Draft Conformity Determination as required by 40 CFR 93.153(h)(2).

**FOR FURTHER INFORMATION CONTACT:** Christina Hynes, Lower Manhattan Development Corporation, One Liberty Plaza, 20th Floor, New York, NY 10006; Telephone: (212) 962-2300; Fax: (212) 962-2431.

#### **SUPPLEMENTARY INFORMATION**

##### **A. Description of Proposed Action**

The Proposed Action is located in Manhattan, New York County, which has been designated by the United States Environmental Protection Agency (EPA) as a moderate non-attainment area for particulate matter less than 10 micrometers in aerodynamic diameter (PM<sub>10</sub>), a non-attainment area for particulate matter less than 2.5 micrometers in aerodynamic diameter (PM<sub>2.5</sub>), and a moderate non-attainment area for the 8-hour ozone standard. New York County was previously designated by the EPA as a severe non-attainment area for the 1-hour ozone standard. The area is in attainment for all other criteria pollutants: Nitrogen dioxide (NO<sub>2</sub>), lead, sulfur dioxide (SO<sub>2</sub>), and carbon monoxide (CO). LMDC's review has been conducted consistent with the requirements of 40 CFR Part 93, Subpart

B: "Determining Conformity of Federal Actions to State or Federal Implementation Plans" issued on November 30, 1993 (as amended on July 17, 2006 to address PM<sub>2.5</sub> emissions). LMDC has determined that, during the peak construction year of 2008, potential emissions for all the criteria pollutants would be below the *de minimis* thresholds established under federal regulations at 40 CFR 93.153(b) which are currently applicable in New York County. Nonetheless, the construction emissions could exceed the 25 tons per year (tpy) annual nitrogen oxides (NO<sub>x</sub>) threshold for severe ozone non-attainment areas, which was applicable to New York County under the previous 1-hour ozone standard designation, and which threshold is currently an issue subject to litigation in federal court. Accordingly, LMDC has prepared its Draft Conformity Determination to demonstrate that the federally-funded portion of the Proposed Action would conform with the 1-hour ozone State Implementation Plan (SIP). Pursuant to the requirements of 40 CFR 93.153(h)(1), this notice lists the proposed activities that are presumed to conform to the New York ozone SIP and the basis for this presumption.

##### **B. Background**

The Clean Air Act (CAA), as amended in 1990, defines a non-attainment area (NAA) as a geographic region that has been designated as not meeting one or more of the National Ambient Air Quality Standards (NAAQS). The Proposed Action is located in New York County, which has been designated by the EPA as a moderate NAAQS NAA for PM<sub>10</sub>, a NAA for PM<sub>2.5</sub>, and a moderate NAA for ozone. The area is in attainment for all other criteria pollutants: Nitrogen dioxide (NO<sub>2</sub>), lead, sulfur dioxide (SO<sub>2</sub>), and carbon monoxide (CO). EPA had re-designated New York City as in attainment for CO on April 19, 2002 (67 FR 19337); the CAA requires that a maintenance plan ensure continued compliance with the CO NAAQS for former NAAs.

A State Implementation Plan (SIP) is a state's plan on how it will meet the NAAQS under the deadlines established by the CAA. In November 1998, New York State submitted its Phase II Alternative Attainment Demonstration for Ozone, which addressed attainment of the 1-hour ozone NAAQS by 2007 (New York submitted subsequent filings to EPA in subsequent years). On February 4, 2002, EPA approved New York's 1-hour ozone SIP (67 FR 5170).

The general conformity requirements in 40 CFR Part 93, Subpart B, apply to

those federal actions that are located in a non-attainment or maintenance area, and that are not subject to transportation conformity requirements at 40 CFR Part 51, Subpart T, or Part 93, Subpart A, where the action's direct and indirect emissions have the potential to emit one or more of the criteria pollutants or precursors, in the case of ozone and PM<sub>2.5</sub>, at emission rates equal to or exceeding the prescribed rates at 40 CFR 93.153(b), or where the action encompasses 10 percent or more of a NAA or maintenance area's total emissions inventory for that pollutant. In the case of New York County, the prescribed annual rates are 50 tons of VOCs and 100 tons of NO<sub>x</sub> (ozone precursors in moderate 8-hour ozone NAA and PM<sub>2.5</sub> precursors in PM<sub>2.5</sub> NAA), 100 tons of CO (CO maintenance area), 100 tons of PM<sub>10</sub> (moderate PM<sub>10</sub> NAA), 100 tons of PM<sub>2.5</sub> (PM<sub>2.5</sub> NAA), and 100 tons of SO<sub>2</sub> (PM<sub>2.5</sub> precursor in PM<sub>2.5</sub> NAA).

LMDC has determined that the total annual direct and indirect emissions of all such criteria pollutants from the Proposed Action are less than the *de minimis* rates prescribed in 40 CFR 93.153(b), as currently in effect, that would trigger the requirement to conduct a general conformity determination. Therefore, a general conformity determination is not necessarily required by current federal regulations. Nonetheless, temporarily, during construction, annual NO<sub>x</sub> emissions are predicted to exceed the threshold of 25 tons per year that would apply to a severe ozone non-attainment area under the former 1-hour ozone NAAQS. Accordingly, LMDC has prepared a Draft Conformity Determination to demonstrate the Proposed Action's conformity with the ozone SIP.

##### **C. Requirements of the Conformity Determination**

The purpose of the conformity analysis is to establish that the Proposed Action would conform to the New York ozone SIP, thereby demonstrating that total direct and indirect emissions of the ozone precursors, in this case NO<sub>x</sub>, from the project, would not:

- Cause or contribute to any new violation of any standard in the area;
- Interfere with provisions in the applicable SIP for maintenance of any standard;
- Increase the frequency or severity of any existing violation of any standard in any area; or
- Delay timely attainment of any standard or any required interim emission reductions or other milestones in the SIP for purposes of—

1. A demonstration of reasonable further progress (RFP),
2. A demonstration of attainment, or
3. A maintenance plan.

For the purposes of a general conformity determination, direct and indirect emissions are defined as follows (40 CFR 93.152):

- **Direct Emissions:** Those emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action;

- **Indirect Emissions:** Those emissions of a criteria pollutant or its precursors that—

1. Are caused by the Federal action, but may occur later in time and/or may be further removed in distance from the action itself but are still reasonably foreseeable; and

2. The Federal agency can practicably control and will maintain control over due to a continuing program responsibility of the Federal agency.

LMDC has determined that the predicted emissions due to the Proposed Action during construction that should be subject to its general conformity review would include direct emissions from (1) Non-road engines operating on-site during construction and (2) marine vessels carrying materials to and from the site and conducting other work along the waterfront, and (3) emissions from construction-related vehicles traveling to and from the site.

#### D. Presumption of Conformity

The Proposed Action would be located in an area previously designated as a severe ozone non-attainment area under the 1-hour ozone NAAQS. The NO<sub>x</sub> emissions during two years of construction were predicted to potentially exceed the prescribed level for severe ozone non-attainment areas (25 tons per year). Therefore, LMDC has determined the following:

- The methods for estimating direct and indirect emissions from the Proposed Action meet the requirements of 40 CFR 93.159.

- The Proposed Action was predicted to result in the emission of up to 70.5 tons and 31.2 tons of NO<sub>x</sub> per year in 2008 and 2009, respectively.

- All construction-related NO<sub>x</sub> emissions, including those from the Proposed Action, are included in the emissions budget specified in the New York State Implementation Plan for Ozone—Phase II Alternative Attainment Demonstration.

- The Proposed Action does not cause or contribute to any new violation, or increase the frequency or severity of any existing violation, of the

standards for the pollutants addressed in 40 CFR 93.158.

- The Proposed Action does not violate any requirements or milestones in the ozone SIP.

- Based on these determinations, the Proposed Action is presumed to conform to the ozone SIP for the project area. The activities that are presumed to conform include all construction-related activities that will receive federal funding for the East River Waterfront Esplanade and Piers Project.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.

Dated: July 20, 2007.

**Nelson R. Bregón,**

*General Deputy Assistant Secretary for Community Planning and Development.*

[FR Doc. E7-14579 Filed 7-26-07; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5125-N-30]

### Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Ezzell, Room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also

published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to John Hicks, Division of Property Management, Program Support Center, HHS, room 5B-17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this