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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

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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.

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 990

RIN 3206–AJ97

General and Miscellaneous

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to remove its regulation concerning the submission of claims by preference eligibles to OPM and the recognition of representatives by OPM. The purpose of this revision to part 990 is to eliminate the part because it is obsolete. OPM no longer adjudicates claims or appeals under sections 3502, 3503, or 7701 of title 5, United States Code. That appellate function was vested in the Merit Systems Protection Board, created by the Civil Service Reform Act of 1978. Accordingly, there is no basis to retain the provisions of part 990 in the Code of Federal Regulations.

DATES: *Effective Date:* August 13, 2007.

FOR FURTHER INFORMATION CONTACT: Hakeem Basheerud-Deen at (202) 606–1434, Fax: (202) 606–2329, TTY: (202) 418–3134, or e-mail: *hakeem.basheerud-deen@opm.gov.*

SUPPLEMENTARY INFORMATION: On May 27, 2003, OPM issued proposed regulations at **Federal Register** 68 FR 28806 to remove and reserve part 990 from the Code of Federal Regulations. No comments were received and the proposed rule is adopted as a final rule without change.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only certain Federal employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 990

Administrative practice and procedure, Claims, Government employees, Veterans.

U.S. Office of Personnel Management.

Linda M. Springer,

Director.

■ Under the authority of 5 CFR chapter I, OPM is removing and reserving 5 CFR part 990 as follows:

PART 990—[REMOVED AND RESERVED]

■ 1. Part 990 is removed and reserved.

[FR Doc. E7–15662 Filed 8–10–07; 8:45 am]

BILLING CODE 6325–39–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 32 and 35

RIN 3150–AI14

Medical Use of Byproduct Material—Minor Corrections and Clarifications

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to correct or clarify the rule language in several sections in the regulations that govern specific domestic licenses to manufacture or transfer certain items containing byproduct material and medical use of byproduct material. The regulations that govern medical use of byproduct materials were amended in their entirety on April 24, 2002 (67 FR 20249). Subsequently, these regulations were amended again to revise the training and experience requirements for the medical use of byproduct material on March 30, 2005 (70 FR 16336). Through implementation of these revised regulations, the NRC has identified additional changes that need to be made to these regulations. This action is necessary to clarify certain provisions and to make certain conforming changes to the regulations.

DATES: The final rule is effective on October 29, 2007, unless significant adverse comments are received by September 12, 2007. A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. If the rule is withdrawn due to significant adverse comments, timely notice will be provided in the **Federal Register**.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number (RIN 3150–AI14) in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available to the public in their entirety on the NRC rulemaking Web site. Personal information, such as name, address, phone, e-mail address, etc., will not be removed from your submission.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415–1966. You may also submit comments via the NRC's rulemaking Web site at *http://ruleforum.llnl.gov.* Address questions about our rulemaking Web site to Carol Gallagher (301) 415–5905; e-mail *cag@nrc.gov.* Comments can also be submitted via the Federal eRulemaking Portal *http://www.regulations.gov.*

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone (301) 415–1966.) Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415–1101. Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may

be viewed and downloaded electronically via the NRC rulemaking Web site at *http://ruleforum.llnl.gov.*

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–0253, e-mail *eml1@nrc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The purpose of these amendments is to amend 10 CFR Parts 32 and 35 to clarify and make certain conforming changes related to the NRC's requirements for the medical use of byproduct material.

Discussion

This direct final rule revises several sections in 10 CFR Parts 32 and 35 to correct or clarify rule language. It also includes conformatory changes that should have been incorporated in the regulations but were inadvertently left out. The changes and clarifications are minor in nature and noncontroversial. The following changes are being made to the regulations:

Section by Section Analysis

1. Section 32.72 Manufacture, Preparation, or Transfer for Commercial Distribution of Radioactive Drugs Containing Byproduct Material for Medical Use Under Part 35

During the rulemaking completed in 2005, conforming changes to § 32.72, to reflect the changes made in § 35.55, were inadvertently omitted. The 2005 revision of the training and experience requirements for an authorized nuclear pharmacist (ANP) in § 35.55 removed the requirement for a preceptor statement as a condition for recognition of a specialty board's certification process. Instead, an individual seeking ANP status on an NRC license must provide a preceptor statement, in addition to documentation of the board certification. This amendment makes the necessary conforming changes to § 32.72.

Additionally, certification by the Board of Pharmaceutical Specialties is removed from § 32.72 because specialty boards recognized by the Commission or Agreement States are posted on the NRC's web page and are no longer listed in NRC regulations.

2. Section 32.74 Manufacture and Distribution of Sources or Devices Containing Byproduct Material for Medical Use

Section 32.74(a) states that an application will be approved for a specific license to manufacture and distribute sources and devices containing byproduct material to persons licensed under Part 35 of this chapter for use as a calibration or reference source or for the uses listed in §§ 35.400, 35.500, and 35.600 if certain conditions are met. When Part 35 was amended on April 24, 2002 (67 FR 20249), a new section, § 35.1000, ''Other medical uses of byproduct material or radiation from byproduct material,'' was added to address radiation safety issues associated with new modalities. A conforming change should have been made in § 32.74(a) to reference § 35.1000, but was inadvertently left out. This change amends this section by adding § 35.1000 after §§ 35.400, 35.500, 35.600.

3. Section 35.2 Definitions

The definitions in this section include both *medium-dose rate remote afterloader* and *high-dose rate remote afterloader.* The medium-dose rate remote afterloader is defined as a device that remotely delivers a dose rate of greater than 2 gray (200 rads), but less than 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed. The high-dose rate remote afterloader is defined as delivering a dose rate in excess of 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed. The dose rate of equal to 12 gray (1200 rads) per hour was inadvertently excluded. This section is being amended to revise the definition of *medium dose-rate remote afterloader* to include ''equal to'' 12 gray. In addition, for clarification, the phrase ''per hour'' will be added after the phrase ''delivers a dose rate of greater than 2 gray (200 rads)'' to read as ''delivers a dose rate of greater than 2 gray (200 rads) per hour.''

4. Section 35.41 Procedures for Administrations Requiring a Written Directive

Section 35.41(b)(4) requires a licensee to have procedures verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical units authorized by § 35.600. When Part 35 was amended on April 24, 2002 (67 FR 20249), a new section, § 35.1000, ''Other medical uses of byproduct material or radiation from byproduct material,'' was added to address radiation safety issues associated with new modalities. A conforming change should have been made in § 35.41(b)(4) to reference § 35.1000, but was inadvertently left out. This changes this section by adding § 35.1000 after § 35.600.

5. Section 35.75 Release of Individuals Containing Unsealed Byproduct Material or Implants Containing Byproduct Material

In § 35.75(a), the footnote states that NUREG–1556, Vol. 9, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Medical Licenses,'' describes methods for calculating doses to other individuals and contains tables of activities not likely to cause doses exceeding 5 mSv (0.5 rem). NUREG–1556, Vol. 9, is not the current version of this NUREG. The current version, ''Revision 1,'' is expected to be revised. Thus, the footnote is revised to add the phrase ''The current version of'' before the phrase ''NUREG–1556, Vol. 9.''

6. Section 35.92 Decay-in-Storage

This section permits decay-in-storage by medical use licensees for radionuclides with half-lives of less than 120 days. This section inadvertently excluded radionuclides with half-lives equal to 120 days. This change revises this section to include ''equal to'' 120 days.

7. Section 35.190 Training for Uptake, Dilution, and Excretion Studies

Section 35.190(a)(1) provides that in order for a specialty board's certification process to be recognized, the board must require all candidates for certification to complete 60 hours of training and experience ''that includes the topics listed in paragraphs (c)(1)(i) and (c)(1)(ii) of this section.'' The intent of the regulation is that candidates must obtain their work experience involving the topics listed in (c)(1)(ii) under the supervision of a specified authorized user. The change of the phrase to ''as described in paragraphs (c)(1)(i) through (c)(1)(ii)(F) of this section,'' clarifies that all of the requirements in

§ 35.190(c)(1)(ii), including that candidates must obtain their work experience under the supervision of a specified authorized user, are also applicable to the board certification pathway.

8. Section 35.290 Training for Imaging and Localization Studies

Section 35.290(a)(1) provides that in order for a specialty board's certification process to be recognized, the board must require all candidates for certification to complete 700 hours of training and experience ''that includes the topics listed in paragraphs (c)(1)(i) and (c)(1)(ii) of this section.'' The intent of the regulation is that candidates must obtain their work experience involving the topics listed in (c)(1)(ii) under the supervision of a specified authorized user. The change of the phrase to ''as described in paragraphs (c)(1)(i) through (c)(1)(ii)(G) of this section,'' clarifies that all of the requirements in § 35.290(c)(1)(ii), including that candidates must obtain their work experience under the supervision of a specified authorized user, are also applicable to the board certification pathway.

Procedural Background

This rulemaking will become effective on October 29, 2007. However, if the NRC receives significant adverse comments by September 12, 2007, then the NRC will publish a document that withdraws the direct final rule and will address the comments received in a final rule as a response to the companion proposed rule published elsewhere in this issue of the **Federal Register**. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the staff to make a change (other than editorial) to the rule.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC corrects and clarifies the rule language in several sections in 10 CFR Parts 32 and 35. This action does not constitute the establishment of a standard that contains generally applicable requirements.

Issues of Compatibility for Agreement States

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997 (62 FR 46517), specific requirements within this rule should be adopted by Agreement States for purposes of compatibility or because of health and safety significance. Implementing procedures for the Policy Statement establish specific categories which have been applied to categorize the requirements in Parts 32 and 35. A Compatibility Category ''A'' designation means the requirement is a basic radiation protection standard or deals with related definitions, signs, labels, or terms necessary for a common understanding of radiation protection principles. Compatibility Category ''A'' designated Agreement State requirements should be essentially identical to those of the NRC. A Compatibility Category ''B'' designation means the requirement has significant transboundary implications. Compatibility Category ''B'' designated Agreement State requirements should be essentially identical to those of the NRC. A Compatibility Category ''C'' designation means the essential objectives of the requirement should be adopted by the State to avoid conflicts, duplications, or gaps. The manner in which the essential objectives are addressed in the Agreement State requirement need not be the same as NRC provided the essential objectives are met. A Compatibility Category ''D'' designation means the requirement does not have to be adopted by an Agreement State for purposes of compatibility. The Compatibility Category Health and Safety (H&S) identifies requirements that are not required for compatibility, but which have particular health and safety significance. Agreement States should adopt the essential objectives of such requirements in order to maintain an adequate program.

SUMMARY OF NRC RULES WITH COMPATIBILITY OR HEALTH AND SAFETY DESIGNATIONS UNDER THE DIRECT FINAL RULE COVERING 10 CFR PARTS 32 AND 35

Section and paragraph	Section title
Category B	
§ 32.72(b)(5)	Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under Part 35.
§ 32.74(a)	Manufacture and distribution of sources or devices containing byproduct material for medical use.
§ 35.190	Training for uptake, dilution, and excretion studies.
§ 35.290	Training for imaging and localization studies.
Category C	
§ 35.75(a)	Release of individuals containing unsealed byproduct material or implants containing byproduct material.

SUMMARY OF NRC RULES WITH COMPATIBILITY OR HEALTH AND SAFETY DESIGNATIONS UNDER THE DIRECT FINAL RULE COVERING 10 CFR PARTS 32 AND 35—Continued

Section and paragraph	Section title
Category D	
§ 35.2	Definitions—Medium dose-rate remote afterloader.
§ 35.41(b)(4)	Procedures for administrations requiring a written directive.
Category H&S	
§ 35.92	Decay-in-storage is an ''H&S'' for States authorizing this activity and ''D'' for States that do not authorize this activity.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled, ''Plain Language in Government Writing'' directed that the Government's writing be in plain language. The NRC requests comments on this direct final rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in the categorical exclusion at 10 CFR 51.22(c)(2). Therefore neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This direct final rule does not contain new or amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150–0001 and 3150–0010.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

Regulatory Analysis

A regulatory analysis has not been prepared for this direct final rule because this rule is considered a minor nonsubstantive amendment and it has no economic impact on NRC licensees or the public.

Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule merely corrects or clarifies the rule language in several sections in 10 CFR parts 32 and 35.

Backfit Analysis

The NRC has determined that the backfit rule (§§ 50.109, 70.76, 72.62, or 76.76) does not apply to this final rule and therefore, a backfit analysis is not required because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR Chapter I.

Congressional Review Act

Under the Congressional Review Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects

10 CFR Part 32

Byproduct material, Criminal penalties, Labeling, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 35

Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

■ For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR parts 32 and 35.

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

■ 1. The authority citation for part 32 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note), Energy Policy Act of 2005, Pub. L. 109–58, 119 Stat. 594 (2005).

■ 2. In § 32.72, paragraph (b)(5) is revised to read as follows:

§ 32.72 Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under part 35.

* * * * *

(b) * * *

(5) Shall provide to the Commission a copy of each individual's:

(i)(A) Certification by a specialty board whose certification process has been recognized by the Commission or an Agreement State as specified in § 35.55(a) of this chapter with the written attestation signed by a preceptor as required by § 35.55(b)(2) of this chapter; or

(B) The Commission or Agreement State license; or

(C) The permit issued by a licensee of broad scope; and

(ii) State pharmacy licensure or registration, no later than 30 days after the date that the licensee allows, under paragraphs (b)(2)(i) and (b)(2)(iii) of this section, the individual to work as an authorized nuclear pharmacist.

* * * * *

■ 3. In § 32.74, the introductory text of paragraph (a) is revised to read as follows:

§ 32.74 Manufacture and distribution of sources or devices containing byproduct material for medical use.

(a) An application for a specific license to manufacture and distribute sources and devices containing byproduct material to persons licensed under part 35 of this chapter for use as a calibration, transmission, or reference source or for the uses listed in §§ 35.400, 35.500, 35.600, and 35.1000 of this chapter will be approved if:

* * * * *

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

■ 4. The authority citation for part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

■ 5. In § 35.2, the definition of *Medium dose-rate remote afterloader* is revised to read as follows:

§ 35.2 Definitions.

* * * * *

Medium dose-rate remote afterloader, as used in this part, means a brachytherapy device that remotely delivers a dose rate of greater than 2 gray (200 rads) per hour, but less than or equal to 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed.

* * * * *

■ 6. In § 35.41, paragraph (b)(4) is revised to read as follows:

§ 35.41 Procedures for administrations requiring a written directive.

* * * * *

(b) * * *

(4) Verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical units authorized by §§ 35.600 or 35.1000.

* * * * *

■ 7. In § 35.75, the text of paragraph (a) is republished and footnote 1 is revised to read as follows:

§ 35.75 Release of individuals containing unsealed byproduct material or implants containing byproduct material.

(a) A licensee may authorize the release from its control of any individual who has been administered unsealed byproduct material or implants containing byproduct material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 mSv (0.5 rem).[1]

* * * * *

[1] The current revision of NUREG–1556, Vol. 9, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Medical Licenses'' describes methods for calculating doses to other individuals and contains tables of activities not likely to cause doses exceeding 5 mSv (0.5 rem).

■ 8. In § 35.92, the introductory text of paragraph (a) is revised to read as follows:

§ 35.92 Decay-in-storage.

(a) A licensee may hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if it—

* * * * *

■ 9. In § 35.190, paragraph (a)(1) is revised to read as follows:

§ 35.190 Training for uptake, dilution, and excretion studies.

* * * * *

(a) * * *

(1) Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed byproduct material for uptake, dilution, and excretion studies as described in paragraphs (c)(1)(i) through (c)(1)(ii)(F) of this section; and

* * * * *

■ 10. In § 35.290, paragraph (a)(1) is revised to read as follows:

§ 35.290 Training for imaging and localization studies.

* * * * *

(a) * * *

(1) Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed byproduct material for imaging and localization studies as described in paragraphs (c)(1)(i) through (c)(1)(ii)(G) of this section; and

* * * * *

Dated at Rockville, Maryland, this 31st day of July, 2007.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Acting Executive Director for Operations.

[FR Doc. 07–3976 Filed 8–10–07; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28940; Directorate Identifier 2007–NM–131–AD; Amendment 39–15158; AD 2007–16–19]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–200B, 747–300, and 747–400 Series Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Boeing Model 747–200B, 747–300, and 747–400 series airplanes. This AD requires doing repetitive detailed inspections for cracking of the aft tension tie channels from body station (BS) 1120 to BS 1220 and from BS 880 to BS 1100, and corrective actions if necessary. This AD results from cracks found in the aft tension tie channels at four station locations, on a Model 747–200B series airplane that had been modified to a special freighter. We are issuing this AD to detect and correct cracking of the aft tension tie channels; failure of more than one tension tie could result in rapid depressurization of the airplane.

DATES: This AD becomes effective August 28, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of August 28, 2007.

We must receive comments on this AD by October 12, 2007.

ADDRESSES: Use one of the following addresses to submit comments on this 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, P.O. Box 3707, Seattle, Washington 98124–2207, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Ivan Li, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6437; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Discussion

We have received a report indicating that cracks were found in the aft tension tie channels at four station locations, on a Model 747–200B series airplane that

had been modified to a special freighter. The cracks were found near the body frames at a location where the flanges of the aft tension tie channels are machined down to a flat plate in order to attach to the body frames. The largest crack was approximately 0.5 inch in length. The airplane had accumulated 4,856 flight cycles since modification to special freighter. Tension ties are considered to be structurally significant, in that they are critical to airplane structural integrity. Failure of more than one tension tie, if not corrected, could result in rapid depressurization of the airplane.

The upper deck tension ties on Model 747–300 and –400 series airplanes that have been modified to a special freighter configuration are similar to those on the affected Model 747–200B series airplanes that have been modified to a special freighter configuration. Therefore, all of these airplanes are subject to the same unsafe condition.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 747–53A2610, dated May 10, 2007. The service bulletin describes procedures for doing repetitive detailed inspections for cracking of the aft tension tie channels from body station (BS) 1120 to BS 1220 and from BS 880 to BS 1100, and doing corrective actions as applicable. The corrective actions include repairing any crack found in a tension tie, and contacting Boeing for repair instructions if any crack is found in a bolt hole. The service bulletin specifies that, as an option to accomplishing the repetitive detailed inspections, accomplishing the repairs at all tension tie locations can be done as a preventive modification.

The service bulletin specifies accomplishing the initial inspection from BS 1120 to BS 1220 before the accumulation of 4,000 flight cycles since modification to special freighter or converted freighter, or within 1,000 flight cycles after the date on the service bulletin, whichever occurs later. The service bulletin specifies accomplishing the initial inspection from BS 880 to BS 1100 before the accumulation of 8,000 flight cycles since modification to special freighter or converted freighter, or within 1,000 flight cycles after the date on the service bulletin, whichever occurs later. The service bulletin also specifies repeating the inspections at intervals not to exceed 4,000 flight cycles. The service bulletin also specifies repairing any crack before further flight.

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

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other airplanes of the same type design that may be registered in the U.S. at some time in the future. Therefore, we are issuing this AD to detect and correct cracking of the aft tension tie channels; failure of more than one tension tie could result in rapid depressurization of the airplane. This AD requires accomplishing the actions specified in the service information described previously, except as discussed under ''Difference Between the AD and Service Bulletin.''

Difference Between the AD and Service Bulletin

The service bulletin specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization whom we have authorized to make those findings.

Costs of Compliance

If an affected airplane is imported and placed on the U.S. Register in the future, the required inspections would take about 4 work hours per airplane, at an average labor rate of $80 per work hour. Based on these figures, the estimated cost of the AD would be $320 per airplane, per inspection cycle.

FAA's Determination of the Effective Date

No airplane affected by this AD is currently on the U.S. Register. Therefore, providing notice and opportunity for public comment is unnecessary before this AD is issued, and this AD may be made effective in less than 30 days after it is published in the **Federal Register**.

Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2007–28940; Directorate Identifier 2007–NM–131–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD that might suggest a need to modify it.

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 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 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 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.

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 AD will not have federalism implications under Executive Order 13132. This AD will 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 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 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, Incorporation by reference, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

2007–16–19 Boeing: Amendment 39–15158. Docket No. FAA–2007–28940; Directorate Identifier 2007–NM–131–AD.

Effective Date

(a) This AD becomes effective August 28, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Boeing Model 747–200B, 747–300, and 747–400 series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747–53A2610, dated May 10, 2007.

Unsafe Condition

(d) This AD results from cracks found in the aft tension tie channels at four station locations, on a Model 747–200B series airplane that had been modified to a special freighter. We are issuing this AD to detect and correct cracking of the aft tension tie channels; failure of more than one tension tie could result in rapid depressurization 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.

Repetitive Inspections

(f) At the applicable times specified in paragraph 1.E. of Boeing Alert Service Bulletin 747–53A2610, dated May 10, 2007, except as provided by paragraph (g) of this AD: Do repetitive detailed inspections for cracking of the aft tension tie channels from body station (BS) 1120 to BS 1220 and from BS 880 to BS 1100, and do all applicable corrective actions, by accomplishing all of the applicable actions specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2610, dated May 10, 2007, except as provided by paragraph (h) of this AD.

Exception to Compliance Times

(g) Where Boeing Alert Service Bulletin 747–53A2610, dated May 10, 2007, specifies counting the compliance time from ''* * * after the date on this service bulletin,'' this AD requires counting the compliance time from the effective date of this AD.

Exception for Bolt Hole Cracks

(h) If any crack is found in a bolt hole during any inspection required by this AD, and Boeing Alert Service Bulletin 747–53A2610, dated May 10, 2007, specifies to contact Boeing for appropriate action: Before further flight, repair the crack using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

Optional Terminating Action

(i) Except as provided by paragraph (h) of this AD, accomplishing the applicable repairs or modifications at all tension tie locations, in accordance with Part 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2610, dated May 10, 2007, terminates the repetitive inspections required by paragraph (f) of this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle 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.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Material Incorporated by Reference

(k) You must use Boeing Alert Service Bulletin 747–53A2610, dated May 10, 2007, to perform the actions that are required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference of this document in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124–2207, for a copy of this service information. You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on August 2, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–15582 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–28478; Directorate Identifier 2007–CE–057–AD; Amendment 39–15153; AD 2007–16–14]

RIN 2120–AA64

Airworthiness Directives; Taylorcraft A, B, and F Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Taylorcraft A, B, and F series airplanes. This AD requires you to initially inspect the left and right wing front and aft lift struts for corrosion and cracks, replace any cracked strut or strut with corrosion that exceeds certain limits with either sealed or non-sealed struts, and repetitively inspect any non-sealed struts. This AD results from inspections

where several different struts were found with moderate to severe corrosion and required strut replacement. We are issuing this AD to detect and correct corrosion or cracks in the right and left wing front and aft lift struts. This condition, if not corrected, could result in failure of the lift strut and lead to in-flight separation of the wing with consequent loss of control.

DATES: This AD becomes effective on August 20, 2007.

On August 20, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

We must receive any comments on this AD by October 12, 2007.

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

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

To get the service information identified in this AD, contact Taylorcraft Aviation, LLC, 2124 North Central Avenue, Brownsville, Texas 78521; telephone: (956) 986–0700.

To view the comments to this AD, go to *http://dms.dot.gov.* The docket number is FAA–2007–28478; Directorate Identifier 2007–CE–057–AD.

FOR FURTHER INFORMATION CONTACT: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; fax: (210) 308–3370.

SUPPLEMENTARY INFORMATION:

Discussion

The FAA has received reports of several corroded wing lift struts from different Taylorcraft series airplanes. Independent laboratory analysis of the struts revealed varying degrees of excessive internal and external corrosion, including through-the-thickness corrosion. The struts exhibited corrosion severe enough to require strut replacement. Additional Taylorcraft owners reported finding severe corrosion on wing struts during routine maintenance, which required strut replacement. These same findings confirm strut corrosion Taylorcraft reported to the FAA. The internal cavity of the original design (vented) lift struts is exposed to the external environment and can hide internal surface corrosion resulting from environmental exposure. External surface corrosion can be masked by the external paint coating.

This condition, if not corrected, could result in failure of a wing lift strut due to corrosion and lead to separation of the wing from the airplane with consequent loss of control.

Relevant Service Information

We reviewed Taylorcraft Aviation, LLC Service Bulletin (SB) No. 2007–001, Revision A, dated August 1, 2007. The service information describes procedures for wing lift strut assembly corrosion inspection and/or replacement.

FAA's Determination and Requirements of This AD

We are issuing this AD because we evaluated all the information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This AD requires you to initially inspect the left and right wing front and aft lift struts for corrosion and cracks, replace any cracked strut or strut with corrosion that exceeds certain limits with either sealed or non-sealed struts, and repetitively inspect any non-sealed struts.

The FAA is determining whether future rulemaking action is necessary. This could include inspection and/or modification or replacement in adjacent structure.

In preparing this rule, we contacted type clubs and aircraft operators to get technical information and information on operational and economic impacts. We have included a discussion of information that may have influenced this action in the rulemaking docket.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because corrosion and/or cracks in the wing lift struts could result in separation of the wing from the airplane with consequent loss of control. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and an opportunity for public comment. We invite you to send any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number ''FAA–2007–28478; Directorate Identifier 2007–CE–057–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD. We will consider all comments received by the closing date and may amend the AD in light of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this AD.

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 determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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 this AD:

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

(2) Is not a ''significant rule'' under 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 AD and placed it in the AD docket.

Examining the AD Docket

You may examine the AD docket that contains the AD, the regulatory evaluation, any comments received, and other information on the Internet at *http://dms.dot.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647–5527) is located at the street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2007–16–14 Taylorcraft: Amendment 39–15153; Docket No. FAA–2007–28478; Directorate Identifier 2007–CE–057–AD.

Effective Date

(a) This AD becomes effective on August 20, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all serial numbers of Taylorcraft Models A, BC, BCS, BC–65, BCS–65, BC12–65 (Army L–2H), BCS12–65, BC12–D, BCS12–D, BC12–D1, BCS12–D1, BC12D–85, BCS12D–85, BC12D–4–85, BCS12D–4–85, (Army L–2G) BF, BFS, BF–60, BFS–60, BF–65, BFS–65, (Army L–2K) BF 12–65, BL, BLS, (Army L–2F) BL–65, BLS–65, (Army L–2J) BL12–65, BLS12–65, FA–III (Airphibian), 19, F19, F21, F21A, F21B, F22, F22A, F22B, F22C, and TG–6 Conversion airplanes that:

(1) Are certificated in any category; and

(2) Do not incorporate in all struts new sealed front lift struts (P/N MA–A815 or FAA-approved equivalent P/N) and new sealed aft lift struts (P/N MA–A854 or FAA-approved equivalent P/N).

Note: This AD applies to all Taylorcraft models listed above, including those not listed in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision A, dated August 1, 2007. If there are any other differences between this AD and the above service bulletin, this AD takes precedence.

Unsafe Condition

(d) This AD results from inspections where several different struts were found with moderate to severe corrosion and required strut replacement. We are issuing this AD to detect and correct corrosion or cracks in the right and left wing front and aft lift struts, which could result in failure of the lift strut and lead to in-flight separation of the wing with consequent loss of control.

Compliance

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

Actions	Compliance	Procedures
(1) *Visual Inspection:* Visually inspect for corrosion or cracking in the lower 12 inches of the left and right wing front lift struts (part number (P/N) A–A815 or FAA-approved equivalent P/N) and aft lift struts (P/N A–A854 or FAA-approved equivalent P/N) and then inspect per paragraph (e)(2) of this AD.	Within the next 5 hours time-in-service after August 20, 2007 (the effective date of this AD), unless the strut has: (i) Been replaced with parts specified in either paragraph (e)(4)(i); or (ii) Been replaced with parts specified by paragraph (e)(4)(ii) of this AD and been installed on an airplane for less than 24 months.	Follow Part 1 of the Instructions in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision A, dated August 1, 2007.
(2) *Initial Eddy Current or Ultrasound Inspection:* Inspect using the eddy current or ultrasound inspection methods to detect corrosion or cracking in the lower 12 inches of the left and right wing front lift struts (P/N A–A815 or FAA-approved equivalent P/N) and aft lift struts (P/N A–A854 or FAA-approved equivalent P/N). The eddy current or ultrasound inspection must be done by one of the following: (i) A Level II or III inspector certified in the applicable eddy current or ultrasound inspection method using the guidelines established by the American Society of Nondestructive Testing or NAS 410 (formerly MIL–STD–410); (ii) An inspector certified to specific FAA or other acceptable government or industry standards, such as Air Transport Association (ATA) Specifications 105—Guidelines for Training and Qualifying Personnel in Nondestructive Testing Methods; or (iii) A qualified FAA Repair Station or a qualified Testing/Inspection Laboratory.	Initially inspect any original design (vented) strut or FAA-approved equivalent part number at whichever of the following that applies: (A) Before further flight when corrosion or cracking is found during the visual inspection required in paragraph (e)(1) of this AD; or (B) If no corrosion or cracking is found during the visual inspection in paragraph (e)(1) of this AD, within the next 3 months after August 20, 2007 (the effective date of this AD) or within 24 months of installation of the strut, whichever occurs later.	Follow Part 2 of the Instructions in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision A, dated August 1, 2007.

Actions	Compliance	Procedures
(3) *Repetitive Eddy Current or Ultrasound Inspections:* Inspect using the eddy current or ultrasound inspection methods to detect corrosion or cracking in the lower 12 inches of the left and right wing front lift struts (P/N A–A815 or FAA-approved equivalent P/N) and aft lift struts (P/N A–A854 or FAA-approved equivalent P/N). The eddy current or ultrasound inspection must be done by one of the following: (i) A Level II or III inspector certified in the applicable Eddy Current or Ultrasound Inspection method using the guidelines established by the American Society of Nondestructive Testing or NAS 410 (formerly MIL–STD–410), (ii) An Inspector certified to specific FAA or other acceptable government or industry standards, such as Air Transport Association (ATA) Specifications 105—Guidelines for Training and Qualifying Personnel in Nondestructive Testing Methods, or (iii) A qualified FAA Repair Station or a qualified Testing/Inspection Laboratory.	(A) For original or replacement left and right wing front lift struts (P/N A–A815 or FAA-approved equivalent P/N) and aft lift struts (P/N A–A854 or FAA-approved equivalent P/N) of original design (vented), repetitively inspect at intervals not to exceed 24 months after the initial inspection required in paragraph (e)(2) of this AD. (B) Replacement of all struts with new sealed front lift struts (P/N MA–A815 or FAA-approved equivalent P/N) and new sealed aft lift struts (P/N MA–A854 or FAA-approved equivalent P/N) eliminates the repetitive inspection requirement of this AD. (C) If not all the vented lift struts are replaced with new sealed units, then the lift struts that are not new sealed units are still subject to the repetitive inspection requirement of this AD.	Follow Part 2 of the Instructions in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision A, dated August 1, 2007.
(4) *Replacement:* Replace the original design (vented) front lift struts (P/N A–A815 or FAA-approved equivalent P/N) and original design (vented) aft lift struts (P/N A–A854 or FAA-approved equivalent P/N) with one of the following: (i) new sealed front lift struts, (P/N MA–A815 or FAA-approved equivalent P/N) and new sealed aft lift struts, (P/N MA–A854 or FAA-approved equivalent P/N); or (ii) New original design (vented) front lift struts (P/N A–815 or FAA-approved equivalent P/N) and new original design (vented) aft lift struts (P/N A–A854 or FAA-approved equivalent P/N).	Replace before further flight any time cracking or corrosion is found during any required eddy current or ultrasound inspection that exceeds the acceptance/rejection criteria limits in Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision A, dated August 1, 2007. After replacing with an original design (vented) strut, begin the repetitive inspections of paragraph (e)(3) within 24 months after installation.	Follow Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision A, dated August 1, 2007.

Alternative Methods of Compliance (AMOCs)

(f) The Manager, Fort Worth Airplane Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Andrew McAnaul, Aerospace Engineer, ASW–150 (c/o MIDO–43), 10100 Reunion Place, Suite 650, San Antonio, Texas 78216; telephone: (210) 308–3365; fax: (210) 308–3370. 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.

Material Incorporated by Reference

(g) You must use Taylorcraft Aviation, LLC Service Bulletin No. 2007–001, Revision A, dated August 1, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of this service information under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) For service information identified in this AD, contact Taylorcraft Aviation, LLC, 2124 North Central Avenue, Brownsville, Texas 78521; telephone: 956–986–0700.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Kansas City, Missouri 64106; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Issued in Kansas City, Missouri, on August 3, 2007.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–15581 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2007–27850; Airspace Docket No. 07–ASO–5]

RIN 2120–AA66

Amendment to Restricted Areas R–3702A and R–3702B; Fort Campbell, KY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the designated altitudes of restricted areas R–3702A and R–3702B, Fort Campbell, KY, to revise the internal altitude boundary separating the two restricted areas. This change is necessary to better accommodate training requirements and provide greater access to the airspace for nonparticipating aircraft flying through the area above 10,000 feet MSL.

EFFECTIVE DATE: 0901 UTC, October 25, 2007.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On April 26, 2007, the FAA published in the **Federal Register** a notice of proposed rulemaking to amend R–3702A and R–3702B at Fort Campbell, KY (72 FR 20787). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. With the exception of editorial changes, this amendment is the same as that proposed in the notice of proposed rulemaking.

Section 73.37 of 14 CFR part 73 was published in the FAA Order 7400.8N, Special Use Airspace, dated February 16, 2007. The restricted area listed in this document will be published subsequently in the Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 to realign the designated altitudes separating restricted areas R–3702A and R–3702B at Fort Campbell, KY. This rule changes the designated altitudes for R–3702A from ''surface to 6,000 feet MSL,'' to ''surface to 10,000 feet MSL.'' In addition, the designated altitudes for R–3702B are changed from ''6,000 feet MSL to FL 220,'' to ''10,000 feet MSL to FL 220.'' This change will allow Fort Campbell to conduct hazardous activities that do not exceed 10,000 feet MSL without unnecessarily restricting the airspace up to FL 220. This change also allows air traffic control to provide better service to nonparticipating aircraft in the area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has reviewed the above referenced action according to Department of Transportation Order 5610.1C, ''Procedures for Considering Environmental Impacts'' and FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures.'' In accordance with FAA Order 1050.1E paragraphs 311d and 401p(5) it is determined that the action qualifies for categorical exclusion from further environmental review. Additionally, the implementation of this action will not result in any extraordinary circumstances in accordance with Order 1050.1E paragraph 304. Therefore, on July 27, 2007 the FAA issued a categorical exclusion declaration for the change in the internal boundaries for R–3702A and R–3702B.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.37 [Amended]

■ 2. Section 73.37 is amended as follows:

* * * * *

R–3702A Fort Campbell, KY [Amended]

Under Designated altitudes, by removing the words ''Surface to 6,000 feet MSL,'' and inserting the words ''Surface to 10,000 feet MSL.''

* * * * *

R–3702B Fort Campbell, KY [Amended]

Under Designated altitudes, by removing the words ''6,000 feet MSL to FL 220,'' and inserting the words ''10,000 feet MSL to FL 220.''

* * * * *

Issued in Washington, DC, on August 6, 2007.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. E7–15747 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 529

Certain Other Dosage Form New Animal Drugs; Formalin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by B.L. Mitchell, Inc. The ANADA provides for the use of formalin in a water bath for the control of certain external parasites on finfish and shrimp and for the control of certain fungi on finfish eggs.

DATES: This rule is effective August 13, 2007.

FOR FURTHER INFORMATION CONTACT: John K. Harshman, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0169, e-mail: *john.harshman@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: B.L. Mitchell, Inc., 103 Hwy. 82 E., Leland, MS 38756, filed ANADA 200–414 that provides for use of Formacide-B (formalin) in a water bath for the control of certain external parasites on finfish and shrimp and for the control of certain fungi on finfish eggs. B.L. Mitchell, Inc.'s Formacide-B is approved as a generic copy of Parasite-S, sponsored by Western Chemical, Inc., under NADA 140–989. The ANADA is approved as of July 17, 2007, and the regulations are amended in § 529.1030 to reflect the approval.

In addition, B.L. Mitchell, Inc., has not been previously listed in the animal drug regulations as a sponsor of an approved application. Accordingly, 21 CFR 510.600(c) is being amended to add entries for this firm.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug

Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 529

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR parts 510 and 529 are amended as follows:

PART 510—NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1) alphabetically add a new entry for ''B.L. Mitchell, Inc.''; and in the table in paragraph (c)(2) numerically add a new entry for ''067188'' to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * *	* *
B.L. Mitchell, Inc., 103 Hwy. 82 E., Leland, MS 38756.	067188
* * *	* *

(2) * * *

Drug labeler code	Firm name and address
* *	* * *
067188	B.L. Mitchell, Inc., 103 Hwy. 82 E., Leland, MS 38756
* *	* * *

PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS

■ 3. The authority citation for 21 CFR part 529 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 529.1030 [Amended]

■ 4. In paragraph (b)(1) of § 529.1030, remove ''Nos. 049968 and 050378'' and add in its place ''Nos. 049968, 050378, and 067188''.

Dated: August 1, 2007.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. E7–15763 Filed 8–10–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Ampicillin Sodium

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by G. C. Hanford Manufacturing Co. The ANADA provides for the use of ampicillin sodium powder in aqueous solution by injection in horses for the treatment of various bacterial infections.

DATES: This rule is effective August 13, 2007.

FOR FURTHER INFORMATION CONTACT: John K. Harshman, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0169, e-mail: *john.harshman@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: G. C. Hanford Manufacturing Co., P.O. Box 1017, Syracuse, NY 13201, filed ANADA 200–335 that provides for use of ampicillin sodium as a constituted solution by injection in horses for the treatment of various bacterial infections. G. C. Hanford Manufacturing Co.'s Ampicillin Sodium is approved as a generic copy of Pfizer, Inc.'s, AMP-EQUINE, approved under NADA 55–084. The ANADA is approved as of July 12, 2007, and the regulations are amended in 21 CFR 522.90c to reflect the approval and a current format. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FDA has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION AND INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

■ 2. Revise § 522.90c to read as follows:

§ 522.90c Ampicillin sodium.

(a) *Specifications.* Each milliliter of aqueous solution constituted from ampicillin sodium powder contains 300 milligrams (mg) ampicillin equivalents.

(b) *Sponsors.* See Nos. 000069 and 010515 in § 510.600(c) of this chapter.

(c) *Conditions of use in horses*—(1) *Amount*: 3 mg per pound of body weight twice daily by intravenous or intramuscular injection.

(2) *Indications for use.* For the treatment of respiratory tract infections (pneumonia and strangles) due to

Staphylococcus spp., *Streptococcus* spp. (including *S. equi*), *Escherichia coli*, and *Proteus mirabilis*, and skin and soft tissue infections (abscesses and wounds) due to *Staphylococcus* spp., *Streptococcus* spp., *E. coli*, and *P. mirabilis*, when caused by susceptible organisms.

(3) *Limitations.* Do not use in horses intended for human consumption. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: August 1, 2007.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. E7–15761 Filed 8–10–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9332]

RIN 1545–BG00

Exclusions From Gross Income of Foreign Corporations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to final and temporary regulations (TD 9332) that were published in the **Federal Register** on Monday, June 25, 2007 (72 FR 34600) relating to the exclusion from gross income of income derived by certain foreign corporations engaged in the international operation of ships or aircraft.

DATES: The correction is effective August 13, 2007.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bray, (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations that are the subject of this correction are under section 883 of the Internal Revenue Code.

Need for Correction

As published, final and temporary regulations (TD 9332) contain an error that may prove to be misleading and is in need of clarification.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Correction of Publication

■ Accordingly, 26 CFR part 1 is corrected by making the following correcting amendment:

PART 1—INCOME TAXES

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

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

■ **Par. 2.** Section 1.883–1 is amended by revising paragraph (h)(3) to read as follows:

§ 1.883–1 Exclusion of income from the international operation of ships or aircraft.

* * * * *

(h) * * *

(3) For further guidance, see the entry for § 1.883–1T(h)(3).

* * * * *

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E7–15271 Filed 8–10–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9332]

RIN 1545–BG00

Exclusions From Gross Income of Foreign Corporations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final and temporary regulations.

SUMMARY: This document contains corrections to final and temporary regulations (TD 9332) that were published in the **Federal Register** on Monday, June 25, 2007 (72 FR 34600) relating to the exclusion from gross income of income derived by certain foreign corporations engaged in the international operation of ships or aircraft.

DATES: The correction is effective August 13, 2007.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bray, (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations that are the subject of this correction are under section 883 of the Internal Revenue Code.

Need for Correction

As published, final and temporary regulations (TD 9332) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the final and temporary regulations (TD 9332), which was the subject of FR Doc. E7–12039, is corrected as follows:

1. On page 34601, column 3, in the preamble, under the paragraph heading ''*2. Elimination of Foreign Base Company Shipping Income*'', line 3, the language ''(118 Stat. 1418) (AJCA) repealed section'' is corrected to read ''(118 Stat. 1418)) (AJCA) repealed section''.

2. On page 34602, column 3, in the preamble, under the paragraph heading ''C. Reporting requirements related to *qualified shareholder stock ownership test*'', last line, the language ''at the office of that such practitioner.'' is corrected to read ''at the office of that practitioner.''.

3. On page 34603, column 1, in the preamble, under the paragraph heading ''*2. Activities Incidental to the International Operation of Ships or Aircraft*'', line 7 from the bottom of the paragraph, the language ''to the international operation of a ship'' is corrected to read ''to the international operation of ships''.

4. On page 34603, column 3, in the preamble, under the paragraph heading ''*4. Countries that Provide an Exemption Through an Income Tax Convention and by Other Means*'', lines 5 through 10, the language ''exemption under section 883 through a diplomatic note, domestic statutory law, or by generally imposing no income tax on foreign corporations engaged in the international operation of ships or aircraft will continue to have the choice'' is corrected to read ''exemption under section 883 (through a diplomatic note, domestic statutory law, or because income tax is generally not imposed on foreign corporations engaged in the international operation of ships or aircraft) will continue to have the choice''.

5. On page 34604, column 1, in the preamble, under the paragraph heading ''*5. Reporting Requirements Related to Qualified Shareholder Stock Ownership Test*'', first paragraph of the column, line 9, the language ''addresses of shareholders in'' is corrected to read ''addresses of shareholders of''.

6. On page 34604, column 2, in the preamble, under the paragraph heading

''Effective Dates'', line 1, the language ''See § 1.883–5T(d) for effective date of'' is corrected to read ''See § 1.883–5T(d) for the effective date of''.

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E7–15272 Filed 8–10–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD09–07–108]

RIN 1625–AA00

Safety Zone; Petoskey Fireworks Display, Lake Michigan, Petoskey, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Michigan near Petoskey, MI. This zone is intended to restrict vessels from a portion of Lake Michigan during the Petoskey August 17, 2007 Fireworks Display. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

DATES: This rule is effective from 9 p.m. to 11 p.m. on August 17, 2007.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket CGD09–07–108 and are available for inspection or copying at U.S. Coast Guard Sector Lake Michigan (spw), 2420 South Lincoln Memorial Drive, Milwaukee, WI 53207 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: CWO Brad Hinken, Prevention Department, Coast Guard Sector Lake Michigan, Milwaukee, WI at (414) 747–7154.

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. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Under 5 U.S.C. 553(d)(3), good cause exists for making this rule effective fewer than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property.

Background and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and spectators from hazards associated with a fireworks display. Based on accidents that have occurred in other Captain of the Port zones, and the explosive hazards of fireworks, the Captain of the Port Lake Michigan has determined that fireworks launches proximate to watercraft pose a significant risk to public safety and property. The likely combination of large numbers of recreation vessels, congested waterways, darkness punctuated by bright flashes of light, alcohol use, and debris falling into the water could easily result in serious injuries or fatalities. Establishing a safety zone to control vessel movement around the location of the launch platform will help ensure the safety of persons and property at these events and help minimize the associated risks.

Discussion of Rule

A temporary safety zone is necessary to ensure the safety of spectators and vessels during the setup, loading, and launching of a fireworks display in conjunction with the Petoskey Fireworks Display. The fireworks display will occur between 10 p.m. and 10:30 p.m. on August 17, 2007.

The safety zone will be in effect from between 9 p.m. and 11 p.m. on August 17, 2007. It will encompass all waters of Lake Michigan and Petoskey Harbor, in the vicinity of Bay Front Park, within a 1000-foot radius from the fireworks launch site at position 45°22′39″ N, 084°57′30″ W. (DATUM: NAD 83).

All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port or the on-scene representative. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan or his on-scene representative. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16.

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 this rule under that Order.

This determination is based on the minimal time that vessels will be restricted from the zone and the zone is an area where the Coast Guard expects insignificant adverse impact to mariners from the zones' activation.

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 will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners and operators of vessels intending to transit or anchor in a portion of Lake Michigan near Petoskey, Michigan, between 9 p.m. and 11 p.m. on August 17, 2007.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be in effect for only two hours for one event. Vessel traffic can safely pass outside the safety zone during the event. In the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Lake Michigan to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast to Mariners that the regulation is in effect.

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. 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 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 would 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 concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

The Coast Guard recognizes the treaty rights of Native American Tribes. Moreover, the Coast Guard is committed to working with Tribal Governments to implement local policies and to mitigate tribal concerns. We have determined that these regulations and fishing rights protection need not be incompatible. We have also determined that 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. Nevertheless, Indian Tribes that have questions concerning the provisions of this Rule or options for compliance are encouraged to contact the point of contact listed under **FOR FURTHER INFORMATION CONTACT**.

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 procedure; and related management system 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. This event establishes a safety zone; therefore paragraph (34)(g) of the Instruction applies.

A final ''Environmental Analysis Check List'' and ''Categorical Exclusion Determination'' are 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. A new temporary section 165.T09–108 is added as follows:

§ 165.T09–108 Safety zone; Petoskey Fireworks Display, Lake Michigan, Petoskey, MI.

(a) *Location.* The following area is a temporary safety zone: All waters of Lake Michigan and Petoskey Harbor, in the vicinity of Bay Front Park, within a 1000-foot radius from the fireworks launch site at position 45°22′39″ N, 084°57′30″ W. (DATUM: NAD 83).

(b) *Effective period.* This zone is effective from 9 p.m. to 11 p.m. on August 17, 2007.

(c) *Regulations.* (1) In accordance with the general regulations in section 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Lake Michigan, or his on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Lake Michigan or his on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Lake Michigan or his on-scene representative to obtain permission to do so. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Lake Michigan or his on-scene representative.

Dated: August 3, 2007.

B.C. Jones,

Captain, U.S. Coast Guard, Captain of the Port Lake Michigan.

[FR Doc. E7–15826 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[COTP Sector St. Petersburg, FL. 07–047]

RIN 1625–AA87

Security Zone; Tampa Bay, Port of Tampa, Rattlesnake, Big Bend, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary Final Rule.

SUMMARY: The Coast Guard is temporarily revising the security zones in the Port of Tampa, East Bay, Rattlesnake, Sunshine Skyway Bridge and Big Bend for the purpose of providing counter-surveillance, intrusion detection and response measures. Entry into these zones will be prohibited unless authorized by the Captain of the Port, or his designated representative.

DATES: This rule is effective from July 26, 2007 through January 1, 2008.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [COTP 07–047] and are available for inspection or copying at Coast Guard Sector St. Petersburg, Prevention Department, 155 Columbia Drive, Tampa, FL 33606–3598 between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lt. Ronaydee Marquez, Waterways Management Division, Sector St. Petersburg, FL (813) 228–2191 Ext 8307.

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. It is necessary to implement these changes immediately to ensure the security of vessels, facilities, and the surrounding areas within the Captain of the Port Sector St. Petersburg Zone. These are temporary modifications of currently existing zones. The Coast Guard does intend to make these changes permanent, and will publish a Notice of Proposed Rulemaking to request public comments before any permanent changes are made.

For the same reasons, 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**.

Background and Purpose

The Maritime Transportation Security Act mandated Area Maritime Security Committee convened a working group to validate the existing security zones within Tampa Bay that were established following the terrorist attacks of September 11, 2001. These existing security zones included some established September 3, 2003, codified in 33 CFR 165.760, and some established September 1, 2003, codified in § 165.764 (68 FR 47852, August 12, 2003).

Using the newly developed Maritime Security Risk Analysis Model tool, the working group evaluated risk to the maritime transportation system (MTS) within Tampa Bay. The results of the risk assessment indicated the need to revise the following established security zones for the purpose of implementing counter-surveillance; and, intrusion detection and response measures:

- § 165.760(a)(1), Rattlesnake, Tampa, FL;
- § 165.760(a)(3), Sunshine Skyway Bridge, Tampa, FL;
- § 165.760(a)(5), Piers, Seawalls, and Facilities, Port of Tampa, Port Sutton and East Bay;
- § 165.760(a)(6), Piers, Seawalls, and Facilities, Port of Tampa, East Bay and the eastern side of Hooker's Point;
- § 165.760(a)(7), Piers, Seawalls, and Facilities, Port of Tampa, on the western side of Hooker's Point; and
- § 165.760(a)(8), Piers, Seawalls, and Facilities, Port of Manatee.
- § 165.764(a)(1), Big Bend, Tampa Bay, Florida zone.

The Security Zones revised include 3 zones within the Port of Tampa (Port Sutton and East Bay; East Bay and the eastern side of Hooker's Point; and the western side of Hooker's Point), Sunshine Skyway Bridge, Rattlesnake and Big Bend and Port of Manatee. At the Port of Tampa, a minor adjustment to the Security Zone boundary was implemented for alignment with protected assets. The East Bay segment of the Security Zone was discontinued. The Security Zone beneath the Sunshine Skyway Bridge was reduced to the size of the navigable channel. The Rattlesnake area Security Zone was expanded shoreward to protect critical facilities. The Big Bend Security Zone was modified to align with the natural barriers around the facility.

Discussion of Rule

This temporary rule is establishing the following security zones and will temporarily suspend paragraphs in §§ 165.760 and 165.764 that are being replaced by these new security zones or that are no longer needed. The coordinates are based on North American Datum (NAD) 1983.

- *Rattlesnake, Tampa, FL.* All water from surface to bottom, in Old Tampa Bay east and south of a line commencing at position 27°53.32′ N, 082°32.05′ W; north to 27°53.36′ N, 082°32.05′ W, including the fenced area encompassing the Chemical Formulators Chlorine Facility.
- *Sunshine Skyway Bridge, FL.* All waters in Tampa Bay, from surface to bottom, in Cut ''A'' channel beneath the bridge's main span encompassed by a line connecting the following points: 27°37.30′ N, 082°39.38′ W to 27°37.13′ N, 082°39.26′ W; and, the bridge structure columns, base and dolphins. This is specific to the bridge structure and dolphins and does not include waters adjacent to the bridge columns or dolphins outside of the bridge's main span.
- *Piers, seawalls, and facilities, Port of Tampa and Port Sutton, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities in Port Sutton within the Port of Tampa encompassed by a line connecting the following points: 27°54.15′ N, 082°26.11′ W, east northeast to 27°54.19′ N, 082°26.00′ W, then northeast to 27°54.37′ N, 082°25.72′ W, closing off all Port Sutton channel, then northerly to 27°54.48′ N, 082°25.70′ W.
- *Piers, seawalls, and facilities, Port of Tampa, on the western side of Hooker's Point, Tampa, FL.* All waters,

from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities on Hillsborough Bay northern portion of Cut ''D'' channel, Sparkman channel, Ybor Turning Basin, and Ybor channel within the Port of Tampa encompassed by a line connecting the following points: 27°54.74′ N, 082°26.47′ W, northwest to 27°55.25′ N, 082°26.73′ W, then north-northwest to 27°55.60′ N, 082°26.80′ W, then north-northeast to 27°56.00′ N, 082°26.75′ W, then northeast to 27°56.58′ N, 082°26.53′ W, and north to 27°57.29′ N, 082°26.51′ W, west to 27°57.29′ N, 082°26.61′ W, then southerly to 27°56.65′ N, 082°26.63′ W, southwesterly to 27°56.58′ N, 082°26.69′ W, then southwesterly and terminating at 27°56.53′ N, 082°26.90′ W.

• *Big Bend Power Plant, FL.* All waters of Tampa Bay, from surface to bottom, adjacent to the Big Bend Power Facility, and within an area bounded by a line connecting the following points: 27°48.08′ N, 082°24.88′ W then northwest to 27°48.15′ N, 082°24.96′ W then southwest to 27°48.10′ N, 082°25.00′ W then south-southwest to 27°47.85′ N, 082°25.03′ W then southeast to 27°47.85′ N, 082°24.79′ W then east to 27°47.55′ N, 082°24.04′ W then north to 27°47.62′ N, 082°84.04′ W then west to 27°47.60′ N, 082°24.72′ W then north to 27°48.03′ N, 082°24.70′ W then northwest to 27°48.08′ N, 082°24.88′ W, closing off entrance to Big Bend Power Facility and the attached cooling canal.

Entry into or remaining on or within these zones is prohibited unless authorized by the Captain of the Port Sector St. Petersburg or his designated representative. Persons desiring to transit the area of the security zone may contact the Captain of the Port Sector St. Petersburg or his designee on VHF channel 16, or by phone at (727) 824–7506, to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

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.

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation is unnecessary. This rule may have some impact on the public, but these potential impacts will be minimized for the following reasons: There is ample room for vessels to navigate around security zones, and there are several locations for recreational and commercial fishing vessels to fish throughout the Tampa Bay Region. Also, the Captain of the Port may, on a case-by-case basis allow persons or vessels to enter a security zone.

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 will not have a significant economic impact on a substantial number of small entities. This rule may impact the following entities, some of which may be small entities: the owners or operators of vessels who wish to transit in the areas where the security zones are enforced. This rule will not have a significant impact on a substantial number of small entities because the majority of the zones are limited in size, leaving ample room for vessels to navigate around the zones. The zones will not significantly impact commuter and passenger vessel traffic patterns, and mariners will be notified of the zones via local notice to mariners and marine broadcasts. Also, the Captain of the Port may on a case-by-case basis allow persons or vessels to enter a security zone.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the office listed under **FOR FURTHER INFORMATION CONTACT**, for assistance in understanding this rule. 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 an 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. An ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are 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 art 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 new temporary § 165.T07–047 to read as follows:

§ 165.T07–047 Security Zone; Tampa Bay, Port of Tampa, Rattlesnake and Big Bend; Florida.

(a) *Regulated Areas.* The following areas, denoted by coordinates fixed using the North American Datum of 1983, are security zones:

(1) *Rattlesnake, Tampa, FL.* All water from surface to bottom, in Old Tampa Bay east and south of a line commencing at position 27°53.32′ N, 082°32.05′ W; north to 27°53.36′ N, 082°32.05′ W, including the fenced area encompassing the Chemical Formulators Chlorine Facility.

(2) *Sunshine Skyway Bridge, FL.* All waters in Tampa Bay, from surface to bottom, in Cut ''A'' channel beneath the bridge's main span encompassed by a line connecting the following points: 27°37.30′ N, 082°39.38′ W to 27°37.13′ N, 082°39.26′ W; and, the bridge structure columns, base and dolphins. This is specific to the bridge structure and dolphins and does not include waters adjacent to the bridge columns or dolphins outside of the bridge's main span.

(3) *Piers, seawalls, and facilities, Port of Tampa and Port Sutton, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities in Port Sutton within the Port of Tampa encompassed by a line connecting the following points: 27°54.15′ N, 082°26.11′ W, east northeast to 27°54.19′ N, 082°26.00′ W, then northeast to 27°54.37′ N, 082°25.72′ W, closing off all Port Sutton Channel, then northerly to 27°54.48′ N, 082°25.70′ W.

(4) *Piers, seawalls, and facilities, Port of Tampa, on the western side of Hooker's Point, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities on Hillsborough Bay northern portion of Cut ''D'' channel, Sparkman channel, Ybor Turning Basin, and Ybor channel within the Port of Tampa encompassed by a line connecting the following points: 27°54.74′ N, 082°26.47′ W, northwest to 27°55.25′ N, 082°26.73′ W, then north-northwest to 27°55.60′ N, 082°26.80′ W, then north-northeast to 27°56.00′ N, 082°26.75′ W, then northeast to 27°56.58′ N, 082°26.53′ W, and north to 27°57.29′ N, 082°26.51′ W, west to 27°57.29′ N, 082°26.61′ W, then southerly to 27°56.65′ N, 082°26.63′ W, southwesterly to 27°56.58′ N, 082°26.69′ W, then southwesterly and terminating at 27°56.53′ N, 082°26.90′ W.

(5) *Big Bend Power Plant, FL.* All waters of Tampa Bay, from surface to bottom, adjacent to the Big Bend Power Facility, and within an area bounded by a line connecting the following points: 27°48.08′ N, 082°24.88′ W then northwest to 27°48.15′ N, 082°24.96′ W then southwest to 27°48.10′ N, 082°25.00′ W then south-southwest to 27°47.85′ N, 082°25.03′ W then southeast to 27°47.85′ N, 082°24.79′ W the east to 27°47.55′ N, 082°24.04′ W the north to 27°47.62′ N, 082°84.04′ W then west to 27°47.60′ N, 082°24.72′ W then north to 27°48.03′ N, 082°24.70′ W then northwest to 27°48.08′ N, 082°24.88′ W, closing off entrance to Big Bend Power Facility and the attached cooling canal.

(b) *Regulation.* (1) Entry into or remaining on or within these zones is prohibited unless authorized by the Captain of the Port Sector St. Petersburg or his designee.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port Sector St. Petersburg or his designee on VHF channel 16, or by phone at (727) 824–7506, to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or his designated representative.

(c) *Effective period.* This section is effective from July 26, 2007, through January 1, 2008.

§ 165.760 [Amended]

■ 3. In § 165.760, from July 26, 2007, until January 1, 2008, suspend paragraphs (a)(1), (a)(3), (a)(5), (a)(6), (a)(7) and (a)(8).

§ 165.764 [Amended]

■ 4. In § 165.764, from July 26, 2007 until January 1, 2008, suspend paragraph (a)(1).

Dated: July 25, 2007.

J.A. Servidio,

Captain, U.S. Coast Guard, Captain of the Port Sector St. Petersburg.

[FR Doc. E7–15827 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2006–0060; FRL–8452–6]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; State Implementation Plan Revision Variance for International Paper, Franklin Paper Mill, Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Virginia State Implementation Plan (SIP). This action will approve the SIP revision request submitted by the Commonwealth of Virginia, consisting of the variance regulations adopted by Virginia for the International Paper, Franklin Paper Mill facility. The variance regulations provide regulatory relief from compliance with state regulations governing new source review for the implementation of the International Paper, Franklin Paper Mill innovation project. In lieu of compliance with these regulatory requirements, the variance requires the facility to comply with site-wide emission caps. EPA is approving this revision to the Commonwealth of Virginia State Implementation Plan in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on October 12, 2007 without further notice, unless EPA receives adverse written comment by September 12, 2007. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2006–0060 by one of the following methods:

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

B. *E-mail: campbell.dave@epa.gov.*

C. *Mail:* EPA–R03–OAR–2006–0060, David Campbell, Chief, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

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

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2006–0060. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Sharon McCauley, (215) 814–3376, or by e-mail at *mccauley.sharon@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

International Paper operates a pulp and paper mill located in Franklin, Virginia. International Paper is a member of EPA's voluntary National Environmental Performance Track Program and the Virginia Department of Environmental Quality's (VADEQ) Environmental Excellence Program. International Paper had entered into a partnership with the U.S. EPA and the VADEQ to implement an innovative approach to meeting environmental regulations in a more cost-effective manner. International Paper submitted a proposal for such an innovative project to VADEQ. International Paper's innovation project relied on the principles established in the Joint EPA/State Agreement to Pursue Regulatory Innovation that was signed by EPA and the Environmental Council of States (ECOS) in 1998.

The International Paper innovation project includes a number of environmentally beneficial projects that will: (1) Reduce groundwater use; (2) reduce solid waste generation and disposal; (3) reduce chemical and biological oxygen demand, and total suspended solids discharges to surface water; (4) reduce overall emissions for a number of air pollutants; and, (5) increase the efficiency of pulp production.

By implementing this project, emissions of hazardous air pollutants will be reduced at the Mill by an estimated 430 tons per year. Emissions increases of criteria pollutants and carbon dioxide from typical NESHAP control strategies will also be reduced under this project. These reductions, along with improvements in the combustion efficiencies of the No. 7 power boiler and No. 6 recovery furnace will result in a decreased use of fossil fuels and will net large decreases in criteria pollutant emissions from the Mill. The reduction in useable fiber discharges in the mill sewer along with improvements in the performance of the wastewater treatment system will result in substantial reductions in discharges of wastewater pollutants. Generation of thousands of tons per year of solid waste will also be eliminated.

In order to implement these projects, certain innovations to the typical regulatory implementation process were necessary in order to make these environmentally beneficial projects a reality. First, the International Paper innovation project required an

alternative regulatory approach under section 112 of the Clean Air Act (CAA). Pursuant to section 112, EPA promulgates the national emissions standards for hazardous air pollutants (NESHAP) for various categories of air pollution sources. On April 15, 1998, EPA promulgated a NESHAP for the Pulp and Paper Industry, as codified at 40 CFR part 63, subpart S, § 63.440 through 63.459. International Paper's Franklin Mill is subject to subpart S. Under Section 112(l) of the CAA, EPA may approve State or local rules or programs to be implemented and enforced in place of certain otherwise applicable Federally-promulgated section 112 rules, emission standards, or requirements. On April 15, 2004 (69 FR 19943), EPA published in the **Federal Register** an approval of an equivalency-by-permit determination made by the VADEQ for the International Paper, Franklin Mill. The VADEQ established the new requirements via a title V operating permit issued to the facility on March 31, 2006. In general, the equivalency-by-permit terms require International Paper to control different emission points of hazardous air pollutants (HAPs) at its facility than prescribed by the Pulp and Paper NESHAP (subpart S).

In addition to the approval above and in order to implement some of the other environmentally-beneficial projects contained in the innovation project proposal, International Paper would also need certain flexibility under the Commonwealth's existing preconstruction permitting regulations. The subject of this rulemaking action is to allow for those flexibilities by providing a limited variance to Virginia's existing permitting regulations. The variance allows the Commonwealth to establish site-wide emissions caps for a variety of pollutants, mostly criteria pollutants. The site-wide caps would be relied upon to limit the applicability of the provisions of Virginia's federally-enforceable major new source review provisions. Under Virginia's existing programs, sources may not rely upon site-wide emissions caps in order to limit the applicability of major new source review.

Typically, unit-specific limitations are required. The site-wide caps allow International Paper to make certain changes to its emission sources, primarily the boilers, that will allow them to maximize their utilization while minimizing their existing emissions and limiting their future potential emissions. Site-wide emissions caps are a type of new source review program flexibility that EPA has experimented with in the past. In fact, EPA made changes to the federal new source review regulations at the end of 2002 (See 67 FR 80186) that incorporated this type of regulatory flexibility and called it a ''plantwide applicability limit''.

II. Summary of SIP Revision

On December 13, 2005, the DEQ submitted a State Implementation Plan (SIP) approval request entitled ''Variance for International Paper, Franklin Paper Mill''. The applicable regulations for the variance were adopted by the State Air Pollution Control Board on June 22, 2005 in accordance with the requirements of the Virginia Air Pollution Control Law at Title 10.1 Chapter 13 of the Code of Virginia and 40 CFR part 51. These regulations allow the VADEQ to issue a permit for International Paper that will replace all previously issued minor NSR permits and PSD permits and establish site-wide emission caps for a number of regulated pollutants that may be relied upon for purposes of new source review applicability. The variance provides regulatory relief from compliance with state regulations governing new source review (Virginia Code—Article 4 of Chapter 50, and Articles 6, 8 and 9 of Chapter 80) for the implementation of the International Paper innovation project. In lieu of compliance with these regulatory requirements, the variance requires the facility to comply with site-wide emission caps.

III. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) that are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by Federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce Federally authorized environmental programs in a manner that is no less stringent than their Federal counterparts * * *.'' The opinion concludes that ''[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by Federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Sec. 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any Federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with Federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its program consistent with the Federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on Federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example,

sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, state audit privilege or immunity law.

IV. Final Action

EPA is approving this SIP revision request submitted by the Commonwealth of Virginia. This revision consists of approving the variance regulations adopted by Virginia at 9 VAC 5 Chapter 230 for the International Paper, Franklin Paper Mill. The variance provides regulatory relief from compliance with state regulations governing new source review for the implementation of the International Paper innovation project. In lieu of compliance with these regulatory requirements, the variance requires the facility to comply with site-wide emission caps. EPA is publishing this rule without prior proposal because the Agency views this as a non-controversial amendment and anticipates no adverse comment. This variance includes a number of environmentally beneficial projects which will reduce groundwater use, reduce solid waste generation and disposal, reduce Chemical Oxygen Demand and Total Suspended Solids disposal to surface water, increase the efficiency of pulp production and reduce overall emissions for a number of air pollutants. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on October 12, 2007 without further notice unless EPA receives adverse comment by September 12, 2007. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not subject of an adverse comment.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this 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 approves 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 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 (65 FR 67249, 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 approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This 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 state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This 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.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 12, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the variance for International Paper, Franklin Paper Mill in Franklin, Virginia may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 31, 2007.

William T. Wisniewski,

Acting Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for 40 CFR Part 52 continues to read as follows:

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

Subpart VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by adding the entry for Chapter 230 to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation (9 VAC 5)	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
Chapter 230 Variance for International Paper Franklin Paper Mill				
5–230–10	Applicability and designation of affected facility.	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–20	Definitions	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–30	Authority to operate under this chapter and FESOP.	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–40 (Except A.7., A.9., A.10., and B.2.).	Sitewide Emissions Caps	09/07/05	08/13/07 [*Insert page number where the document begins*]	
5–230–50	New Source Review program and registration requirements.	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–60 (Except A.1.)	Other regulatory requirements	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–70	Federal Operating Permits	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–80	FESOP issuance and amendments.	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–90	Transfer of ownership	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–100	Applicability of future regulation amendments.	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–110	Termination of authority to operate under this chapter and FESOP.	09/07/05	08/13/07 [*Insert page number where the document begins*].	
5–230–120	Review and confirmation of this chapter by Board.	09/07/05	08/13/07 [*Insert page number where the document begins*].	
*	*	*	*	*

* * * * *

[FR Doc. E7–15587 Filed 8–10–07; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2006–0956; FRL–8452–3]

Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Dayton-Springfield 8-Hour Ozone Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Ohio Environmental Protection Agency (Ohio EPA) submitted a request on November 6, 2006, and supplemented it on November 29, 2006, December 4, 2006, December 13, 2006, January 11, 2007, March 9, 2007, March 27, 2007, and May 31, 2007, for redesignation of the Dayton-Springfield, Ohio area (Clark, Greene, Miami, and Montgomery Counties) to attainment for the 8-hour ozone standard. On June 20, 2007, EPA proposed to approve this submission. EPA provided a 30-day review and comment period. The comment period closed on July 20, 2007. EPA received one comment in favor of redesignation from the Dayton area Regional Air Pollution Control Agency. Today, EPA is approving Ohio's request and the associated plan for continuing to attain the standard. As part of this action, EPA is making a determination that the Dayton-Springfield area has attained the 8-hour ozone National Ambient Air Quality Standard (NAAQS). This determination is based on three years of complete, quality-assured ambient air quality monitoring data for the 2004–2006 ozone seasons that demonstrate that the 8-hour ozone NAAQS has been attained in the area. Preliminary 2007 air quality data show that the area continues to attain the 8-hour ozone standard. EPA is approving the maintenance plan for this area and is redesignating the area to attainment. Finally, EPA is approving, for purposes of transportation conformity, the motor vehicle emission budgets (MVEBs) for the years 2005 and 2018.

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

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2006–0956. All documents in the docket are listed on the *http://www.regulations.gov* web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (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 through *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Kathleen D'Agostino, Environmental Engineer, at (312) 886–1767 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1767, *dagostino.kathleen@epa.gov.*

SUPPLEMENTARY INFORMATION: In the following, whenever ''we,'' ''us,'' or ''our'' are used, we mean the United States Environmental Protection Agency.

Table of Contents

I. What Is the Background for This Rule?

The background for today's action is discussed in detail in EPA's June 20, 2007, proposal (72 FR 33937). In that rulemaking, we noted that, under EPA regulations at 40 CFR part 50, the 8-hour ozone standard is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentrations is less than or equal to 0.08 ppm. (See 69 FR 23857 (April 30, 2004) for further information). The data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than 90%, and no single year has less than 75% data completeness, as determined in accordance with Appendix I of part 50.

Under the Clean Air Act (CAA), EPA may redesignate nonattainment areas to attainment if sufficient complete, quality-assured data are available to determine that the area has attained the standard and that it meets the other CAA redesignation requirements in section 107(d)(3)(E).

The Ohio EPA submitted a request on November 6, 2006 and supplemented it on November 29, 2006, December 4, 2006, December 13, 2006, January 11, 2007, March 9, 2007, March 27, 2007, and May 31, 2007, for redesignation of the Dayton-Springfield area (Clark, Greene, Miami, and Montgomery Counties) to attainment for the 8-hour ozone standard. The request included three years of complete, quality-assured data for the period of 2004 through 2006, indicating the 8-hour NAAQS for ozone had been achieved. The June 20, 2007 proposed rule provides a detailed discussion of how Ohio met this and other CAA requirements.

On December 22, 2006, the U.S. Court of Appeals for the District of Columbia Circuit vacated EPA's Phase 1 Implementation Rule for the 8-hour Ozone Standard. (69 FR 23951, April 30, 2004). *South Coast Air Quality Management Dist.* v. *EPA,* 472 F.3d 882 (DC Cir. 2006). On June 8, 2007, in *South Coast Air Quality Management Dist.* v. *EPA,* Docket No. 04–1201, in response to several petitions for rehearing, the DC Circuit clarified that the Phase 1 Rule was vacated only with regard to those parts of the rule that had been successfully challenged. Therefore, the Phase 1 Rule provisions related to classifications for areas currently classified under subpart 2 of Title I, part D of the CAA as 8-hour nonattainment areas, the 8-hour attainment dates, and the timing for emissions reductions needed for attainment of the 8-hour ozone NAAQS, remain effective. The June 8 decision left intact the Court's rejection of EPA's reasons for implementing the 8-hour standard in certain nonattainment areas under subpart 1 in lieu of subpart 2. By limiting the vacatur, the Court let stand EPA's revocation of the 1-hour standard and those anti-backsliding provisions of the Phase 1 Rule that had not been successfully challenged. The June 8 decision reaffirmed the December 22, 2006, decision that EPA had improperly failed to retain four measures required for 1-hour nonattainment areas under the anti-backsliding provisions of the regulations: (1) Nonattainment area New Source Review (NSR) requirements based on an area's 1-hour nonattainment classification; (2) Section 185 penalty fees for 1-hour severe or extreme nonattainment areas; (3) measures to be implemented pursuant to section 172(c)(9) or 182(c)(9) of the CAA, contingent on an area not making reasonable further progress toward

attainment of the 1-hour NAAQS, or for failure to attain that NAAQS; and (4) certain transportation conformity requirements for certain types of federal actions. The June 8 decision clarified that the Court's reference to conformity requirements was limited to requiring the continued use of 1-hour motor vehicle emissions budgets until 8-hour budgets were available for 8-hour conformity determinations.

For the reasons set forth in the proposal, EPA does not believe that the Court's rulings alter any requirements relevant to this redesignation action so as to preclude redesignation, and do not prevent EPA from finalizing this redesignation. EPA believes that the Court's December 22, 2006, and June 8, 2007, decisions impose no impediment to moving forward with redesignation of this area to attainment, because even in light of the Court's decisions, redesignation is appropriate under the relevant redesignation provisions of the CAA and longstanding policies regarding redesignation requests.

With respect to the requirement for transportation conformity under the 1-hour standard, the Court in its June 8 decision clarified that for those areas with 1-hour motor vehicle emissions budgets in their maintenance plans, anti-backsliding requires only that those 1-hour budgets must be used for 8-hour conformity determinations until replaced by 8-hour budgets. To meet this requirement, conformity determinations in such areas must comply with the applicable requirements of EPA's conformity regulations at 40 CFR part 93.

II. What Comments Did We Receive on the Proposed Action?

EPA provided a 30-day review and comment period. The comment period closed on July 20, 2007. We received one comment in favor of redesignation from the Dayton area Regional Air Pollution Control Agency.

III. What Are Our Final Actions?

EPA is taking several related actions for the Dayton-Springfield area. First, EPA is making a determination that the Dayton-Springfield area has attained the 8-hour ozone standard. EPA is also approving the State's request to change the legal designation of the Dayton-Springfield area from nonattainment to attainment of the 8-hour ozone NAAQS. Further, EPA is approving Ohio's maintenance plan SIP revision for the Dayton-Springfield area (such approval being one of the CAA criteria for redesignation to attainment status). Finally, for the Dayton Springfield area, EPA is approving 2005 MVEBs of 29.19 tpd of Volatile Organic Compounds (VOC) and 63.88 tpd of Oxides of Nitrogen (NO_X) and 2018 MVEBs of 14.73 tpd of VOCs and 21.42 tpd of NO_X.

In accordance with 5 U.S.C. 553(d), EPA finds that there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3) which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the State of planning requirements for these 8-hour ozone nonattainment areas. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

IV. Statutory and Executive Order Review

Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and, therefore, is not subject to review by the Office of Management and Budget.

Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

Because it is not a ''significant regulatory action'' under Executive Order 12866 or a ''significant energy action,'' 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).

Regulatory Flexibility Act

This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Redesignation of an area to attainment under section 107(d)(3)(E) of the Clean Air Act does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on sources. Accordingly, the Administrator certifies that this 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.*).

Unfunded Mandates Reform Act

Because this rule approves 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 (Public Law 104–4).

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This 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 (65 FR 67249, November 9, 2000).

Executive Order 13132: Federalism

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). Redesignation is an action that merely affects the status of a geographical area, and does not impose any new requirements on sources, or allows a state to avoid adopting or implementing additional requirements, and does not alter the relationship or distribution of power and responsibilities established in the Clean Air Act.

Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

National Technology Transfer Advancement Act

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Redesignation is an action that affects the status of a geographical area but does not impose any new requirements on sources. 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.

Paperwork Reduction Act

This 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.*).

Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 12, 2007. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to force its requirements. (See Section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: August 1, 2007.

Bharat Mathur,

Acting Regional Administrator, Region 5.

■ Parts 52 and 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

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

Subpart 1885—Ohio

■ 2. Section 52.1885 is amended by adding paragraph (ff)(7) to read as follows:

§ 52.1885 Control strategy: Ozone.

* * * * *

(ff) * * *

(7) The Dayton-Springfield area which includes Clark, Greene, Miami, and Montgomery Counties, as submitted on November 6, 2006, and supplemented on November 29, 2006, December 4, 2006, December 13, 2006, January 11, 2007, March 9, 2007, March 27, 2007, and May 31, 2007. The maintenance plan for this area establishes Motor Vehicle Emissions Budgets (MVEB) for 2005 and 2018. The 2005 MVEBs are 29.19 tpd of VOC and 63.88 tpd of NO_X. The 2018 MVEBs are 14.73 tpd of VOCs and 21.42 tpd of NO_X.

PART 81—[AMENDED]

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.336 is amended by revising the entry for Dayton-Springfield, Ohio area: Clark, Greene, Miami, and Montgomery Counties in the table entitled ''Ohio—Ozone (8-Hour Standard)'' to read as follows:

§ 81.336 Ohio.

OHIO—OZONE (8-HOUR STANDARD)

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [1]	Type
* * *	*	*	*	*
Dayton-Springfield, OH:				
Clark County	August 13, 2007	Attainment.		
Greene County.				
Miami County.				
Montgomery County.				
* * *	*	*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is June 15, 2004, unless otherwise noted.

[FR Doc. E7–15604 Filed 8–10–07; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. NHTSA–2006–25772]

New Car Assessment Program (NCAP); Safety Labeling

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; technical amendments; response to petitions for reconsideration.

SUMMARY: A provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users requires new passenger vehicles to be labeled with safety rating information published by the National Highway Traffic Safety Administration under its New Car Assessment Program. NHTSA was required to issue regulations to ensure that the labeling requirements ''are implemented by September 1, 2007.'' In September 2006, we published a final rule to fulfill that mandate. We received petitions for reconsideration of the final rule. Today's document responds to those petitions and makes technical amendments clarifying certain details of the presentation of the information on the labels.

DATES: *Effective Date:* This final rule is effective October 12, 2007.

Compliance Date: This final rule applies to covered vehicles manufactured on or after September 1, 2007. Optional early compliance by vehicle manufacturers is permitted before that date.

Petitions for reconsideration: Petitions for reconsideration of this final rule must be received not later than September 27, 2007.

ADDRESSES: Petitions for reconsideration of the final rule must refer to the docket number set forth above and be submitted to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. In addition, a copy of the petition should be submitted to: Docket Management, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For technical issues regarding the information in this document, please contact Mr. Nathaniel Beuse at (202) 366–1740. For legal issues, please contact Ms. Dorothy Nakama (202) 366–2992. Both of these individuals may be reached by mail at the National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Overview of SAFETEA–LU Labeling Provisions and September 2006 Final Rule

Section 10307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) [1] requires that each new passenger automobile that has been rated under the NHTSA's New Car Assessment Program (NCAP) must have those ratings displayed on a label on its new vehicle price sticker, known as the Monroney label.[2] SAFETEA–LU specifies detailed requirements for the label, including its content, size, location, and applicability, leaving the agency only limited discretion regarding the label.[3] It also required NHTSA (by delegation of authority from the Department of Transportation) to issue regulations to ensure that the new labeling requirements are implemented by September 1, 2007.

As required by SAFETEA-LU, on September 12, 2006 (71 FR 53572) (DOT Docket No. NHTSA–2006–25772) we published a final rule that provides that:

(1) New passenger automobiles manufactured on or after September 1, 2007 must display specified NCAP information on a safety rating label that is part of their Monroney label;

(2) The specified information must include a graphical depiction of the number of stars achieved by a vehicle for each safety test;

(3) Information describing the nature and meaning of the test data, and references to *www.safercar.gov* and NHTSA's toll-free hotline number for additional vehicle safety information, must be placed on the label;

(4) The label must be legible with a minimum length of 4½ inches and a minimum width of 3½ inches or 8 percent of the Monroney label, whichever is larger;

(5) Ratings must be placed on new vehicles manufactured 30 or more days after the manufacturer receives notification from NHTSA of NCAP ratings for those vehicles.

In its discretion, the agency decided to require that the label indicate the existence of safety concerns identified during NCAP testing, but not reflected in the resulting NCAP ratings. We required that the agency's toll-free hotline number appear on the label and adopted specifications for such matters as the wording, arrangement of some of the messages and the size of the font.

II. Petitions for Reconsideration and NHTSA's Response

In response to the September 12, 2006 final rule, we received a petition for reconsideration from the Recreation Vehicle Industry Association (RVIA), asking us to reconsider the inclusion of ''recreational vehicle'' in the definition of ''automobile.'' A joint petition signed by the National Automobile Dealers Association (NADA), the National Truck Equipment Association (NTEA) and the National Mobility Equipment Dealers Association (NMEDA) asked us to reconsider the requirement of an additional label for automobiles that are altered before first sale to the customer.

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[1] P.L. 109–59 (August 10, 2005); 119 Stat. 1144.

[2] The Monroney label is required by the Automobile Information Disclosure Act (AIDA) Title 15, United States Code, Chapter 28, Sections 1231–1233. SAFETEA–LU amended AIDA to require that NCAP ratings be placed on each vehicle required to have a Monroney label.

[3] ''(g) if one or more safety ratings for such automobile have been assigned and formally published or released by the National Highway Traffic Safety Administration under the New Car Assessment Program, information about safety ratings that—

''(1) includes a graphic depiction of the number of stars, or other applicable rating, that corresponds to each such assigned safety rating displayed in a clearly differentiated fashion indicating the maximum possible safety rating;

''(2) refers to frontal impact crash tests, side impact crash tests, and rollover resistance tests (whether or not such automobile has been assigned a safety rating for such tests);

''(3) contains information describing the nature and meaning of the crash test data presented and a reference to additional vehicle safety resources, including *http://www.safecar.gov*; and

''(4) is presented in a legible, visible, and prominent fashion and covers at least—

''(A) 8 percent of the total area of the label; or

''(B) an area with a minimum length of 4½ inches and a minimum height of 3½ inches; and

''(h) if an automobile has not been tested by the National Highway Traffic Safety Administration under the New Car Assessment Program, or safety ratings for such automobile have not been assigned in one or more rating categories, a statement to that effect.''.

The issues raised in the petitions and NHTSA's response are provided below.

A. Definition of ''Automobiles''

Per SAFETEA–LU, this final rule applies to all vehicles required to have Monroney labels. Those labels are required on new ''automobiles'' by the Automobile Information Disclosure Act (AIDA) and derive their name from the primary author of AIDA, former Senator Mike Monroney. The Department of Justice (DOJ), which generally administers AIDA, interprets the term ''automobiles,'' by definition, to include passenger vehicles and station wagons, and, by extension, passenger vans. For purposes of the final rule, we decided to express the applicability section of the regulation by reference to AIDA and language based on the DOJ guidance, rather than referring to terms as used in § 571.3 for safety standards. Specifically, the regulatory text states that the section applies to ''automobiles with a GVWR of 10,000 pounds or less, manufactured on or after September 1, 2007, that are required by the Automobile Information Disclosure Act, 15 U.S.C. 1231–1233, to have price sticker labels (Monroney labels), e.g., passenger vehicles, station wagons, passenger vans, sport utility vehicles, and recreational vehicles.''

We explained that this approach was adopted because Congress made the applicability of the NCAP labeling requirement depend on whether a vehicle is an ''automobile'' required to have a Monroney label under AIDA. The DOJ, rather than NHTSA, administers and issues authoritative interpretations of that part of AIDA. Thus, while we want our regulation to be as clear as possible, we recognize that it is DOJ, rather than NHTSA, that would make any necessary interpretations under AIDA as to the meaning of ''automobile.''

In response to the final rule, the Recreation Vehicle Industry Association (RVIA) petitioned for the removal of the term ''recreational vehicles'' from the definition of ''automobile.'' RVIA included with its petition a letter dated October 30, 2006 to Ms. Dianne Farrell, RVIA's Vice President of Government Affairs from, Mr. Eugene M. Thirolf, Director, Office of Consumer Litigation, DOJ. In that letter, Mr. Thirolf explained that language on the Office of Consumer Litigation's Web page had referred to ''recreational vehicles'' as being encompassed within the definition of ''automobile.'' That phrase was incorporated from printed material that pre-dated the Web page by many years. Mr. Thirolf noted that the phrase ''recreational vehicle'' can have a variety of meanings. He stated that in recent years, the term ''Sport Utility Vehicle'' has become commonplace, and has displaced ''recreational vehicle'' as the term used to refer to certain vehicles that are now called Sport Utility Vehicles or ''SUVs.'' Mr. Thirolf noted that the Office of Consumer Litigation's Web page has been rewritten to include the term ''Sport Utility Vehicles'' and remove ''recreational vehicle.''

Since NHTSA has already stated that it will conform its definition of ''automobile'' to that provided by DOJ, and DOJ has removed the term ''recreational vehicle'' from the definition of ''automobile'' and added the term ''sport utility vehicle'' on the DOJ Web page, in this final rule, NHTSA will make conforming changes in the definition of ''automobile'' at § 575.301(b).

RVIA also asked for NHTSA to publish ''a statement that declares invalid any mention of 'recreational vehicles' which previously appeared in its Final Rule.'' We decline to make such a statement. Our references to ''recreational vehicles'' were made in the context of DOJ's use of the term. The October 2006 letter from Mr. Thirolf of DOJ provides clarification of how DOJ used the term, and its subsequent decision to remove that term from its Web site and add the term ''sport utility vehicle.'' In today's final rule, we have provided RVIA with the relief it sought, consistent with DOJ's October 30, 2006 letter.

B. Requirements for Altered Vehicles

In the September 12, 2006 final rule, we noted that the National Mobility Equipment Dealers Association (NMEDA) asked that ''the proposed labeling requirements not apply to * * * altered vehicles, including those that have been altered in such a manner as to render void any previous NCAP results.'' NMEDA is an association ''dedicated to providing safe and quality adaptive transportation and mobility for consumers with disabilities.'' To accommodate special needs drivers, NMEDA members (and others) may make vehicle alterations that require affixing an alterer's label to the vehicle pursuant to 49 CFR 567.7, ''Requirements for persons who alter certified vehicles.''

In the September 12, 2006 final rule, NHTSA agreed that in such cases, the continuing applicability of ratings on the safety rating label may be at issue. We therefore decided that if an alterer places a § 567.7 alterer's label on a vehicle with a safety rating label, the alterer must place another label (adjacent to the Monroney label) stating: ''This vehicle has been altered. The stated star ratings on the safety rating label may no longer be applicable.'' The new requirements are specified at § 575.301(g) *Labels for alterers.*

In a joint petition for reconsideration, NMEDA, NADA and the NTEA asked that we remove § 575.301(g). The joint petitioners' position appeared to be that often, the alterations made to a vehicle are relatively minor (e.g., star ratings for side impact would not be affected if the alteration involves changes to the rear lighting), and the § 575.301(g) label may give the impression to some customers that the alterations are likely to result in the vehicle's receiving a lesser safety rating.

We note that § 567.6 makes it clear that minor finishing operations or the addition or removal of rims and tires, mirrors, or other readily attachable components would not necessitate the placement of an alterer's label. The intent of the label specified by § 575.301(g) is to inform potential purchasers of altered vehicles that if the vehicle has been altered in such a way as to require an alterer's label, the NCAP safety ratings may no longer be applicable.

We are concerned that without the § 575.301(g) label, consumers would assume that altered vehicles would continue to have the same performance as the model tested by NHTSA in the NCAP safety assessment tests. However, some alterations may affect the NCAP safety ratings and, in such situations, the NCAP ratings could be misleading. The statement that the stated star ratings ''may no longer be applicable'' is neutral, i.e., it does not imply a likelihood of the vehicle having a lower rating.

The joint petitioners stated that NHTSA should not add this requirement that could further obstruct the driver's vision during test drives. In response, although we appreciate the field of obstruction concern, we did not specify a size or font requirement for the § 575.301(g) label in order to minimize any additional obstruction of vehicle glazing. The requirement is only that the label be placed adjacent to the Monroney label; we purposefully did not specify where that would be. Therefore, alterers can place the § 575.301(g) label adjacent to, or as close as possible to, the Monroney label but in an area such as the bottom of the window that would not obstruct the vision of a driver taking the vehicle out on a test drive.

The joint petitioners also stated that the § 575.301(g) requirements are redundant, as consumers are already aware of the alterations or request the

alterations prior to purchasing the vehicle. NHTSA notes that while this may be true in some cases, we have no data to support this statement, and none was provided by the joint petitioners. Moreover, even if they are aware of alterations, consumers may believe the star ratings are still valid, even in situations when this may not be the case. We note that while alterers must certify that the vehicle continues to meet safety standards, they are not required to ensure that alterations do not affect NCAP ratings.

The joint petitioners stated that the Monroney label as required by the AIDA is only for vehicles as manufactured, but not neccessarily as sold at dealerships. NHTSA does not agree. In the NPRM, NHTSA proposed to state at § 575.301(a) *Purpose and Scope* in part that, ''* * * the additional Monroney label information is intended to provide consumers with relevant information *at the point of sale*.'' (Emphasis added.) No commenter (including any of the joint petitioners) objected to, or otherwise commented on the quoted language. Thus, the quoted language was made final in the final rule.

On the issue of AIDA requirements, NHTSA consulted with the Department of Justice's (DOJ) Office of Consumer Litigation, the authority on the meaning of AIDA. On December 4, 2006, DOJ staff confirmed with NHTSA staff that they would not try to make a distinction between vehicles as manufactured and as sold at dealerships, as it was, in the view of the DOJ staff, contrary to the AIDA.

The joint petitioners further stated that the AIDA never imposed on dealers or others who alter vehicles prior to first sale, any additional labeling burden. However, with the enactment of SAFETEA–LU, we believe the additional labeling is needed to ensure that consumers who consider purchasing or who purchase altered vehicles are aware that first, alterations have been made and second, that the alterations may have made the star ratings no longer applicable. We note that because it would be far more burdensome for alterers to determine and explain how alterations may affect the star ratings, we decided on the standard language specified in § 575.301(g) simply indicating that the ratings *may* no longer be applicable.

The joint petitioners stated that neither the legislative history nor Section 10307 of SAFETEA–LU addresses vehicle alteration or vehicle alterers. They also argued the § 575.301(g) requirement was not a logical outgrowth of the notice of proposed rulemaking and violates the Administrative Procedure Act and NHTSA's own rulemaking process.

In response, NHTSA notes that the rulemaking at issue was necessary to ''aid potential purchasers in the selection of new passenger motor vehicles by providing them with safety rating information. * * * Manufacturers of passenger motor vehicles described in paragraph (b) of this section are required to include this information on the Monroney label.'' (see § 575.301(a).) 49 CFR part 567 includes alterers within the definition of manufacturer (See § 567.2(a)). Since § 575.301 applies to manufacturers, it applies to alterers. The final rule's clarification of requirements for all manufacturers, including alterers, is not outside the scope of the rule.

Furthermore, the addition of § 575.301(g) to the final rule is a logical outgrowth of the proposal. We note § 575.301(g) was added to the final rule in response to NMEDA's comments on the January 30, 2006 NPRM. We believe it was necessary and appropriate to address the issue of how requirements apply to alterers, and to ensure that the NCAP ratings on the label do not provide misleading information to consumers.

In commenting on the NPRM, NMEDA asked that ''the proposed labeling requirements not apply to vehicles built in two or more stages or to altered vehicles including those that have been altered in such a manner as to render void any previous NCAP results.'' NMEDA did not specify how its request should be carried out. In the final rule, we responded to NMEDA's comment by not making the safety ratings necessarily apply to altered vehicles, by specifying adding the label (stating in part) ''The stated star ratings on the safety rating label may no longer be applicable.'' In the final rule, NHTSA determined that the addition of the label with the stated quotation was the best way to respond to NMEDA's comment. It was a logical outgrowth of the proposal, which responded to NMEDA's comment, clarified final rule requirements for all manufacturers, including alterers, and continued to make the §§ 575.301(d) and (e) requirements applicable to manufacturers that are not alterers.

The joint petitioners also stated that neither the § 575.301(g) mandate nor the potential regulatory burden was taken into consideration by NHTSA in its E.O. 12866, Regulatory Flexibility Act, or Paperwork Reduction Act analyses. The joint petitioners stated that assuming 10 percent of the vehicle fleet would require the § 575.301(g) label at a cost of $1.00 per label results in a $1,500,000 cost burden. In response, NHTSA notes that the joint petitioners provided no bases for their assumptions regarding costs. We do not agree with these estimates. Based on a previous agency study that examined labeling costs,[4] we expect that the cost of a label would be $0.09 to $0.16 per vehicle (in 2006 dollars). Even with the 10 percent alteration rate, as assumed by the joint petitioners, the expected total cost burden would be far less than what the petitioners claimed. We believe that the cost burden would not have a significant economic impact on alterers.

The Paperwork Reduction Act consequences of the label specified at § 575.301(g) were discussed in the final rule of September 12, 2006 at page 53585.

The joint petitioners also suggested that in lieu of the § 575.301(g) label, NHTSA consider amending the ''safety label''[5] with the disclaimer: ''Crash test results reflect the actual vehicle tested and are designed for general model comparison purposes only. The actual vehicle you buy may not achieve the exact same results in a similar test.''

We decline to make this change. The petitioners did not provide any basis for including such a disclaimer on all vehicles. The § 575.301(g) label is narrowly tailored to inform potential purchasers of the very small number of vehicles that have been altered in such a way as to require an alterer's label that the NCAP safety ratings may no longer be applicable. It would be inappropriate to address this concern by adding a disclaimer to all vehicles.

The petitioners also suggested that NHTSA provide clarification with respect to when a first sale occurs in various situations, to enable the regulated community to be able to distinguish alterations from modifications. We note that this is a general issue and not one specifically related to this rulemaking. If petitioners have specific questions in this area, they may send them to NHTSA's Chief Counsel.

III. Technical Amendments to Regulatory Text Describing the Labels

In this final rule, we also make the following technical amendments to descriptions of the labels, to ensure consistency among the preamble, the regulatory text, and Figures 1 and 2 provided in the final rule. No changes are made to either Figure 1 or Figure 2 as a result of this final rule.

[4] See Preliminary Regulatory Evaluation, FMVSS No. 208, *Actions to Reduce the Adverse Effects of Air Bags,* July 1996.

[5] NHTSA assumes the joint petitioners meant the safety rating label specified at Sections 575.301(d) and (e).

A. Large Safety Label Shown in Figure 1

1. We note that the height of the safety concern is not specified. In this final rule, NHTSA specifies superscript for both the safety concern symbol next to the star rating to which it applies and in the explanation section of the label. This is how the graphic is displayed in the sample label and how it is now specified at Section 301(e)(10)(ii) of the regulatory text.

2. We note the following inconsistencies between the sample label (Figure 1 to § 575.301) and the regulatory text:

(a) The regulatory text describing how the ''Driver''/''Passenger'' and ''Front Seat/Rear Seat'' should be positioned on the label is incorrect. As currently stated, the text would run into the stars on the label graphic. Therefore, we are revising the regulation to require the text to be left justified and horizontally centered, and to be vertically aligned at the top and middle of the label, respectively, for front and side crash ratings. Similarly, the star ratings are to be left justified, but aligned to the right of the label. In addition, the regulatory text for ''Front Seat'' and ''Rear Seat'' will not include a capitalized ''S'', consistent with the label depicted in Figure 1. In this final rule, § 575.301, paragraphs (e)(4)(iii), (e)(4)(v), and (e)(5)(iii), and (e)(5)(v) will be revised to read as follows:

Section 575.301(e)(4)(iii)—The word ''Driver'' must be on the same line as the word ''Frontal'' in ''Frontal Crash'', and be left justified, horizontally centered and vertically aligned at the top of the label. The achieved star rating for ''Driver'' must be on the same line, left justified, and be aligned to the right side of the label.

Section 575.301(e)(4)(v)—The word ''Passenger'' must be on the same line as the word ''Crash'' in ''Frontal Crash'' , below the word ''Driver'', and be left justified, horizontally centered and be vertically aligned at the top of the label. The achieved star rating for ''Passenger'' must be on the same line, left justified, and be aligned to the right side of the label.

Section 575.301(e)(5)(iii)—The words ''Front seat'' must be on the same line as the word ''Side'' in ''Side Crash'' and be left justified, horizontally centered and be vertically aligned in the middle of the label. The achieved star rating for ''Front seat'' must be on the same line, left justified, and be aligned to the right side of the label.

Section 575.301(e)(5)(v)—The words ''Rear seat'' must be on the same line as the word ''Crash'' in ''Side Crash'', below the word ''Front seat'' and be left justified, horizontally centered and be vertically aligned in the middle of the label. The achieved star rating for ''Rear seat'' must be on the same line, left justified, and be aligned to the right side of the label.

(b) There are no line justifications for ''Not Rated'' or alternatively, ''To Be Rated'' in sections (e)(4)(iv), (e)(4)(vi), (e)(5)(iv), (e)(5)(vi), and (e)(6)(iii). In this final rule, we will specify that both ''Not Rated'' and ''To Be Rated'', and the to-be-determined star ratings be left justified and be aligned horizontally and vertically on the label. Therefore, these paragraphs read as follows:

Section 575.301(e)(4)(iv)—If NHTSA has not released the star rating for the ''Driver'' position, the text ''Not Rated'' must be used in boldface. However, as an alternative, the words ''To Be Rated'' (in boldface) may be used if the manufacturer has received written notification from NHTSA that the vehicle has been chosen for NCAP testing. Both texts must be on the same line as the text ''Driver'', be left justified, and be aligned to the right side of the label.

Section 575.301(e)(4)(vi)—If NHTSA has not released the star rating for ''Passenger'', the words ''Not Rated'' must be used in boldface. However, as an alternative, the words ''To Be Rated'' (in boldface) may be used if the manufacturer has received written notification from NHTSA that the vehicle has been chosen for NCAP testing. Both texts must be on the same line as the text ''Passenger'', be left justified, and be aligned to the right side of the label.

Section 575.301(e)(5)(iv)—If NHTSA has not released the star rating for ''Front seat'', the words ''Not Rated'' must be used in boldface. However, as an alternative, the words ''To Be Rated'' (in boldface) may be used if the manufacturer has received written notification from NHTSA that the vehicle has been chosen for NCAP testing. Both texts must be on the same line as the text ''Front seat'', be left justified, and be aligned to the right side of the label.

Section 575.301(e)(5)(vi)—If NHTSA has not released the star rating for ''Rear seat'', the text ''Not Rated'' must be used in boldface. However, as an alternative, the text ''To Be Rated'' (in boldface) may be used if the manufacturer has received written notification from NHTSA that the vehicle has been chosen for NCAP testing. Both texts must be on the same line as the text ''Rear seat'', be left justified, and be aligned to the right side of the label.

Section 575.301(e)(6)(iii)—If NHTSA has not tested the vehicle, the words ''Not Rated'' must be used in boldface. However, as an alternative, the words ''To Be Rated'' (in boldface) may be used if the manufacturer has received written notification from NHTSA that the vehicle has been chosen for NCAP testing. Both texts must be on the same line as the text ''Rollover'', be left justified, and be aligned to the right side of the label.

Finally, in § 575.301(3)(8)(B), the regulatory text will include a period at the end of the phrase to read: ''Source: National Highway Traffic Safety Administration (NHTSA).''

B. Small Safety Label Shown in Figure 2

The following changes are made in this final rule to make the regulatory text consistent with the Small Safety Label shown in Figure 2:

(a) Since the border for the small safety label is not specified in the regulatory text, we will add at the end of § 575.301(f)(2), ''and must be surrounded by a solid dark line that is a minimum of 3 points in width.''

(b) The justification for the text is not specified and the font size is incorrect. Therefore, the text of § 575.301(f)(4) is amended to read:

Section 575.301(f)(4) *General Information.* The general information area must be below the header area. The text must be dark and the background must be light. The text must state the following, in at least 12-point font, be left justified, and be aligned to the left side of the label, in the specified order:

(c) In § 575.301(f)(3) and (f)(5), 14-point, not 12-point font should be specified for the header and footer areas to make the smaller label header and footer areas identical to that of the larger label.

IV. Rulemaking Analyses and Notices

The final rule of September 12, 2006 included discussion of Executive Order 12866 and DOT Regulatory Policies and Procedures, the Regulatory Flexibility Act, Paperwork Reduction Act, National Environmental Policy Act, Executive Order 13132 (Federalism), Civil Justice Reform Act, the National Technology Transfer and Advancement Act, and the Unfunded Mandates Reform Act. Today's final rule consists only of technical amendments. Thus, the rulemaking analyses and notices discussion provided for the September 2006 is not affected by today's final rule.

List of Subjects in 49 CFR Part 575

Consumer protection, Motor vehicle safety, Reporting and recordkeeping requirements, Tires.

■ In consideration of the foregoing, 49 CFR part 575 is amended to read as follows:

PART 575—CONSUMER INFORMATION

■ 1. The authority citation for part 575 continues to read as follows:

Authority: 49 U.S.C. 32302, 30111, 30115, 30117, 30166, and 30168, Pub. L. 104–414, 114 Stat. 1800, Pub. L. 109–59, 119 Stat. 1144, 15 U.S.C. l232(g); delegation of authority at 49 CFR 1.50.

■ 2. Section 575.301 is amended by:
■ a. Revising paragraph (b);
■ b. Revising paragraph (e)(4)(iii);
■ c. Adding in paragraph (e)(4)(iv) a third sentence;
■ d. Revising paragraph (e)(4)(v);
■ e. Adding in paragraph (e)(4)(vi) a third sentence;
■ f. Revising paragraph (e)(5)(iii);
■ g. Adding in paragraph (e)(5)(iv) a third sentence;
■ h. Revising paragraph (e)(5)(v);
■ i. Adding in paragraph (e)(5)(vi) a third sentence;
■ j. Adding in paragraph (e)(6)(iii) a third sentence;
■ k. Revising paragraph (e)(10)(ii);
■ l. Revising paragraph (f)(2);
■ m. Revising paragraph (f)(3);
■ n. Revising in paragraph (f)(4) the third sentence; and
■ o. Revising in paragraph (f)(5) the first sentence, to read as follows:

§ 575.301 Vehicle Labeling of Safety Rating Information.

* * * * *

(b) *Application.* This section applies to automobiles with a GVWR of 10,000 pounds or less, manufactured on or after September 1, 2007, that are required by the Automobile Information Disclosure Act, 15 U.S.C. 1231–1233, to have price sticker labels (Monroney labels), e.g., passenger vehicles, station wagons, passenger vans, and sport utility vehicles.

* * * * *

(e) * * *

(4) * * *

(iii) The word ''Driver'' must be on the same line as the word ''Frontal'' in ''Frontal Crash,'' and be left justified, horizontally centered and vertically aligned at the top of the label. The achieved star rating for ''Driver'' must be on the same line, left justified, and aligned to the right side of the label.

(iv) * * * Both texts must be on the same line as the text ''Driver'', left justified, and aligned to the right side of the label.

(v) The word ''Passenger'' must be on the same line as the word ''Crash'' in ''Frontal Crash,'' below the word ''Driver,'' and be left justified, horizontally centered and vertically aligned at the top of the label. The achieved star rating for ''Passenger'' must be on the same line, left justified, and aligned to the right side of the label.

(vi) * * * Both texts must be on the same line as the text ''Passenger'', left justified, and aligned to the right side of the label.

* * * * *

(5) * * *

(iii) The words ''Front seat'' must be on the same line as the word ''Side'' in ''Side Crash'' and be left justified, horizontally centered and vertically aligned in the middle of the label. The achieved star rating for ''Front seat'' must be on the same line, left justified, and aligned to the right side of the label.

(iv) * * * Both texts must be on the same line as the text ''Front seat'', left justified, and aligned to the right side of the label.

(v) The words ''Rear seat'' must be on the same line as the word ''Crash'' in ''Side Crash,'' below the word ''Front seat,'' and be left justified, horizontally centered and vertically aligned in the middle of the label. The achieved star rating for ''Rear seat'' must be on the same line, left justified, and aligned to the right side of the label.

(vi) * * * Both texts must be on the same line as the text ''Rear seat'', left justified, and aligned to the right side of the label.

* * * * *

(6) * * *

(iii) * * * Both texts must be on the same line as the text ''Rollover'', left justified, and aligned to the right side of the label.

* * * * *

(10) * * *

(ii) Include at the bottom of the relevant area (i.e., frontal crash area, side crash area, rollover area), as the last line of that area, the related symbol, as depicted in Figure 4 of this section, as a superscript of the rest of the line, and the text ''Safety Concern: Visit *www.safercar.gov* or call 1–888–327–4236 for more details.''

* * * * *

(f) * * *

(2) The label must be at least 4½ inches in width and 1½ inches in height, and must be surrounded by a solid dark line that is a minimum of 3 points in width.

(3) *Heading Area.* The text must read ''Government Safety Ratings'' and be in 14-point boldface, capital letters that are light in color, and be centered. The background must be dark.

(4) *General Information.* * * * The text must state the following, in at least 12-point font, be left-justified, and aligned to the left side of the label, in the specified order:

* * * * *

(5) *Footer Area.* The text ''*www.safercar.gov* or 1–888–327–4236'' must be provided in 14-point boldface letters that are light in color, and be centered. * * *

* * * * *

Issued on: August 7, 2007.

Nicole R. Nason,

Administrator.

[FR Doc. E7–15743 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 72, No. 155
Monday, August 13, 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 94

[Docket No. APHIS–2007–0014]

RIN 0579–AC47

Importation of Table Eggs From Regions Where Exotic Newcastle Disease Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations regarding the importation of animal products in order to modify the requirements concerning the importation of eggs (other than hatching eggs) from regions where exotic Newcastle disease (END) exists. This action is necessary in order to provide a more efficient and effective testing option for determining the END status of flocks producing eggs (other than hatching eggs) for export to the United States.

DATES: We will consider all comments that we receive on or before October 12, 2007.

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

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2007–0014 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–2007–0014, 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–2007–0014.

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. Christopher Robinson, Senior Staff Veterinarian, Technical Trade Services, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737–1231; (301) 734–7837.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases. The regulations in 9 CFR parts 93, 94, and 95 (referred to below as the regulations) govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases, including exotic Newcastle disease (END).

Egg Importation Requirements

Currently, the regulations at § 94.6(c) provide two mechanisms by which flocks in foreign regions where END is considered to exist can be found free of END and thus approved for the purpose of exporting eggs (except hatching eggs) to the United States. One method requires the placement of sentinel birds (at least 1 per 1,000 birds) at the rate of at least 30 sentinel birds per house. These sentinel birds must remain free of clinical and immunological evidence of END as demonstrated by tests performed by a salaried veterinary officer of the national government of the region of origin. The second method requires weekly testing of any carcasses of poultry from the flock in question that died in that week as well as other testing performed on at least 10 percent of live birds.

These two options have proven problematical. Many foreign egg producers cannot use sentinel birds because their flocks are vaccinated with strains of Newcastle disease. Even though the sentinel birds themselves cannot be vaccinated against END, they may nevertheless develop antibodies as a result of exposure to birds vaccinated with a live virus. Sentinel birds may therefore produce false positives when tested for END, necessitating the expense of further testing to differentiate a vaccine-induced response from a field infection. In such a situation, 10 percent flock testing becomes the only available option; however, many foreign egg producers find this approach to be time consuming, costly, and potentially statistically excessive.

We are proposing to amend the regulations in order to provide for the use of a statistically valid testing regimen that would ensure the detection of infected birds in a timely and effective way while eliminating the need for potentially excessive testing.[1]

Disease biology is an important consideration in testing for the presence of END. Of the three strains of END—mesogenic, lentogenic, and velogenic—we are concerned only with the velogenic strain. General sampling results (i.e., samples taken from live, apparently healthy birds as well as dead or sickly birds) may prove inaccurate, as sampling of birds infected with non-velogenic strains of END, which produce a minimal mortality rate, and birds that have been vaccinated against the disease may result in false positives. Additionally, clinically normal birds

[1] While these proposed provisions are specific to END, we recognize that a testing regimen similar to that described in this document could be useful in addressing the risks presented by highly pathogenic avian influenza (HPAI) in egg production flocks in regions affected with HPAI. We are currently developing regulations specific to HPAI and welcome any comments on the subject of targeted testing for HPAI in egg production flocks that are submitted in response to this proposed rule.

may shed virus only intermittently. If the choice of testing is to look for the presence of the virus in clinically normal flocks, the prevalence of birds shedding virus at any given time may be expressed in fractions of a percent. In order to derive an accurate picture of infection rates in this situation, the sample size required would be prohibitively large with very poor confidence of detecting the virus. In comparison, the proposed approach utilizing only sick or dead birds is a more efficient and accurate testing method. The prevalence of velogenic END is likely to be quite high in the population of sick or dead birds if the flock is, in fact, infected and the needed sample size would be quite small. According to our research and other available information, sampling 5 sick or dead birds in a group of up to 50,000 birds provides a 95 percent confidence of detecting infection in a house.

Therefore, we propose to replace the current options for flock testing with a requirement that at least 1 cull (sick or dead) bird for each 10,000 live birds occupying each poultry house certified for exporting table eggs be tested for END virus at days 7 and 14 of the 21-day period before the certificate is signed and tested using a virus isolation test at a laboratory approved by the veterinary services organization of the national government of the region of origin. The tests must present no clinical or immunological evidence of END by either embryonated egg inoculation technique from tissues of dead birds or negative hemagglutination inhibition tests conducted on blood samples of sick birds collected by a salaried veterinary officer of the national government of the region of origin, or by an accredited veterinarian.

We have prepared a risk assessment document titled ''Justification for the proposed changes to the current 9 CFR 94.6 regulations governing the importation of table eggs from regions where exotic Newcastle disease exists into the United States.'' This document assesses the effectiveness of sentinel birds, random sampling, and targeted sampling of sick or dead birds as surveillance methods. You may view the document 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**.

The risk assessment document explains why the sentinel bird approach currently required does not provide the desired level of assurance that END virus is absent in a flock. It assesses random sampling as an alternative method of disease detection, and concludes that targeted sampling of cull (sick or dead) birds detects infections more efficiently and effectively than either sentinel birds or random sampling. It also concludes that targeted sampling provides more biological assurances about the absence of END virus when infection is absent than random sampling and the use of sentinel birds combined.

We additionally propose to amend the requirements for importing eggs (other than hatching eggs) in order to require that the accompanying health certificate contain a specific additional certification that egg drop syndrome (EDS) is notifiable in the region of origin and that there have been no reports of EDS in the flocks of origin, or within a 50 kilometer radius of the flocks, for 90 days prior to export. EDS is characterized by soft shelled and shell-less eggs produced by otherwise healthy looking birds. The virus is spread horizontally, primarily in commercial flocks, via contaminated eggs, droppings, and needles used to draw blood and administer vaccinations. There is no known treatment for EDS. Vaccines administered during the bird's growth phase (14 to 18 weeks of age) have been successful at reducing, but not eliminating, virus shedding. Since the United States is the only area in the world free of EDS, we believe that the proposed certification requirements are warranted to help prevent the introduction of the disease into domestic flocks.

Currently, the regulations provide that flock inspections be conducted by a salaried veterinary officer of the national government of the region of origin. However, Mexico's Ministry of Agriculture developed a system for accrediting veterinarians who are not salaried employees of the national government of Mexico to perform official work in connection with the export of animals and animal products from Mexico. This work includes testing, examining, and certifying animals for export to the United States. Since 1992, we have allowed Mexican accredited veterinarians to perform certain necessary services detailed in 9 CFR part 93. These services, which were previously performed only by salaried veterinarians of the Mexican Government, are required by our regulations to prevent the introduction of communicable animal diseases into the United States through the entry of animals and animal products.

We are therefore proposing to amend the regulations to allow veterinarians accredited by the Mexican Government to inspect the flocks of origin and issue animal health certificates as required by the regulations for the importation of eggs from Mexico into the United States. However, we also propose that each certificate issued by a veterinarian accredited by the Mexican Government must also be endorsed by a full-time salaried veterinary officer of the national government of Mexico. Under this system, the accredited veterinarian would make the necessary determinations about the health of the flock of origin and issue the certificate, and the Mexican Government veterinarian would endorse it, indicating that the issuing veterinarian is properly accredited and that the certificate is properly completed. These proposed provisions are identical to the provisions in part 93 that allow veterinarians accredited by the national government of Mexico to perform certain functions related to the export of animals to the United States.

Miscellaneous

The title of part 94 is ''Rinderpest, Foot-and-Mouth Disease, Fowl Pest (Fowl Plague), Exotic Newcastle Disease, African Swine Fever, Classical Swine Fever, and Bovine Spongiform Encephalopathy: Prohibited and Restricted Importations.'' We would update the part heading so that it also refers to swine vesicular disease, a disease that is addressed in several sections of the regulations. Conversely, we would remove the part heading's reference to ''fowl pest (fowl plague),'' as the regulations in part 94 currently contains no provisions regarding fowl pest (fowl plague).

The regulations in § 94.6(c)(1) set out the information to be included on certificates accompanying shipments of table eggs. We would make editorial changes to paragraphs (c)(1)(v) and (c)(1)(ix) to clarify that we expect the certificate to confirm compliance with the specific requirements of those paragraphs.

Finally, the removal of the sentinel bird provisions and footnote 7 in § 94.6(c)(ix)(C) would make it necessary to renumber the remaining footnotes in part 94.

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.

We are proposing to amend the regulations regarding the importation of animal products in order to modify the requirements concerning the importation of eggs (other than hatching eggs) from regions where END exists. This action is necessary in order to provide a more sound testing option for determining the END status of flocks producing eggs (other than hatching eggs) for export to the United States.

The ultimate goal of this proposed rule is to make our import regulations more effective, more consistent with the available science, and less restrictive while continuing to protect domestic poultry from END. One mechanism by which foreign producers located in regions affected with END can currently export table eggs into the United States is to place sentinel birds within their flocks and then test these birds for presence of the disease. As many of these foreign producers vaccinate their flocks, such testing may produce false-positive results. Sentinel birds may therefore produce false positives when tested for END, necessitating the expense of further testing to differentiate a vaccine-induced response from a field infection. The second mechanism currently authorized, testing 10 percent of the flock, is viewed by foreign egg producers as problematic and potentially an excessive requirement. As such, this proposed rule seeks to replace the current options for flock testing with one that more accurately directs testing at those birds most likely to be infected.

The United States is the world's largest producer of poultry meat and the second largest egg producer after China. Statistics indicated there was a domestic inventory of 449 million chickens in 2003, excluding commercial broilers, with a total cash value of $1.11 billion.[2] In 2004, broilers, which are raised specifically for meat production, had a total cash value of $20.4 billion, the total number produced being 8.74 billion. Also in 2004, turkey production totaled 7.3 billion pounds, with a cash value of $3.07 billion.[3] Table egg production during the year ending November 30, 2003, totaled 74.4 billion eggs.[4]

Economic Effects

The potential scope of any domestic effects of these proposed changes is somewhat uncertain. As the compliance costs for the flock testing requirements would decrease for producers exporting eggs to the United States due to the decrease in the number of birds required to be tested to demonstrate flock freedom from END, there is a potential for a small increase in the volume of table egg imports. In 2003, table egg imports from regions considered free of END, as listed in § 94.6(a)(2), totaled 77,861 dozen with an overall cash value of $411,000. For that same year, table egg imports from regions where END is considered to exist totaled 1,088,341 dozen, with an overall cash value of $709,000.[5] Total imports of table eggs for 2003 represented less than 0.02 percent of the total domestic supply for that year.[6] Usually, an increase in supply drives down the price of commodities. When both the retail and wholesale sectors of a market are inelastic, as is the case with table eggs, a small change in supply has the potential to have a large effect on price.[7] Consequently, if there is an increase in table egg imports as a result of the proposed changes, this could have an effect on the domestic market price of table eggs, causing the price to decrease as the supply of table eggs increases. In this case, there could be a slightly negative effect on domestic producers of table eggs due to declining price receipts. By contrast, if there is a slight increase in supply due to increased imports, the declining price will be a benefit to domestic consumers. Of course, any discernable changes in domestic prices of table eggs are also affected by domestic production, population changes, and changes in demand. Ultimately, as imports of table eggs represent less than 0.02 percent of the domestic supply available, we are confident that any increase in supply resulting from this proposed rule would not cause a significant change in the domestic market.

Impact on Small Entities

The Regulatory Flexibility Act requires agencies to consider the economic impact of their regulations on small entities. According to the guidelines established by the Small Business Association (SBA), domestic companies engaging in chicken egg production come under the North American Industry Classification System code 112310. The SBA defines a small chicken egg-producing entity as one that nets no more than $10.5 million per year. As of February 2004, the American Egg Board reported that there were approximately 260 egg-producing companies with flocks of 75,000 hens or more. These 260 companies represent about 95 percent of all the layers in the United States.[8] The exact number of operations engaged in table egg production is unclear. However, the 2002 agricultural census estimated that there were 83,381 domestic poultry and egg farms. While concrete information on the size distribution is unknown, the census does indicate that only 29,393 of those poultry operations have annual sales of $50,000 or more. As such, it is safe to assume that the majority of operations engaged in table egg production would be considered small entities by SBA standards. In the case of this proposed change, there are no direct effects on small entities, but the possibility of increased imports of table eggs does could result in an indirect effect. As mentioned previously, if there is an increase in table egg imports as a result of lower testing costs for exporters, thereby increasing supply to the domestic market, there is the potential for the domestic price of table eggs to decrease. However, given the fact that imports constitute such a small percentage of the domestic supply (0.02 percent) and because price is also affected by other factors including domestic production levels, population changes, and domestic demand, the prospects for any decrease in price as a direct result of the changes we are proposing are uncertain. Even if this potentiality is realized, we believe it is unlikely that the proposed changes would result in any significant economic effects on small entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has

[2] USDA, *Chickens and Eggs 2003 Summary.* Washington, DC: National Agricultural Statistics Service, January 2004. Estimates cover the period from December 1, 2002–2003.

[3] USDA, *Poultry-Production and Value 2004 Summary.* Washington, DC: National Agricultural Statistics Service, April 2005. This is the most recent annual statistic for broiler production.

[4] USDA, *Chickens and Eggs 2003 Summary.* Washington, DC: National Agricultural Statistics Service, January 2004.

[5] USDA, *HS 10-Digit Imports.* Washington, DC: Foreign Agricultural Service, 2004. Import quantities and cash value estimates of table eggs for regions where END is considered to exist were approximated by subtracting the quantity and value of imports from regions free of END from the ''world total'' query.

[6] Domestic supply of table eggs found by examining domestic table egg production for 2003, 74.4 billion eggs, less total exports in 2003, 490.6 million eggs, plus total imports of 13.9 million eggs. USDA, *HS 10-Digit Imports.* Washington, DC: Foreign Agricultural Service, 2004.

[7] USDA, *Livestock, Dairy, and Poultry Outlook.* Washington, DC: Economic Research Service, February 17, 2004.

[8] *U.S. Egg Industry Fact Sheet.* Illinois: American Egg Board, February 2004.

determined that this action would not have a significant economic impact on a substantial number of small entities.

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 in conflict 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

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2007–0014. Please send a copy of your comments to: (1) Docket No. APHIS–2007–0014, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404–W, 14th Street and Independence Avenue, SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

APHIS is proposing to amend the regulations regarding the importation of eggs (other than hatching eggs) from regions where END exists. This action is necessary in order to provide a more sound testing option for determining the END status of flocks producing eggs (other than hatching eggs) for export to the United States. The conditions for importation require, among other things, certification from a salaried veterinary officer of the national government of the region of origin, or a certificate issued by a veterinarian accredited by the national government of Mexico and endorsed by a full-time salaried veterinary officer of the national government of Mexico, thereby indicating that the veterinarian is authorized to issue the certificate. The certificate must also state that egg drop syndrome is notifiable in the region of origin and there have been no reports of egg drop syndrome in flocks of origin of the eggs, or within a 50 kilometer radius of the flock of origin, for the 90 days prior to the issuance of the certificate.

APHIS is asking the Office of Management and Budget (OMB) to approve its use of these information collection activities for 3 years.

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

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

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 1.3 hours per response.

Respondents: Veterinarians accredited by the Mexican Government.

Estimated annual number of respondents: 5.

Estimated annual number of responses per respondent: 2.

Estimated annual number of responses: 10.

Estimated total annual burden on respondents: 13 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response).

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

E–Government Act Compliance

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

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 94 as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, SWINE VESICULAR DISEASE, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The heading of part 94 is revised to read as above.

2. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701–7772, 7781–7786, and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

3. In § 94.6, the introductory text of paragraph (c)(1), paragraph (c)(1)(v), paragraph (c)(1)(viii), the introductory text of paragraph (c)(1)(ix), and paragraph (c)(1)(ix)(C) are revised and a new paragraph (c)(1)(ix)(D) is added to read as follows:

§ 94.6 Carcasses, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from regions where exotic Newcastle disease or highly pathogenic avian influenza subtype H5N1 is considered to exist.

* * * * *

(c) * * *

(1) *With a certificate.* The eggs may be imported if they are accompanied by a certificate signed by a salaried veterinary officer of the national government of the region of origin or, if exported from Mexico, accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the national government of Mexico and endorsed by a full-time salaried veterinary officer of the national government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, and:

* * * * *

(v) The certificate states that no more than 90 days before the certificate was signed, a salaried veterinary officer of the national government of the region of origin or, if exported from Mexico, by a veterinarian accredited by the national government of Mexico, inspected the flock of origin and found no evidence of communicable diseases of poultry.

* * * * *

(viii) Before leaving the premises of origin, the cases in which the eggs were packed were sealed with a seal of the national government of the region of origin by the salaried veterinarian of the national government of the region of origin who signed the certificate or, if exported from Mexico, by the veterinarian accredited by the national government of Mexico who signed the certificate.

(ix) In addition, if the eggs were laid in any region where END is considered to exist (see paragraph (a) of this section), the certificate must also state:

* * * * *

(C) The eggs are from a flock of origin found free of END as follows: On the seventh and fourteenth days of the 21-day period before the certificate is signed, at least 1 cull (sick or dead) bird for each 10,000 live birds occupying each poultry house certified for exporting table eggs was tested for END virus using a virus isolation test. The weekly cull rate of birds of every exporting poultry house within the exporting farm does not exceed 0.1 percent. The tests present no clinical or immunological evidence of END by either embryonated egg inoculation technique from tissues of dead birds or negative hemagglutination inhibition tests conducted on blood samples of sick birds collected by a salaried veterinary officer of the national government of the region of origin, or by an accredited veterinarian. All examinations and virus isolation tests were conducted in a laboratory located in the region of origin, and the laboratory was approved to conduct the examinations and tests by the veterinary services organization of the national government of that region. All results were negative for END.

(D) The certificate must state that egg drop syndrome is notifiable in the region of origin and there have been no reports of egg drop syndrome in the flocks of origin of the eggs, or within a 50 kilometer radius of the flock of origin, for the 90 days prior to the issuance of the certificate.

* * * * *

§§ 94.8 and 94.9 [Amended]

5. In §§ 94.8 and 94.9, footnotes 8 through 11 are redesignated as footnotes 7 through 10, respectively.

6. Section 94.12 is amended as follows:

a. In paragraph (b)(1)(iii)(B), by redesignating footnote 12 as footnote 11.

b. In paragraph (b)(3), by redesignating footnote 13 as footnote 12 and revising newly redesignated footnote 12 to read as set forth below.

§ 94.12 Pork and pork products from regions where swine vesicular disease exists.

* * * * *

(b) * * *

(3) * * * [12]

[12] See footnote 9 in § 94.9.

§ 94.16 [Amended]

7. In § 94.16, footnote 14 is redesignated as footnote 13.

8. Section 94.17 is amended as follows:

a. In paragraph (e), by redesignating footnote 15 as footnote 14.

b. In paragraph (p)(1)(i), by redesignating footnote 16 as footnote 15 and revising newly redesignated footnote 15 to read as set forth below.

§ 94.17 Dry-cured pork products from regions where foot-and-mouth disease, rinderpest, African swine fever, classical swine fever, or swine vesicular disease exists.

* * * * *

(p) * * *

(1) * * *

(i) * * * [15]

[15] See footnote 14 in paragraph (e) of this section.

§§ 94.18 and 94.24 [Amended]

9. In §§ 94.18 and 94.24, footnotes 17, 18, 20, and 21 are redesignated as footnotes 16 through 19, respectively.

Done in Washington, DC, this 8th day of August 2007.

Cindy Smith,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–15815 Filed 8–10–07; 8:45 am]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 32 and 35

RIN 3150–AI14

Medical Use of Byproduct Material—Minor Corrections and Clarifications

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to correct or clarify the rule language in several sections in the regulations that govern specific domestic licenses to manufacture or transfer certain items containing byproduct material and medical use of byproduct material. The regulations that govern medical use of byproduct materials were amended in their entirety on April 24, 2002 (67 FR 20249). Subsequently, these regulations were amended again to revise the training and experience requirements for the medical use of byproduct material on March 30, 2005 (70 FR 16336). Through implementation of these revised regulations, the NRC has identified additional changes that need to be made to these regulations. This action is necessary to clarify certain provisions and to make certain conforming changes to the regulations.

DATES: Comments on the proposed rule must be received on or before September 12, 2007.

ADDRESSES: You may submit comments by any one of the following methods. Please include the following number (RIN 3150–AI14) in the subject line of your comments. Comments on rulemakings submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including personal information such as social security numbers and birth dates in your submission.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

E-mail comments to: SECY@nrc.gov. If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at (301) 415–1966. You may also submit comments via the NRC's rulemaking Web site at *http://ruleforum.llnl.gov.* Address questions about our rulemaking website to Carol Gallagher (301) 415–5905; email *cag@nrc.gov.* Comments can also be submitted via the Federal eRulemaking Portal *http://www.regulations.gov.*

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 am and 4:15 pm Federal workdays. (Telephone (301) 415–1966).

Fax comments to: Secretary, U.S. Nuclear Regulatory Commission at (301) 415–1101.

Publicly available documents related to this rulemaking may be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The PDR reproduction contractor will copy documents for a fee. Selected documents, including comments, may be viewed and downloaded electronically via the NRC rulemaking Web site at *http://ruleforum.llnl.gov.*

Publicly available documents created or received at the NRC after November 1, 1999, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Edward M. Lohr, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–0253, e-mail *eml1@nrc.gov.*

SUPPLEMENTARY INFORMATION: For additional information see the Direct Final Rule published in the Final Rules section of this **Federal Register**.

Because NRC considers this action noncontroversial and routine, we are publishing this proposed rule concurrently as a direct final rule. The direct final rule will become effective on October 29, 2007. However, if the NRC receives significant adverse comments on the proposed rule by September 12, 2007, then the NRC will publish a document to withdraw the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments received in response to the proposed revisions in a subsequent final rule. Absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period for this action if the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC staff to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC staff.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the staff to make a change (other than editorial) to the rule.

List of Subjects

10 CFR Part 32

Byproduct material, Criminal penalties, Labeling, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 35

Byproduct material, Criminal penalties, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR parts 32 and 35.

PART 32—SPECIFIC DOMESTIC LICENSES TO MANUFACTURE OR TRANSFER CERTAIN ITEMS CONTAINING BYPRODUCT MATERIAL

1. The authority citation for part 32 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note), Energy Policy Act of 2005, Pub. L. No. 109–58, 119 Stat. 594 (2005).

2. In § 32.72, paragraph (b)(5) is revised to read as follows:

§ 32.72 Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under part 35.

* * * * *

(b) * * *

(5) Shall provide to the Commission a copy of each individual's:

(i)(A) Certification by a specialty board whose certification process has been recognized by the Commission or an Agreement State as specified in § 35.55(a) of this chapter with the written attestation signed by a preceptor as required by § 35.55(b)(2) of this chapter; or

(B) The Commission or Agreement State license; or

(C) The permit issued by a licensee of broad scope; and

(ii) State pharmacy licensure or registration, no later than 30 days after the date that the licensee allows, under paragraphs (b)(2)(i) and (b)(2)(iii) of this section, the individual to work as an authorized nuclear pharmacist.

* * * * *

3. In § 32.74, the introductory text of paragraph (a) is revised to read as follows:

§ 32.74 Manufacture and distribution of sources or devices containing byproduct material for medical use.

(a) An application for a specific license to manufacture and distribute sources and devices containing byproduct material to persons licensed under part 35 of this chapter for use as a calibration, transmission, or reference source or for the uses listed in §§ 35.400, 35.500, 35.600, and 35.1000 of this chapter will be approved if:

* * * * *

PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

4. The authority citation for part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); sec. 1704, 112 Stat. 2750 (44 U.S.C. 3504 note).

5. In § 35.2, the definition of *Medium dose-rate remote afterloader* is revised to read as follows:

§ 35.2 Definitions.

* * * * *

Medium dose-rate remote afterloader, as used in this part, means a brachytherapy device that remotely delivers a dose rate of greater than 2 gray (200 rads) per hour, but less than or equal to 12 gray (1200 rads) per hour at the point or surface where the dose is prescribed.

* * * * *

6. In § 35.41, paragraph (b)(4) is revised to read as follows:

§ 35.41 Procedures for administrations requiring a written directive.

* * * * *

(b) * * *

(4) Verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical units authorized by §§ 35.600 or 35.1000.

* * * * *

7. In § 35.75, the text of paragraph (a) is republished and footnote 1 is revised to read as follows:

§ 35.75 Release of individuals containing unsealed byproduct material or implants containing byproduct material.

(a) A licensee may authorize the release from its control of any individual who has been administered unsealed byproduct material or implants containing byproduct material if the total effective dose equivalent to any other individual from exposure to the released individual is not likely to exceed 5 mSv (0.5 rem).[1]

* * * * *

[1] The current revision of NUREG–1556, Vol. 9, ''Consolidated Guidance About Materials Licenses: Program-Specific Guidance about Medical Licenses'' describes methods for Calculating doses to other individuals and contains tables of activities not likely to cause doses exceeding 5 mSv (0.5 rem).

8. In § 35.92, the introductory text of paragraph (a) is revised to read as follows:

§ 35.92 Decay-in-storage.

(a) A licensee may hold byproduct material with a physical half-life of less than or equal to 120 days for decay-in-storage before disposal without regard to its radioactivity if it—

* * * * *

9. In § 35.190, paragraph (a)(1) is revised to read as follows:

§ 35.190 Training for uptake, dilution, and excretion studies.

* * * * *

(a) * * *

(1) Complete 60 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed byproduct material for uptake, dilution, and excretion studies as described in paragraphs (c)(1)(i) through (c)(1)(ii)(F) of this section; and

* * * * *

10. In § 35.290, paragraph (a)(1) is revised to read as follows:

§ 35.290 Training for imaging and localization studies.

* * * * *

(a) * * *

(1) Complete 700 hours of training and experience in basic radionuclide handling techniques and radiation safety applicable to the medical use of unsealed byproduct material for imaging and localization studies as described in paragraphs (c)(1)(i) through (c)(1)(ii)(G) of this section; and

* * * * *

Dated at Rockville, Maryland, this 31st day of July, 2007.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Acting Executive Director for Operations.

[FR Doc. E7–15762 Filed 8–10–07; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–26491; Directorate Identifier 2006–CE–76–AD]

RIN 2120–AA64

Airworthiness Directives; Alpha Aviation Design Limited (Type Certificate No. A48EU Previously Held by APEX Aircraft and AVIONS PIERRE ROBIN) Model R2160 Airplanes

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

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

SUMMARY: We are revising an earlier NPRM for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

To prevent fuel system leaks inspect the bronze/brass hollow threaded fuel line fittings for type and leaks, per Avions Pierre Robin Service Bulletin (SB) No. 86.

The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by September 12, 2007.

ADDRESSES: You may send comments by any of the following methods:

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2006–26491; Directorate Identifier 2006–CE–76–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://dms.dot.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We proposed to amend 14 CFR part 39 with an earlier NPRM for the specified products, which was published in the **Federal Register** on January 8, 2007 (72 FR 676). That earlier NPRM proposed to require actions intended to address the unsafe condition for the products listed above.

Since that NPRM was issued, we determined that replacing any type 1 fuel fittings with type 2 fuel fittings, not just leaking type 1 fuel fittings, is needed in order to eliminate future fuel leaks.

The Civil Aviation Authority of New Zealand, which is the airworthiness authority for New Zealand, has issued AD DCA/R2000/12, dated June 29, 2006

(referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

To prevent fuel system leaks inspect the bronze/brass hollow threaded fuel line fittings for type and leaks, per Avions Pierre Robin Service Bulletin (SB) No. 86. Replace leaking Type 1 fuel line fittings with Type 2 fittings, per SB No. 86, before further flight.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

AVIONS PIERRE ROBIN (current type certificate responsibility with Alpha Aviation Design Limited) has issued Avions Pierre Robin Service Bulletin No. 86, dated July 30, 1980. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

Comments

We received no comments on the earlier NPRM.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Certain changes described above expand the scope of the earlier NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on the proposed AD.

Differences Between This Proposed AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a Note within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 10 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $80 per work-hour. Required parts would cost about $100 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $1,800, or $180 per product.

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 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 this 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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Alpha Aviation Design Limited (Type Certificate No. A48EU previously held by Apex Aircraft and AVIONS PIERRE ROBIN): Docket No. FAA–2006–26491; Directorate Identifier 2006–CE–76–AD.

Comments Due Date

(a) We must receive comments by September 12, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Model R2160 airplanes, serial numbers 001 through 191, certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 28: Fuel.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

To prevent fuel system leaks inspect the bronze/brass hollow threaded fuel line fittings for type and leaks, per Avions Pierre Robin Service Bulletin (SB) No. 86.

Actions and Compliance

(f) Unless already done, within the next 25 hours time-in-service after the effective date of this AD, replace the Type 1 fuel line fittings with Type 2 fittings, per Avions Pierre Robin Service Bulletin No. 86 dated July, 1980.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: This AD requires the replacement of the Type 1 fuel line fittings with Type 2 fittings, per Avions Pierre Robin Service Bulletin No. 86 dated

July, 1980. The MCAI required a one-time inspection for leaks and replacement if leaks were found. There was no MCAI action to determine whether leaks developed in the future. The FAA believes that mandatory replacement of the fittings will eliminate current leaking fittings as well as preventing the problem from developing in the future.

Other FAA AD Provisions

(g) The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090. 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.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(h) Refer to MCAI Airworthiness Authority of New Zealand AD DCA/R2000/12, dated June 29, 2006; and Avions Pierre Robin Service Bulletin 86, dated July, 1980, for related information.

Issued in Kansas City, Missouri, on August 6, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–15794 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 36 and 40

RIN 3038–AC39

Amendments Pertinent to Registered Entities and Exempt Commercial Markets

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The proposed regulations expand the set of persons delegated by the Commission with the authority to issue exempt commercial market (ECM) special calls to include the Director of the Division of Enforcement and that Director's designees. The proposed regulations clarify the process for listing, clearing, or implementing registered entity products or rules, including dormant products and rules, and amend the definition of emergency to clarify that persons other than members of the governing board of a registered entity may declare an emergency on behalf of the governing board. The proposed regulations also clarify the duration of the rule approval period for designated contract market (DCM) rules that may change a material term or condition of a contract based on the agricultural commodities enumerated in section 1a(4) of the Commodity Exchange Act (CEA or Act). Finally, the proposed regulations clarify how far in advance of implementation registered entities must submit self-certified contracts and rules to the Commission, and identify three additional categories of rules that a registered entity may implement without filing certified submissions or receiving prior Commission approval.

DATES: Comments must be received by September 12, 2007.

ADDRESSES: Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention: Office of the Secretariat. Comments may be sent by facsimile to 202.418.5521, or by e-mail to *secretary@cftc.gov*. Reference should be made to the ''Amendments Pertinent to Registered Entities and Exempt Commercial Markets.'' Comments may also be submitted through the Federal eRulemaking Portal at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Bruce Fekrat, Special Counsel, Office of the Director (telephone 202.418.5578, e-mail *bfekrat@cftc.gov*), Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Commodity Futures Trading Commission (Commission) published comprehensive final regulations for trading facilities on August 10, 2001.[1] The final regulations codified the procedural provisions common to exempt boards of trade and ECMs operating pursuant to sections 5d or 2(h)(3) through (5) of the Act, respectively, in part 36 of the Commission's regulations. The final regulations also codified the procedural provisions common to DCMs, derivatives transaction execution facilities (DTEF), and derivatives clearing organizations (DCO) in part 40 of the Commission's regulations, and further established the regulatory framework necessary to implement and interpret the provisions of the CEA, as amended by the Commodity Futures Modernization Act of 2000 (CFMA),[2] pertinent to trading facilities. Based upon its subsequent experience in administering the Act, the Commission herein proposes several amendments to parts 36 and 40 of the Commission's regulations to better implement the Act and provide clearer direction as to the Commission's regulatory requirements thereunder.

II. Exempt Commercial Markets

The CFMA created a qualified exemption from the Commission's jurisdiction for transactions executed or traded on ECMs. Section 2(h)(3) of the Act, which was added by the CFMA, applies the exemption to transactions in exempt commodities executed or traded on an electronic trading facility that are entered into on a principal-to-principal basis solely between persons that are eligible commercial entities.[3] The CEA specifically reserves the applicability of the Commission's antifraud and antimanipulation authority to transactions executed or traded on ECMs in section 2(h)(4) of the Act[4] and gives the Commission the authority to issue ECM special calls for information to, among other things, enforce that authority.[5]

In July 2004, the Commission amended regulation 36.3(b), which governs the Commission's access to ECM transaction data, to improve the quality of accessible information relevant to its antifraud and antimanipulation authority.[6] In that rulemaking, the Commission stated that aberrant price behavior on ECMs may require further Commission investigation and the eventual use of the Commission's special call authority to identify wrongful conduct.[7] The authority to issue special calls to ECMs currently is delegated to the Directors of

[1] 66 FR 42256 (August 10, 2001).

[2] Pub. L. 106–554, 114 Stat. 2763 (December 21, 2000).

[3] 7 U.S.C. 2(h)(3).

[4] 7 U.S.C. 2(h)(4).

[5] 7 U.S.C. 2(h)(5).

[6] 69 FR 43285 (July 20, 2004).

[7] *Id.* at 43289.

the Division of Market Oversight (DMO) and the Division of Clearing and Intermediary Oversight and their designees. Given the importance of the authority to issue special calls to the Commission's ability to enforce its reserved antifraud and antimanipulation authority with respect to ECM transactions, the Commission herein proposes to amend regulation 36.3 to expand the set of persons with delegated authority to issue special calls pursuant to section 2(h)(5)(B)(iii) of the Act to include the Director of the Division of Enforcement and that Director's designees.

III. Proposed Amendments to Part 40 of the Commission's Regulations

A. Self-Certification, Approval, and Dormancy

Part 40 of the Commission's regulations currently does not clearly indicate that the procedural requirements for listing, clearing or implementing dormant contracts and rules [8] are identical to the requirements established for initial submissions of contracts and rules that have never been approved by, or certified with, the Commission.[9] The current product and rule filing provisions of part 40 also do not clearly indicate that a DCM or DCO, in general, must choose either to comply with the rule approval process established in part 40 or, in the alternative, the certification process established in part 40 prior to listing, clearing, or implementing any product or rule, including any product or rule that has become dormant.[10] The Commission therefore proposes to amend the language in regulations 40.2(a), 40.3(a), 40.4(a), 40.5(a) and 40.6(a) to clarify that a DCM or DCO in general must choose either to list, clear, or implement a product or rule, including any dormant product or rule, pursuant to the self-certification provisions of part 40 or, in the alternative, pursuant to the process established in part 40 for receiving the Commission's prior approval.[11]

B. Dormant Registered Entities, Contracts, and Rules

The Commission has applied the concept of dormancy to registered entities by defining a dormant market or clearing organization as a registered entity that has been designated by, or registered with, the Commission for a period of thirty-six months or more but has not served as a facility for the trading or clearing of transactions for a period of twelve consecutive calendar months.[12] The Commission recognizes that a significant period of inactivity can potentially have a negative impact on a registered entity's ability to implement rules and list and clear contracts in a manner that remains consistent with current market conditions, the Commission's regulations, and self-regulatory best practices.[13] Accordingly, the Commission has deemed that upon a registered entity becoming dormant, its rules and contracts shall also become dormant.[14]

In contrast to this view, the current language of the Commission's regulations implies that the earliest possible time that a rule can become dormant, regardless of whether a registered entity has entered into dormancy, is at the end of a twelve month implementation period.[15] Similarly, the current language of the Commission's regulations implies that the earliest possible time that a contract can become dormant, regardless of whether a registered entity has entered into dormancy and absent affirmative action on the part of the registered entity, is at the end of a thirty-six month contract development period. To remedy any uncertainty, the Commission proposes to amend regulation 40.1(b), the definition of dormant product or contract, and regulation 40.1(f), the definition of a dormant rule, to clearly establish that the dormancy of a registered entity will automatically and separately trigger the dormancy of that entity's contracts and rules. In addition, the Commission is proposing a technical amendment to the definition of a dormant DCM, DTEF, and DCO in regulation 40.1 to conform the language used to define those terms to the proposed amendments of regulations 40.1(b) and 40.1(f).

C. Definition of Emergency

The Commission's regulations give registered entities the ability to implement rules in response to an emergency without certifying, or receiving the Commission's approval of, such rules prior to implementation.[16] The current definition of emergency implies that the full governing board of a registered entity must itself make the determination as to whether a circumstance is an emergency before operating under emergency procedures.[17] This notice of rulemaking proposes to amend Commission regulation 40.1(g), the definition of emergency, to clarify that persons other than members of the governing board may determine that a particular occurrence or circumstance constitutes an emergency. In a letter commenting on a previous notice of proposed rulemaking, the New York Mercantile Exchange (NYMEX) suggested that the full governing board of an exchange, under emergency conditions, may not be able to issue an opinion in a timely manner to address an emergency.[18] In such a situation, it may be optimal for a duly authorized subcommittee or exchange official to have the ability to respond to fast developing emergency conditions.

The Commission is in agreement with NYMEX. Accordingly, the Commission proposes to amend the definition of emergency in part 40 to clarify that duly authorized persons may determine whether a particular occurrence or circumstance is an emergency that ''requires immediate action and threatens or may threaten such things as the fair and orderly trading in, or the liquidation of or delivery pursuant to, any agreements, contracts or transactions.'' [19] The amendment would require that the rules of the registered entity specify in detail (1) the persons

[8] The Commission defines a dormant contract as a contract or product without open interest that, after the expiration of a thirty-six month development period following initial certification or approval, has not traded in the preceding twelve consecutive calendar months. 17 CFR 40.1(b). The Commission defines a dormant rule as a rule that has remained unimplemented for twelve consecutive calendar months following the rule's initial certification with, or approval by, the Commission. 17 CFR 40.1(f).

[9] This alignment of procedural requirements is based, in part, on the premise that certain contracts and rules, which have remained inactive or unimplemented for a significant period of time, may no longer contain terms that are consistent with the Commission's regulations and prevailing market conditions. 67 FR 62783, 62784 (October 9, 2002).

[10] The Commission's regulations do not require a DTEF to either certify or submit for Commission approval a product or rule prior to listing or implementation. However, a DTEF, which is generally subject to notice filing requirements, may choose to self-certify products or rules or submit them for Commission approval pursuant to the procedures established in part 40 of the Commission's regulations. *See* 17 CFR 37.7.

[11] DCM rules that will materially change a term or condition of a contract with open interest that is based on an agricultural commodity enumerated in section 1a(4) of the Act must be approved by the Commission prior to implementation. 7 U.S.C. 7a–2(c)(2)(B).

[12] *See* 17 CFR 40.1.

[13] *See* 47 FR 29515 (July 7, 1982).

[14] *See* 71 FR 1953, 1960 (January 12, 2006).

[15] The term ''rule'' is defined to include any registered entity (DCM, DTEF, or DCO) ''* * * rule, regulation, resolution, interpretation, stated policy, term and condition * * * in whatever form adopted, and any amendment or addition thereto or repeal thereof * * *'' 17 CFR 40.1(h).

[16] *See* 17 CFR 40.6(a)(2).

[17] *See* 17 CFR 40.1(g).

[18] *See* letter from James A. Newsome, President, NYMEX, to Jean A. Webb, Secretary of the Commission (September 26, 2005) (on file with the Commission), available at *http://www.cftc.gov/foia/comment05/foi05--004_1page2.htm.*

[19] 17 CFR 40.1(g).

authorized to issue an emergency opinion on behalf of the governing board; and (2) the procedures for the exercise of such authority.[20]

D. Commission Review and Approval of Registered Entity Rules

In contrast to other registered entity rules that may be implemented pursuant to the self-certification process established in part 40, DCM rules that, as determined by the Commission, materially change a term or condition of a contract with open interest that is based on an agricultural commodity enumerated in section 1a(4) of the Act must be approved by the Commission prior to implementation.[21] Since a finding of materiality is by statute at the reasonable discretion of the Commission, part 40 affords DCMs the opportunity to request a materiality opinion from the Commission for rules that a submitting DCM characterizes as non-material. Upon request the Commission will determine whether a DCM rule submitted under regulation 40.4(b)(9) at least ten business days prior to implementation is material within the meaning of section 5c(c) of the Act.[22]

DCMs often simultaneously request that agricultural rule changes be reviewed for materiality, and if found to be material, approved by the Commission. Currently, Commission regulation 40.5 does not clearly specify when the approval period commences with respect to rules submitted for materiality review under the process framed by regulation 40.4(b)(9).[23] To establish certainty, the amendments to regulation 40.5 propose to commence the rule approval period at the conclusion of the 10-day materiality review period under regulation 40.4(b)(9). The Commission believes that commencing the approval period at this point is appropriate because the determination as to whether a registered entity rule should be approved (that is whether a rule is consistent with the Act and the Commission's regulations thereunder) requires an analysis that is qualitatively different from the analysis required to determine whether the same rule is material within the meaning of section 5c(c) of the Act.

E. Listing of Products and the Implementation of Registered Entity Rules

1. The Timing of Submissions

The Commission understands that there may be some confusion as to how far in advance of implementation registered entities must submit self-certified products and rules to the Commission. Commission regulations 40.2(a) and 40.6(a) provide that such submissions must be filed electronically with the Commission at or before the close of business on the business day preceding implementation. Questions have arisen as to whether these provisions refer to the Commission's business day or the business day of the submitting registered entity.

The proposed regulations clarify that the specified date is the Commission's business day. For clarity and in order to ensure proper notice of certified products and rules, the Commission proposes to define business day in part 40 and add language to Commission regulations 40.2(a) and 40.6(a) to expressly require the filing of certified submissions with the Commission at least one full Commission business day prior to implementation.[24] In addition, to ensure that the appropriate operating divisions of the Commission have the ability to access electronic copies of submissions at the time of filing, the proposed regulations add the e-mail addresses *submissions@cftc.gov* and *DMOSubmissions@cftc.gov* to, and specify each regional branch chief in, Commission regulations 40.2(a)(1) and 40.6(a)(2) as additional mandatory recipients of electronically filed submissions.

2. Implementing Registered Entity Rules Without Certification

a. *Additional Rule Categories.* As discussed above, the Commission's regulations generally permit a registered entity to implement a new or dormant rule without seeking prior Commission approval by certifying to the Commission that the rule complies with the Act and the regulations thereunder on the business day preceding implementation.[25] Registered entities, however, are not required to file certified submissions prior to implementing several categories of registered entity rules that are enumerated in regulation 40.6(c)(2).[26] Registered entity rules that come within these categories typically are limited in scope and are implemented under enabling rules that have already been approved by, or certified with, the Commission. In order to lessen the burden placed on registered entities as well as better utilize Commission resources, the Commission proposes to codify several additional registered entity rule categories that may be implemented without prior certification or Commission approval if subsequently included in a weekly notification of rule changes under regulation 40.6(c)(2). The Commission proposes to add (1) changes in trading months with no open interest that are consistent with previously approved or certified standards; (2) changes in lists of producers' brands or markings that are made pursuant to previously approved or certified standards or criteria relating to quality specifications, and for existing delivery locations, (3) changes in lists of approved delivery facilities and delivery service providers that are made pursuant to previously approved or certified standards or criteria[27] to the categories of rules enumerated in regulation 40.6(c)(2).

A registered entity's ability to notice file changes that relate to trading months under proposed regulation 40.6(c)(2) only extends to trading months within currently established cycles of trading months. By way of example, assume that the currently established cycle of trading months for a particular contract is December, March, May, July and September. Under the proposed regulations, the listing of a new trading month, such as November, would not qualify for notice filing under regulation 40.6(c) while an earlier than anticipated listing of a July contract could properly be notice filed. With respect to producers, facilities and service providers, the Commission reviews the relevant enabling standards and criteria to ensure their consistency with cash market practices and to ensure that their terms do not unreasonably restrain trade by inappropriately prohibiting the open participation of certain producers,

[20] The Commission also proposes to amend the definition of emergency to clarify the definition's applicability to all registered entities, including DCOs.

[21] 7 U.S.C. 7a–2(c).

[22] *Id.*

[23] *See* 17 CFR 40.4(b) and 40.5(b).

[24] These proposed amendments are consistent with other Commission regulations that exclude the day on which a notice is given or an event occurs in computing time periods that begin upon the occurrence of that notice or event. *See* 17 CFR 1.3(b) and 10.5.

[25] *See* 17 CFR 40.6(a).

[26] 17 CFR 40.6(c)(2).

[27] Commission regulation 40.4(b)(2) identifies rules that are changes in lists of approved delivery facilities as immaterial. In conformance with the proposed amendments to regulation 40.6(c)(2), the Commission proposes to amend regulation 40.4(b)(2) to also identify rules that are changes to lists of approved delivery service providers as immaterial.

facilities or service providers.[28] The identification of producers' brands and enumerated delivery facilities and service providers at a delivery location does not alter certified or Commission approved qualifying delivery standards or criteria, nor does it change exchange procedures that verify compliance with those standards or criteria. The Commission therefore proposes to be kept apprised of changes in lists of approved producers' brands or markings, changes in lists of delivery location delivery facilities and service providers, and changes in trading months with no open interest that are consistent with previously certified or approved standards through weekly notices of rule changes filed under regulation 40.6(c)(2) as opposed to requiring that such changes be certified with or approved by the Commission prior to implementation.[29]

b. *Implementing Rules without Notification.* Rule changes that may appear in a weekly notification pursuant to regulation 40.6(c)(2)(iv) also include ''[c]hanges to option contract rules relating to the strike price listing procedures, strike price intervals, and the listing of strike prices on a discretionary basis.'' [30] The Commission currently receives substantially the same information under part 16 of the Commission's regulations, which specifies the daily reporting requirements that apply to DCMs.[31] In particular, regulation 16.01(b) stipulates that each reporting market must submit to the Commission on a daily basis various trade data, including trade volume, open interest and price information for all listed option strike prices, including discretionary prices.[32]

In January 2006, DMO staff granted no-action relief to permit DCMs to satisfy the regulation 40.6(c)(2)(iv) notification requirement by complying with the daily reporting requirements of regulation 16.01 of the Commission's regulations.[33] In order to codify the no-action relief granted by DMO and avoid duplicative regulatory requirements, the Commission proposes to amend regulation 40.6(c)(2)(iv) and add paragraph (G) to regulation 40.6(c)(3)(ii) to allow registered entities that are in compliance with regulation 16.01(b) to implement the specified changes relating to option contract strike prices without either prior approval, certification or inclusion in a weekly notification to the Commission.[34]

The Commission is making a similar proposal with respect to registered entity rules denoting changes to contract trading months within currently established cycles of trading months to the categories of rules that may be implemented pursuant to a regulation 40.6(c)(2) notification filing.[35] As with rules that are changes to option contract strike prices, the Commission currently receives adequate notification of the same information under regulation 16.01(a). In order to avoid duplicative regulatory requirements, the Commission proposes to add paragraph (H) to regulation 40.6(c)(3)(ii) to provide that registered entities that are in compliance with regulation 16.01(a) may implement changes to the listing of contract trading months with no open interest, other than the delisting of contract trading months or the relisting of temporarily delisted contract trading months, without prior approval, certification or inclusion in a weekly notification to the Commission.[36]

IV. Related Matters

A. Cost Benefit Analysis

Section 15(a) of the Act requires the Commission to consider the costs and benefits of its actions before issuing new regulations under the Act. Section 15(a) does not require the Commission to quantify the costs and benefits of new regulations or to determine whether the benefits of the proposed regulations outweigh their costs. Rather, section 15(a) requires the Commission to consider the cost and benefits of the subject regulations. Section 15(a) further specifies that the costs and benefits of the proposed regulations shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission may, in its discretion, give greater weight to any one of the five enumerated areas of concern and may, in its discretion, determine that, notwithstanding its costs, a particular regulation is necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The proposed regulations expand the set of persons delegated by the Commission with the authority to issue ECM special calls to include the Director of the Division of Enforcement and that Director's designees. The proposed rules do not expand the basis for issuing ECM special calls; rather, they simply expand the set of persons authorized to issue such special calls. There are no regulatory costs imposed by this extension of delegated special call authority.

The proposed regulations clarify that a DCM or DCO must generally choose either to comply with the rule approval process established in part 40 of the Commission's regulations or, in the alternative, the certification process established in part 40, prior to listing or clearing any product, or implementing any rule, including any product or rule that has become dormant. The proposed regulations also clearly establish that the dormancy of a registered entity will automatically and separately trigger the dormancy of that entity's contracts and rules. These clarifications are consistent with current Commission practice, do not impose any regulatory cost, and serve the public interest by facilitating regulatory certainty for persons subject to the Act and the Commission's regulations thereunder.

The proposed regulations clarify that the definition of emergency allows persons other than members of the governing board of a registered entity to declare an emergency on behalf of the governing board. The proposed regulations expressly recognize that the governing board of an exchange under emergency conditions may not be able to issue an opinion in a timely manner to address an emergency. Accordingly, the Commission's proposed definition of emergency in part 40 clearly permits

[28] *See* 17 CFR part 40, Appendix A (Application for Designation of Physical Delivery Futures Contracts).

[29] Registered entities must be able to cite registered entity rules that establish standards and criteria that are both substantive and clearly identifiable in any such submission made under regulation 40.6(c)(2).

[30] 17 CFR 40.6(c)(iv).

[31] *See* 17 CFR part 16.

[32] 17 CFR 16.01(b).

[33] *See* CFTC Staff Letter 06–01 (January 9, 2006).

[34] In July of 2006, the Commission adopted final rules to permit the trading of futures contracts based on corporate debt securities. 71 FR 39541 (July 13, 2006) (Debt Futures Release). The Commission herein proposes a technical amendment that conforms regulation 40.6(c)(2)(iii) to the adoption of the Debt Futures Release by replacing that regulation's reference to stock indexes with a reference to securities indexes, a general term that includes both equity and debt securities. Proposed regulation 40.6(c)(2)(iii) includes a reference to regulation 40.6(c)(3)(ii)(F) to alert registered entities that certain rule changes relating to securities indexes may be implemented pursuant to notification or without such notice if implemented under regulation 40.6(c)(3).

[35] As discussed in the previous subsection, the Commission is proposing to add such rules to the categories of rules that may be implemented without certification or prior Commission approval if subsequently included in a regulation 40.6(c)(2) weekly notification of rule changes.

[36] In addition, the Commission proposes a technical amendment to the heading of regulation 40.6, and that rule's references to DCMs and DCOs, to clarify the potential applicability of that regulation to all registered entities, including DTEFs.

duly authorized persons to determine whether a particular occurrence or circumstance is an emergency. The proposed regulations facilitate the ability of registered entities to undertake timely action in response to emergency events and thereby better protect market participants and the financial integrity of transactions executed and cleared on registered entities. The proposed regulations also limit the potential costs that may arise from any misuse of authority by requiring registered entities to adopt detailed procedural rules to effectuate the exercise of this delegated authority.

The proposed regulations clearly set forth the duration of the rule approval period for DCM rules that may change a material term or condition of a contract based on the agricultural commodities enumerated in section 1a(4) of the Act by proposing to commence the rule approval period at the conclusion of the 10-day materiality review period under regulation 40.4(b)(9). Commencing the approval period at this point gives the Commission additional time to effectively discharge its separate regulatory responsibilities to review registered entity rule changes for their impact on contracts with open interest and to determine whether such changes are consistent with the Act and the Commission's regulations thereunder. The proposed review period is consistent with current Commission regulatory practice and should not place any additional cost or burden on submitting DCMs.

The proposed regulations address how far in advance of implementation registered entities must submit self-certified contracts and rules to the Commission pursuant to regulations 40.2(a) and 40.6(a) by clarifying that the date specified in those regulations refers to the Commission's business day. The proposed regulations ensure that there is at least one full Commission business day between the submission of a certified product or rule and such product or rule's listing or implementation. The proposed regulations provide regulatory clarity and impose no additional cost or burden.

The proposed regulations lessen the burden placed on registered entities as well as better utilize Commission resources by codifying several additional rule categories that may be implemented without prior certification or Commission approval if noticed to the Commission through other required filings or disclosure requirements or subsequently included in a weekly notification of rule changes to the Commission under regulation 40.6(c)(2). The proposed regulations add lists of approved producers' brands or markings, changes in lists of approved delivery facilities and delivery service providers, certain changes in contract trading months, and certain specified changes to option contract strike prices to the categories of rules may be implemented without prior certification or Commission approval, or as applicable, notification. Registered entity rules that come within these categories typically are limited in scope and are implemented under enabling rules that have already been approved by, or certified with, the Commission. Permitting their implementation without certification or approval, or as applicable, notification, avoids unnecessary or duplicative regulatory requirements and better utilizes the Commission's resources.

B. The Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that agencies consider the impact of their regulations on small businesses. The requirements related to the proposed amendments fall mainly on registered entities. The Commission has previously determined that registered entities are not ''small entities'' for the purposes of the RFA.[37] In addition, these proposed regulations, collectively, tend to relieve regulatory burdens. Accordingly, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the actions proposed to be taken herein will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

When publicizing proposed regulations, the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*) imposes certain requirements on Federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the PRA. The information collection requirements associated with the proposed regulations are administered under Office of Management and Budget control numbers 3038–0022 and 3038–0054. These proposed amendments to parts 36 and 40 of the Commission's regulations would not impose any new or additional recordkeeping or information collection requirement that would require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Accordingly, the PRA is inapplicable. We solicit comment on the accuracy of our estimate that no additional recordkeeping or information collection requirements or changes to existing collection requirements would result from the amendments proposed herein.

[37] *See* 47 FR 18618 (April 30, 1982).

List of Subjects

17 CFR Part 36

Commodity futures.

17 CFR Part 40

Commodity futures, Reporting and recordkeeping requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Act, and, in particular, sections 2, 4, 5, 5a, 5b, 5c, 5d and 8a of the Act, the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 36—EXEMPT MARKETS

1. The authority citation for part 36 continues to read as follows:

Authority: 7 U.S.C. 2, 5, 6, 6c, and 12a, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

2. In § 36.3, revise paragraphs (b)(3)(ii) to read as follows:

§ 36.3 Exempt commercial markets.

* * * * *

(b) * * *

(3) * * *

(ii) The Commission hereby delegates, until the Commission orders otherwise, the authority to make special calls as set forth in section 2(h)(5)(B)(iii) of the Act to the Directors of the Divisions of Market Oversight, the Division of Clearing and Intermediary Oversight, and the Division of Enforcement to be exercised by each such Director or by such other employee or employees as the Director may designate. The Directors may submit to the Commission for its consideration any matter that has been delegated in this paragraph. Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in this paragraph.

* * * * *

PART 40—PROVISIONS COMMON TO CONTRACT MARKETS, DERIVATIVES TRANSACTION EXECUTION FACILITIES AND DERIVATIVES CLEARING ORGANIZATIONS

3. The authority citation for part 40 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 5, 6, 6c, 7, 7a, 7a–1, 7a–2, 8 and 12a, as amended by

appendix E of Pub. L. 106–554, 114 Stat. 2763A–365.

4. In § 40.1, revise paragraph (a) through (g) to read as follows:

§ 40.1 Definitions.

* * * * *

(a) *Business day* means the same-day period of time starting at the business hour of 8:15 a.m. and ending at the *business hour* of 4:45 p.m.; business hour means any hour between 8:15 a.m. and 4:45 p.m., Eastern Standard Time or Eastern Daylight Savings Time, whichever is currently in effect in Washington, DC, on all days except Saturdays, Sundays and federal holidays in Washington, DC.

(b) *Dormant contract or dormant product* means:

(1) Any agreement, contract, transaction, or instrument, or any commodity futures or option contract with respect to all future or option expiries that has no open interest and in which no trading has occurred for a period of twelve complete calendar months following a certification with, or approval by, the Commission; *provided, however*, that no contract or instrument under this paragraph (b)(1) initially and originally certified with, or approved by, the Commission within the preceding 36 complete calendar months shall be considered to be dormant; or

(2) Any commodity futures or option contract or other agreement, contract, transaction or instrument of a dormant registered entity; or

(3) Any commodity futures or option contract or other agreement, contract, transaction or instrument not otherwise dormant that a registered entity self-declares through certification to be dormant.

(c) *Dormant designated contract market* means any designated contract market on which no trading has occurred for a period of twelve complete calendar months; *provided, however*, no designated contract market shall be considered to be dormant if its initial and original Commission order of designation was issued within the preceding 36 complete calendar months.

(d) *Dormant derivatives clearing organization* means any derivatives clearing organization that has not accepted for clearing any agreement, contract or transaction that is required or permitted to be cleared by a derivatives clearing organization under Sections 5b(a) and 5b(b) of the Act, respectively, for a period of twelve complete calendar months; *provided, however*, no derivatives clearing organization shall be considered to be dormant if its initial and original Commission order of registration was issued within the preceding 36 complete calendar months.

(e) *Dormant derivatives transaction execution facility* means any derivatives transaction execution facility on which no trading has occurred for a period of twelve complete calendar months; *provided, however*, no derivatives transaction execution facility shall be considered to be dormant if its initial and original Commission order of designation was issued within the preceding 36 complete calendar months.

(f) *Dormant rule* means:

(1) Any registered entity rule which remains unimplemented for twelve complete calendar months following a certification with, or an approval by, the Commission; or

(2) Any rule or rule amendment of a dormant registered entity.

(g) *Emergency* means any occurrence or circumstance that, in the opinion of the governing board of a registered entity, or a person or persons duly authorized to issue such an opinion on behalf of the governing board of a registered entity under circumstances and pursuant to procedures that are specified by rule, requires immediate action and threatens or may threaten such things as the fair and orderly trading in, or the liquidation of or delivery pursuant to, any agreements, contracts or transactions, including:

(1) Any manipulative or attempted manipulative activity; any actual, attempted, or threatened corner, squeeze, congestion, or undue concentration of positions;

(2) Any circumstances which may materially affect the performance of agreements, contracts or transactions, including failure of the payment system or the bankruptcy or insolvency of any participant; or

(3) Any action taken by any governmental body, or any other registered entity, board of trade, market or facility which may have a direct impact on trading; and any other circumstance which may have a severe, adverse effect upon the functioning of a registered entity.

* * * * *

5. In § 40.2, revise the heading and paragraphs (a) introductory text, (a)(1) and (a)(2) to read as follows:

§ 40.2 Listing and accepting products for trading or clearing by certification.

(a) Unless permitted otherwise by § 37.7 of this chapter, a designated contract market or a registered derivatives transaction execution facility must comply with the submission requirements of this section prior to listing a product for trading that has not been approved under § 40.3 of this chapter or that remains dormant subsequent to being submitted under this section or approved under § 40.3 of this chapter. A registered clearing organization must comply with the submission requirements of this section prior to accepting a product for clearing that is not traded on a registered entity and has not been approved for clearing under § 40.5 of this chapter or that remains dormant subsequent to being submitted under this section or approved under § 40.5 of this chapter. A submission shall comply with the following conditions:

(1) The registered entity has filed its submission electronically with the Secretary of the Commission at *submissions@cftc.gov*, the Division of Market Oversight at *DMOSubmissions@cftc.gov*, and the relevant branch chief at the regional office having local jurisdiction over the registered entity, in a format specified by the Secretary of the Commission;

(2) The Commission has received the submission at its headquarters by the open of business on the business day preceding the product's listing or acceptance for clearing; and

* * * * *

6. In § 40.3, revise paragraph (a) introductory text to read as follows:

§ 40.3 Voluntary submission of new products for Commission review and approval.

(a) *Request for approval.* Pursuant to Section 5c(c) of the Act and §§ 37.7 and 38.4 of this chapter, a designated contract market or registered derivatives transaction execution facility may request that the Commission approve a new or dormant product prior to listing the product for trading, or if initially submitted under § 40.2 of this chapter, subsequent to listing the product for trading. A submission requesting approval shall:

* * * * *

7. In § 40.4, revise paragraph (a) and (b)(2) to read as follows:

§ 40.4 Amendments to terms or conditions of enumerated agricultural contracts.

(a) Notwithstanding the provisions of this part, a designated contract market must submit for Commission approval under the procedures of § 40.5, prior to its implementation, any rule or dormant rule that, for a delivery month having open interest, would materially change a term or condition, as defined in § 40.1(i), of a contract for future delivery in an agricultural commodity enumerated in Section 1a(4) of the Act, or of an option on such a contract or commodity.

* * * * *

(b) * * *

(2) For each delivery location, changes in lists of approved delivery facilities and delivery service providers, including weighmasters and inspectors, pursuant to previously set standards or criteria;

8. In § 40.5, revise paragraphs (a) introductory text and (c) introductory text to read as follows:

§ 40.5 Voluntary submission of rules for Commission review and approval.

(a) *Request for approval of rules.* Pursuant to Section 5c(c) of the Act and §§ 37.7, 38.4 and 39.4 of this chapter, a registered entity may request that the Commission approve a new or dormant rule prior to implementation, or if initially submitted under §§ 40.2 or 40.6 of this chapter, subsequent to implementation. A submission requesting approval shall:

* * * * *

(c) *Commencement and extension of time for review.* The Commission shall commence the review period in paragraph (b) of this section ten business days after receipt of a compliant submission under § 40.4(b)(9) and further may extend the review period in paragraph (b) of this section for:

* * * * *

9. Amend § 40.6 as follows:

A. Remove the term ''designated contract market or registered derivatives clearing organization'' and add in its place the term ''registered entity'' in paragraphs (a)(2), (c)(1), and (c)(3)(i);

B. Remove the term ''designated contract market or a registered derivatives clearing organization'' and add in its place the term ''registered entity'' in paragraph (c) introductory text;

C. Remove the term ''designated contract markets and registered derivatives clearing organizations'' and add in its place the term ''registered entities'' in paragraph (c)(3) introductory text;

D. Remove the term ''contract market or a derivatives clearing organization's'' and add in its place the term ''registered entity's'' in paragraph (c)(3)(ii)(B); and

E. In addition, revise the heading and paragraphs (a), (c)(2)(iii), and (c)(2)(iv), and add paragraphs (c)(2)(vii) through (c)(2)(ix), (c)(3)(ii)(G) and (c)(3)(ii)(H) to read as follows:

§ 40.6 Self-certification of rules.

(a) *Required certification.* Unless permitted otherwise by § 37.7 of this chapter, a registered entity must comply with the following conditions prior to the implementation of any rule that has not obtained Commission approval under § 40.5 of this chapter or that remains dormant subsequent to being submitted under this section or approved under § 40.5 of this chapter:

(1) * * *

(2) The registered entity has filed its submission electronically with the Secretary of the Commission at *submissions@cftc.gov,* the Division of Market Oversight at *DMOSubmissions@cftc.gov,* and the relevant branch chief at the regional office having local jurisdiction over the registered entity, in a format specified by the Secretary of the Commission, and the Commission has received the submission at its headquarters by the open of business on the business day preceding implementation of the rule; *provided, however,* rules or rule amendments implemented under procedures of the governing board to respond to an emergency as defined in § 40.1, shall, if practicable, be filed with the Commission prior to the implementation or, if not practicable, be filed with the Commission at the earliest possible time after implementation, but in no event more than twenty-four hours after implementation; and

* * * * *

(c) * * *

(2) * * *

(iii) *Index products.* Routine changes in the composition, computation, or method of selection of component entities of an index (other than routine changes to securities indexes to the extent that such changes are not described in paragraph (c)(3)(ii)(F) of this section) referenced and defined in the product's terms, that do not affect the pricing basis of the index, which are made by an independent third party whose business relates to the collection or dissemination of price information and which was not formed solely for the purpose of compiling an index for use in connection with a futures or option product;

(iv) *Option contract terms.* Changes to option contract rules, which may qualify for implementation without notice pursuant to section (c)(3)(ii)(G) of this section, relating to the strike price listing procedures, strike price intervals, and the listing of strike prices on a discretionary basis;

(v) * * *

(vii) *Approved brands.* Changes in lists of approved brands or markings pursuant to previously certified or Commission approved standards or criteria;

(viii) *Delivery facilities and delivery service providers.* Changes in lists of approved delivery facilities and delivery service providers, including weighmasters, assayers, and inspectors, pursuant to previously certified or Commission approved standards or criteria; or

(ix) *Trading Months.* Changes to the listing of trading months, which may qualify for implementation without notice pursuant to section (c)(3)(ii)(H), within the currently established cycle of trading months which do not have open interest.

(3) * * *

(ii) * * *

(G) *Option contract terms.* For registered entities that are in compliance with the daily reporting requirements of § 16.01(b) of this chapter, changes to option contract rules relating to the strike price listing procedures, strike price intervals, and the listing of strike prices on a discretionary basis.

(H) *Trading Months.* For registered entities that are in compliance with the daily reporting requirements of § 16.01(a) of this chapter, changes to the listing of trading months which are within the currently established cycle of trading months and which do not have open interest.

* * * * *

Issued in Washington, DC, on August 1, 2007 by the Commission.

Eileen A. Donovan,

Acting Secretary of the Commission.

[FR Doc. E7–15370 Filed 8–10–07; 8:45 am]

BILLING CODE 6351–01–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 411

[Docket No. SSA–2006–0084]

RIN 0960–AG44

Improvements to the Ticket to Work and Self-Sufficiency Program

AGENCY: Social Security Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: We are proposing to revise our regulations for the Ticket to Work and Self-Sufficiency Program (Ticket to Work program), authorized by the Ticket to Work and Work Incentives Improvement Act of 1999. The Ticket to Work program provides beneficiaries with disabilities expanded options for access to employment, vocational rehabilitation, and other support services. The program is an important part of the comprehensive SSA work opportunity initiative which is focused on helping beneficiaries with disabilities who want to work to do so. We are proposing revisions to our

current Ticket to Work program rules to simplify and improve the definition of ''using a ticket'' and our related requirements for measuring ''timely progress toward self-supporting employment.''

DATES: To be sure your comments are considered, we must receive them by October 12, 2007.

ADDRESSES: You may give us your comments by: using the Federal eRulemaking Portal: *http://www.regulations.gov*; e-mail to *regulations@ssa.gov*; FAX to (410) 966–2830; or letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, MD 21235–7703. You may also deliver them to the Office of Regulations, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, between 8 a.m. and 4:30 p.m. on regular business days. You may also inspect the comments on regular business days by making arrangements with the contact person shown in the preamble.

FOR FURTHER INFORMATION CONTACT: Dan O'Brien, Office of Employment Support Programs, Social Security Administration, 107 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401, e-mail to *regulations@ssa.gov*, or telephone (410) 597–1632 or TTY (410) 966–5609 for information about these rules. For information on eligibility or filing for benefits, call our national toll-free number 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, *http://www.socialsecurity.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at *http://www.gpoaccess.gov/fr/index.html*.

Background

The Ticket to Work and Work Incentives Improvement Act of 1999

Public Law 106–170 was enacted on December 17, 1999. This law added section 1148 of the Social Security Act (Act), which directs the Commissioner of Social Security to establish the Ticket to Work program. Congress provided for the establishment of the Ticket to Work program to provide beneficiaries with a ''real choice in obtaining the services and technology they need to find, enter, and maintain employment'' in order to ''greatly improve their short and long-term financial independence and personal well-being'' (section 2(a)(10) of Pub. L. No. 106–170, 113 Stat. 1860, 1863). These proposed revisions to our regulations are based on our experience implementing the existing rules and comments made in response to our request for comment in the Notice of Proposed Rulemaking (NPRM) that we published on September 30, 2005 (70 FR 57222, 57227). In that NPRM, we asked for comment on, among other things, whether and how we should simplify the definition of ''using a ticket'' and on how we might revise the timely progress requirements set forth in our current rules.

As part of the Ticket to Work program, the Commissioner of Social Security (the Commissioner) issues a ''ticket'' to eligible Social Security disability beneficiaries and to eligible disabled or blind Supplemental Security Income (SSI) beneficiaries for participation in the program. In this voluntary program, each beneficiary receiving a ticket has the option of using that ticket to obtain services from a provider known as an employment network (EN) or from a State vocational rehabilitation (VR) agency. ENs may also choose to whom they provide services. If the beneficiary and an EN or State VR agency agree to work together, the beneficiary and the EN or State VR agency will develop either an individual work plan (IWP) or an individualized plan for employment (IPE) which outlines any employment services, vocational rehabilitation services, and other support services necessary to assist the beneficiary to obtain and ultimately maintain self-supporting employment. The EN or State VR agency will provide, without charge to the beneficiary, the services outlined in the IWP or IPE. If the beneficiary achieves certain work outcomes, we will pay the EN or State VR agency for those outcomes based on an established payment schedule.

Issues Addressed in These Proposed Rules

These proposed changes to our rules on ''using a ticket'' and the related timely progress requirements are integral to the operation of the Ticket to Work program and are essential to the overall changes we proposed for the program in the September 30, 2005 NPRM. We anticipate issuing one comprehensive final regulation covering the matters addressed in the 2005 NPRM and in this NPRM. In this NPRM, we are proposing changes to our rules for the Ticket to Work program in areas that were not addressed in the September 2005 NPRM. We describe the main changes we are proposing below:

- So that the program will be more accessible to beneficiaries who require additional training to return to work, we propose to add requirements for educational or technical training to supplement the work requirements under the timely progress guidelines for beneficiaries;
- We propose to revise the work requirements under the timely progress guidelines and the documentation and other requirements for progress reviews to simplify and streamline the process for determining whether a beneficiary is making timely progress toward self-supporting employment;
- We propose to eliminate the current ''initial 24-month period'' after ticket assignment during which a beneficiary is considered to be making timely progress if actively participating in his or her employment plan;
- We propose to replace this 24-month period with two successive 12-month progress certification periods during each of which the beneficiary must complete either a work requirement of an educational or technical training requirement in order to be considered to be making timely progress until the next scheduled progress review; and
- We propose to recognize one-stop delivery systems established under the program of the U.S. Department of Labor under subtitle B of title I of the Workforce Investment Act of 1998 as qualified ENs.

''Using a Ticket'' and Related Timely Progress Rules

Section 1148(i) of the Social Security Act (42 U.S.C. 1320b–19(i)) provides that ''[d]uring any period for which an individual is using * * * a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review * * *.'' Section 1148(i) also directs the Commissioner to define the term ''using a ticket'' for this purpose. Our current rules (§ 411.170) provide that ''[t]he period of using a ticket begins on the effective date of the assignment of your ticket to an EN or State VR agency under § 411.140.'' They provide in § 411.171 that the period of using a ticket will end with the ''day before the effective date of a decision * * * that you are no longer making timely progress toward self-supporting employment.'' The period of using a ticket may end earlier, if certain other events occur. The current rules further provide in § 411.180(a) that ''[w]e consider you to be making timely progress toward self-supporting employment when you show an increasing ability to work at levels

which will reduce or eliminate your dependence on these [disability or blindness] benefits.''

Section 411.180(c) of our current rules explains the guidelines we use to determine whether timely progress toward self-supporting employment is being made. Among other things, these guidelines include a goal of three months of work during the 12-month period that begins after the 24th month following the assignment of a ticket to an EN or State VR agency, as described in § 411.140. For subsequent 12-month periods, the current rules require work (as defined in § 411.185) for at least six of the 12 months.

We sought to balance two important objectives in establishing the current rules on using a ticket and related timely progress guidelines. First, we sought to define ''using a ticket'' in a way that should reduce a barrier to beneficiary participation in the program that arises from fear that a return to work would cause benefits to be terminated in a continuing disability review. Second, we sought to maintain the integrity of the disability programs by providing that beneficiaries who have medically improved do not continue to receive disability benefits for an undue length of time. Properly balancing these objectives remains our goal.

During the comment period we provided in the September 30, 2005 NPRM, we received numerous comments that educational programs should be equated with work for the purposes of determining timely progress under the Ticket to Work program. We agree with commenters who suggested that disruption of the pursuit of an education program, as our current requirements have the potential to do, is a counterproductive policy. Therefore, in this NPRM, we propose adding an educational and technical training requirement to supplement the work requirement, so that the program will be more accessible to beneficiaries who require additional training to return to work.

We are also proposing to eliminate the current ''initial 24-month period'' during which a beneficiary is considered to be making timely progress toward self-supporting employment if actively participating in his or her employment plan. We propose to eliminate this provision which requires only active participation in the plan for the beneficiary to be considered ''using a ticket,'' and therefore protected from initiation of a medical continuing disability review (CDR), during the first two years of participation in the program. We also propose to eliminate the current 24-month progress review, which a beneficiary must successfully complete in order to continue to be considered making timely progress and receive CDR protection during the third year of participation. For CDR protection to continue, the program manager must determine in this review that the beneficiary is actively participating in the employment plan; that the plan has a work goal meeting the work requirement for the third year of participation; and that, given the beneficiary's current progress in the plan, he or she can reasonably be expected to reach this goal by the end of the third year of participation. We are also proposing to eliminate the second step of the current 12-month progress reviews, which requires an expectation by both the beneficiary and the EN or State VR agency that the beneficiary will work at the level required during the next 12-month progress review period.

We are proposing to replace the ''initial 24-month period'' with two successive 12-month progress certification periods during each of which the beneficiary must complete either a work requirement or an educational or technical training requirement in order to be considered to be making timely progress until the next scheduled progress review. Thus, while our current rules require a specified level of work beginning with the third year of participation, these proposed rules would require a specified level of work activity (or coursework in an educational or technical training program) beginning with the first year of participation in the Ticket to Work program.

The table below summarizes the basic changes we are proposing to make to the definition of ''using a ticket'' and ''timely progress'' for purposes of maintaining CDR protection. In the table below, we use the term ''SSDI'' to refer to all categories of Social Security disability benefits under title II, and the term ''SSI'' to refer to Supplemental Security Income payments under title XVI based on disability or blindness.

Existing regulations	Proposed changes
1. Ticket first assigned to an EN or State VR agency. 2A. Timely progress defined for current period: • First 2 years: active participation in plan. 2B. Timely progress defined for purposes of maintaining CDR protection until next scheduled review. • At the end of 2 years: successful completion of 24-month progress review. • 3rd year: 3 months substantial gainful activity (SGA).[1] • 4th year: 6 months SGA.[1] • 5th year and beyond: 6 months of work at level precluding payment of SSDI and Federal SSI benefits.[1]	1. Ticket first assigned to an EN or State VR agency acting as an EN, or otherwise in use with State VR agency choosing cost reimbursement. 2. Timely progress defined for purposes of maintaining CDR protection until next scheduled review. • 1st year: 3 months of work at trial work level (TWL) or 24 post-secondary credit hours or 50% vocational training program. • 2nd year: 6 months of work at TWL or 50 post-secondary credit hours or 100% vocational training program. • 3rd year: 9 months SGA or 70 post-secondary credit hours. • 4th year: 9 months SGA or 100 post-secondary credit hours. • 5th year: 6 months of work at level precluding payment of SSDI and Federal SSI benefits or earned a 4 year degree. • 6th year and beyond: 6 months of work at level precluding payment of SSDI and Federal SSI benefits.

[1] Also both beneficiary and EN or State VR agency must expect beneficiary will meet work requirement for next 12-month progress review period.

In addition, these proposed rules address concerns expressed by ENs and State VR agencies that the current rules are unnecessarily burdensome. Comments received from some State VR agencies noted that the request for information received from the program manager (PM) in connection with a 12-month progress review under the timely progress guidelines required the State VR agency to submit evidence of a beneficiary's earnings. The commenters expressed the view that this represented a huge and largely unnecessary administrative burden for State VR agencies. Based on the comments from the State VR agencies and ENs, we propose to change the timely progress requirements to simplify reporting of information for the progress reviews. These proposed rules would generally

define ''timely progress'' based on the achievement of milestones and outcomes under the EN payment systems proposed in the September 30, 2005 NPRM. The comments we received on the proposed expansion of the milestones were generally positive. We did not receive any negative comments that would cause us to change the proposed number of milestones or the periods and levels of work required for the milestones when developing final rules. The level of work and earnings required for outcome payments is mandated by the statute.

In that NPRM, we proposed a two-phased milestone system. Phase 1 milestones would be based on the beneficiary working specified periods of time at the trial work period level. For example, the second Phase 1 milestone would be achieved when a beneficiary works three months and has earnings in each of those months at the level for a trial work service month. This is the same standard which we propose for the work requirement during the first 12-month progress certification period in these proposed rules. We also propose to use the trial work earnings level for the six months of work which would be required during the second 12-month progress certification period.

A Phase 2 milestone would be achieved when a beneficiary works in a month and has gross earnings above the SGA threshold amount. We are proposing to use this same level of monthly earnings for the proposed nine months of work which would be required during the third and fourth 12-month progress certification periods. The level of earnings for the six months of work which would be required during the fifth and subsequent 12-month progress certification periods would be based on the earnings criteria for an outcome payment month under the EN payment systems. An outcome payment month occurs when a beneficiary's work or earnings are sufficient to preclude payment of Social Security disability benefits and Federal SSI cash benefits.

These proposed changes to the work requirements under the timely progress guidelines would allow us to determine administratively, without unnecessarily burdening the beneficiary or EN or State VR agency with requests for information, whether a beneficiary is making timely progress based on information in our EN/State VR agency payment records or our records of the beneficiary's earnings.

These proposed rules incorporate certain aspects of the proposed rules in the September 2005 NPRM, which would provide that a beneficiary who has a ticket otherwise available for assignment and who is receiving services under an IPE from a State VR agency which has chosen to be paid under the cost reimbursement payment system will be considered to be ''using a ticket,'' provided that the beneficiary is making timely progress toward self-supporting employment. The September 2005 NPRM also proposed that: (1) The ticket of a beneficiary in this situation would not be assigned to the State VR agency; (2) the beneficiary may assign his or her ticket after State VR services end; and (3) the period of using a ticket for such a beneficiary would end 90 days after State VR services end.

In these proposed rules, we are proposing to change the duration of the ''extension period'' described in §§ 411.166 and 411.220 from three months to 90 days. We are proposing this change to conform to the proposed 90-day period included in the September 2005 NPRM during which the ticket of a beneficiary in the situation described above may be considered ''in use'' after State VR services end.

In proposed § 411.226, we explain how we will apply the new timely progress provisions to a beneficiary who assigned his or her ticket prior to the effective date of the new rules. Beneficiaries already using a ticket assigned to a State VR agency that chose to be paid under the cost reimbursement payment system, may continue using a ticket under the new rules in subpart C. The new rules include provisions for transitioning to the revised timely progress guidelines.

However, the beneficiary's ticket will no longer be considered assigned to that State VR agency beginning on the effective date of the final regulations. We also explain that the beneficiary may assign his or her ticket after the State VR agency has closed his or her case.

Participation of One-Stop Delivery Systems as Employment Networks

Section 1148(f)(1)(B) of the Social Security Act (42 U.S.C. 1320b–19(f)(1)(B)) provides that an employment network serving under the Ticket to Work program ''may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998.'' Our regulation at 20 CFR 411.305(c) states the same proposition. We are proposing to amend subpart E, §§ 411.310 and 411.315, to further state that one-stop delivery systems under subtitle B of title I of the Workforce Investment Act of 1998 may participate in the Ticket to Work program as ENs without responding to our request for proposal (RFP). In light of the nature of the one-stop systems and the statutory reference to them, we are simplifying the approval process for one-stop systems. We have consulted with the Department of Labor, the Federal agency responsible for oversight of the program for the one-stop delivery systems, regarding the entities that comprise one-stop systems and, based on those consultations, we have determined they meet our EN requirements. A one-stop delivery system still must enter into an agreement with us to serve as an EN under the Ticket to Work program and must maintain compliance with the rules that apply to ENs. We will seek to work with the appropriate entities that can enter into EN agreements with us. We believe this change, which would eliminate the RFP process for one-stop systems, will provide our beneficiaries with more choices because it would greatly expand the number of ENs for ticket holders living in all areas of the United States, particularly in counties where no ENs are currently qualified.

Issues Addressed in September 2005 Proposed Rules and Why This Second NPRM Is Necessary

On September 30, 2005, we published an NPRM (70 FR 57222) proposing some important changes to the existing Ticket to Work program rules. In that NPRM, we proposed changes to the EN payment systems to provide greater incentives for EN participation; to eliminate the requirement for assignment of a beneficiary's ticket to a State VR agency which chooses the cost reimbursement payment system; and to include a rule providing that the ticket of such a beneficiary would be assignable after State VR services end. We also proposed in that NPRM that, for a beneficiary who has a ticket which would otherwise be available for assignment and who is receiving services under an IPE from a State VR agency which has chosen the cost reimbursement payment system, the beneficiary will be considered to be ''using a ticket'' until 90 days after VR services end, provided the beneficiary is making timely progress toward self-supporting employment.

In the September 2005 NPRM, we invited comments from the public on four additional matters. Two of these matters addressed specific changes in our rules proposed in the NPRM. One matter addressed in the NPRM concerned evidence requirements for EN payment; the other matter addressed payment of Phase 1 milestones after State VR services have been completed. We received public comments on both of these subjects, and will address these

comments in our final Ticket to Work program rules.

The other two matters outlined in the September 2005 NPRM for which we invited public comments did not involve specific proposed changes to our current rules. (70 FR at 57227.) Rather, we requested comments on questions which we presented concerning whether and how we should proceed to develop specific proposed changes. The first of these questions is whether a beneficiary should be eligible for more than one ticket in a single period of entitlement to title II or title XVI benefits. Our current rules provide for only one ticket for each period of entitlement. A number of comments that we received in response to this request pointed out that, in order to sustain gainful employment, many beneficiaries require ongoing support services beyond the period of time over which Milestone or Outcome payments are made. For example, beneficiaries with physical disabilities may require specialized transportation services over an indefinite period to get to and from the worksite, and, thus, may require a longer period of employment support in order to sustain employment. We recognize the concern expressed by the commenters that beneficiaries in some cases may need ongoing supports to sustain employment beyond the period of time over which Milestone or Outcome payments are made. However, we have decided not to propose any changes to our rules in this area at this time.

The second question on which we invited comment was whether and how we should simplify the definition of ''using a ticket'' under the Ticket to Work program and how we might best revise the timely progress requirements consistent with the intent of the legislation. It is primarily this question which we are addressing in this NPRM. As described earlier, this NPRM sets forth proposed changes in our rules to simplify the definition of ''using a ticket'' and to improve the related timely progress requirements. We believe that these proposed changes will provide greater opportunities for beneficiaries to participate in the Ticket to Work program and enhance their potential for a successful outcome.

Since these proposed changes are integral to the overall operation of the Ticket to Work program, we believe that it would be unwise to make final changes in the areas addressed by the September 30, 2005 NPRM before we make final changes in areas addressed by this NPRM. Issuing two separate final rules might both confuse our beneficiaries and impose a significant administrative burden on ENs and State VR agencies, which would be required to make two sets of operational changes based on two separate final rules. Accordingly, we intend to issue one comprehensive final rule on the Ticket to Work program in response to both the September 2005 NPRM and this NPRM.

Regulatory Procedures

Clarity of These Proposed Rules

Executive Order 12866, as amended, requires each agency to write all rules in plain language. In addition to your substantive comments on these proposed rules, we invite your comments on how to make these proposed rules easier to understand. For example:

- Have we organized the material to suit your needs?
- Are the requirements in the rules clearly stated?
- Do the rules contain technical language or jargon that is not clear?
- Would a different format (grouping and order of sections, use of headings, paragraphing) make the rules easier to understand?
- Would more (but shorter) sections be better?
- Could we improve clarity by adding tables, lists, or diagrams?
- What else could we do to make the rules easier to understand?

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these proposed rules are subject to OMB review because they meet the criteria for a significant regulatory action under Executive Order 12866, as amended. The Office of the Chief Actuary estimates that these proposed rules, if finalized in conjunction with the other provisions of expected final rules for the Ticket to Work program resulting from the NPRM published September 30, 2005 (70 FR 57222), would reduce the total cost of the combined final rules. Specifically, that Office estimates that the projected increased program outlays which would result from the adoption of the rules proposed in the September 2005 NPRM, which are described in that NPRM in the section ''Executive Order 12866'' (70 FR at 57228), would be reduced by the following amounts ($ in millions) if the rules we are now proposing and the September 2005 proposed rules were adopted in a combined final rule.

The main reason for this reduction in cost relative to the September 2005 proposed rules is that the current proposed rule would make changes to the timely progress specifications that are used to determine whether a ticket is in use and thus subject to certain protections against the possibility of benefit termination through a medical continuing disability review (CDR). The net effect of these changes is to shorten the duration of the CDR protection by about 24 months on average.

Fiscal year	SSDI	SSI	Total
2008	.....	$<1	$<1
2009	.....	−1	−1
2010	−8	$<1	−8
2011	−27	−1	−27
2012	−50	−3	−53
2013	−59	−4	−63
2014	−65	−3	−68
2015	−69	−3	−72
2016	−72	−3	−75
2017	−73	−8	−82
Totals:			
2008–12	−85	−5	−90
2008–17	−423	−26	−449

(Totals may not equal the sum of components due to rounding.)

Regulatory Flexibility Act

We certify that these proposed rules would not have a significant economic impact on a substantial number of small entities because they would primarily affect only individuals and those entities that voluntarily enter into a contractual agreement with us. Accordingly, a regulatory flexibility analysis as provided in the Regulatory Flexibility Act, as amended, is not required.

Federalism

We have reviewed these proposed rules under the threshold criteria of Executive Order 13132, ''Federalism,'' and determined that they do not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. These proposed rules will complement and enhance the existing State vocational rehabilitation program.

Paperwork Reduction Act

We are proposing to amend our regulations for the Ticket to Work and Self-Sufficiency Program, authorized under section 1148 of the Social Security Act. The Ticket to Work program provides beneficiaries with disabilities expanded options for access to employment, vocational rehabilitation, and other support services. We are proposing changes to our current Ticket to Work program rules to simplify and improve the definition of ''using a ticket'' and our related requirements for measuring

''timely progress toward self-supporting employment.'' As outlined in the table below, proposed §§ 411.192(b) and (c) and 411.210(b) require beneficiaries to submit a written request to the Program Manager (PM) to place a ticket in inactive status, reactivate a ticket, or be reinstated to in-use status. In addition, proposed § 411.200(b) requires beneficiaries, ENs and State VR agencies, when requested by the PM, to submit information the PM requires to determine if the beneficiary has met the timely progress guidelines. The requirement for beneficiaries to make a written request to change the status of their ticket, and the requirement for beneficiaries, ENs and State VR agencies to submit information requested by the PM, are public paperwork reporting burdens that require OMB clearance under the Paperwork Reduction Act of 1995. Respondents to these collections are Social Security disability beneficiaries, disabled or blind supplemental security income beneficiaries, and ENs and State VR agencies working with these beneficiaries. These burdens are a result of the agency's consideration of public comments received from the September 30, 2005, Ticket to Work and Self-Sufficiency Program NPRM.

Title/section & collection description	Annual number of respondents	Frequency of response	Average burden per response (minutes)	Estimated annual burden (hours)
Ticket to Work program § 411.192(b) and (c) What choices do I have if I am temporarily unable to make timely progress toward self-supporting employment?	1,000	One time	30	500
Ticket to Work program § 411.200(b) How will the PM conduct my progress reviews?	27,000	One time	15	6,750
Ticket to Work program § 411.210(b) What happens if I do not make timely progress toward self-supporting employment?	3,145	One time	30	1,573
Total	31,145	.....	.....	8,823

An Information Collection Request has been submitted to OMB for clearance. We are soliciting comments on the burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize the burden on respondents, including the use of automated collection techniques or other forms of information technology. Comments should be sent to OMB by fax or by e-mail to: Office of Management and Budget, Attn: Desk Officer for SSA, *Fax Number:* 202–395–6974, *E-mail address: OIRA_Submission@omb.eop.gov.*

Comments on the paperwork burdens associated with this rule will be accepted for up to 60 days after publication of this notice and will be most useful if received within 30 days of publication. Our suggestion of early comments does not affect the deadline for the public to submit comments to SSA on the proposed regulations.

These information collection requirements will not become effective until approved by OMB. When OMB has approved these information collection requirements, SSA will publish a notice in the **Federal Register**. To receive a copy of the OMB clearance package, you may call the SSA Reports Clearance Officer on 410–965–0454.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security—Survivors Insurance; and 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 411

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability insurance, Reporting and recordkeeping requirements, Social Security, Supplemental security income, Public assistance programs, Vocational rehabilitation.

Dated: August 3, 2007.

Michael J. Astrue,

Commissioner of Social Security.

For the reasons set out in the preamble, we are proposing to amend subparts C and E of part 411 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

PART 411—THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

1. Revise the authority citation for part 411 to read as follows:

Authority: Secs. 702(a)(5) and 1148 of the Social Security Act (42 U.S.C. 902(a)(5) and 1320b–19); sec. 101(b)–(e), Pub. L. 106–170, 113 Stat. 1860, 1873 (42 U.S.C. 1320b–19 note).

Subpart C—[Amended]

2. Revise § 411.166 to read as follows:

§ 411.166 Glossary of terms used in this subpart.

(a) *Using a ticket* means you have assigned a ticket to an Employment Network (EN) or a State VR agency that has elected to serve you as an EN, and you are making timely progress toward self-supporting employment as defined in § 411.180; or you have a ticket that would otherwise be available for assignment and are receiving VR services pursuant to an individualized plan for employment (IPE) and the State VR agency has chosen to be paid for these services under the cost reimbursement payment system, and you are making timely progress toward self-supporting employment as defined in § 411.180. (See § 411.171 for when the period of using a ticket ends.)

(b) Timely progress toward self-supporting employment means you have completed the specified goals of work and earnings, completed post-secondary education credits at an educational institution (see § 411.167) in pursuit of a degree or certificate, or completed course requirements for a vocational or technical training program at an educational institution consisting of a technical, trade or vocational school (see § 411.167), in the applicable progress certification period as described in § 411.180.

(c) Timely progress guidelines mean the guidelines we use to determine if you are making timely progress toward self-supporting employment (see § 411.180).

(d) Progress certification period means any 12-month progress certification period described in § 411.180(b).

(e) Progress review means the reviews the PM conducts to determine if you are meeting the timely progress guidelines described in § 411.180. We explain the method for conducting progress reviews in § 411.200.

(f) Extension period is a period of up to 90 days during which you may reassign a ticket without being subject to

continuing disability reviews. You may be eligible for an extension period if the ticket is in use and no longer assigned to an EN or State VR agency acting as an EN (see § 411.220).

(g) Inactive status is a status in which you may place your ticket if you are temporarily unable to make timely progress toward self-supporting employment during a progress certification period. See § 411.192 for the rules on placing your ticket in inactive status and on reactivating your ticket.

3. Add § 411.167 to read as follows:

§ 411.167 What is an educational institution or a technical, trade or vocational school?

(a) Educational institution means a school (including a technical, trade, or vocational school), junior college, college or university that is: operated or directly supported by the United States; operated or directly supported by any State or local government or by a political subdivision of any State or local government; or approved by a State agency or subdivision of the State, or accredited by a State-recognized or nationally recognized accrediting body.

(b) Technical, trade or vocational school is an educational institution that is approved by a State agency or subdivision of the State or accredited by a State-recognized or nationally recognized accrediting body to provide technical, trade or vocational training.

(c) State-recognized accrediting body means an entity designated or recognized by a State as the proper authority for accrediting schools, colleges or universities.

(d) Nationally recognized accrediting body means an entity determined to be such by the U.S. Department of Education.

(e) Approval by a State agency or subdivision of the State includes approval of a school, college or university as an educational institution, or approval of one or more of the courses offered by a school, college or university.

4. Revise paragraph (b) of § 411.171 to read as follows:

§ 411.171 When does the period of using a ticket end?

* * * * *

(b) The day before the effective date of a decision under § 411.200 or § 411.205 that you are no longer making timely progress toward self-supporting employment;

* * * * *

5. Revise § 411.180 to read as follows:

§ 411.180 What is timely progress toward self-supporting employment?

(a) *General.* We consider you to be making timely progress toward self-supporting employment when you show progress toward the ability to work at levels which will reduce your dependence on Social Security disability benefits or SSI benefits. We will also consider you to be making timely progress if you show progress toward obtaining an educational degree or certificate, or vocational or technical training that will enhance your ability to return to work.

(b) *12-month progress certification periods.* The first 12-month progress certification period begins with the month following the month in which you first assigned your ticket, or the month after you have a ticket that would otherwise be available for assignment and are receiving VR services under an IPE from a State VR agency which has chosen to be paid under the cost reimbursement payment system. Any subsequent 12-month progress certification period will begin with the month following the end of the previous 12-month progress certification period. In computing any 12-month progress certification period, we do not count any month during which—

(1)(i) Your ticket is not assigned; and

(ii) You have a ticket available for assignment and are not receiving services under an IPE from a State VR agency which chose the cost reimbursement payment system; or

(2) Your ticket is in inactive status (see § 411.192).

(c) We will determine if you are making timely progress toward self-supporting employment by using the following guidelines:

(1) During the first 12-month progress certification period, you must be making timely progress as follows:

(i) You must have worked in at least three months within this 12-month period and have earnings in each of those three months that are equal to or greater than the amount representing a trial work service month (see § 404.1592(b) of this chapter); or

(ii) You must have been enrolled in a four-year degree or certification program at an educational institution and have completed at least 24 post-secondary credit hours, or the equivalent of one academic year of full-time study, in the program by the end of this 12-month period; or

(iii) You must have been enrolled in a vocational or technical training program at an educational institution consisting of a technical, trade or vocational school and have completed at least 50 percent of the course requirements of the program by the end of this 12-month period.

(2) During the second 12-month progress certification period, at the conclusion of 24 months of ticket use, you must be making timely progress as follows:

(i) You must have worked in at least six months within this 12-month period and have earnings in each of those six months that are equal to or greater than the amount representing a trial work service month (see § 404.1592(b) of this chapter); or

(ii) You must have been enrolled in a four-year degree or certification program at an educational institution and completed a cumulative total of 50 post-secondary credit hours, or the equivalent of two academic years of full-time study, in the program by the end of this 12-month period; or

(iii) You must have been enrolled in a vocational or technical training program at an educational institution consisting of a technical, trade or vocational school and have completed the course requirements of the program by the end of this 12-month period.

(3) During the third 12-month progress certification period, at the conclusion of 36 months of ticket use, you must be making timely progress as follows:

(i) You must have worked in at least nine months within this 12-month period and have gross earnings from employment (or net earnings from self-employment as defined in § 404.1080 of this chapter) in each of those nine months that are more than the SGA threshold amount specified in § 404.1574(b)(2) of this chapter; or

(ii) You must have been enrolled in a four-year degree or certification program at an educational institution and completed a cumulative total of 70 post-secondary credit hours, or the equivalent of three academic years of full-time study, in the program by the end of this 12-month period.

(4) During the fourth 12-month progress certification period, at the conclusion of 48 months of ticket use, you must be making timely progress as follows:

(i) You must have worked in at least nine months within this 12-month period and have gross earnings from employment (or net earnings from self-employment as defined in § 404.1080 of this chapter) in each of those nine months that are more than the SGA threshold amount specified in § 404.1574(b)(2) of this chapter; or

(ii) You must have been enrolled in a four-year degree or certification program at an educational institution and completed a cumulative total of 100

post-secondary credit hours, or the equivalent of four academic years of full-time study, in the program by the end of this 12-month period.

(5) During the fifth 12-month progress certification period, at the conclusion of 60 months of ticket use, you must be making timely progress as follows:

(i) You must have worked in at least six months within this 12-month period and have earnings in each of those six months that preclude payment of Social Security disability benefits and Federal SSI cash benefits; or

(ii) You must have completed the course work and earned a degree or certificate from a four-year degree or certification program at an educational institution by the end of this 12-month period.

(6) During all subsequent 12-month progress certification periods, you must have worked in at least six months within the 12-month period and have earnings in each of those six months that preclude payment of Social Security disability benefits and Federal SSI cash benefits.

§ 411.185 [Removed]

6. Remove § 411.185.

§ 411.190 [Removed]

7. Remove § 411.190.

8. Add § 411.192 to read as follows:

§ 411.192 What choices do I have if I am temporarily unable to make timely progress toward self-supporting employment?

(a) If you report to the PM that you are temporarily unable to make timely progress toward self-supporting employment during a progress certification period, the PM will give you the choice of placing your ticket in inactive status or, if applicable, taking your ticket out of assignment.

(b) You may place your ticket in inactive status at any time by submitting a written request to the PM asking that your ticket be placed in inactive status. Your ticket will be placed in inactive status beginning with the first day of the month following the month in which you make your request. You are not considered to be using a ticket during months in which your ticket is in inactive status, thus you will be subject to continuing disability reviews during those months. The months in which your ticket is in inactive status do not count toward the time limitations for making timely progress toward self-supporting employment.

(c) You may reactivate your ticket and return to in-use status if your ticket is still assigned to an EN or State VR agency acting as an EN. You may also reactivate your ticket and return to in-use status if you have a ticket which would otherwise be available for assignment, you were receiving services under an IPE from a State VR agency which chose the cost reimbursement payment system and your VR case has not been closed by the State VR agency. You may reactivate your ticket by submitting a written request to the PM. Your ticket will be reactivated beginning with the first day of the month following the month in which the PM receives your request. The progress certification period will resume counting from the last month of in-use status, and the next progress review will be due when the progress certification period has been completed. Earnings from work, or completion of post-secondary education credits in a four-year degree or certification program or course requirements in a vocational or technical training program, as described in § 411.180, during the period your ticket is in inactive status may be counted toward meeting the requirements for the next progress review.

(d) You may take your ticket out of assignment under § 411.145(a) at any time.

§ 411.195 [Removed]

9. Remove § 411.195.

10. Revise § 411.200 to read as follows:

§ 411.200 How will the PM conduct my progress reviews?

The PM will conduct a progress review at the end of each 12-month progress certification period.

(a) The PM will first review the available administrative records to determine if you completed the work requirements as specified in § 411.180 in the applicable progress certification period.

(b) If the administrative records do not indicate that you met the work requirements, the PM will contact either you or your EN or State VR agency to request additional information to determine if you completed the work requirements or have met the educational or training requirements as specified in § 411.180 in the applicable progress certification period.

(c) If the PM finds that you completed the work requirements or met the educational or training requirements as specified in § 411.180 in the applicable progress certification period, the PM will find that you are making timely progress toward self-supporting employment. On the basis of that finding, we will consider you to be making timely progress toward self-supporting employment until your next scheduled progress review.

(d) If the PM finds that you did not complete the work requirements or meet the educational or training requirements as specified in § 411.180 in the applicable progress certification period, the PM will find that you are not making timely progress toward self-supporting employment. If the PM makes such a finding, the PM will send a written notice of the decision to you at your last known address. This notice will explain the reasons for the decision and inform you of the right to ask us to review the decision. This decision will be effective 30 days after the date on which the PM sends the notice of the decision to you, unless you request that we review the decision under § 411.205.

11. In § 411.210, revise paragraph (b), the heading of paragraph (c), and the fourth sentences of both paragraphs (c)(1) and (c)(2) to read as follows:

§ 411.210 What happens if I do not make timely progress toward self-supporting employment?

* * * * *

(b) *Re-entering in-use status.* If you failed to meet the timely progress guidelines for a 12-month progress certification period and you believe that you have now met the applicable requirements for that progress certification period as described in § 411.180, you may request that you be reinstated to in-use status. In order to do so, you must submit a written request to the PM asking that you be reinstated to in-use status and you must provide evidence showing that you have met the applicable requirements for the progress certification period. The PM will decide whether you have satisfied the applicable requirements for the progress certification period and may be reinstated to in-use status. If the PM determines you have met the applicable requirements for the progress certification period, you will be reinstated to in-use status, provided that your ticket is assigned to an EN or State VR agency acting as an EN, or you have a ticket which would otherwise be available for assignment and you are receiving services under an IPE from a State VR agency which has chosen the cost reimbursement payment system. See paragraph (c) of this section for when your reinstatement to in-use status will be effective. After you are reinstated to in-use status, your next 12-month progress certification period will begin.

(c) *Decisions on re-entering in-use status.* (1) * * * If the PM decides that you have satisfied the requirements for re-entering in-use status (including the

requirement that your ticket be assigned to an EN or State VR agency acting as an EN, or that you have a ticket which would otherwise be available for assignment and are receiving services under an IPE from a State VR agency that has chosen the cost reimbursement payment system), you will be reinstated to in-use status effective with the date on which the PM sends the notice of the decision to you. * * *

(2) * * * If we decide that you have satisfied the requirements for re-entering in-use status (including the requirement that your ticket be assigned to an EN or State VR agency acting as an EN, or that you have a ticket which would otherwise be available for assignment and are receiving services under an IPE from a State VR agency that has chosen the cost reimbursement payment system), you will be reinstated to in-use status effective with the date on which we send the notice of the decision to you.

12. In § 411.220, revise the first sentence of paragraph (a), revise paragraph (d)(2), remove paragraph (e), and redesignate paragraph (f) as paragraph (e) to read as follows:

§ 411.220 What if my ticket is no longer assigned to an EN or State VR agency?

(a) If your ticket was once assigned to an EN or State VR agency acting as an EN and is no longer assigned, you are eligible for an extension period of up to 90 days to reassign your ticket. * * *

* * * * *

(d) * * *

* * * * *

(2) Ends 90 days after it begins or when you assign your ticket to a new EN or State VR agency, whichever is sooner.

* * * * *

13. In § 411.225, revise paragraphs (b) and (c), and remove paragraph (d) to read as follows:

§ 411.225 What if I reassign my ticket after the end of the extension period?

* * * * *

(b) *Time limitations for the timely progress guidelines.* Any month during which your ticket is not assigned and you have a ticket available for assignment and are not receiving services under an IPE from a State VR agency which chose the cost reimbursement payment system, either during or after the extension period, will not count toward the time limitations for the timely progress guidelines.

(c) *If you reassign your ticket after the end of the extension period.* If you reassign your ticket after the end of the extension period, the period comprising the remaining months in the applicable 12-month progress certification period will begin with the first month beginning after the day on which the reassignment of your ticket is effective under § 411.150(c).

14. Add § 411.226 to read as follows:

§ 411.226 How will SSA determine if I am meeting the timely progress guidelines if I assign my ticket prior to [EFFECTIVE DATE OF FINAL REGULATIONS]?

(a) If you assigned your ticket to an EN or State VR agency prior to [EFFECTIVE DATE OF FINAL REGULATIONS], we will use the guidelines in § 411.180(c) to determine whether you are making timely progress toward self-supporting employment on or after that date. We will consider you to be in the first or a subsequent 12-month progress certification period under § 411.180 as of that date. We will determine your applicable 12-month progress certification period and the number of months remaining in that period as of that date by counting all months during which your ticket was assigned and in use during the period—

(1) Beginning with the month following the month in which you first assigned your ticket under the rules in effect prior to that date; and

(2) Ending with the close of the month immediately before that date.

(b) Subsequent 12-month progress certification periods will follow the rules in § 411.180.

(c) If, on [DATE ONE DAY BEFORE EFFECTIVE DATE OF FINAL REGULATIONS], your ticket is in use and assigned to a State VR agency which chose to be paid for services it provides to you under the cost reimbursement payment system, your period of using a ticket may continue under the rules in this subpart, including the rules in paragraphs (a) and (b) of this section. However, your ticket will no longer be considered assigned to that State VR agency effective [EFFECTIVE DATE OF FINAL REGULATIONS]. You may assign your ticket after the State VR agency has closed your case.

Subpart E—[Amended]

15. Add paragraph (d) to § 411.310 to read as follows:

§ 411.310 How does an entity other than a State VR agency apply to be an EN and who will determine whether an entity qualifies as an EN?

* * * * *

(d) One-stop delivery systems established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 *et seq.*) may participate in the Ticket to Work program as ENs and do not need to respond to the RFP. However, in order to participate in the Ticket to Work program, the one-stop delivery system must enter into an agreement with the Commissioner to be an EN and must maintain compliance with general and specific selection criteria as described in § 411.315 in order to remain an EN.

16. Add paragraph (e) to § 411.315 to read as follows:

§ 411.315 What are the minimum qualifications necessary to be an EN?

* * * * *

(e) One-stop delivery systems established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 *et seq.*) are qualified to be ENs. A one-stop delivery system must enter into an agreement with the Commissioner to be an EN and must maintain compliance with general and specific selection criteria of this section and § 411.305 in order to remain an EN.

[FR Doc. E7–15715 Filed 8–10–07; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–138707–06]

RIN 1545–BF90

Exclusions From Gross Income of Foreign Corporations; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains corrections to notice of proposed rulemaking by cross-reference to temporary regulations (REG–138707–06) that were published in the **Federal Register** on Monday, June 25, 2007 (72 FR 34650) modifying final regulations issued under section 883(a) and (c) of the Internal Revenue Code, relating to income derived by foreign corporations from the international operation of ships or aircraft.

FOR FURTHER INFORMATION CONTACT: Patricia A. Bray, (202) 622–3880 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking by cross-reference to temporary regulations that are the subject of this correction are

under section 883(a) and (c) of the Internal Revenue Code.

Need for Correction

As published, notice of proposed rulemaking by cross-reference to temporary regulations (REG–138707–06) contains errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (REG–138707–06), which was the subject of FR Doc. E7–12037, is corrected as follows:

1. On page 34650, column 2, in the preamble, under the paragraph heading ''*Paperwork Reduction Act*'', line 1 of the fourth paragraph, the language ''Whether the proposed collection of'' is corrected to read ''Whether the proposed collections of''.

2. On page 34650, column 2, in the preamble, under the paragraph heading ''*Paperwork Reduction Act*'', line 2 of the fifth paragraph, the language ''associated with the proposed collection'' is corrected to read ''associated with the proposed collections''.

3. On page 34651, column 1, in the preamble, under the paragraph heading ''*Comments and Public Hearing*'', line 7, the language ''and Treasury Department specifically'' is corrected to read ''and the Treasury Department specifically''.

4. On page 34651, column 2, in the preamble, under the paragraph heading ''*Drafting Information*'', line 5, the language ''personnel from the IRS and Treasury'' is corrected to read ''personnel from the IRS and the Treasury''.

LaNita Van Dyke,

Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).

[FR Doc. E7–15273 Filed 8–10–07; 8:45 am]

BILLING CODE 4830–01–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1196

[Docket No. 2007–03]

RIN 3014–AA22

Passenger Vessel Emergency Alarms Advisory Committee

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of establishment; appointment of members; date of first meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has decided to establish an advisory committee to make recommendations on issues related to the effectiveness of emergency alarm systems for individuals with hearing loss or deafness on passenger vessels. This notice also announces the time and place of the first Committee meeting.

DATES: The first meeting of the Committee is scheduled for September 19 and 20, 2007 from 9 a.m. to 5 p.m. on both days. Decisions with respect to future meetings will be made at the first meeting and from time to time thereafter. Notices of future meetings will be published in the **Federal Register**.

ADDRESSES: The first meeting of the Committee will be held at the Access Board's offices, 1331 F Street, NW., Suite 1000, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Paul Beatty, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., Suite 1000, Washington, DC 2004–1111. Telephone number (202) 272–0012 (Voice); (202) 272–0082 (TTY). These are not toll-free numbers. E-mail address: *pvag@access-board.gov*.

SUPPLEMENTARY INFORMATION: On June 25, 2007, the Architectural and Transportation Barriers Compliance Board (Access Board) published a notice of intent to establish an advisory committee to make recommendations on issues related to the effectiveness of emergency alarm systems for individuals with hearing loss or deafness on passenger vessels. (72 FR 34653; June 25, 2007). The notice identified the interests that are likely to be significantly affected by this rulemaking:

- Individuals with hearing loss or deafness, and other individuals with disabilities concerned about emergency alarm systems on passenger vessels;
- Passenger vessel operators;
- Manufacturers and designers of emergency alarm systems on passenger vessels; and
- Voluntary codes and standards groups which address emergency alarms on passenger vessels.

For the reasons stated in the notice of intent, the Access Board has determined that establishing the Passenger Vessel Emergency Alarms Advisory Committee (Committee) is necessary and in the public interest. The Access Board has appointed the following organizations as members to the Committee:

- Community Emergency Preparedness Information Network.
- Cruise Lines International Association.
- Epilepsy Foundation.
- Gallaudet University.
- Hearing Access Program.
- Hearing Loss Association of America.
- National Association of the Deaf.
- National Fire Protection Association.
- Passenger Vessel Association.
- Society of Naval Architects and Marine Engineers.

Committee meetings will be open to the public and interested persons can attend the meetings and communicate their views. Members of the public will have opportunities to address the Committee on issues of interest to them and the Committee. Members of groups or individuals who are not members of the Committee may also have the opportunity to participate with subcommittees of the Committee. The Access Board believes that participation of this kind can be very valuable for the advisory committee process. Additionally, all interested persons will have the opportunity to comment when proposed rules regarding passenger vessel accessibility are issued in the **Federal Register** by the Access Board.

The meeting site is accessible to individuals with disabilities. Sign language interpreters, an assistive listening system, and computer assisted real-time transcription (CART) will be provided. Persons attending the meeting are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants.

Tricia Mason,

Chair, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 07–3934 Filed 8–10–07; 8:45 am]

BILLING CODE 8150–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2006–0060; FRL–8452–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; State Implementation Plan Revision Variance for International Paper, Franklin Paper Mill, VA

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia for the purpose of establishing a variance for the International Paper, Franklin Paper Mill facility located in Franklin, Virginia. The variance provides regulatory relief from compliance with state regulations governing new source review for the implementation of the International Paper, Franklin Paper Mill innovation project. In lieu of compliance with these regulatory requirements, the variance requires the facility to comply with site-wide emission caps. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by September 12, 2007.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2006–0060 by one of the following methods:

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

B. *E-mail: campbell.dave@epa.gov.*

C. *Mail:* EPA–R03–OAR–2006–0060, David Campbell, Chief, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

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

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2006–0060. 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 *http://www.regulations.gov* or e-mail. 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.

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 during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Sharon McCauley, (215) 814–3376, or by e-mail at *mccauley.sharon@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the Rules and Regulations section of this **Federal Register** publication. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not subject of an adverse comment.

Dated: July 31, 2007.

William T. Wisniewski,

Acting Regional Administrator, Region III.

[FR Doc. E7–15585 Filed 8–10–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 440 and 441

[CMS 2261–P]

RIN 0938–A081

Medicaid Program; Coverage for Rehabilitative Services

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the definition of Medicaid rehabilitative services in order to provide for important beneficiary protections such as a person-centered written rehabilitation plan and maintenance of case records. The proposed rule would also ensure the fiscal integrity of claimed Medicaid expenditures by clarifying the service definition and providing that Medicaid rehabilitative services must be coordinated with but do not include services furnished by other programs that are focused on social or educational development goals and available as part of other services or programs. These services and programs include, but are not limited to, foster care, child welfare, education, child care, prevocational and vocational services, housing, parole and probation, juvenile justice, public guardianship, and any other non-Medicaid services from Federal, State, or local programs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on October 12, 2007.

ADDRESSES: In commenting, please refer to file code CMS–2261–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (no duplicates, please):

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.cms.hhs.gov/eRulemaking.* Click on the link ''Submit electronic

comments on CMS regulations with an open comment period.'' (Attachments should be in Microsoft Word, WordPerfect, or Excel; however, we prefer Microsoft Word.)

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2261–P, P.O. Box 8018, Baltimore, MD 21244–8018.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2261–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to one of the following addresses. If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–3685 in advance to schedule your arrival with one of our staff members.

Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201; or

7500 Security Boulevard, Baltimore, MD 21244–1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

Submission of comments on paperwork requirements. You may submit comments on this document's paperwork requirements by mailing your comments to the addresses provided at the end of the ''Collection of Information Requirements'' section in this document.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Maria Reed, (410) 786–2255 or Shawn Terrell, (410) 786–0672.

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this rule to assist us in fully considering issues and developing policies. You can assist us by referencing the file code CMS–2261–P and the specific ''issue identifier'' that precedes the section on which you choose to comment.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable (for example, names, addresses, social security numbers, and medical diagnoses) or confidential business information (including proprietary information) that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.cms.hhs.gov/eRulemaking.* Click on the link ''Electronic Comments on CMS Regulations'' on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

A. Overview

Section 1905(a)(13) of the Social Security Act (the Act) includes rehabilitative services as an optional Medicaid State plan benefit. Current Medicaid regulations at 42 CFR 440.130(d) provide a broad definition of rehabilitative services. Rehabilitative services are defined as ''any medical or remedial services recommended by a physician or other licensed practitioner of the healing arts, within the scope of his or her practice under State law, for maximum reduction of physical or mental disability and restoration of a recipient to his best possible functional level.'' The broad general language in this regulatory definition has afforded States considerable flexibility under their State plans to meet the needs of their State's Medicaid population.

Over the years the scope of services States have provided under the rehabilitation benefit has expanded from physical rehabilitative services to also include mental health and substance abuse treatment rehabilitative services. For example, services currently provided by States under the rehabilitative benefit include services aimed at improving physical disabilities, including physical, occupational, and speech therapies; mental health services, such as individual and group therapy, psychosocial therapy services; and services for substance-related disorders (for example, substance use disorders and substance induced disorders). These Medicaid services may be delivered through various models of care and in a variety of settings.

The broad language of the current statutory and regulatory definition has, however, had some unintended consequences. It has also led to some confusion over whether otherwise applicable statutory or regulatory provider standards would apply under the rehabilitative services benefit.

As the number of States providing rehabilitative services has increased, some States have viewed the rehabilitation benefit as a ''catch-all'' category to cover services included in other Federal, State and local programs. For example, it appears some States have used Medicaid to fund services that are included in the provision of foster care and in the Individuals with Disabilities Education Improvement Act (IDEA). Our audit reviews have recently revealed that Medicaid funds have also been used to pay for behavioral treatment services in ''wilderness camps,'' juvenile detention, and similar facilities where youth are involuntarily confined. These facilities are under the domain of the juvenile justice or youth systems in the State, rather than Medicaid, and there is no assurance that the claimed services reflect an independent evaluation of individual rehabilitative needs.

This proposed regulation is designed to clarify the broad general language of the current regulation to ensure that rehabilitative services are provided in a coordinated manner that is in the best interest of the individuals, are limited to rehabilitative purposes and are furnished by qualified providers. This proposed regulation would rectify the improper reliance on the Medicaid rehabilitation benefit for services furnished by other programs that are focused on social or educational development goals in programs other than Medicaid.

This proposed regulation would provide guidance to ensure that services claimed under the optional Medicaid rehabilitative benefit are in fact rehabilitative out-patient services, are furnished by qualified providers, are

provided to Medicaid eligible individuals according to a goal-oriented rehabilitation plan, and are not for services that are included in programs with a focus other than that of Medicaid.

B. Habilitation Services

Section 6411(g) of the Omnibus Budget Reconciliation Act of 1989 (OBRA 89) prohibits us from taking adverse action against States with approved habilitation provisions pending the issuance of a regulation that ''specifies types of day habilitation services that a State may cover under paragraphs (9) (clinic services) or (13) (rehabilitative services) of section 1905(a) of the Act on behalf of persons with mental retardation or with related conditions.'' We believe that issuance of a final rule based on this proposed rule will satisfy this condition. We intend to work with those States that have habilitation programs under the clinic services or rehabilitative services benefits in their State plans to transition to appropriate Medicaid coverage authorities, such as section 1915(c) waivers or the Home and Community-Based Services State plan option under section 1915 (i) of the Deficit Reduction Act (DRA) of 2005 (Pub. L. 107–171), enacted on February 8, 2006.

II. Provisions of the Proposed Rule

[If you choose to comment on issues in this section, please include the caption ''PROVISIONS OF THE PROPOSED REGULATIONS'' at the beginning of your comments.]

A. Definitions

In 440.130(d)(1), we propose to define the terms used in this rule, as listed below:

- Recommended by a physician or other licensed practitioner of the healing arts.
- Other licensed practitioner of the healing arts.
- Qualified providers of rehabilitative services.
- Under the direction of.
- Written rehabilitation plan.
- Restorative services.
- Medical services.
- Remedial services.

In § 440.130(d)(1)(iii), we would define ''qualified providers of rehabilitative services'' to require that individuals providing rehabilitative services meet the provider qualification requirements applicable to the same service when it is furnished under other benefit categories. Further, the provider qualifications must be set forth in the Medicaid State plan. These qualifications may include education, work experience, training, credentialing, supervision and licensing, that are applied uniformly. Provider qualifications must be reasonable given the nature of the service provided and the population being served. We require uniform application of these qualifications to ensure the individual free choice of qualified providers, consistent with section 1902(a)(23) of the Act.

Under this proposed definition, if specific provider qualifications are set forth elsewhere in subpart A of part 440, those provider qualifications take precedence when those services are provided under the rehabilitation option. Thus, if a State chooses to provide the various therapies discussed at § 440.110 (physical therapy, occupational therapy, speech, language and hearing services) under § 440.130(d), the requirements of § 440.110 applicable to those services would apply. For example, speech therapy is addressed in regulation at § 440.110(c) with specific provider requirements for speech pathologists and audiologists that must be met. If a State offers speech therapy as a rehabilitative service, the specific provider requirements at § 440.110(c) must be met. It should be noted that the definition of Occupational Therapy in § 440.110 is not correct insofar as the following—Occupational Therapists must be certified through the National Board of Certification for Occupational Therapy, not the American Occupational Therapy Association.

We are proposing a definition of the term ''under the direction of'' because it is a key issue in the provision of therapy services through the rehabilitative services benefit. Therapy services may be furnished by or ''under the direction of'' a qualified provider under the provisions of § 440.110. We are proposing to clarify that the term means that the therapist providing direction is supervising the individual's care which, at a minimum, includes seeing the individual initially, prescribing the type of care to be provided, reviewing the need for continued services throughout treatment, assuming professional responsibility for services provided, and ensuring that all services are medically necessary. The term ''under the direction of'' requires each of these elements; in particular, professional responsibility requires face-to-face contact by the therapist at least at the beginning of treatment and periodically thereafter. Note that this definition applies specifically to providers of physical therapy, occupational therapy, and services for individuals with speech, hearing and language disorders. This language is not meant to exclude appropriate supervision arrangements for other rehabilitative services.

B. Scope of Services

Consistent with the provision of section 1905(a)(13) of the Act, we have retained the current definition of rehabilitative services in § 440.130(d)(2) as including ''medical or remedial services recommended by a physician or other licensed practitioner of the healing arts, within the scope of his practice under State law, for maximum reduction of physical or mental disability and restoration of a recipient to his best possible functional level.'' We would, however, clarify that rehabilitative services do not include room and board in an institution, consistent with the longstanding CMS interpretation that section 1905(a) of the Act has specifically identified circumstances in which Medicaid would pay for coverage of room and board in an inpatient setting. This interpretation was upheld in *Texas* v. *U.S. Dep't Health and Human Servs.,* 61 F.3d 438 (5th Cir. 1995).

C. Written Rehabilitation Plan

We propose to add a new requirement, at § 440.130(d)(3), that covered rehabilitative services for each individual must be identified under a written rehabilitation plan. This rehabilitation plan would ensure that the services are designed and coordinated to lead to the goals set forth in statute and regulation (maximum reduction of physical or mental disability and restoration to the best possible functional level). It would ensure transparency of coverage and medical necessity determinations, so that the beneficiary, and family or other responsible individuals, would have a clear understanding of the services that are being made available to the beneficiary. In all situations, the ultimate goal is to reduce the duration and intensity of medical care to the least intrusive level possible which sustains health. The Medicaid goal is to deliver and pay for the clinically-appropriate, Medicaid-covered services that would contribute to the treatment goal. It is our expectation that, for persons with mental illnesses and substance-related disorders, the rehabilitation plan would include recovery goals. The rehabilitation plan would establish a basis for evaluating the effectiveness of the care offered in meeting the stated goals. It would provide for a process to involve the beneficiary, and family or other responsible individuals, in the overall management of rehabilitative care. The rehabilitation plan would also

document that the services have been determined to be rehabilitative services consistent with the regulatory definition, and will have a timeline, based on the individual's assessed needs and anticipated progress, for reevaluation of the plan, not longer than one year. It is our expectation that the reevaluation of the plan would involve the beneficiary, family, or other responsible individuals and would include a review of whether the goals set forth in the plan are being met and whether each of the services described in the plan has contributed to meeting the stated goals. If it is determined that there has been no measurable reduction of disability and restoration of functional level, any new plan would need to pursue a different rehabilitation strategy including revision of the rehabilitative goals, services and/or methods. It is important to note that this benefit is not a custodial care benefit for individuals with chronic conditions but should result in a change in status. The rehabilitation plan should identify the rehabilitation objectives that would be achieved under the plan in terms of measurable reductions in a diagnosed physical or mental disability and in terms of restored functional abilities. We recognize, however, that rehabilitation goals are often contingent on the individual's maintenance of a current level of functioning. In these instances, services that provide assistance in maintaining functioning may be considered rehabilitative only when necessary to help an individual achieve a rehabilitation goal as defined in the rehabilitation plan. Services provided primarily in order to maintain a level of functioning in the absence of a rehabilitation goal are not rehabilitation services.

It is our further expectation that the rehabilitation plan be reasonable and based on the individual's diagnosed condition(s) and on the standards of practice for provisions of rehabilitative services to an individual with the individual's condition(s). The rehabilitation plan is not intended to limit or restrict the State's ability to require prior authorization for services. The proposed requirements state that the written rehabilitation plan must:

- Be based on a comprehensive assessment of an individual's rehabilitation needs including diagnoses and presence of a functional impairment in daily living;
- Be developed by qualified provider(s) working within the State scope of practice acts with input from the individual, individual's family, the individual's authorized health care decision maker and/or persons of the individual's choosing;
- Ensure the active participation of the individual, individual's family, the individual's authorized health care decision maker and/or persons of the individual's choosing in the development, review and modification of these goals and services;
- Specify the individual's rehabilitation goals to be achieved, including recovery goals for persons with mental health and/or substance related disorders;
- Specify the physical impairment, mental health and/or substance related disorder that is being addressed;
- Identify the medical and remedial services intended to reduce the identified physical impairment, mental health and/or substance related disorder;
- Identify the methods that would be used to deliver services;
- Specify the anticipated outcomes;
- Indicate the frequency, amount and duration of the services;
- Be signed by the individual responsible for developing the rehabilitation plan;
- Indicate the anticipated provider(s) of the service(s) and the extent to which the services may be available from alternate provider(s) of the same service;
- Specify a timeline for reevaluation of the plan, based on the individual's assessed needs and anticipated progress, but not longer than one year;
- Document that the individual or representative participated in the development of the plan, signed the plan, and received a copy of the rehabilitation plan; and
- Document that the services have been determined to be rehabilitative services consistent with the regulatory definition.

We believe that a written rehabilitation plan would ensure that services are provided within the scope of the rehabilitative services and would increase the likelihood that an individual's disability would be reduced and functional level restored. In order to determine whether a specific service is a covered rehabilitative benefit, it is helpful to scrutinize the purpose of the service as defined in the care plan.

For example, an activity that may appear to be a recreational activity may be rehabilitative if it is furnished with a focus on medical or remedial outcomes to address a particular impairment and functional loss. Such an activity, if provided by a Medicaid qualified provider, could address a physical or mental impairment that would help to increase motor skills in an individual who has suffered a stroke, or help to restore social functioning and personal interaction skills for a person with a mental illness.

We are proposing to require in § 440.130(d)(3)(iii) that the written rehabilitation plan include the active participation of the individual (or the individual's authorized health care decision maker) in the development, review, and reevaluation of the rehabilitation goals and services. We recommend the use of a person-centered planning process. Since the rehabilitation plan identifies recovery-oriented goals, the individual must be at the center of the planning process.

D. Impairments to be Addressed

We propose in § 440.130(d)(4) that rehabilitative services include services provided to an eligible individual to address the individual's physical needs, mental health needs, and/or substance-related disorder treatment needs. Because rehabilitative services are an optional service for adults, a State has flexibility to determine whether rehabilitative services would be limited to certain rehabilitative services (for example, only physical rehabilitative services) or will include rehabilitative treatment for mental health or substance-related disorders as well.

Provision of rehabilitative services to individuals with mental health or substance-related disorders is consistent with the recommendations of the New Freedom Commission on Mental Health. The Commission challenged States, among others, to expand access to quality mental health care and noted that States are at the very center of mental health system transformation. Thus, while States are not required to provide rehabilitative services for treatment of mental health and substance-related disorders, they are encouraged to do so. The Commission noted in its report that, ''[m]ore individuals would recover from even the most serious mental illnesses and emotional disturbances if they had earlier access in their communities to treatment and supports that are evidence-based and tailored to their needs.''

Under existing provisions at § 440.230(a), States are required to provide in the State plan a detailed description of the services to be provided. In reviewing a State plan amendment that proposes rehabilitative services, we would consider whether the proposed services are consistent with the requirements in § 440.130(d) and section 1905(a)(13) of the Act. We would also consider whether the proposed scope of rehabilitative services

is ''sufficient in amount, duration and scope to reasonably achieve its purpose'' as required at § 440.230(b). For that analysis, we will review whether any assistive devices, supplies, and equipment necessary to the provision of those services are covered either under the rehabilitative services benefit or elsewhere under the plan.

E. Settings

In § 440.130(d)(5), consistent with the provisions of section 1905(a)(13) of the Act, we propose that rehabilitative services may be provided in a facility, home, or other setting. For example, rehabilitative services may be furnished in freestanding outpatient clinics and to supplement services otherwise available as an integral part of the services of facilities such as schools, community mental health centers, or substance abuse treatment centers. Other settings may include the office of qualified independent practitioners, mobile crisis vehicles, and appropriate community settings. The State has the authority to determine in which settings a particular service may be provided. While services may be provided in a variety of settings, the rehabilitative services benefit is not an inpatient benefit. Rehabilitative services do not include room and board in an institutional, community or home setting.

F. Requirements and Limitations for Rehabilitative Services

1. Requirements for Rehabilitative Services

In § 441.45(a), we set forth the assurances required in a State plan amendment that provides for rehabilitative services in this proposed rule. In § 441.45(b) we set forth the expenditures for which Federal financial participation (FFP) would not be available.

As with most Medicaid services, rehabilitative services are subject to the requirements of section 1902(a) of the Act. These include statewideness at section 1902(a)(1) of the Act, comparability at section 1902(a)(10)(B), and freedom of choice of qualified providers at section 1902(a)(23) of the Act. Accordingly, at § 441.45(a)(1), we propose to require that States comport with the listed requirements.

At § 441.45(a)(2), we propose to require that the State ensure that rehabilitative services claimed for Medicaid payment are only those provided for the maximum reduction of physical or mental disability and restoration of the individual to the best possible functional level.

In § 441.45(a)(3) and (a)(4), we propose to require that providers of the rehabilitative services maintain case records that contain a copy of the rehabilitation plan. We also propose to require that the provider document the following for all individuals receiving rehabilitative services:

- The name of the individual;
- The date of the rehabilitative service or services provided;
- The nature, content, and units of rehabilitative services provided; and
- The progress made toward functional improvement and attainment of the individual's goals.

We believe this information is necessary to establish an audit trail for rehabilitative services provided, and to establish whether or not the services have achieved the maximum reduction of physical or mental disability, and to restore the individual to his or her best possible functional level.

A State that opts to provide rehabilitative services must do so by amending its State plan in accordance with proposed § 441.45(a)(5). The amendment must (1) describe the rehabilitative services proposed to be furnished, (2) specify the provider type and provider qualifications that are reasonably related to each of the rehabilitative services, and (3) specify the methodology under which rehabilitation providers would be paid.

2. Limitations for Rehabilitative Services

In § 441.45(b)(1) through (b)(8) we set forth limitations on coverage of rehabilitative services in this proposed rule.

We propose in § 441.45(b)(1) that coverage of rehabilitative services would not include services that are furnished through a non-medical program as either a benefit or administrative activity, including programs other than Medicaid, such as foster care, child welfare, education, child care, vocational and prevocational training, housing, parole and probation, juvenile justice, or public guardianship. We also propose in § 441.45(b)(1) that coverage of rehabilitative services would not include services that are intrinsic elements of programs other than Medicaid.

It should be noted however, that enrollment in these non-medical programs does not affect eligibility for Title XIX services. Rehabilitation services may be covered by Medicaid if they are not the responsibility of other programs and if all applicable requirements of the Medicaid program are met. Medicaid rehabilitative services must be coordinated with, but do not include, services furnished by other programs that are focused on social or educational development goals and are available as part of other services or programs. Further, Medicaid rehabilitation services must be available for all participants based on an identified medical need and otherwise would have been provided to the individual outside of the foster care, juvenile justice, parole and probation systems and other non-Medicaid systems. Individuals must have free choice of providers and all willing and qualified providers must be permitted to enroll in Medicaid.

For instance, therapeutic foster care is a model of care, not a medically necessary service defined under Title XIX of the Act. States have used it as an umbrella to package an array of services, some of which may be medically necessary services, some of which are not. In order for a service to be reimbursable by Medicaid, states must specifically define all of the services that are to be provided, provider qualifications, and payment methodology. It is important to note that provider qualifications for those who furnish care to children in foster care must be the same as provider qualifications for those who furnish the same care to children not in foster care. Examples of therapeutic foster care components that would not be Medicaid coverable services include provider recruitment, foster parent training and other such services that are the responsibility of the foster care system.

In § 441.45(b)(2), we propose to exclude FFP for expenditures for habilitation services including those provided to individuals with mental retardation or ''related conditions'' as defined in the State Medicaid Manual § 4398. Physical impairments and mental health and/or substance related disorder are not considered ''related conditions'' and are therefore medical conditions for which rehabilitation services may be appropriately provided. As a matter of general usage in the medical community, there is a distinction between the terms ''habilitation'' and ''rehabilitation.'' Rehabilitation refers to measures used to restore individuals to their best functional levels. The emphasis in covering rehabilitation services is the restoration of a functional ability. Individuals receiving rehabilitation services must have had the capability to perform an activity in the past rather than to actually have performed the activity. For example, a person may not have needed to drive a car in the past, but may have had the capability to do so prior to having the disability.

Habilitation typically refers to services that are for the purpose of helping persons acquire new functional abilities. Current Medicaid policy explicitly covers habilitation services in two ways: (1) When provided in an intermediate care facility for persons with mental retardation (ICF/MR); or (2) when covered under sections 1915(c), (d), or (i) of the Act as a home and community-based service. Habilitation services may also be provided under some 1905(a) service authorities such as Physician services defined at 42 CFR 440.50, Therapy services defined at 42 CFR 440.110 (such as, Physical Therapy, Occupational Therapy, and Speech/Language/Audiology Therapy), and Medical or other remedial care provided by licensed practitioners, defined at 42 CFR 440.60. Habilitative services can also be provided under the 1915(i) State Plan Home and Community Based Services pursuant to the Deficit Reduction Act of 2005. In the late 1980s, the Congress responded to State concerns about disallowances for habilitation services provided under the State's rehabilitative services benefit by passing section 6411(g) of the OBRA 89. This provision prohibited us from taking adverse actions against States with approved habilitation provisions pending the issuance of a regulation that ''specifies types of day habilitation services that a State may cover under paragraphs (9) [clinic services] or (13) [rehabilitative services] of section 1905(a) of the Act on behalf of persons with mental retardation or with related conditions.'' Accordingly, this regulation would specify that all such habilitation services would not be covered under sections 1905(a)(9) or 1905(a)(13) of the Act. If this regulation is issued in final form, the protections provided to certain States by section 6411(g) of OBRA 89 for day habilitation services will no longer be in force. We intend to provide for a delayed compliance date so that States will have a transition period of the lesser of 2 years or 1 year after the close of the first regular session of the State legislature that begins after this regulation becomes final before we will take enforcement action. This transition period will permit States an opportunity to transfer coverage of habilitation services from the rehabilitation option into another appropriate Medicaid authority. We are available to States as needed for technical assistance during this transition period.

In § 441.45(b)(3), we propose to provide that rehabilitative services would not include recreational and social activities that are not specifically focused on the improvement of physical or mental health impairment and achievement of a specific rehabilitative goal specified in the rehabilitation plan, and provided by a Medicaid qualified provider recognized under State law. We would also specify in this provision that rehabilitative services would not include personal care services; transportation; vocational and prevocational services; or patient education not related to the improvement of physical or mental health impairment and achievement of a specific rehabilitative goal specified in the rehabilitation plan. The first two of these services may be otherwise covered under the State plan. But these services are not primarily focused on rehabilitation, and thus do not meet the definition of medical or remedial services for rehabilitative purposes that would be contained in § 440.130(d)(1).

It is possible that some recreational or social activities are reimbursable as rehabilitative services if they are provided for the purpose allowed under the benefit and meet all the requirements governing rehabilitative services. For example, in one instance the activity of throwing a ball to an individual and having her/him throw it back, may be a recreational activity. In another instance, the activity may be part of a program of physical therapy that is provided by, or under the direction of, a qualified therapist for the purpose of restoring motor skills and balance in an individual who has suffered a stroke. Likewise, for an individual suffering from mental illness, what may appear to be a social activity may in fact be addressing the rehabilitation goal of social skills development as identified in the rehabilitation plan. The service would need to be specifically related to an identified rehabilitative goal as documented in the rehabilitation plan with specific time-limited treatment goals and outcomes. The rehabilitative service would further need to be provided by a qualified provider, be documented in the case record, and meet all requirements of this proposed regulation.

When personal care services are provided during the course of the provision of a rehabilitative service, they are an incidental activity and separate payment may not be made for the performance of the incidental activity. For example, an individual recovering from the effects of a stroke may receive occupational therapy services from a qualified occupational therapy provider under the rehabilitation option to regain the capacity to feed himself or herself. If during the course of those services the individual's clothing becomes soiled and the therapist assists the individual with changing his or her clothing, no separate payment may be made for assisting the individual with dressing under the rehabilitation option. However, FFP may be available for optional State plan personal care services under § 440.167 if provided by an enrolled, qualified personal care services provider.

Similarly, transportation is not within the scope of the definition of rehabilitative services proposed by this regulation since the transportation service itself does not result in the maximum reduction of a physical or mental disability and restoration of the individual to the best possible functional level. However, transportation is a Medicaid covered service and may be billed separately as a medical assistance service under § 440.170, if provided by an enrolled, qualified provider, or may be provided under the Medicaid program as an administrative activity necessary for the proper and efficient administration of the State's Medicaid program.

Generally, vocational services are those that teach specific skills required by an individual to perform tasks associated with performing a job. Prevocational services address underlying habilitative goals that are associated with performing compensated work. To the extent that the primary purpose of these services is to help individuals acquire a specific job skill, and are not provided for the purpose of reducing disability and restoring a person to a previous functional level, they would not be construed as covered rehabilitative services. For example, teaching an individual to cook a meal to train for a job as a chef would not be covered, whereas, teaching an individual to cook in order to re-establish the use of her or his hands or to restore living skills may be coverable. While it may be possible for Medicaid to cover prevocational services when provided under the section 1915(c) of the Act, home and community based services waiver programs, funding for vocational services rests with other, non-Medicaid Federal and State funding sources.

Similarly, the purpose of patient education is one important determinant to whether the activity is a rehabilitative activity covered under § 440.130(d). While taking classes in an academic setting may increase an individual's integration into the community and enable the individual to learn social skills, the primary purpose of this activity is academic enhancement.

Thus, patient education in an academic setting is not covered under the Medicaid rehabilitation option. On the other hand, some patient education directed towards a specific rehabilitative therapy service may be provided for the purpose of equipping the individual with specific skills that will decrease disability and restore the individual to a previous functioning level. For example, an individual with a mental disorder that manifests with behavioral difficulties may need anger management training to restore his or her ability to interact appropriately with others. These services may be covered under the rehabilitation option if all of the requirements of this regulation are met.

In § 441.45(b)(4), we propose to exclude payment for services, including services that are rehabilitative services that are provided to inmates living in the secure custody of law enforcement and residing in a public institution. An individual is considered to be living in secure custody if serving time for a criminal offense in, or confined involuntarily to, State or Federal prisons, local jails, detention facilities, or other penal facilities. A facility is a public institution when it is under the responsibility of a governmental unit or over which a governmental unit exercises administrative control. Rehabilitative services could be reimbursed on behalf of Medicaid-eligible individuals paroled, on probation, on home release, in foster care, in a group home, or other community placement, that are not part of the public institution system, when the services are identified due to a medical condition targeted under the State's Plan, are not used in the administration of other non-medical programs.

We also propose to exclude payment for services that are provided to residents of an institution for mental disease (IMD), including residents of a community residential treatment facility of over 16 beds, that is primarily engaged in providing diagnosis, treatment, or care of persons with mental illness, and that does not meet the requirements at § 440.160. It appears that in the past, certain States may have provided services under the rehabilitation option to these individuals. Our proposed exclusion of FFP for rehabilitative services provided to these populations is consistent with the statutory requirements in paragraphs (A) and (B) following section 1905(a)(28) of the Act. The statute indicates that ''except as otherwise provided in paragraph (16), such term [medical assistance] does not include—(A) Any such payments with respect to care or services for any individual who is an inmate of a public institution; or (B) any such payments with respect to care or services for any individual who has not attained 65 years and who is a patient in an IMD.'' Section 1905(a)(16) of the Act defines as ''medical assistance'' ''* * * inpatient psychiatric hospital services for individuals under age 21 * * *''. The Secretary has defined the term ''inpatient psychiatric hospital services for individuals under age 21'' in regulations at § 440.160 to include ''a psychiatric facility which is accredited by the Joint Commission on Accreditation of Healthcare Organizations, the Council on Accreditation of Services for Families and Children, the Commission on Accreditation of Rehabilitation Facilities, or by any other accrediting organization, with comparable standards, that is recognized by the State.'' Thus, the term ''inpatient psychiatric hospital services for individuals under age 21'' includes services furnished in accredited children's psychiatric residential treatment facilities that are not hospitals. The rehabilitative services that are provided by the psychiatric hospital or accredited psychiatric residential treatment facility (PRTF) providing inpatient psychiatric services for individuals under age 21 to its residents would be reimbursed under the benefit for inpatient psychiatric services for individuals under age 21 (often referred to as the ''psych under 21'' benefit), rather than under the rehabilitative services benefit.

In § 441.45(b)(6), we propose to exclude expenditures for room and board from payment under the rehabilitative services option. While rehabilitative services may be furnished in a residential setting that is not an IMD, the benefit provided by section 1905(a)(13) of the Act is primarily intended for community based services. Thus, when rehabilitative services are provided in a residential setting, such as in a residential substance abuse treatment facility of less than 17 beds, delivered by qualified providers, only the costs of the specific rehabilitative services will be covered.

In § 441.45(b)(7), we propose to preclude payment for services furnished for the rehabilitation of an individual who is not Medicaid eligible. This provision reinforces basic program requirements found in section 1905(a) of the Act that require medical assistance to be furnished only to eligible individuals. An ''eligible individual'' is a person who is eligible for Medicaid and requires rehabilitative services as defined in the Medicaid State plan at the time the services are furnished.

The provision of rehabilitative services to non-Medicaid eligible individuals cannot be covered if it relates directly to the non-eligible individual's care and treatment. However, effective rehabilitation of eligible individuals may require some contact with non-eligible individuals. For instance, in developing the rehabilitation plan for a child with a mental illness, it may be appropriate to include the child's parents, who are not eligible for Medicaid, in the process. In addition, counseling sessions for the treatment of the child might include the parents and other non-eligible family members. In all cases, in order for a service to be a Medicaid coverable service, it must be provided to, or directed exclusively toward, the treatment of the Medicaid eligible individual.

Thus, contacts with family members for the purpose of treating the Medicaid eligible individual may be covered by Medicaid. If these other family members or other individuals also are Medicaid eligible and in need of the services covered under the State's rehabilitation plan, Medicaid could pay for the services furnished to them.

In § 441.45(b)(8), we propose that FFP would only be available for claims for services provided to a specific individual that are documented in an individual's case record.

We will work with States to implement this rule in a timely fashion using existing monitoring and compliance authority.

III. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

We are soliciting public comment on each of these issues for the following sections of this document that contain information collection requirements:

Section 440.130 Diagnostic, Screening, Preventative, and Rehabilitative Services

This section outlines the scope of service for rehabilitative services provided by States. The services discussed in this section must be provided under a written rehabilitation plan as defined in § 440.130(d)(1)(v). Specifically, § 440.130(d)(3) states that the written rehabilitation plan must meet the following requirements:

(i) Be based on a comprehensive assessment of an individual's rehabilitation needs including diagnoses and presence of a functional impairment in daily living.

(ii) Be developed by a qualified provider(s) working within the State scope of practice act with input from the individual, individual's family, the individual's authorized health care decision maker and/or persons of the individual's choosing.

(iii) Ensure the active participation of the individual, individual's family, the individual's authorized health care decision maker and/or persons of the individual's choosing in the development, review, and modification of these goals and services.

(iv) Specify the individual's rehabilitation goals to be achieved including recovery goals for persons with mental illnesses or substance related disorders.

(v) Specify the physical impairment, mental health and/or substance related disorder that is being addressed.

(vi) Identify the medical and remedial services intended to reduce the identified physical impairment, mental health and/or substance related disorder.

(vii) Identify the methods that will be used to deliver services.

(viii)Specify the anticipated outcomes.

(ix) Indicate the frequency and duration of the services.

(x) Be signed by the individual responsible for developing the rehabilitation plan.

(xi) Indicate the anticipated provider(s) of the service(s) and the extent to which the services may be available from alternate provider(s) of the same service.

(xii) Specify a timeline for reevaluation of the plan, based on the individual's assessed needs and anticipated progress, but not longer than one year.

(xiii) Be reevaluated with the involvement of the beneficiary, family or other responsible individuals.

(xiv) Be reevaluated including a review of whether the goals set forth in the plan are being met and whether each of the services described in the plan has contributed to meeting the stated goals. If it is determined that there has been no measurable reduction of disability and restoration of functional level, any new plan would need to pursue a different rehabilitation strategy including revision of the rehabilitative goals, services and/or methods.

(xv) Document that the individual or representative participated in the development of the plan, signed the plan, and received a copy of the rehabilitation plan.

(xvi) Document that the services have been determined to be rehabilitative services consistent with the regulatory definition.

The burden associated with the requirements in this section is the time and effort put forth by the provider to gather the information and develop a specific written rehabilitation plan. While these requirements are subject to the PRA, we believe they meet the exemption requirements for the PRA found at 5 CFR 1320.3(b)(2), and as such, the burden associated with these requirements is exempt.

Section 441.45 Rehabilitative Services

Section 441.45(a)(3) requires that providers maintain case records that contain a copy of the rehabilitation plan for all individuals.

The burden associated with these requirements is the time and effort put forth by the provider to maintain the case records. While these requirements are subject to the PRA, we believe they meet the exemption requirements for the PRA found at 5 CFR 1320.3(b)(2), and as such, the burden associated with these requirements is exempt.

If you comment on these information collection and recordkeeping requirements, please mail copies directly to the following:

Centers for Medicare & Medicaid Services, Office of Strategic Operations and Regulatory Affairs, Regulations Development Group, Attn: Melissa Musotto [CMS–2261–P], Room C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850; and

Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Katherine Astrich, CMS Desk Officer, [CMS–1321–P], *katherine_astrich@omb.eop.gov.* Fax (202) 395–6974.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a final document, we will respond to the comments in that document.

V. Regulatory Impact Analysis

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

Executive Order 12866 (as amended by Executive Order 13258, which merely reassigns responsibility of duties) directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This is a major rule because of the size of the anticipated reduction in Federal financial participation that is estimated to have an economically significant effect of more than $100 million in each of the Federal fiscal years 2008 through 2012.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6.5 million to $31.5 million in any 1 year. The Secretary certifies that this major rule would not have a direct impact on providers of rehabilitative services that furnish services pursuant to section 1905(a)(13) of the Act. The rule would directly affect states and we do not know nor can we predict the manner in which states would adjust or respond to the provisions of this rule. CMS is unable to determine the

percentage of providers of rehabilitative services that are considered small businesses according to the Small Business Administration's size standards with total revenues of $6.5 million to $31.5 million or less in any 1 year. Individuals and States are not included in the definition of a small entity. In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 (proposed documents) of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicaid payment regulations and has fewer than 100 beds. The Secretary certifies that this major rule would not have a direct impact on small rural hospitals. The rule would directly affect states and we do not know nor can we predict the manner in which states would adjust or respond to the provisions of this rule.

Section 202 of the Unfunded Mandates Reform Act (UMRA) of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. That threshold level is currently approximately $120 million. Since this rule would not mandate spending in any 1 year of $120 million or more, the requirements of the UMRA are not applicable.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. Since this rule would not impose any costs on State or local governments, preempt State law, or otherwise have Federalism implications, the requirements of E.O. 13132 are not applicable.

B. Anticipated Effects

FFP will be available for rehabilitative services for treatment of physical, mental health, or substance-related disorder rehabilitation treatment if the State elects to provide those services through the approved State plan. Individuals retain the right to select among qualified providers of rehabilitative services. However, because FFP will be excluded for rehabilitative services that are included in other Federal, State and local programs, it is estimated that Federal Medicaid spending on rehabilitative services would be reduced by approximately $180 million in FY 2008 and would be reduced by $2.2 billion between FY 2008 and FY 2012. This reduction in spending is expected to occur because FFP for rehabilitative services would no longer be paid to inappropriate other third parties or other Federal, State, or local programs.

The estimated impact on Federal Medicaid spending was calculated starting with an estimate of rehabilitative service spending that may be subject to this rule. This estimate was developed after consulting with several experts, as data for rehabilitative services, particularly as it would apply to this rule, is limited. Given this estimate, the actuaries discounted this amount to account for four factors: (1) The ability of CMS to effectively identify the rehabilitative services spending that would be subject to this proposal; (2) the effectiveness of CMS's efforts to implement this rule and the potential that some identified rehabilitative services spending may still be permissible under the rule; (3) the change in States' plans that may regain some of the lost Federal funding; and (4) the length of time for CMS to fully implement the rule and review all States' plans.

The actual impact to the Federal Medicaid program may be different than the estimate to the extent that the estimate of the amount of rehabilitative services spending subject to this rule is different than the actual amount and to the extent that the effectiveness of the rule is greater than or less than assumed. Because a comprehensive review of these rehabilitative services had not been conducted at the time of this estimate and because we do not routinely collect data on spending for rehabilitative services, particularly as it relates to this rule, there is a significantly wide range of possible impacts.

Thus, we are unable to determine what fiscal impact the publication of this rule would have on consumers, individual industries, Federal, State, or local government agencies or geographic regions under Executive Order 12866. We invite public comment on the potential impact of the rule.

C. Alternatives Considered

This proposed rule would amend the definition of rehabilitative services to provide for important individual protections and to clarify that Medicaid rehabilitative services must be coordinated with but do not include services furnished by other programs that are focused on social or educational development goals and available as part of other services or programs. We believe this proposed rule is the best approach to clarifying the covered rehabilitative services, and also because all stakeholders will have the opportunity to comment on the proposed rule. These comments will then be considered before the final document is published.

In considering regulatory options, we considered requiring States to license all providers as an alternative to only requiring that providers to be qualified as defined by the State. However we believe that giving States the flexibility to determine how providers are credentialed allows for necessary flexibility to States to consider a wide range of provider types necessary to cover a variety of rehabilitation services. We believe this flexibility will result in decreases in administrative and service costs.

We also considered restricting the rule to only include participant protections but not explicitly prohibiting FFP for services that are intrinsic elements of other non-Medicaid programs. Had we not prohibited FFP for services that are intrinsic elements of other programs, States would continue to provide non-Medicaid services to participants, the result would have been a less efficient use of Medicaid funding because increased Medicaid spending would not result in any increase in services to beneficiaries. Instead, increased Medicaid funding would have simply replaced other sources of funding.

D. Accounting Statement and Table

As required by OMB Circular A–4 (available at *http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf*), in the table below, we have prepared an accounting statement showing the classification of the savings associated with the provisions of this proposed rule. This table provides our best estimate of the savings to the Federal Government as a result of the changes presented in this proposed rule that Federal Medicaid spending on rehabilitative services would be reduced by approximately $180 million in FY 2008 and would be reduced by $2.24 billion between FY 2008 and FY 2012. All savings are classified as transfers from the Federal Government to State Government. These transfers represent a reduction in the federal share of Medicaid spending once the rule goes into effect, as it would limit States from claiming Medicaid reimbursement for

rehabilitation services that could be covered through other programs.

ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED SAVINGS, FROM FY 2008 TO FY 2012

[In millions]

Category	Primary estimates	Year dollar	Units discount rate	Period covered
Federal Annualized Monetized ($millions/year)	443.4	2008	7%	2008–2012
	441.6	2008	3%	2008–2012
	448	2008	0%	2008–2012
From Whom to Whom?	Federal Government to State Government			

Column 1: Category—Contains the description of the different impacts of the rule; it could include monetized, quantitative but not monetized, or qualitative but not quantitative or monetized impacts; it also may contain unit of measurement (such as, dollars). In this case, the only impact is the Federal annualized monetized impact of the rule.

Column 2: Primary Estimate—Contains the quantitative or qualitative impact of the rule for the respective category of impact. Monetized amounts are generally shown in real dollar terms. In this case, the federalized annualized monetized primary estimate represents the equivalent amount that, if paid (saved) each year over the period covered, would result in the same net present value of the stream of costs (savings) estimated over the period covered.

Column 3: Year Dollar—Contains the year to which dollars are normalized; that is, the first year that dollars are discounted in the estimate.

Column 4: Unit Discount Rate—Contains the discount rate or rates used to estimate the annualized monetized impacts. In this case, three rates are used: 7 percent; 3 percent; 0 percent.

Column 5: Period Covered—Contains the years for which the estimate was made.

Rows: The rows contain the estimates associated with each specific impact and each discount rate used.

''From Whom to Whom?''—In the case of a transfer (as opposed to a change in aggregate social welfare as described in the OMB Circular), this section describes the parties involved in the transfer of costs. In this case, costs previously paid for by the Federal Government would be transferred to the State Governments. The table may also contain minimum and maximum estimates and sources cited. In this case, there is only a primary estimate and there are no additional sources for the estimate.

Estimated Savings—The following table shows the discounted costs (savings) for each discount rate and for each year over the period covered. ''Total'' represents the net present value of the impact in the year the rule takes effect. These numbers represent the anticipated annual reduction in Federal Medicaid spending under this rule.

ESTIMATED SAVINGS, FROM FY 2008 TO FY 2012

[In millions]

Discount rate (percent)	2008	2009	2010	2011	2012	Total
0	180	360	520	570	610	2,288
3	175	339	476	506	526	2,069
7	168	314	424	435	435	1,822

E. Conclusion

For these reasons, we are not preparing analyses for either the RFA or section 1102(b) of the Act because a comprehensive review of these rehabilitative services had not been conducted at the time of this estimate and because we do not routinely collect data on spending for rehabilitative services. Accordingly, there is a significantly wide range of possible impacts due to this rule. As indicated in the Estimated Savings table above, we project an estimated savings of $180 million in FY 2008, $360 million in FY 2009, $520 million in FY 2010, $570 million in FY 2011, and $610 million in FY 2012. This reflects a total estimated savings of $2.240 billion dollars for FY 2008 through FY 2012. We invite public comment on the potential impact of this rule.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects

42 CFR Part 440

Grant programs—health, Medicaid.

42 CFR Part 441

Family planning, Grant programs—health, Infants and children, Medicaid, Penalties, Prescription drugs, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 440—SERVICES: GENERAL PROVISIONS

1. The authority citation for part 440 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. Section 440.130 is amended by revising paragraph (d) to read as follows:

§ 440.130 Diagnostic, screening, preventative, and rehabilitative services.

* * * * *

(d) *Rehabilitative Services*—(1) *Definitions.* For purposes of this subpart, the following definitions apply:

(i) *Recommended by a physician or other licensed practitioner of the healing arts* means that a physician or other licensed practitioner of the healing arts, based on a comprehensive assessment of the individual, has—

(A) Determined that receipt of rehabilitative services would result in reduction of the individual's physical or mental disability and restoration to the best possible functional level of the individual; and

(B) Recommended the rehabilitative services to achieve specific individualized goals.

(ii) *Other licensed practitioner of the healing arts* means any health practitioner or practitioner of the healing arts who is licensed in the State to diagnose and treat individuals with the physical or mental disability or functional limitations at issue, and operating within the scope of practice defined in State law.

(iii) *Qualified providers of rehabilitative services* means individuals who meet any applicable provider qualifications under Federal law that would be applicable to the same service when it is furnished under other Medicaid benefit categories, qualifications under applicable State scope of practice laws, and any additional qualifications set forth in the Medicaid State plan. These qualifications may include minimum age requirements, education, work experience, training, credentialing, supervision and licensing requirements that are applied uniformly. Provider qualifications must be documented in the State plan and be reasonable given the nature of the service provided and the population served. Individuals must have free choice of providers and all willing and qualified providers must be permitted to enroll in Medicaid.

(iv) *Under the direction of* means that for physical therapy, occupational therapy, and services for individuals with speech, hearing and language disorders (see § 440.110, ''Inpatient hospital services, other than services in an institution for mental diseases'') the Medicaid qualified therapist providing direction is a licensed practitioner of the healing arts qualified under State law to diagnose and treat individuals with the disability or functional limitations at issue, is working within the scope of practice defined in State law and is supervising each individual's care. The supervision must include, at a minimum, face-to-face contact with the individual initially and periodically as needed, prescribing the services to be provided, and reviewing the need for continued services throughout the course of treatment. The qualified therapist must also assume professional responsibility for the services provided and ensure that the services are medically necessary. Therapists must spend as much time as necessary directly supervising services to ensure beneficiaries are receiving services in a safe and efficient manner in accordance with accepted standards of practice. Moreover, documentation must be kept supporting the supervision of services and ongoing involvement in the treatment. Note that this definition applies specifically to providers of physical therapy, occupational therapy, and services for individuals with speech, hearing and language disorders. This language is not meant to exclude appropriate supervision arrangements for other rehabilitative services.

(v) *Rehabilitation plan* means a written plan that specifies the physical impairment, mental health and/or substance related disorder to be addressed, the individualized rehabilitation goals and the medical and remedial services to achieve those goals. The plan is developed by a qualified provider(s) working within the State scope of practice act, with input from the individual, individual's family, the individual's authorized decision maker and/or of the individual's choosing and also ensures the active participation of the individual, individual's family, individual's authorized decision maker and/or of the individual's choosing in the development, review, and modification of the goals and services. The plan must document that the services have been determined to be rehabilitative services consistent with the regulatory definition. The plan must have a timeline, based on the individual's assessed needs and anticipated progress, for reevaluation of the plan, not longer than one year. The plan must be reasonable and based on the individual's condition(s) and on general standards of practice for provision of rehabilitative services to an individual with the individual's condition(s).

(vi) *Restorative services* means services that are provided to an individual who has had a functional loss and has a specific rehabilitative goal toward regaining that function. The emphasis in covering rehabilitation services is on the ability to perform a function rather than to actually have performed the function in the past. For example, a person may not have needed to take public transportation in the past, but may have had the ability to do so prior to having the disability. Rehabilitation goals are often contingent on the individual's maintenance of a current level of functioning. In these instances services that provide assistance in maintaining functioning may be considered rehabilitative only when necessary to help an individual achieve a rehabilitation goal defined in the rehabilitation plan. Services provided primarily in order to maintain a level of functioning in the absence of a rehabilitation goal are not within the scope of rehabilitation services.

(vii) *Medical services* means services specified in the rehabilitation plan that are required for the diagnosis, treatment, or care of a physical or mental disorder and are recommended by a physician or other licensed practitioner of the healing arts within the scope of his or her practice under State law. Medical services may include physical therapy, occupational therapy, speech therapy, and mental health and substance-related disorder rehabilitative services.

(viii) *Remedial services* means services that are intended to correct a physical or mental disorder and are necessary to achieve a specific rehabilitative goal specified in the individual's rehabilitation plan.

(2) *Scope of services.* Except as otherwise provided under this subpart, rehabilitative services include medical or remedial services recommended by a physician or other licensed practitioner of the healing arts, within the scope of his practice under State law, for maximum reduction of physical or mental disability and restoration of a individual to the best possible functional level. Rehabilitative services may include assistive devices, medical equipment and supplies, not otherwise covered under the plan, which are determined necessary to the achievement of the individual's rehabilitation goals. Rehabilitative services do not include room and board in an institution or community setting.

(3) *Written rehabilitation plan.* The written rehabilitation plan shall be reasonable and based on the individual's condition(s) and on the standards of practice for provision of rehabilitative services to an individual with the individual's condition(s). In addition, the written rehabilitation plan must meet the following requirements:

(i) Be based on a comprehensive assessment of an individual's rehabilitation needs including diagnoses and presence of a functional impairment in daily living.

(ii) Be developed by a qualified provider(s) working within the State scope of practice act with input from the individual, individual's family, the individual's authorized health care

decision maker and/or persons of the individual's choosing.

(iii) Follow guidance obtained through the active participation of the individual, and/or persons of the individual's choosing (which may include the individual's family and the individual's authorized health care decision maker), in the development, review, and modification of plan goals and services.

(iv) Specify the individual's rehabilitation goals to be achieved, including recovery goals for persons with mental health and/or substance related disorders.

(v) Specify the physical impairment, mental health and/or substance related disorder that is being addressed.

(vi) Identify the medical and remedial services intended to reduce the identified physical impairment, mental health and/or substance related disorder.

(vii) Identify the methods that will be used to deliver services.

(viii) Specify the anticipated outcomes.

(ix) Indicate the frequency, amount and duration of the services.

(x) Be signed by the individual responsible for developing the rehabilitation plan.

(xi) Indicate the anticipated provider(s) of the service(s) and the extent to which the services may be available from alternate provider(s) of the same service.

(xii) Specify a timeline for reevaluation of the plan, based on the individual's assessed needs and anticipated progress, but not longer than one year.

(xiii) Be reevaluated with the involvement of the individual, family or other responsible individuals.

(xiv) Be reevaluated including a review of whether the goals set forth in the plan are being met and whether each of the services described in the plan has contributed to meeting the stated goals. If it is determined that there has been no measurable reduction of disability and restoration of functional level, any new plan would need to pursue a different rehabilitation strategy including revision of the rehabilitative goals, services and/or methods.

(xv) Document that the individual or representative participated in the development of the plan, signed the plan, and received a copy of the rehabilitation plan.

(xvi) Document that the services have been determined to be rehabilitative services consistent with the regulatory definition.

(xvii) Include the individual's relevant history, current medical findings, contraindications and identify the individual's care coordination needs, if any, as needed to achieve the rehabilitation goals.

(4) *Impairments to be addressed.* For purposes of this section, rehabilitative services include services provided to the Medicaid eligible individual to address the individual's physical impairments, mental health impairments, and/or substance-related disorder treatment needs.

(5) *Settings.* Rehabilitative services may be provided in a facility, home, or other setting.

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

1. The authority citation for part 441 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

Subpart A—General Provisions

2. A new § 441.45 is added to subpart A to read as follows:

§ 441.45 Rehabilitative services.

(a) If a State covers rehabilitative services, as defined in § 440.130(d) of this chapter, the State must meet the following requirements:

(1) Ensure that services are provided in accordance with § 431.50, § 431.51, § 440.230, and § 440.240 of this chapter.

(2) Ensure that rehabilitative services are limited to services furnished for the maximum reduction of physical or mental disability and restoration of the individual to their best possible functional level.

(3) Require that providers maintain case records that contain a copy of the rehabilitation plan for all individuals.

(4) For all individuals receiving rehabilitative services, require that providers maintain case records that include the following:

(i) A copy of the rehabilitative plan.

(ii) The name of the individual.

(iii) The date of the rehabilitative services provided.

(iv) The nature, content, and units of the rehabilitative services.

(v) The progress made toward functional improvement and attainment of the individual's goals as identified in the rehabilitation plan and case record.

(5) Ensure the State plan for rehabilitative services includes the following requirements:

(i) Describes the rehabilitative services furnished.

(ii) Specifies provider qualifications that are reasonably related to the rehabilitative services proposed to be furnished.

(iii) Specifies the methodology under which rehabilitation providers are paid.

(b) Rehabilitation does not include, and FFP is not available in expenditures for, services defined in § 440.130(d) of this chapter if the following conditions exist:

(1) The services are furnished through a non-medical program as either a benefit or administrative activity, including services that are intrinsic elements of programs other than Medicaid, such as foster care, child welfare, education, child care, vocational and prevocational training, housing, parole and probation, juvenile justice, or public guardianship. Examples of services that are intrinsic elements of other programs and that would not be paid under Medicaid include, but are not limited to, the following:

(i) Therapeutic foster care services furnished by foster care providers to children, except for medically necessary rehabilitation services for an eligible child that are clearly distinct from packaged therapeutic foster care services and that are provided by qualified Medicaid providers.

(ii) Packaged services furnished by foster care or child care institutions for a foster child except for medically necessary rehabilitation services for an eligible child that are clearly distinct from packaged therapeutic foster care services and that are provided by qualified Medicaid providers.

(iii) Adoption services, family preservation, and family reunification services furnished by public or private social services agencies.

(iv) Routine supervision and non-medical support services provided by teacher aides in school settings (sometimes referred to as ''classroom aides'' and ''recess aides'').

(2) Habilitation services, including services for which FFP was formerly permitted under the Omnibus Budget Reconciliation Act of 1989. Habilitation services include ''services provided to individuals'' with mental retardation or related conditions. (Most physical impairments, and mental health and/or substance related disorders, are not included in the scope of related conditions, so rehabilitation services may be appropriately provided.)

(3) Recreational or social activities that are not focused on rehabilitation and not provided by a Medicaid qualified provider; personal care services; transportation; vocational and prevocational services; or patient education not related to reduction of physical or mental disability and the restoration of an individual to his or her best possible functional level.

(4) Services that are provided to inmates living in the secure custody of law enforcement and residing in a public institution. An individual is considered to be living in secure custody if serving time for a criminal offence in, or confined involuntarily to, public institutions such as State or Federal prisons, local jails, detention facilities, or other penal facilities. A facility is a public institution when it is under the responsibility of a governmental unit; or over which a governmental unit exercises administrative control. Rehabilitative services could be reimbursed on behalf of Medicaid-eligible individuals paroled, on probation, on home release, in foster care, in a group home, or other community placement, that are not part of the public institution system, when the services are identified due to a medical condition targeted under the State's Plan, are not used in the administration of other non-medical programs.

(5) Services provided to residents of an institution for mental disease (IMD) who are under the age of 65, including residents of community residential treatment facilities with more than 16 beds that do not meet the requirements at § 440.160 of this chapter.

(6) Room and board.

(7) Services furnished for the treatment of an individual who is not Medicaid eligible.

(8) Services that are not provided to a specific individual as documented in an individual's case record.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: March 22, 2007.

Leslie V. Norwalk,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: July 12, 2007.

Michael O. Leavitt,

Secretary.

[FR Doc. 07–3925 Filed 8–8–07; 4:00 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

43 CFR Part 10

Consultation and Dialogue On Regulations Regarding The Disposition Of Unclaimed Native American Human Remains, Funerary Objects, Sacred Objects, Or Objects Of Cultural Patrimony Excavated Or Discovered On Federal Or Tribal Lands After November 16, 1990, Pursuant To Provisions Of The Native American Graves Protection And Repatriation Act (NAGPRA)

AGENCY: National Park Service, Interior.

ACTION: Notice of consultation.

SUMMARY: This notice of consultation announces three consultation meetings and a facilitated dialogue session (recommended by the Review Committee) that will be held to obtain additional oral and written recommendations on regulations to be drafted regarding the disposition of unclaimed Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony that are excavated or discovered on Federal or tribal lands after November 16, 1990. Previous consultation meetings were held November, 2005, and April, 2007.

DATES:

The four consultation/dialogue sessions are scheduled for October 14–16, 2007:

1. Tribal consultation: October 14, 2007, 8:30 a.m. to 10:30 a.m., Chaparral Suites Resort, 5001 North Scottsdale Rd., Scottsdale, AZ 85250. Authorized representatives of Indian tribes and Native Hawaiian organizations and traditional Native American religious leaders are invited to participate in this meeting. Tribal representatives wishing to make a public presentation at this session should submit a request to do so by October 8, 2007, including evidence that you are authorized to speak on behalf of an Indian tribe or Native Hawaiian organization.

2. Museum consultation: October 14, 2007, 10:45 a.m. to 12:45 p.m., Chaparral Suites Resort, 5001 North Scottsdale Rd., Scottsdale, AZ 85250. Authorized representatives of museums and national museum and scientific organizations are invited to participate in this meeting. Representatives wishing to make a public presentation at this session should submit a request to do so by October 8, 2007, including evidence that you are authorized to speak on behalf of a museum or national museum or scientific organization.

3. Museum-Tribal Dialogue: October 14, 2007, 2:30 p.m. to 5:00 p.m., Chaparral Suites Resort, 5001 North Scottsdale Rd., Scottsdale, AZ 85250. This facilitated discussion, recommended by the Review Committee, will provide the authorized representatives of Indian tribes, Native Hawaiian organizations, museums, and national museum and scientific organizations with a forum to identify points of agreement regarding the disposition of unclaimed Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony. The results of the museum-tribal dialogue will be reported to the Review Committee at its October 15–16, 2007, meeting.

4. Review Committee consultation: October 15–16, 2007, 8:30 a.m. to 5:00 p.m., Heard Museum, 2301 North Central Ave., Phoenix, AZ 85004. Time will be scheduled during the Review Committee meeting for members of the public to provide oral and written recommendations. Members of the public wishing to make a public presentation at the Review Committee meeting should submit a request to do so by October 8, 2007.

Requests to make presentations or participate at any of the sessions should be faxed to (202) 371–5197 by October 8, 2007. Written comments should be postmarked or faxed to Sherry Hutt as indicated under **ADDRESSES** no later than December 1, 2007.

ADDRESSES: Written comments and requests for public presentations may be mailed to Sherry Hutt, Manager, National NAGPRA Program, National Park Service, 1849 C Street NW, Washington, DC 20240. Comments may also be faxed to Sherry Hutt at (202) 371–5197.

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.

The consultation/dialogue sessions with Indian tribes, Native Hawaiian organizations, traditional Native American religious leaders, museums and national museum and scientific organizations on October 14, 2007 will be held at Chaparral Suites Resort, 5001 North Scottsdale Rd., Scottsdale, AZ

85250. The consultation session with the Native American Graves Protection and Repatriation Review Committee on October 15–16, 2007 will be held at Heard Museum, 2301 North Central Ave., Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: Sherry Hutt, Manager, National NAGPRA Program, National Park Service, 1849 C Street NW, Washington, DC 20240, telephone: (202) 354–1479.

SUPPLEMENTARY INFORMATION: The purpose of the consultation/dialogue sessions is to provide Native American organizations, museums and the scientific community, and the Native American Graves Protection and Repatriation Review Committee with an opportunity to consult on forthcoming regulations regarding the disposition of unclaimed Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony excavated or discovered on Federal or tribal lands after November 16, 1990. Previous consultation meetings were held November 15–17, 2005, in Albuquerque, NM, and April 18–20, 2007, in Washington, DC.

The October 14, 2007, 8:30 a.m. to 10:30 a.m. consultation meeting supports the Secretary of the Interior's administrative policy on tribal consultation by encouraging maximum direct participation of representatives of tribal governments on important Departmental issues and processes.

The October 14, 2007, 10:45 a.m. to 12:45 p.m. consultation meeting supports the Secretary of the Interior's responsibility to consult with museums and the scientific community in the development of these regulations.

The October 14, 2007, 2:30 p.m. to 5:00 p.m. museum-tribal facilitated dialogue responds to a recommendation of the Review Committee.

The October 15–16, 2007 consultation meeting supports the Secretary of the Interior's responsibility to consult with the Review Committee regarding the development of regulations.

The Native American Graves Protection and Repatriation Act provides criteria for determining the ownership of Native American cultural items that are excavated or discovered on Federal or tribal lands after November 16, 1990 [25 U.S.C. 3002 (a)]. The ownership or control of such items is, with priority given in the order listed:

(1) in the case of Native American human remains and associated funerary objects, in the lineal descendants of the Native American; or

(2) in any case in which such lineal descendants cannot be ascertained, and in the case of unassociated funerary objects, sacred objects, and objects of cultural patrimony.

(A) in the Indian tribe or Native Hawaiian organization on whose tribal land such objects or remains were discovered;

(B) In the Indian tribe or Native Hawaiian organization which has the closest cultural affiliation with such remains or objects and which, upon notice, states a claim for such remains or objects; or

(C) If the cultural affiliation of the objects cannot be reasonably ascertained and if the objects were discovered on Federal land that is recognized by a final judgment of the Indian Claims Commission or the United States Court of Claims as the aboriginal land of some Indian tribe.

(i) Iin the Indian tribe that is recognized as aboriginally occupying the area in which the objects were discovered, if upon notice, such tribe states a claim for such remains or objects, or

(ii) If it can be shown by a preponderance of the evidence that a different tribe has a stronger cultural relationship with the remains or objects than the tribe or organization specified in paragraph (i), in the Indian tribe that has the strongest demonstrated relationship, if upon notice, such tribe states a claim for such remains or objects.

The Act directs that Native American cultural items not claimed under subsection (a) shall be disposed of in accordance with regulations promulgated by the Secretary of the Interior in consultation with the Review Committee, Native American groups, representatives of museums, and the scientific community [25 U.S.C. 3002 (b)]. One section of the regulations was reserved for procedures to effect the disposition of Native American cultural items that are not claimed [43 CFR 10.7].

Participants in the consultation meetings are requested to comment on the following issues:

(1) How should the regulations address distinctions between:

(a) human remains, funerary objects, sacred objects, or objects of cultural patrimony remaining in Federal care for which ownership or control is with a lineal descendant or an Indian tribe or Native Hawaiian organization on whose lands the cultural items were discovered?

(b) human remains, funerary objects, sacred objects, or objects of cultural patrimony remaining in Federal care for which an Indian tribe or Native Hawaiian organization has stated a claim based on cultural affiliation, aboriginal land, or cultural relationship?

(c) human remains, funerary objects, sacred objects, or objects of cultural patrimony remaining in Federal care for which a non-federally recognized Indian group has stated a claim based on a relationship of shared group identity?

(d) human remains and associated funerary objects remaining in Federal care for which no claim has been made?

(2) Do current regulations regarding the curation of Federally-owned and administered archaeological collections [36 CFR 79] adequately address the management, preservation, and use of human remains, funerary objects, sacred objects, or objects of cultural patrimony remaining in Federal care?

Dated: July 11, 2007.

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–15823 Filed 8–10–07; 8:45 am]

BILLING CODE 4312–50–S

Notices

Federal Register
Vol. 72, No. 155
Monday, August 13, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0075]

Notice of Request for Extension of Approval of an Information Collection; Accreditation of Nongovernment Facilities

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with accrediting nongovernment facilities to perform services related to the export certification of plants or plant products.

DATES: We will consider all comments that we receive on or before October 12, 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–2007–0075 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–2007–0075, 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–2007–0075.

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 on an information collection associated with the accreditation program, contact Mr. Michael Ward, Senior Accreditation Program Manager, Phytosanitary Issues Management, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737; (301) 734–5227. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS* Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Accreditation of Nongovernment Facilities.

OMB Number: 0579–0130.

Type of Request: Extension of approval of an information collection.

Abstract: The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA), among other things, provides export certification services to assure other countries that the plants and plant products they are receiving from the United States are free of plant pests specified by the receiving country. This activity is authorized by the Plant Protection Act (7 U.S.C. 7701 *et seq.*).

The export certification regulations, which are contained in 7 CFR part 353, describe the procedures for obtaining certification for plants and plant products offered for export or reexport. Our regulations do not require that we engage in export certification activities; we perform this work as a service to exporters who are shipping plants or plant products to countries that require phytosanitary certification as a condition of entry.

After assessing the condition of the plants or plant products intended for export (*i.e.*, after conducting a phytosanitary inspection), an inspector will issue an internationally recognized phytosanitary certificate, a phytosanitary certificate for reexport, or an export certificate for processed plant products. Laboratory testing of plant or plant product samples is an important component of the certification process.

The regulations allow nongovernment facilities (such as commercial laboratories and private inspection services) to be accredited by APHIS to perform specific laboratory testing or phytosanitary inspections that could serve as the basis for issuing Federal phytosanitary certificates, phytosanitary certificates for reexport, or export certificates for processed plant products.

The accreditation process requires the use of several information collection activities to ensure that nongovernment facilities applying for accreditation possess the necessary qualifications.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;

(2) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 3.4482 hours per response.

Respondents: Operators of nongovernment facilities who wish to be accredited to perform laboratory testing or phytosanitary inspection services in connection with APHIS' export certification program and certain employees of such nongovernment facilities.

Estimated annual number of respondents: 15.

Estimated annual number of responses per respondent: 5.8.

Estimated annual number of responses: 87.

Estimated total annual burden on respondents: 300 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 8th day of August 2007.

Cindy Smith,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–15804 Filed 8–10–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0059]

Secretary's Advisory Committee on Foreign Animal and Poultry Diseases

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of intent.

SUMMARY: We are giving notice that the Secretary of Agriculture intends to reestablish the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases for a 2-year period. The Secretary of Agriculture has determined that the Committee is necessary and in the public interest.

FOR FURTHER INFORMATION CONTACT: Dr. Bethany O'Brien, Acting Director of Outreach and Liaisons, Emergency Management and Diagnostics, VS, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737–1231; (301) 734–8073.

SUPPLEMENTARY INFORMATION: The purpose of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases is to advise the Secretary of Agriculture regarding program operations and measures to suppress, control, or eradicate an outbreak of foot-and-mouth disease, or other destructive foreign animal or poultry disease, in the event these diseases should enter the United States. The Committee also advises the Secretary of Agriculture of means to prevent these diseases.

Done in Washington, DC, this 7th day of August 2007.

Gilbert Smith,

Acting Assistant Secretary for Administration.

[FR Doc. E7–15819 Filed 8–10–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0112]

Availability of a Draft Pest Risk Assessment for Lemons From Argentina

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: We are advising the public that a draft pest risk assessment has been prepared by the Animal and Plant Health Inspection Service relative to our consideration of a request to allow the importation into the continental United States of fresh lemons from Argentina. We are making this draft pest risk assessment available to the public for review and comment.

DATES: We will consider all comments that we receive on or before October 12, 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–2007–0112 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–2007–0112, 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–2007–0112.

Reading Room: You may read any comments that we receive on the draft pest risk assessment 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. Juan Roman, Import Specialist, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1237; (301) 734–8758.

SUPPLEMENTARY INFORMATION:

Background

The regulations in ''Subpart-Fruits and Vegetables'' (7 CFR 319.56 through 319.56–46, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

The Animal and Plant Health Inspection Service (APHIS) is considering a request to amend the regulations to allow the importation of fresh lemons from Argentina into the continental United States. We have prepared a draft pest risk assessment entitled ''Risk Assessment for the Importation of Fresh Lemon (*Citrus limon* (L.) Burm. F.) Fruit from Northwest Argentina into the Continental United States'' (August 2007) in order to consider the pest risks associated with the importation of fresh lemons from Argentina into the continental United States. We are making the draft pest risk assessment available to the public for review and comment.

The draft pest risk assessment may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for instructions for accessing Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the draft pest risk assessment by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the draft pest risk assessment when requesting copies.

This notice solicits public comments on the draft pest risk assessment. We will also make the draft pest risk assessment available for public comment during the comment period for any proposed rule related to the importation of lemons from Argentina.

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

Done in Washington, DC, this 7th day of August 2007.

Cindy Smith,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–15816 Filed 8–10–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fuel Reduction Activities Within the City of Bozeman's Municipal Watershed on the Gallatin National Forest and City of Bozeman Lands, MT Gallatin National Forest; Gallatin County, MT

AGENCY: Forest Service, USDA.

ACTION: Revised notice; intent to prepare environmental impact statement. The original notice was published in the **Federal Register**/Vol. 70, No. 200, October 18, 2005/notices, pages 60488–60489.

SUMMARY: On October 18, 2005, the USDA Forest Service announced its intent to prepare an environmental impact statement (EIS) to disclose the environmental effects of a proposed fuels reduction project in the municipal watershed of the City of Bozeman, Montana. This Revised Notice is being published because the projected date of June, 2006 for filing the Draft EIS with the U.S. Environmental Protection Agency (EPA) was not met and the Draft EIS is now expected to be filed in September of 2007.

The project's purpose and need is to begin reducing the potential severity and extent of future wildland fires in the Bozeman and Hyalite Municipal Watersheds, begin creating vegetation and fuel conditions that will reduce the risk of excess sediment and ash reaching the municipal water treatment plant in the event of a severe wildland fire, begin creating vegetation and fuel conditions that will provide for firefighter and public safety by modifying potential fire behavior, and reduce fuel conditions in the wildland/urban interface (WUI). A range of 3 to 5 alternatives are targeted for consideration in this planning process.

DATES: Initial comments on this proposal were received by November 11, 2005.

ADDRESSES: Written comments should be sent to Jim Devitt, Gallatin National Forest Supervisors Office, P.O. Box 130, Bozeman, Montana 59771–0130.

FOR FURTHER INFORMATION CONTACT: Jim Devitt, Bozeman Municipal Watershed Project Interdisciplinary Team Leader, Gallatin National Forest Supervisors Office, (406) 587–6749.

SUPPLEMENTARY INFORMATION: The need of this project, as identified by the Gallatin National Forest and the City of Bozeman, is to maintain a high-quality, long term, and predictable water supply for Bozeman area residents. The Bozeman Municipal Watershed analysis area is a landscape dominated by steep canyons and timbered slopes. The two drainages are very popular and receive heavy use for outdoor recreation activities such as pleasure driving, hiking, biking, camping, picnicking, fishing, and hunting, to name a few. The Bozeman Municipal Water project will apply to portions of National Forest System Lands and City of Bozeman land within the Bozeman and Hyalite Watersheds. There are several homes and sub-divisions within one half mile of the forest boundary or within the WUI. Fire simulation models showed that a large fire started in either Bozeman Creek or Hyalite Creek could easily burn into the adjacent drainage, resulting in a situation where both major sources of city water supply are simultaneously impacted. The Forest Service and City of Bozeman believe it is timely to begin addressing this project's purpose. The purpose and need for this project would be achieved by: (1) Partial harvesting and thinning in about 2,200 acres of mature timber stands. Ground based, skyline, and helicopter harvest systems would be used to implement this harvest and thinning.

(2) Mechanical cutting and piling of younger, small diameter trees on about 1,150 acres. Hand piling would be used in some places.

(3) Prescribed burning in the thinned stands after harvest or cutting.

(4) Broadcast burning in less dense stands of timber.

To facilitate public comment, the Forest Service prepared a scoping document. This document identified one possible set of treatment options and can be viewed on the Gallatin National Forest Web site at *www.fs.fed.us/r1/gallatin.* A copy can also be obtained by calling or writing the contact person identified above.

The Draft EIS was originally expected to be filed with the Environmental Protection Agency (EPA) and available for public review in June of 2006. That time period was not met and the Draft EIS is now expected to be filed with the EPA in September of 2007. At that time, the EPA will publish a Notice of Availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS is estimated to be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. The Final EIS is scheduled for completion in the spring of 2008.

To assist the Forest Service in identifying and considering issues, comments should be specific to concerns associated with fuel reduction activities within a municipal watershed. 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 structuring comments.

The Forest Service believes, at this stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements 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 draft environmental impact statement 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 during comment periods provided so that substantive comments and objections are made available to the Forest Service at a time when they can meaningfully consider them. To assist the Forest Service in identifying and considering issues, comments should be specific to concerns associated with the management of roads and trails on the Gallatin National Forest. 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 structuring comments.

I am the responsible official for this Environmental Impact Statement and the ultimate decision for a Bozeman Watershed Project. My address is Forest Supervisor, Gallatin National Forest, P.O. Box 130, Federal Building, Bozeman, MT 59771.

Dated: August 3, 2007.

John Allen,

Deputy Forest Supervisor.

[FR Doc. 07–3922 Filed 8–10–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Public Meeting, Davy Crockett National Forest Resource Advisory Committee

August 6, 2007.

AGENCY: Forest Service, USDA.

SUMMARY: In accordance with the Secure Rural Schools and Community Self Determination Act of 2000 (Pub. L. 106–393) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of Agriculture, Forest Service, Davy Crockett National Forest Resource Advisory Committee (RAC) meeting will meet as indicated below.

DATES: The Davy Crockett National Forest RAC meeting will be held on September 20, 2007.

ADDRESSES: The Davy Crockett National Forest RAC meeting will be held at the Davy Crockett Ranger Station located on State Highway 7, approximately one-quarter mile West of FM 227 in Houston County, Texas. The meeting will begin at 4 p.m. and adjourn at approximately 6 p.m. A public comment period will be 5:45 p.m.

FOR FURTHER INFORMATION CONTACT: Brian Townsend, Designated Federal Officer, Davy Crockett National Forest, Route 1 Box 55 FS, Kennard, TX 75847: Telephone: 936–655–2299 or e-mail at: *btownsend@fs.fed.us*.

SUPPLEMENTARY INFORMATION: The Davy Crockett National Forest RAC proposes projects and funding to the Secretary of Agriculture under Section 203 of the Secure Rural Schools and Community Self Determination Act of 2000. The purpose of the September 20, 2007 meeting is to review and approve 2007 funding for proposed projects to submit to the Forest Supervisor for National Forests and Grasslands in Texas. These meetings are open to the public. The public may present written comments to the RAC. Each formal RAC meeting will also have time, as identified above, persons wishing to comment and time available, the time for individual oral comments may be limited.

Brian Townsend,

Designated Federal Officer, Davy Crockett National Forest RAC.

[FR Doc. 07–3936 Filed 8–10–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

AGENCY: Notice of Resource Advisory Committee, Sundance, WY, USDA Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Black Hills National Forests' Crook County Resource Advisory Committee will meet Tuesday, September 11th, 2007 in sundance, Wyoming for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on September 11th will begin at 6:30 p.m., at the USFS Bearlodge Ranger District office, 121 South 21st Street, Sundance, Wyoming. Agenda topics will include a review of previously funded projects and consideration of FY 2008 project proposals. A public forum will begin at 8 p.m. (MT).

FOR FURTHER INFORMATION: Steve Kozel, Bearlodge District Ranger and Designated Federal Officer at (307) 283–1361.

Dated: August 7, 2007.

Steven J. Kozel,

District Ranger, Bearlodge Ranger District.

[FR Doc. 07–3939 Filed 8–10–07; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Marine Mammal Stranding Report/Marine Mammal Rehabilitation Disposition Report.

Form Number(s): NOAA Forms 89–864 and 89–878.

OMB Approval Number: 0648–0178.

Type of Request: Regular submission.

Burden Hours: 2,400.

Number of Respondents: 400.

Average Hours Per Response: 30 minutes.

Needs and Uses: The marine mammal stranding—Level A—reports provide basic information on marine mammal strandings so that the National Marine Fisheries Service (NMFS) can compile and analyze by region the species, numbers, conditions, and causes of illnesses and deaths of stranded marine mammals. The Agency requires this information to fulfill its management responsibilities under the Marine Mammal Protection Act (16 U.S.C. 1421a). The Agency is also responsible for the welfare of marine mammals while in rehabilitation status. The information for the marine mammal rehabilitation disposition report is required for monitoring and tracking marine mammals held at various NMFS-authorized facilities. The information is submitted primarily by volunteer members making up the U.S. marine mammal stranding network.

Affected Public: Not-for-profit institutions; business or other for-profit organizations; State, Local or Tribal Government.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, fax number (202) 395–7285, or *David_Rostker@omb.eop.gov*.

Dated: August 8, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–15786 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the

following proposal for collection of information under the emergency provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Telecommunications and Information Administration (NTIA).

Title: Broadband Subscription and Usage Survey (Supplement to the Census Bureau's Current Population Survey).

Agency Form Number: None.

Type of Request: Emergency submission.

Burden Hours: 458.

Average Time Per Response: 30 seconds.

Number of Respondents: 55,000.

Needs and Uses: NTIA proposes to add four questions to the Census Bureau's October 2007 Current Population Survey (CPS) in order to gather reliable data on broadband (also known as high-speed Internet) use by U.S. households. President Bush has established a national goal of universal, affordable broadband access for all Americans by 2007. To that end, the Administration is working with Congress, the Federal Communications Commission, and other parties to develop and advance economic and regulatory policies that foster broadband deployment. Current, systematic, and comprehensive data on broadband subscription and use by U.S. households is critical to allow policymakers not only to gauge progress made to date, and to identify problem areas with a specificity that permits carefully targeted and cost-effective responses.

The Census Bureau is widely regarded as a superior collector of data based on its centuries of experience and its scientific methods. Collection of NTIA's requested broadband subscription and usage data, moreover, will occur in conjunction with Census' scheduled October Current Population Survey (CPS), thereby significantly reducing the potential burdens on the Bureau and the households surveyed. Questions on broadband and Internet usage were included in six previous Census household surveys.

The need for comprehensive broadband data has become more pressing in recent months and has necessitated this request for expedited review. Following the April 2007 release of an Organization for Economic Cooperation and Development (OECD) ranking of broadband deployment worldwide, Congress held a series of hearings on the issue. The OECD has noted that the data that they are using to benchmark the United States is from 2003 as they have no other current official data from the United States. Congress has shown a particular interest in improving available statistics on U.S. broadband deployment and use. One proposed bill introduced in May directs the Census Bureau to modify its survey instruments to collect information similar to the data that NTIA proposes to collect here. Modifying the October CPS to include NTIA's requested broadband data will allow the Commerce Department and NTIA to respond to congressional concerns, congressional directives, and to work with the OECD on its broadband methodologies with more recent data.

Affected Public: Individuals or households.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Jasmeet Seehra, (202) 395–3123.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent by August 31, 2007 to Jasmeet Seehra, OMB Desk Officer, e-mail *Jasmeet_K._Seehra@omb.eop.gov* or Fax number (202) 395–5167.

Dated: August 8, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–15788 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1518]

Grant of Authority for Subzone Status, M–I L.L.C. (Barite Grinding and Milling), Amelia, Louisiana

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign–Trade Zones Act provides for ''...the establishment... of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign–Trade Zones Board to grant qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special–purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in significant public benefit and is in the public interest;

Whereas, the Port of South Louisiana, grantee of Foreign–Trade Zone 124, has made application to the Board for authority to establish a special–purpose subzone at the barite grinding and milling facilities of M–I L.L.C., located in Amelia, Louisiana (FTZ Docket 14–2007, filed 4/16/07);

Whereas, notice inviting public comment was given in the **Federal Register** (72 FR 20323, 4/24/07); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application would be in the public interest;

Now, therefore,, the Board hereby grants authority for subzone status for activity related to barite grinding and milling at the facilities of M–I L.L.C., located in Amelia, Louisiana (Subzone 124K), as described in the application and **Federal Register** notice, and subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 6th day of August 2007.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Andrew McGilvray.

Executive Secretary.

[FR Doc. E7–15808 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 32–2007]

Foreign-Trade Zone 38—Spartanburg County, SC; Request for Manufacturing Authority: Kittel Supplier USA, Inc. (Automotive Door Trim Components)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by South Carolina State Ports Authority, grantee of FTZ 38, pursuant to Section 400.28(a)(2) of the Board's regulations (15 CFR Part 400), requesting authority on behalf of Kittel

Supplier USA, Inc. (KSU), to assemble automotive door trim components under FTZ procedures within FTZ 38. It was formally filed on August 3, 2007.

The KSU facility (25 employees) is located at 201 Commerce Court within the Highway 290 Commerce Park (Site 3) in Duncan, South Carolina. Under FTZ procedures, KSU would assemble up to 2.2 million automotive door trim components (HTSUS 8708.29) annually for the U.S. market and export. Foreign components that would be used in the assembly activity (up to 100% of total purchases) include: Aluminum frames, B pillars, C and D pillars, waist race bolts, division bars, fasteners, powder coatings of carbon black and barium sulfate, and rubber seals (duty rates: Free—2.5%).

FTZ procedures would exempt KSU from Customs duty payments on the foreign components used in production for export to non-NAFTA countries. On domestic shipments transferred in-bond to U.S. automobile assembly plants with subzone status, no duties would be paid on the foreign components within the door trim components until the finished vehicles are subsequently entered for consumption, at which time the finished automobile duty rate (2.5%) could be applied to the foreign components. For the finished door trim components withdrawn directly by KSU for customs entry, the finished automotive part rate (2.5%) could be applied to the foreign inputs noted above. The application indicates that the company would also realize duty deferral and certain logistical/supply chain savings.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the following address: Office of the Executive Secretary, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230–0002. The closing period for receipt of comments is October 12, 2007. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 29, 2007.

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the address listed above. For further information, contact Pierre Duy, examiner, at: *pierre_duy@ita.doc.gov,* or (202) 482–1378.

Dated: August 3, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–15813 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1517]

Approval for Expansion of Authority for Subzone 183B, Samsung Austin Semiconductor L.L.C. (Semiconductors), Austin, Texas

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign–Trade Zone of Central Texas, Inc., grantee of FTZ 183, has requested authority on behalf of Samsung Austin Semiconductor L.L.C. (Samsung), to expand the scope of manufacturing activity conducted under zone procedures within Subzone 183B at the Samsung facilities in Austin, Texas (FTZ Docket 8–2007, filed 2/28/2007);

Whereas, notice inviting public comment has been given in the **Federal Register** (72 FR 13081–13082, 3/20/2007);

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand the scope of manufacturing authority under zone procedures within Subzone 183B, is approved, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 6th day of August 2007.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–15809 Filed 8–10–07 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

Order No. 1519

Grant of Authority for Subzone Status, M–I L.L.C. (Barite Grinding and Milling), Galveston, Texas

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign–Trade Zones Act provides for ''...the establishment... of foreign–trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign–Trade Zones Board to grant qualified corporations the privilege of establishing foreign–trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special–purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in significant public benefit and is in the public interest;

Whereas, the Board of Trustees of the Galveston Wharves, grantee of Foreign–Trade Zone 36, has made application to the Board for authority to establish a special–purpose subzone at the barite grinding and milling facilities of M–I L.L.C., located in Galveston, Texas (FTZ Docket 15–2007, filed 4/16/07);

Whereas, notice inviting public comment was given in the **Federal Register** (72 FR 20323–20324, 4/24/07); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds the requirements of the FTZ Act and the Board's regulations are satisfied, and that approval of the application would be in the public interest;

Now, therefore, the Board hereby grants authority for subzone status for activity related to barite grinding and milling at the facilities of M–I L.L.C., located in Galveston, Texas (Subzone 36B), as described in the application and **Federal Register** notice, and subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 6th day of August 2007.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–15807 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Order No. 1516]

Approval for Manufacturing Authority, Motorola Inc. (Mobile Phone Kitting), Fort Worth, Texas

Pursuant to its authority under the Foreign–Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign–Trade Zones Board (the Board) adopts the following Order:

Whereas, the Alliance Corridor, Inc., grantee of FTZ 196, has requested manufacturing authority at sites in Fort Worth, Texas on behalf of Motorola Inc. (Motorola) (FTZ Docket 6–2007, filed 2/16/2007);

Whereas, notice inviting public comment has been given in the **Federal Register** (72 FR 9304–9305, 3/1/2007);

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, therefore, the Board hereby orders:

The application for manufacturing authority within FTZ 196 on behalf of Motorola is approved, subject to the FTZ Act and the Board's regulations, including § 400.28.

Signed at Washington, DC, this 6th day of August 2007.

David M. Spooner,

Assistant Secretary of Commercefor Import Administration, Alternate Chairman, Foreign–Trade Zones Board.

Attest:

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–15811 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 33–2007]

Foreign-Trade Zone 147—Reading, PA; Application for Subzone Souriau USA (Aerospace, Industrial and R/F Connectors); York, PA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign-Trade Zone Corporation of Southeastern Pennsylvania, grantee of FTZ 147, requesting special-purpose subzone status for the manufacture of aerospace, industrial and R/F connectors at the facility of Souriau USA (Souriau), located in York, Pennsylvania. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on August 3, 2007.

The Souriau facility (110 employees, 5 acres) is located at 25 Grumbacher Road, in York, Pennsylvania. The facility will be used for the kitting of connector parts and manufacturing and storage of cable connectors and assemblies (HTS duty rate ranges from duty-free 3.5%). Components and materials sourced from abroad (representing 95% of the value of the finished product) include: Electrical connectors; and male and female contacts (duty rate 3.5%).

FTZ procedures would exempt Souriau from customs duty payments on the foreign components used in export production. The company anticipates that some 95 percent of the plant's shipments will be exported. On its domestic sales, Souriau would be able to choose the duty rates during customs entry procedures that apply to finished connectors and kits for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 12, 2007. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 29, 2007.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce Export Assistance Center, 2 So. George Street, Cumberland House, Millersville, PA 17551–0302.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2111, 1401 Constitution Ave., NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Elizabeth Whiteman at *Elizabeth_Whiteman@ita.doc.gov* or (202) 482–0473.

Dated: August 3, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 07–3940 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Forged Stainless Steel Flanges from India: Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On March 7, 2007, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain forged stainless steel flanges from India. This administrative review covers imports from Echjay Forgings Pvt., Ltd. (Echjay) and Rollwell Forge, Ltd. (Rollwell), manufacturers/exporters of the subject merchandise; we are rescinding this review with respect to Shree Ganesh Forgings, Ltd. (Shree Ganesh). The period of review is February 1, 2005, through January 31, 2006. As a result of our analysis of Echjay's comments we have made no changes to our calculations. With respect to Rollwell, we have calculated a margin rather than use adverse facts available as in the preliminary results. We disclosed the post–preliminary calculated margin to Rollwell on June 6, 2007. In these final results we have made one change to our June 6, 2007 analysis for Rollwell. The final results for both Echjay and Rollwell are listed below in the Final Results of Review section.

EFFECTIVE DATE: August 13, 2007.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–2924 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 7, 2007, the Department published the preliminary results of review of the antidumping duty order on certain forged stainless steel flanges (stainless steel flanges) from India. *See Certain Forged Stainless Steel Flanges From India; Preliminary Results of Antidumping Duty Administrative Review* 72 FR 10142 (March 7, 2007) (*Preliminary Results*). In those preliminary results we announced our calculated margins for Echjay and Rollwell and our intent to rescind the review with respect to Shree Ganesh because we determined that Shree Ganesh had no shipments during the period of review (POR). We also announced that we were basing our preliminary results with respect to Rollwell on adverse facts available (AFA). However, as discussed below, we stated we would afford Rollwell another opportunity to submit information necessary to calculate a margin.

We invited interested parties to comment on our preliminary results. We received comments from Echjay on March 8, 2007, and from Rollwell on June 28, 2007, and July 9, 2007. We received no comments from Shree Ganesh.

On July 6, 2007, the Department extended the due date for the final results to August 6, 2007. *See Notice of Extension of Time Limit for the Final Results of Antidumping Duty Administrative Review: Certain Forged Stainless Steel Flanges from India*, 72 FR 36959 (July 6, 2007).

Rollwell

As discussed above, in the preliminary results of review the Department assigned Rollwell a margin based on the facts available, but also announced its intent to issue to Rollwell a supplemental questionnaire after publication of the preliminary results. We issued this supplemental questionnaire on March 9, 2007. Rollwell submitted its response on March 22, 2007. Based on our analysis of this response, we calculated a margin for Rollwell. On June 6, 2007, the Department disclosed this calculated margin to Rollwell, and invited interested parties to comment. Rollwell submitted comments on June 28, 2007. On July 2, 2007, the Department issued a letter to Rollwell in which it corrected a misstatement it had made in its June 6, 2007, analysis memorandum regarding its rationale for denying a scrap offset to Rollwell's reported material costs. We invited Rollwell to comment on our correct rationale. We received Rollwell's comments on July 9, 2007.

In these final results we have made one change to our June 6, 2007, margin calculation based on our own analysis of Rollwell's data. Specifically, we recalculated Rollwell's material costs to exclude post period of review (POR) purchases of stainless steel billets. *See* our ''Analysis of Data Submitted by Rollwell Forge Ltd. (Rollwell) for the Final Results of the 2005–2006 Administrative Review of the Antidumping Duty Order on Stainless Steel Flanges from India)'' at Section II. We have not made any changes to Rollwell's calculation based on its June 28, 2007, and July 9, 2007, comments.

Scope of the Order

The products covered by this order are certain forged stainless steel flanges, both finished and not finished, generally manufactured to specification ASTM A–182, and made in alloys such as 304, 304L, 316, and 316L. The scope includes five general types of flanges. They are weld–neck, used for butt–weld line connection; threaded, used for threaded line connections; slip–on and lap joint, used with stub–ends/butt–weld line connections; socket weld, used to fit pipe into a machined recession; and blind, used to seal off a line. The sizes of the flanges within the scope range generally from one to six inches; however, all sizes of the above–described merchandise are included in the scope. Specifically excluded from the scope of this order are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A–351. The flanges subject to this order are currently classifiable under subheadings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the scope of the order.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have made no changes to the preliminary results with respect to Echjay. With respect to Shree Ganesh, we are rescinding the review. *See* below under ''Partial Rescission.'' With respect to Rollwell, we have based the final results on the analysis we released for comments on June 6, 2007, and our July 2, 2007, correction to that analysis, rather than on the AFA margin of the March 8, 2007, preliminary results. In addition, we have made one change to Rollwell's cost computation. For details, *see* ''Memorandum to the File Regarding Analysis of Data Submitted by Rollwell Forge Ltd. (Rollwell) for the Final Results of the 2005–2006 Administrative Review,'' dated August 6, 2007.

Partial Rescission

In our preliminary results, we announced our preliminary decision to rescind the review with respect to Shree Ganesh because we determined this company had no entries of stainless steel flanges from Indian during the POR. *See Preliminary Results*. Since issuing the preliminary results, we have received no new information contradicting this determination. Therefore, we are rescinding the administrative review with respect to Shree Ganesh.

Analysis of Comments Received

All issues raised in our preliminary results are addressed in the ''Issues and Decision Memorandum'' from Stephen J. Claeys, Deputy Assistant Secretary Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated August 6, 2007 (Decision Memorandum), which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B–099 of the main Department of Commerce building. In addition, a complete version of the decision memorandum can be accessed directly on the Web at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the decision memorandum are identical in content.

Final Results of Review

As a result of our review, we determine the weighted–average dumping margins for the period February 1, 2005, through January 31, 2006, to be as follows:

Manufacturer / Exporter	Margin (percent)
EchjayForgings Pvt., Ltd.	0.00
Rollwell Forge, Ltd.	48.68

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to section 751(a)(1)(B) of the Tariff Act of 1930 (the Tariff Act), and 19 CFR 351.212(b). The Department calculated importer–specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales observations for that importer. We intend to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know the 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 an intermediate company(ies) involved in the transaction. For a discussion of this clarification, see *Notice of Policy Concerning Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be the rates indicated above; (2) for previously investigated companies not listed above, 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, or in the less–than-fair–value (LTFV) investigation, but the manufacturer is, then 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 manufacturer or exporters will continue to be 162.14 percent, the ''all others'' rate established in the LTFV investigation. *See Amended Final Determination and Antidumping Duty Order; Certain Forged Stainless Steel Flanges from India*, 59 FR 5994 (February 9, 1994). These cash deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 in the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act.

Dated: August 6, 2007.

David M. Spooner,

Assistant Secretaryfor Import Administration.

APPENDIX - ISSUES RAISED IN DECISION MEMORANDUM

Comment 1: Cost of Raw Materials
Comment 2: Scrap Offset
Comment 3: Revocation

[FR Doc. E7–15810 Filed 8–10–07; 8:45 am]
BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–829]

Stainless Steel Bar from Italy: Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 13, 2007.

FOR FURTHER INFORMATION CONTACT: David Neubacher, 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) 482–5823.

SUPPLEMENTARY INFORMATION:

Background

On March 2, 2007, the Department of Commerce (''the Department'') published in the **Federal Register** the *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 72 FR 9505 (March 2, 2007), for the March 1, 2006, through February 28, 2007, administrative review of the antidumping duty order on stainless steel bar from Italy. On April 2, 2007, the Department received a timely filed request for review from Acciaierie Valbruna S.p.A. (''Valbruna''). On April 27, 2007, the Department published in the **Federal Register** the *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 72 FR 20986 (April 27, 2007), in which the Department initiated the administrative review of stainless steel bar from Italy.

Rescission of Antidumping Administrative Review

On June 25, 2007, we received a timely filed submission from Valbruna withdrawing its request for an administrative review. Valbruna filed its withdrawal request within the deadline established by section 351.213(d)(1) of the Department's regulations. No other parties have requested a review of Valbruna or any other producer or exporter of the subject merchandise. Therefore, we are rescinding the above–cited administrative review in accordance with 19 CFR 351.213(d)(1).

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries. For the company for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department will issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 doubled antidumping duties.

Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 6, 2007.

Gary Taverman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–15805 Filed 7–10–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

The President's Export Council: Meeting of the President's Export Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an Open Meeting via Teleconference.

SUMMARY: The President's Export Council will hold a meeting via teleconference to deliberate a draft letter of recommendation to the President.

DATES: August 23, 2007.

Time: 9 a.m. (EDT).

For the Conference Call-In Number and Further Information, Contact: The President's Export Council Executive Secretariat, Room 4043, Washington, DC 20230 (Phone: 202–482–1124), or visit the PEC Web site, *www.ita.doc.gov/td/pec.*

Dated: August 8, 2007.

J. Marc Chittum,

Executive Secretary and Staff Director, President's Export Council.

[FR Doc. 07–3946 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Sea Grant Program Application Requirements for Grants, for Sea Grant Fellowships, and for Designation as a Sea Grant College or Sea Grant Institute

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before October 12, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Dorn Carlson, 301–734–1080 or *dorn.carlson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

The objectives of the National Sea Grant College Program are to increase the understanding, assessments, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources. It accomplishes these objectives by conducting research, education, and outreach programs.

Grant monies are available for funding activities that help obtain the objectives of the Sea Grant Program. Both single and multi-project grants are awarded, with the latter representing about 80 percent of the total grant program. In addition to other standard grant application requirements, three additional forms are required with Sea Grant grants. These are the Sea Grant Control Form 90–2, used to identify the organizations and personnel who would be involved in the grant; the Project Record Form 90–1, which collects summary data on projects; and the Sea Grant Budget Form 90–4, which provides information similar to, but more detailed than, forms SF–424A or SF–424C.

The National Sea Grant College Program Act (33 U.S.C. 1126) provides for the designation of a public or private institution of higher education, institute, laboratory, or State or local agency as a Sea Grant college or Sea Grant institute. Applications are required for designation of Sea Grant Colleges and Sea Grant Institutes.

II. Method of Collection

Responses are made in a variety of formats, including forms and narrative submissions, via mail, fax or e-mail. The Sea Grant Project Record Form and Sea Grant Budget Form must be submitted in electronic format through grants.gov if the grant applicant has the means to do so.

III. Data

OMB Number: 0648–0362.

Form Number: NOAA Forms 90–1, 90–2 and 90–4.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions; business or other for-profit organizations; individuals or households; State, Local or Tribal Government.

Estimated Number of Respondents: 768.

Estimated Time Per Response: 30 minutes for a Sea Grant Control form; 20 minutes for a Project Record Form; 15 minutes for a Sea Grant Budget form; and 20 hours for an application for designation as a Sea Grant college or Sea Grant institute.

Estimated Total Annual Burden Hours: 852.

Estimated Total Annual Cost to Public: $1,833.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c)

ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 8, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–15787 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Correction: Compliance of National Marine Fisheries Service Permits With the Debt Collection Improvement Act of 1996

AGENCY: National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

SUPPLEMENTARY INFORMATION: All NOAA National Marine Fisheries Service (NMFS) permit forms not already requiring Tax Identifying Numbers (Employer ID Number and/or Social Security Number) and Date of Incorporation and/or Date of Birth) will be revised to require this information, following procedures as laid out by the Paperwork Reduction Act. This notice applies to all NMFS permits information collections for which rulemaking is not needed in conjunction with such revisions. Proposed rules will be issued for all collections whose regulations require amendment for such revisions.

In addition to the notice published on June 6, 2007 (Volume 72, Page 31289), this action applies to the following NOAA NMFS permit collections: OMB Control Number: 0648–0089, Foreign Fishing Vessel Permit Application.

The sentence following the original list should now read ''All but six of these eighteen permit collections currently require some or most of this information.''

DATES: Written comments must be submitted on or before August 27, 2007.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of these information collections; they also will become a matter of public record.

Dated: August 8, 2007.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. E7–15789 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Sea Grant Review Panel

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. Panel members will discuss and provide advice on the National Sea Grant College Program in the areas of program evaluation, strategic planning, education and extension, science and technology programs, and other matters as described in the Agenda below.

DATES: The announced meeting is scheduled for: Monday, August 27, 2007.

ADDRESSES: Conference Call. Public access is available at SSMC Bldg 3, Room #6836, 1315 East-West Highway, Silver Spring, MD.

FOR FURTHER INFORMATION CONTACT: Ms. Melissa Pearson, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 11717, Silver Spring, Maryland 20910, (301) 734–1066.

SUPPLEMENTARY INFORMATION: The Panel, which consists of a balanced representation from academia, industry, state government and citizens groups, was established in 1976 by section 209 of the Sea Grant Improvement Act (Pub. L. 94–461, 33 U.S.C. 1128). The Panel advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to them for review and advice. The agenda for the meeting is as follows: Monday, August 27, 2007—11 a.m. to 1 p.m.

Agenda

I. Discussion of the Panels role in program evaluation and strategic national program-level issues

Dated: August 7, 2007.

Mark E. Brown,

Chief Financial Officer/Chief Administrator Officer, Office of Oceanic and Atmospheric Research.

[FR Doc. E7–15812 Filed 8–10–07; 8:45 am]

BILLING CODE 3510–KA–P

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974: System of Records

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of new system of records and proposed routine uses.

SUMMARY: This notice adds a new system of records to the Commission's systems of records under the Privacy Act. The new system contains information collected to document and support decisions regarding clearance for access to classified information and the suitability, eligibility, and fitness for service of applicants for federal employment, including students, interns, or volunteers, and contractor positions to the extent that contract duties require access to federal facilities, information, systems, or applications.

This system is necessary to comply with Homeland Security Presidential Directive 12 (HSPD–12).

DATES: In accordance with subsections (e)(4) and (e)(11) of the Privacy Act of 1974, as amended (5 U.S.C. 552a), any interested person may submit written comments concerning this system of records. Comments on the establishment of the new system of records must be received no later than September 12, 2007. The new system of records will be effective September 24, 2007 unless the Commission receives comments which would result in a contrary determination.

ADDRESSES: Comments should be addressed to Dave Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st St. NW., Washington, DC 20581. Comments may be sent via electronic mail to *secretary@cftc.gov*.

FOR FURTHER INFORMATION CONTACT: Stacy Yochum, Office of the Executive Director, (202) 418–5157, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, and the Commission's implementing regulations, 17 CFR Part 146, the Commission is publishing a description of a new system of records. The new system contains records related to background checks at the Commission.

This new system of records, as required by 5 U.S.C. 552a(r) of the Privacy Act, will be submitted to the Committee on Government Oversight and Reform of the U.S. House of Representatives, the Committee on Governmental Affairs of the U.S. Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated July 15, 1994. Accordingly, the Commission is giving notice of the establishment of the following system of records:

CFTC–44

SYSTEM NAME:

Personnel Security Files.

SECURITY CLASSIFICATION:

Most personnel identity verification (PIV) records are not classified.

SYSTEM LOCATION:

The Personnel Security Files are located in the Office of Human Resources, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who require regular, ongoing access to CFTC facilities, information technology systems, or information classified in the interest of national security, including applicants for CFTC employment or contracts, CFTC employees, contractors of the CFTC, students, interns, volunteers, individuals authorized to perform or use services provided in CFTC facilities, and individuals formerly in any of these positions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include any or all of the following, depending on the individual and his or her position:

1. Data needed to identify an individual, including: Individual's last, first, middle names (filed alphabetically by last name), and former names (if applicable); Social Security Number; date of birth; birthplace; home address; telephone numbers; residential history; photograph; gender; height; weight; and hair and eye color.

2. Individual's citizenship; fingerprints; security classification; types and dates of investigations; agency conducting investigation; position sensitivity levels; miscellaneous investigation comments; summary report of investigation; results of suitability decisions; level of security clearance; and date of issuance of security clearance.

3. ''I–9'' documents, such as driver's license, passport, and birth certificate.

3. Names of relatives; relatives birth dates, home address, and citizenship; and names of relatives who work for the Federal government.

4. Reports about the individual's qualifications for a position, *e.g.*, employee/applicant's employment/work history; employment references and contact information; educational/training institutions attended, degrees and certifications earned; and educational and training references.

5. Information needed to investigate an individual's character, conduct, and behavior in the community where he or she lives or lived; criminal history, *e.g.*, arrests and convictions for violations against the law; mental health history; drug use; financial information, *e.g.*, income tax return information and credit reports; reports of interviews with present and former supervisors, co-workers, associates, and educators; and other related personal references and contact information.

6. Reports of inquiries with law enforcement agencies, employers, and reports of action after the Office of Personnel Management or FBI section 8(d) Full Field Investigation; Notices of Security Investigation and other information developed from the above described Certificates of Clearance, *e.g.*, date of security clearances, requests for appeals, witness statements, investigator's notes, security violations, circumstances of violations, and agency action(s) taken.

7. Information obtained from SF–85, SF–85P, SF–86, and SF–87 forms; summary reports from OPM or another Federal agency conducting background investigations; and results of adjudications and security violations. (**Note:** This system of records does not duplicate or supersede the Office of Personnel Management (OPM) Central-9 system of records, which covers the investigations OPM and its contractors conduct on behalf of other agencies.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Depending on the purpose of the investigation, the U.S. government is authorized to ask for this information under Executive Orders 10450, 10865, 12333, and 12356; sections 3301 and 9101 of title 5, U.S. Code; sections 2165 and 2201 of title 42, U.S. Code; sections 781 to 887 of title 50, U.S. Code; parts 5, 732, and 736 of title 5, Code of Federal Regulations; and Homeland Security Presidential Directive 12 (HSPD–12), Policy for a Common Identification Standard for Federal Employees and Contractors, August 27, 2004.

PURPOSE:

The records in this system are used to document and support decisions regarding the suitability, eligibility, and fitness for service of applicants for Federal employment and contract positions, including students, interns, and volunteers to the extent their duties require access to Federal facilities, information, systems, or applications. The records are also used to support decisions regarding clearance for access to classified information. The records may be used to document security violations and supervisory actions taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM:

Information in this system may be routinely disclosed under the following conditions:

1. Litigation by the Department of Justice—when (a) CFTC or (b) any CFTC employee in his or her official capacity; (c) any CFTC employee in his or her individual capacity where CFTC or the Department of Justice (DOJ) has agreed

to represent the employee; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the CFTC determines that the records are both relevant and necessary to the litigation and the use of such records by DOJ is therefore deemed by the agency to be for a purpose compatible with the purpose for which the CFTC collected the records.

2. A Court or Adjudicative Body—in a proceeding when: (a) The CFTC; (b) any CFTC employee in his or her official capacity; (c) any CFTC employee in his or her individual capacity where CFTC or the Department of Justice has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has an interest in such litigation, and by careful review, the CFTC determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the CFTC collected the records.

3. Law Enforcement and Investigation—except as noted on Forms SF 85, 85–P, and 86, when a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, disclosure may be made to the appropriate public authority, whether Federal, foreign, State, local, or tribal, or otherwise, responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutorial responsibility of the receiving entity.

4. Congressional Inquiries—when requested by a Congressional office in response to an inquiry by an individual made to the Congressional office concerning his or her own records.

5. Government-wide Program Management and Oversight—when requested by the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906; when the DOJ is contacted in order to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act; or when the Office of Management and Budget is contacted in order to obtain that office's advice regarding obligations under the Privacy Act.

6. Contract Services or Cooperative Agreements—a record may be disclosed to CFTC contractors who have been engaged to assist the CFTC in the performance of a contract service or other activity related to this system of records and who need to have access to the records in order to perform their activity. Recipients shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

7. Employment, Clearances, Contract, or Other Benefits Decision by CFTC—disclosure may be made to any source or potential source from which information is requested in the course of an investigation concerning the retention of an employee or other personnel action (other than hiring), the retention of a security clearance, or the letting of a contract, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

8. Employment, Clearances, Contract, or Other Benefits Decision by an Organization other than CFTC—disclosure may be made to a Federal State, local, foreign, or tribal or other public authority of the fact that this system of records contains information relevant to the retention of an employee, the retention of a security clearance, or the letting of a contract. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

9. National Security and Intelligence Matters—these records may be disclosed to Federal, State, local agencies, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947 as amended, the CIA Act of 1949 as amended, Executive Order 12333 or any successor order, applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING ACCESS, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper and electronically in a secure location.

RETRIEVABILITY:

Background investigation files are retrieved by name, Social Security number (SSN), or fingerprint.

SAFEGUARDS:

Paper records: Paper records are kept in file folders in locked metal file cabinets in locked rooms at the headquarters office in the Office of Human Resources. Access to records is limited to approved security and administrative personnel who have a need for the information in the performance of their official duties.

Electronic records: Electronic records are kept in the Office of Human Resources. Access to the records is restricted to those with a specific role in the personal identity verification (PIV) process that requires access to background investigation forms to perform their duties, and who have been given a password to access that part of the system including background investigation records. An audit trail is maintained and reviewed periodically to identify unauthorized access. Persons given roles in the PIV process must complete training specific to their roles to ensure they are knowledgeable about how to protect individually identifiable information.

RETENTION AND DISPOSAL:

These records are retained and disposed of in accordance with General Records Schedule 18, item 22a, approved by the National Archives and Records Administration (NARA). Records are destroyed upon notification of death or not later than five years after separation or transfer of employee to another agency or department, whichever is applicable.

SYSTEM MANAGER(S) AND ADDRESS:

Vivian Jarcho, Office of Human Resources, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record pertaining to him/her by sending a request in writing, signed, to the FOI Privacy and Sunshine Acts Compliance Staff, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581.

When requesting notification of or access to records covered by this Notice, an individual should provide his/her full name, date of birth, agency name, and work location. An individual requesting notification of records in person must provide identity documents sufficient to satisfy the custodian of the records that the requester is entitled to access, such as a government-issued photo ID. Individuals requesting notification via mail or telephone must furnish, at a minimum, name, date of birth, social security number, and home address in order to establish identity.

RECORDS ACCESS PROCEDURES:

Individuals wishing to request access to records about them should contact the system manager indicated above. Individuals must furnish their full name (first, middle, and last name) and birth date for their record to be located and identified. An individual requesting access must also follow CFTC Privacy Act requirements regarding verification of identity and amendment of records.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment of their records should contact the system manager indicated above. Individuals must furnish their full name (first, middle, and last name) and birth date for the record to be located and identified. An individual requesting amendment must also follow the CFTC Privacy Act requirements regarding verification of identity and amendment or records.

RECORD SOURCE CATEGORIES:

Information is obtained from a variety of sources including the employee, contractor, or applicant via use of the SF–85, SF–85P, or SF–86 and personal interviews; employers' and former employers' records; FBI criminal history records and other databases; financial institutions and credit reports; medical records and health care providers; educational institutions; interviews of witnesses such as neighbors, friends, co-workers, business associates, teachers, landlords, or family members; tax records; and other public records. Security violation information is obtained from a variety of sources, such as guard reports, security inspections, witnesses, supervisor's reports, audit reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

Upon publication of a final rule in the **Federal Register**, this system of records will be exempt in accordance with 5 U.S.C. 552a(k)(5). Information will be withheld to the extent it identifies witnesses promised confidentiality as a condition of providing information during the course of the background investigation.

Issued in Washington, DC on August 8, 2007.

By the Commission,

David Stawick,

Secretary of the Commission.

[FR Doc. E7–15801 Filed 8–10–07; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0161]

Federal Acquisition Regulation; Submission for OMB Review; Reporting Purchases from Sources Outside the United States

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 (9000–0161).

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 reporting purchases from sources outside the United States. The clearance currently expires on November 30, 2007.

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: Submit comments on or before September 12, 2007.

ADDRESSES: Submit comments, including suggestions for reducing this burden 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. Meredith Murphy, Contract Policy Division, GSA, (202) 208–6925.

SUPPLEMENTARY INFORMATION:

A. Purpose

The information on place of manufacture will be used by each Federal agency to prepare the report required for submission to Congress.

B. Annual Reporting Burden

Respondents: 95,365.
Responses Per Respondent: 40.
Total Responses: 3,814,600.
Hours Per Response: .01.
Total Burden Hours: 38,146.
OBTAINING COPIES OF PROPOSALS: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (VIR), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control Number 9000–0161, Reporting Purchases from Sources Outside the United States, in all correspondence.

Dated: August 3, 2007.

Al Matera,

Director, Office of Acquistion Policy.

[FR Doc. 07–3938 Filed 8–10–07; 8:45 am]

BILLING CODE 6820–EP–S

DEPARTMENT OF DEFENSE

Office of Secretary of Defense

[DOD–2007–OS–0085]

Privacy Act of 1974; System of Records

AGENCY: National Reconnaissance Office.

ACTION: Notice to add a system of records.

SUMMARY: The National Reconnaissance Office proposes to add a system of records to its 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 September 12, 2007 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the FOIA/Privacy Official, National

Reconnaissance Office, Information Access and Release, 14675 Lee Road, Chantilly, VA 20151–1715.

FOR FURTHER INFORMATION CONTACT: Contact the FOIA/Privacy Official at (703) 227–9128.

SUPPLEMENTARY INFORMATION: The National Reconnaissance Office 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 proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 6, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' to OMB Circular No. A–130, dated November 30, 2000.

Dated: August 7, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

QNRO–26

SYSTEM NAME:

Grievance Complaints.

SYSTEM LOCATION:

National Reconnaissance Office (NRO), Office of Equal Employment Opportunity and Diversity Management (OEEO&DM), 14675 Lee Road, Chantilly, VA 20151–1715.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government civilian and military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number (SSN), addresses, parent organization, work telephone number, office name, career service, grade, gender, type and status of complaint, complaint, resolution point, opened and closed date, and comments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1205, 1206, 1302, 3301, 3302, 7105, 7512; 21 U.S.C. 812; 29 U.S.C. 201, *et seq.*, amendment to the Fair Labor Standards Act; Age Discrimination and Employment Act; 29 U.S.C. 633a, the Rehabilitation Act of 1973 as amended; 29 U.S.C. 791 and 794a; 42 U.S.C. 2000e–17 *et seq.*; Public Law 93–259, the Fair Labor Standards Act; the Civil Service Reform Act; Public Law 95–454; Public Law 100–71; Equal Employment Opportunity Act of 1972; E.O. 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration, amended by Executive Orders 10577, 12106, 12107, and 12564; and E.O. 9397 (SSN).

PURPOSE(S):

To assist in processing, administration, and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.

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 NRO as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

To disclose information on any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, to inform the source of the purpose(s) of the request, and identify the type of information requested.

The records could be released to the employee's parent organization if the grievance enters the formal phase.

The DoD ''Blanket Routines Uses'' published at the beginning of the NRO 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:

Electronic storage media.

RETRIEVABILITY:

Individual's name.

SAFEGUARDS:

Records are stored in a secure, gated facility, guards, badge, and password access protected. Access to and use of these records is limited to staff whose official duties require such access.

RETENTION AND DISPOSAL:

Kept for 7 years after the case is closed and then they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

NRO Grievance Officer, Grievance Office, National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151–1715.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the National Reconnaissance Office, Information Access and Release Center, 14675 Lee Road, Chantilly, VA 20151–1715.

Requests should contain individual's name and any aliases or nicknames, address, Social Security Number (SSN), current citizenship status, date and place of birth, and other information identifiable from the record.

In addition, the requester must provide a notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).

If executed within the United States, its territories, possessions, or commonwealths: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the National Reconnaissance Office, Information Access and Release Center, 14675 Lee Road, Chantilly, VA 20151–1715.

Requests should contain individual's name and any aliases or nicknames, address, Social Security Number (SSN), current citizenship status, date and place of birth, and other information identifiable from the record.

In addition, the requester must provide a notarized statement or an unsworn declaration in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).

If executed within the United States, its territories, possessions, or commonwealths: I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).

CONTESTING RECORD PROCEDURES:

The NRO rules for accessing records, for contesting contents and appealing initial agency determinations are published in NRO Directive 110–3b and NRO Instruction 110–3–1; 32 CFR part

326; or may be obtained from the Privacy Act Coordinator, National Reconnaissance Office, 14675 Lee Road, Chantilly, VA 20151–1715.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual, by persons other than the individual, and other government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–15771 Filed 8–10–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of Secretary of Defense

[DOD–2007–OS–0084]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service.

ACTION: Notice to add a new system of records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to add a system of records notice to its 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 September 12, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, Defense Finance and Accounting Service, 6760 E. Irvington Place, Denver, CO 80279–8000.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 676–6045.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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 proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 6, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated December 12, 2000, 65 FR 239.

Dated: August 7, 2007.

C.R. Choate

Alternative Federal Register Liaison Officer, Department of Defense.

T7901b

SYSTEM NAME:

Consolidated Returned Check System.

SYSTEM LOCATIONS:

Defense Information Systems Agency, Defense Enterprise Computing Center—Ogden, 7879 Wardleigh Road, Building 891, Hill Air Force Base, UT 84056–5997.

Defense Finance and Accounting Service—Indianapolis, 8899 E. 56th Street, Indianapolis, IN 46249–2700.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active U.S. Army and Reserve military members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number (SSN), home address, employing military branch of service, member's status, check payment information such as check numbers, payee name, and addresses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations, Department of Defense Financial Management Regulation (DoDFMR) 7000.14–R, Volume 5; 31 U.S.C. 3512 and 3513; and E.O. 9397.

PURPOSE(S):

The system will assist in the processing and tracking of military pay returned checks for the active U.S. Army and Reserve military members.

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:

To the U.S. Department of the Treasury to provide information on the check issued and electronic funds transfers.

The 'Blanket Routine Uses' published at the beginning of the DoD 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:

Electronic storage media.

RETRIEVABILITY:

Individual's name, Social Security Number (SSN), and check number.

SAFEGUARDS:

Records are stored in an office building protected by guards, controlled screening, use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. Passwords and digital signatures are required to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access. Physical and electronic access are limited to persons responsible for servicing and authorized to use the system.

RETENTION AND DISPOSAL:

Records may be temporary in nature and deleted when actions are completed, superseded, obsolete, or no longer needed. Other records may be cut off at the end of the payroll year, or destroyed up to 6 years and 3 months after cutoff. Records are destroyed by degaussing shredding, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Finance and Accounting Service—Indianapolis, Information Technology Directorate, System Manager, 8899 East 56th Street, Indianapolis, IN 46249–2700.

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Requests should contain individual's name, Social Security Number (SSN), current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Requests should contain individual's name, Social Security Number (SSN), current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are

published in DFAS Regulation 5400.11–R; 32 CFR part 324; or may be obtained from Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

RECORD SOURCE CATEGORIES:

From the subject individual, DFAS Defense Joint Military Pay System, active U.S. Army and Reserve Components systems and the United States Department of the Treasury.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–15773 Filed 8–10–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of Secretary of Defense

[DOD–2007–OS–0083]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service.

ACTION: Notice to add a system of records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to add a system of records notice to its 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 September 12, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, Defense Finance and Accounting Service, 6760 E. Irvington Place, Denver, CO 80279–8000.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 676–6045.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service's 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 proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 6, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated December 12, 2000, 65 FR 239.

Dated: August 7, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7903

SYSTEM NAME:

Defense Working Capital Fund Accounting System.

SYSTEM LOCATION:

Defense Information Systems Agency, Defense Enterprise Computing Center, 7879 Wardleigh Road, Hill Air Force Base, Ogden, UT 84056–5997.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Numbers (SSN).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Department of Defense Financial Management Regulation (DoDFMR) 7000.14–R Vol. 4, Defense Finance and Accounting Service; 31 U.S.C. Sections 3511, 3512, and 3513; and E.O. 9397 (SSN).

PURPOSE(S):

This system will be the financial system of record and the single source for consolidated financial information for the General and Working Capital Funds.

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, the 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:

To the General Accounting Office for audit purposes.

The DoD ''Blanket Routine Uses'' published at the beginning of the DoD 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:

Electronic storage media.

RETRIEVABILITY:

Social Security Number (SSN) and/or transaction or line accounting.

SAFEGUARDS:

Records are stored in an office building protected by guards, controlled screening, use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. Passwords are required to control access to the system data, and procedures are in place to detect and deter browsing and unauthorized access.

RETENTION AND DISPOSAL:

Records will be destroyed after 6 years and 3 months.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager, Defense Finance and Accounting Service, Systems Management Directorate, 1240 East Ninth Street, Cleveland, OH 44199–8002.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Requests should contain individual's full name, Social Security Number (SSN), current address, telephone number, and provide a reasonable description of what they are seeking.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Individuals should furnish individual's full name, Social Security Number (SSN), current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation 5400.11–R; 32 CFR part 324; or may be obtained from Defense Finance and Accounting Service, Freedom of Information/

Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

RECORD SOURCE CATEGORIES:

From individuals and DoD Components.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–15774 Filed 8–10–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DOD–2007–OS–0082]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service.

ACTION: Notice to add a system of records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to add a system of records notice to its 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 September 12, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, Defense Finance and Accounting Service, 6760 E. Irvington Place, Denver, CO 80279–8000.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 676–6045.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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 proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 6, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated December 12, 2000, 65 FR 239.

Dated: August 7, 2007.

C.R. Choate

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7206

SYSTEM NAME:

General Accounting and Finance System—Base Level (GAFS–BL).

SYSTEM LOCATION:

Defense Information Systems Agency, Defense Enterprise Computing Center, Ogden, 7879 Wardleigh Road, Hill Air Force Base, Utah 84058–5997.

Defense Finance and Accounting Service, DFAS—Denver, 6760 E. Irvington Place, Denver, CO 80279–8000.

Defense Finance and Accounting Service, DFAS—Limestone, 27 Arkansas Road, Limestone ME 04751–1500.

Defense Finance and Accounting Service, DFAS—Japan, Building 206 Unit 5220, APO AP 96328–5220.

Defense Finance and Accounting Service, DFAS—Columbus, 3990 East Broad St, Columbus, OH 43213–1152.

Defense Finance and Accounting Service, DFAS—Pacific, 477 Essex Street, Pearl Harbor, HI 96860–5806.

Air Force Bases—For list of Air Force Bases, contact DFAS—Omaha, (DFAS–AD/OM), Post Office Box 7030, Bellevue NE 68005–1930.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and Reserve duty United States Air Force (USAF), Army, Navy, Marine Corps, guard members, Defense Security Service and National Geospatial-Intelligence Agency civilian employees, Department of Defense (DoD) civilian employees, and other Federal civilian employees paid by appropriated funds and whose pay is processed by the Defense Finance and Accounting Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Social Security Number (SSN), financial status reports, and appropriation for processing accounting transactions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Department of Defense Financial Management Regulation (DoDFMR) 7000.14–R Vol. 4; 31 U.S.C. Sections 3511, and 3513; and E.O. 9397 (SSN).

PURPOSE(S):

For use in tracking the budget execution of appropriated funds. It will contain accounting records for funding authority, commitments, obligations, and provides balances of available funds. The system will produce monthly financial status reports and receive transaction and payment data from the Defense Travel System (DTS).

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'' published at the beginning of the DoD 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:

Social Security Number (SSN).

SAFEGUARDS:

Records are stored in an office building protected by guards, controlled screening, use of visitor registers, electronic access, and/or locks. Access to records is limited to authorized individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. Passwords and digital signatures are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access. Physical and electronic access are limited to persons responsible for servicing and authorized to use the system.

RETENTION AND DISPOSAL:

Records may be temporary in nature and deleted when actions are completed, superseded, obsolete, or no longer needed. Other records may be cut off at the end of the payroll year, and then destroyed up to 6 years and 3 months after cutoff. Records are destroyed by degaussing the electronic media and recycling hardcopy records. The recycled hardcopies are destroyed by shredding, burning, or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Finance and Accounting Service, Denver, System Management Directorate, Accounting and Cash Systems, 6760 E. Irvington Place, Denver, CO 80279–8000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/ Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Requests should contain individual's full name, Social Security Number (SSN), current address, telephone number, and provide a reasonable description of what the requestor is seeking.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Requests should contain individual's full name, Social Security Number (SSN), current address, telephone number, and provide a reasonable description of what the requestor is seeking.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation 5400.11–R; 32 CFR part 324; or may be obtained from Defense Finance and Accounting Service, Freedom of Information/ Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

RECORD SOURCE CATEGORIES:

From the individual, DoD Components, and other Federal agencies such as Health and Human Services, and Department of Veterans Affairs.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–15775 Filed 8–10–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of Secretary

[DOD–2007–OS–0081]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service.

ACTION: Notice to add a system of records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to add a system of records notice to its 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 September 12, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 6760 E. Irvington Place, Denver, CO 80279–8000.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 676–6045.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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 proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 6, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated December 12, 2000, 65 FR 239.

Dated: August 7, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7320a

SYSTEM NAME:

Centralized Finance & Accounting Support Systems (CFASS).

SYSTEM LOCATION:

Defense Information Systems Agency (DISA), Defense Enterprise Computing Center (DECC)—Mechanicsburg, 5450 Carlisle Pike, Mechanicsburg, PA 17050–0975.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and Reserve duly Air Force, Army, Navy, Marine Corps, National Guard, retired military members, DoD civilian employees, and other Federal agencies' civilian employees whose pay is processed by Defense Finance and Accounting Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number (SSN), address, and check and bond number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Department of Defense Financial Management Regulation (DoDFMR) 7000.14–R, Vol. 5; 31 U.S.C. Sections 3325, 3511, 3513; and E.O. 9397(SSN).

PURPOSE(S):

To provide a history and tracking system for checks and bonds printed, reissued, and non-delivered, that will be used for on-line inquiry purposes by disbursing personnel.

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:

To the U.S. Treasury Department to provide information on checks and bonds issued, returned checks, and bonds.

To the American Red Cross and military relief societies to assist military personnel and dependents of deceased members, in determining the status of checks and bonds issued to the member or dependent.

To the Federal Reserve banks to distribute payments made through the direct deposit system to financial organizations or their processing agents authorized by individuals to receive and deposit payments in their accounts.

The DoD ''Blanket Routine Uses'' set forth at the beginning of the DoD compilation of systems of records notices apply to this system of records.

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:

Social Security Number (SSN) and check or bond number.

SAFEGUARDS:

Records are maintained in a controlled facility. Physical entry is restricted by use of locks and guards. It is accessible only to authorized personnel. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their official duties. Passwords and user identification are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access.

RETENTION AND DISPOSAL:

Records are retained in the system for one year and then destroyed. Electronic records are destroyed by degaussing the media and hardcopy documents are destroyed by recycling, burning, pulping or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

CFASS System Manager, Defense Finance and Accounting Service—Denver, Systems Management Directorate, 6760 E. Irvington Place, Denver, CO 80279–8000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about them is contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information/Privacy Act Program Manager, 6760 E. Irvington Place, Denver, CO 80279–8000.

Requests should contain individual's full name, Social Security Number (SSN), current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them contained in this system of records should address written inquiries to the Defense Finance and Accounting Service, Corporate Communications and Legislative Liaison, Freedom of Information Act/Privacy Act Program Manager, 6760 E. Irvington Place, Denver, CO 80279–8000.

Requests should contain individual's full name, Social Security Number, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are contained in DFAS Regulation 5400.11–R; 32 CFR part 324; or may be obtained from the Defense Finance and Accounting Service, Freedom of Information Act/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

RECORD SOURCE CATEGORIES:

From the individual concerned, DoD Components, and other Federal agencies such as, Department of Health and Human Services, Department of Veterans Affairs, Environmental Protection Agency, Department of Energy, whose civilian pay is processed by a DFAS payroll system.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–15776 Filed 8–10–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of Secretary

[DOD–2007–OS–0080]

Privacy Act of 1974; Systems of Records

AGENCY: Defense Finance and Accounting Service.

ACTION: Notice to add a system of records.

SUMMARY: The Defense Finance and Accounting Service (DFAS) is proposing to add a system of records notice to its 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 September 12, 2007 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the FOIA/PA Program Manager, Corporate Communications and Legislative Liaison, Defense Finance and Accounting Service, 6760 E. Irvington Place, Denver, CO 80279–8000.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Krabbenhoft at (303) 676–6045.

SUPPLEMENTARY INFORMATION: The Defense Finance and Accounting Service 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 proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 6, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records about Individuals,'' dated December 12, 2000, 65 FR 239.

Dated: August 7, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

T7904

SYSTEM NAME:

Standard Industrial Fund System (SIFS).

SYSTEM LOCATION:

Defense Information Systems Agency (DISA), Defense Enterprise Computing Center (DECC)—St. Louis, 4300 Goodfellow Blvd., St. Louis, MO 63120–0012.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. Army Active, Reserve and National Guard military members, DoD Army civilian employees assigned to the U.S. Army Materiel Command.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's name, Social Security Number (SSN), rank, grade, man-hours, and job-order(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Department of Defense Financial Management Regulation (DODFMR) 7000.14–R, Volume 4; 5 U.S.C. Sections 3511, 3512, and 3513; and E.O. 9397 (SSN).

PURPOSE(S):

To provide a financial report for the U.S. Army depots, arsenals, and ammunition plants. The records in this system will be use to compute and distribute employee labor cost and as a management tool for the U.S. Army.

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' published at the beginning of the DoD 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:

Individual's name and Social Security Number (SSN).

SAFEGUARDS:

Records are stored in a building protected by guards, controlled screening, use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. User IDs and passwords are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access.

RETENTION AND DISPOSAL:

Records are temporary in nature, deleted when actions are completed, superseded, obsolete, or no longer needed. Others are cut off at the end of the calendar year, and destroyed five years after the close of the quarter. Records are destroyed by degaussing, burning or shredding.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager, Defense Finance and Accounting Service-Indianapolis, Information Technology Directorate, 8899 E. 56th Street, Indianapolis, IN 46249–2700.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about them is contained in this record system should address written inquiries to the Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Requests should contain individual's full name, Social Security Number (SSN), current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them contained in this system should address written inquiries to Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

Requests should contain individual's full name, Social Security Number (SSN), current address, and telephone number.

CONTESTING RECORD PROCEDURES:

The DFAS rules for accessing records, for contesting contents and appealing initial agency determinations are published in DFAS Regulation 5400.11–R; 32 CFR part 324; or may be obtained from Defense Finance and Accounting Service, Freedom of Information/Privacy Act Program Manager, Corporate Communications and Legislative Liaison, 6760 E. Irvington Place, Denver, CO 80279–8000.

RECORD SOURCE CATEGORIES:

From the individual concerned, and U.S. Army.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–15777 Filed 8–10–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[USN–2007–0044]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Navy is altering 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 September 12, 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 proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on August 6, 2007, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, fnl;61 FR 6427).

Dated: August 7, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N06110–1

SYSTEM NAME:

Physical Readiness Information Management System (PRIMS) (May 31, 2006, 71 FR 30891).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete para 1 and replace with ''BUPERS Online (*https://www.bol.navy.mil*).''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Replace ''6110.1G'' with ''6110.1H''.

PURPOSE:

Add to second para ''This system is used by officials and employees of other components of the Department of Defense in the performance of their official duties relating to the conduct of physical fitness studies.''

* * * * *

STORAGE:

Delete entry and replace with ''Web-based server. Paper records may be printed from the database.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Chief of Naval Operations (Code N135), 5720 Integrity Drive, Millington, TN 38055–6000 and/or the local command fitness leader/assistant command fitness leader.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''All active duty and active Reserve Navy members with Internet capabilities who are seeking to determine whether this system of records contains information about themselves can access this record system online by first going to *https://www.bol.navy.mil.*

Member must use LOGIN ID and Password to gain access to site and then select PRIMS from the menu.

Former service members who are seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Operations (Code N135), 5720 Integrity Drive, Millington, TN 38055–6000 or to the command where they were last assigned.

Requests must be signed and individuals should include their full name, Social Security Number (SSN), name or unit identification code of last command assigned, and dates of last assignment.''

RECORDS ACCESS PROCEDURES:

Delete entry and replace with ''All active duty and active Reserve Navy members with Internet capabilities seeking access to records about themselves in this system of records may do so by first going to *https://www.bol.navy.mil.*

Member must use LOGIN ID and Password to gain access to site and then select PRIMS from the menu.

Former service members seeking access to records about themselves in this system of records may receive a copy of the records by making written inquiries to the Chief of Naval Operations (Code N135), 5720 Integrity Drive, Millington, TN 38055–6000 or to the command where they were last assigned.

Requests must be signed and individuals should include their full name, Social Security Number, name or unit identification code of last command assigned and dates of last assignment.''

* * * * *

N06110–1

SYSTEM NAME:

Physical Readiness Information Management System (PRIMS).

SYSTEM LOCATION:

Records are located at Bureau of Naval Personnel Online (*https://www.bol.navy.mil*).

Local command fitness leaders and assistant command fitness leaders at Navy installations/bases have access to the information about command personnel assigned to their Unit Identification Code (UIC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy active duty and reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Physical Readiness Information Management System (PRIMS) consists of command information, authorization information, member personnel data (such as name, Social Security Number (SSN), Unit Identification Code, Department, Division, gender, service, rank, date of birth, Navy Enlisted Code/Designator, physical date, date reported to command, medical waivers, body composition assessment (such as weight, height, neck, abdomen, waist, hips, body fat)) and Physical Readiness Test data, Fitness Enhancement Program data, and Ship Shape data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013, Secretary of the Navy; OPNAVINST 6110.1H, Physical Readiness Program; and E.O. 9397 (SSN).

PURPOSE(S):

To provide a standardized Navy database to monitor and track the progress of members' Physical Fitness Assessment (PFA) data and to identify, screen, train, educate, counsel, monitor and rehabilitate members who do not meet the Physical Fitness Assessment standards. This system is used by officials and employees of other components of the Department of Defense in the performance of their official duties relating to the conduct of physical fitness studies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USERS:

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:

To qualified personnel for the purpose of conducting scientific research, management audits or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit or evaluation or otherwise disclose member identities in any manner.

The DoD 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on Web-based server. Paper records may be printed from the database.

RETRIEVABILITY:

Name of member and Social Security Number (SSN).

SAFEGUARDS:

Computer facilities are located in restricted areas accessible only to authorized persons who are properly screened, cleared and trained. Access to records is controlled by the use of need-to-know ''roles'' in the application. Paper records downloaded from the database are marked ''For Official Use Only.''

RETENTION AND DISPOSAL:

Records are maintained for a period of five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Naval Operations (Code N135), 5720 Integrity Drive, Millington, TN 38055–6000 and/or the local command fitness leader/assistant command fitness leader.

NOTIFICATION PROCEDURE:

All active duty and active Reserve Navy members with Internet capabilities who are seeking to determine whether this system of records contains information about themselves can access this record system online by first going to *https://www.bol.navy.mil.*

Member must use LOGIN ID and Password to gain access to site and then select PRIMS from the menu.

Former service members who are seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief of Naval Operations (Code N135), 5720 Integrity Drive, Millington, TN 38055–6000 or to the command where they were last assigned.

Requests must be signed and individuals should include their full name, Social Security Number (SSN), name or unit identification code of last command assigned, and dates of last assignment.

RECORD ACCESS PROCEDURES:

All active duty and active Reserve Navy members with Internet capabilities seeking access to records about themselves in this system of records may do so by first going to *https://www.bol.navy.mil.*

Member must use LOGIN ID and Password to gain access to site and then select PRIMS from the menu.

Former service members seeking access to records about themselves in this system of records may receive a copy of the records by making written inquiries to the Chief of Naval Operations (Code N135), 5720 Integrity Drive, Millington, TN 38055–6000 or to the command where they were last assigned.

Requests must be signed and individuals should include their full

name, Social Security Number, name or unit identification code of last command assigned and dates of last assignment.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and for contesting contents and appealing initial agency determinations are published in the Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual, command personnel, and/or medical personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–15778 Filed 8–10–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 12, 2007.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 7, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Written Application for the Independent Living Services for Older Individuals Who Are Blind Formula Grant.

Frequency: Every three years.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 56

Burden Hours: 9

Abstract: This document is used by States to request funds to administer the Independent Living Services for Older Individuals Who are Blind (IL–OIB) program. The IL–OIB is provided for under Title VII, Chapter 2 of the Rehabilitation Act of 1973, as amended (Act) to assist individuals who are age 55 or older whose significant visual impairment makes competitive employment extremely difficult to attain but for whom independent living goals are feasible.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* by selecting the ''Browse Pending Collections'' link and by clicking on link number 3425. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700.

Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. E7–15752 Filed 8–10–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Federal Family Education Loan Program—Cohort Default Rates

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice of implementation of electronic delivery of institution cohort default rate data for institutions located outside of the United States.

SUMMARY: The Secretary gives notice of the implementation of electronic cohort default rate (eCDR) delivery notification packages to institutions located outside of the United States (foreign institutions) that participate in the Federal Family Education Loan (FFEL) Program, authorized under Part B of Title IV of the Higher Education Act of 1965, as amended. This notice is effective for each foreign institution as of the date the U.S. Department of Education (the Department) advises the institution that the Department has completed the process of enabling the institution to enroll in the Department's Student Aid Internet Gateway (SAIG).

FOR FURTHER INFORMATION CONTACT: Frances Robinson, Default Prevention and Management, Federal Student Aid, U.S. Department of Education, Union Center Plaza, Room 084C2, 830 First Street, NE., Washington, DC 20002. Telephone: (202) 377–3192, FAX (202) 275–4537. If you use a telecommunications device for the deaf (TDD), you can call the Federal Relay Service (FRS), toll free, at 1–800–877–8339. Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

SUPPLEMENTARY INFORMATION: Traditionally the Department has transmitted draft and official cohort default rate packages to foreign institutions participating in the FFEL Program by delivery of hardcopy documents or an encrypted password protected CD–ROM. The Department is replacing those processes with electronic transmission of draft and official cohort default rate notification

packages via SAIG, as described below. Foreign institutions for which the Department has not yet established SAIG access will continue to receive their cohort default rate notification documents in hardcopy and will also receive an encrypted password protected CD–ROM. In these cases, the regulatory time periods for the institution to submit challenges, adjustments, and appeals will begin on the date of receipt by the institution of the encrypted password protected CD–ROM and the letter with the password for decrypting the CD–ROM.

The eCDR delivery process that the Department already uses for domestic institutions and that will be used for foreign institutions is as follows: For each electronic distribution of default rate notifications (draft and official) to institutions, the Department will announce on its Information for Financial Aid Professionals (IFAP) Web site (*http://www.ifap.ed.gov*) the date of the electronic transmission of cohort default rate information to the Destination Point Administrator (DPA) designated by each institution. Except as described in the following paragraph, the time periods for submitting challenges, adjustments, and appeals under 34 CFR part 668, subpart M, begins with the sixth business day after the date the default rate notification packages were transmitted to the SAIG destination points, as noted in the IFAP announcement.

If an institution believes that a technical problem caused by the Department resulted in the institution not being able to access its eCDR information, it must notify the Department no later than five business days after the transmission date announced on IFAP. By doing so, and if we agree that the Department caused the problem, we will extend the challenge, adjustment, and appeal timeframes to allow for a re-transmission of the information after the technical problem is resolved. Reports of technical problems must be made via e-mail and addressed to our Default Prevention and Management share post at: *fsa.schools.default.management@ed.gov.* Each institution is responsible for updating its SAIG enrollment whenever a change is needed to its DPA. Failure of an institution to enroll in or update SAIG for the eCDR process is not a valid, timely technical problem.

To implement the eCDR process, every foreign institution must, upon the Department's notification that its access to SAIG has been established, complete the enrollment package provided by the Department and return the package within the timeframe specified by the Department. Once the SAIG enrollment process is completed, the institution's DPA will receive the institution's next notification package under the eCDR process.

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 the PDF you must have the 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.

You may also view this document in PDF at the following site: *http://www.ifap.ed.gov.*

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 through GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Program Authority: 20 U.S.C. 1082, 1085, 1094, and 1099c.

Dated: August 8, 2007.

Lawrence A. Warder,

Acting Chief Operating Officer, Federal Student Aid.

[FR Doc. E7–15806 Filed 8–10–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Science; Notice of Renewal of the Fusion Energy Sciences Advisory Committee

Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, 5 U.S.C., App., and in accordance with Title 41 of the Code of Federal Regulations, Section 102–3.65, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Fusion Energy Sciences Advisory Committee has been renewed for a two-year period.

The Committee will provide advice to the Director, Office of Science, on long-range plans, priorities, and strategies for advancing plasma science, fusion science and fusion technology—the knowledge base needed for an economically and environmentally attractive fusion energy source. The Secretary has determined that the renewal of the Fusion Energy Sciences Advisory Committee is essential to the conduct of the Department's business and in the public interest in connection with the performance of duties imposed upon the Department of Energy by law. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, the Department of Energy Organization Act (Pub. L. 92–463), the General Services Administration Final Rule on Federal Advisory Committee Management, and other directives and instruction issued in implementation of those acts.

FOR FURTHER INFORMATION CONTACT: Ms. Rachel Samuel at (202) 586–3279.

Issued in Washington, DC on August 7, 2007.

James N. Solit,

Advisory Committee Management Officer.

[FR Doc. E7–15772 Filed 8–10–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Notice of Final Policy; Bonneville Power Administration Long-Term Regional Dialogue Policy

AGENCY: Bonneville Power Administration (BPA), Department of Energy.

ACTION: Notice of final policy.

SUMMARY: The Regional Dialogue Policy defines BPA's power supply and marketing role for the long term and does so in a way that meets key regional and national energy goals. This Policy sets the parameters for moving forward into the next phase of the Regional Dialogue process. The goal is to have new 20-year power sales contracts signed by the end of 2008. A 20-year contract time span gives the Pacific Northwest region greater certainty about its future power supply.

DATES: On July 19, 2007, the BPA Administrator signed the Long-Term Regional Dialogue Policy Record of Decision.

ADDRESSES: The Long-Term Regional Dialogue Policy and Record of Decision are available on the BPA Web site at *http://www.bpa.gov/power/pl/regionaldialogue/announcements.shtml.* Copies are also available by contacting BPA's Public Information Center at (800) 622–4520.

FOR FURTHER INFORMATION CONTACT: Scott Wilson, Regional Dialogue Program Manager, at (503) 230–7638.

Issued in Portland, Oregon, on August 1, 2007.

Stephen J. Wright,

Administrator and Chief Executive Officer.

[FR Doc. E7–15770 Filed 8–10–07; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–555–000]

East Tennessee Natural Gas, LLC; Notice of Proposed Changes in FERC Gas Tariff

August 7, 2007.

Take notice that on August 2, 2007, East Tennessee Natural Gas, LLC (East Tennessee) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in Appendix A of the filing to be effective September 1, 2007.

East Tennessee states that the purpose of this filing is to modify the East Tennessee Tariff to (i) update the nomination, scheduling, curtailment and OFO provisions in the General Terms and Conditions (''GT&C''), (ii) modify Rate Schedule LNGS to delete the Summer Season Injection Schedule, (iii) add a provision to address scheduled maintenance of East Tennessee's system, and (iv) modify the auction timeline set forth in GT&C Section 48.

East Tennessee Hub states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–15799 Filed 8–10–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP07–556–000]

Egan Hub Storage, LLC; Notice of Proposed Changes in FERC Gas Tariff

August 7, 2007.

Take notice that on August 2, 2007, Egan Hub Storage, LLC (Egan Hub) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in Appendix A of the filing to be effective September 1, 2007.

Egan Hub states that the purpose of this filing is to modify the Egan Hub Tariff to (i) Update the nomination, scheduling and curtailment provisions in the General Terms and Conditions (GT&C), (ii) clarify the scheduling priority applicable to certain wheeling transactions, (iii) clarify various definitions in GT&C Section 2, (iv) modify the Notices provision, (v) modify GT&C Section 9 to describe the Point(s) of Receipt and Point(s) of Delivery, and (vi) modify the auction timeline set forth in GT&C Section 33.1.

Egan Hub states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–15795 Filed 8–10–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–414–000]

Golden Triangle Storage, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Golden Triangle Storage Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting and Site Visit

August 7, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will

discuss the environmental impacts of the proposed Golden Triangle Storage Project, which involves construction and operation of natural gas storage facilities in Jefferson and Orange Counties, Texas. This notice announces the opening of the scoping period that will be used to gather environmental input from the public and interested agencies on the project. Your input will help the Commission staff determine which issues need to be evaluated in the EA. Please note that the scoping period will close on September 6, 2007.

Comments may be submitted in written form or verbally. Further details on how to submit written comments are provided in the Public Participation portion of this notice. In addition to or in lieu of sending written comments, we invite you to attend the public scoping meeting at the location listed below.

Date and time	Location
Tuesday, August 28, 2007, 7–10 pm (CST).	Lamar University, Mary & John Gray Library, 4400 MLK Blvd, Beaumont, TX 77710.

Public scoping meetings are designed to provide state and local agencies, interested groups, affected landowners, and the general public with another opportunity to offer comments on the project. Interested groups and individuals are encouraged to attend the meeting and to present comments on the environmental issues they believe should be addressed in the EA.

With this notice, we [1] are asking other federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

If you are a landowner receiving this notice, you may be contacted by a Golden Triangle Storage, Inc. (GTS) representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, GTS could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility on My Land? What Do I Need to Know?'' addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

[1] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

Summary of the Proposed Project

GTS seeks authorization to construct a new natural gas storage facility in Jefferson and Orange Counties, Texas. The Golden Triangle Storage Project would consist of developing two 8.0-billion-cubic-feet storage caverns; two parallel 7.45-mile-long, 24-inch-diameter pipelines; 1.45 miles of additional 24-inch-diameter pipeline; six associated meter stations; a 14,205 horsepower compressor station; up to five brine disposal wells; a brine disposal pipeline; a freshwater pipeline; and other appurtenant facilities.

Land Requirements for Construction

Construction of the proposed project would affect a total of about 190.8 acres during construction. Following construction, about 67.5 acres would be allowed to revert to its previous conditions.

GTS proposes to construct its two parallel 24-inch-diameter pipelines in a 100-foot-wide construction right-of-way, and would maintain a 75-foot-wide permanent right-of-way for operation and maintenance. A 75-foot-wide construction right-of-way would be required for the additional 1.45-mile-long 24-inch-diameter pipeline. GTS would maintain a 50-foot-wide permanent right-of-way for operation and maintenance of this segment.

The EA Process

We are preparing the EA to comply with the National Environmental Policy Act of 1969 (NEPA) which requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice, we are requesting public comments on the scope of the issues to address in the EA. All comments received will be considered during the preparation of the EA.

Our independent analysis of the issues will be presented in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies; public interest groups; interested individuals; affected landowners; newspapers and libraries in the project area; and the Commission's official service list for this proceeding. A comment period will be allotted for public review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commenter, your concerns will be addressed in the EA and considered by the Commission. Your comments should focus on the potential environmental effects of the proposal, reasonable alternatives to the proposal (including alternative locations and routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Branch 1;
- Reference Docket No. CP07–414–000;
- Mail your comments so that they will be received in Washington, DC on or before September 6, 2007.

Please note that the Commission strongly encourages electronic filing of comments. See Title 18 of the Code of Federal Regulations, Part 385.2001(a)(1)(iii) (18 CFR 385.2001 (a)(1)(iii))and the instructions on the Commission's Internet Web site at *http://www.ferc.gov* under the ''eFiling'' link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.''

Site Visit

Also on August 28, 2007, the FERC staff will conduct a site visit of the proposed Golden Triangle Storage Project. We will view the proposed storage cavern locations, well sites, and associated pipeline routes.

Representatives of GTS will accompany us during the visit.

All interested parties may attend the site visit. Those planning to attend must provide their own transportation. If you are interested in attending the site visit, please meet at 1 p.m. at the site of the public meeting.

Becoming an Intervenor

In addition to involvement in the scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must send one electronic copy (using the Commission's eFiling system) or 14 paper copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor, you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities. We encourage government representatives to notify their constituents of this planned project and encourage them to comment on their areas of concern. If you do not return the attached form (Appendix B), you will be removed from the Commission's environmental mailing list.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs at 1–866–208 FERC (3372) or on the FERC Internet Web site (*http://www.ferc.gov*). Using the ''eLibrary'' link, select ''General Search'' from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.*, CP07–414), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at 1–866–208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ ferc.gov*. The eLibrary link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm*.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–15800 Filed 8–10–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12574–002]

Santiam Water Control District; Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, Intent To Waive Pre-Filing Consultation Provisions, and Establishing Deadline for Submission of Final Amendments

August 7, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. Type of Application: Conversion of the conduit exemption application filed by the Santiam Water Control District on February 1, 2005, under P–12574–001 to an application for a small hydro (less than 5 MW) exemption.

b. Project No.: P–12574–002.

c. Date Filed: June 18, 2007, and supplemented on July 18, 2007, pursuant to Order Denying Rehearing (119 FERC ¶ 61,159).

d. Applicant: Santiam Water Control District.

e. Name of Project: Stayton Hydroelectric Project.

f. Location: On the Stayton Ditch near the Town of Stayton, Marion County, Oregon. The project would not occupy United States land.

g. Filed Pursuant to: Public Utilities Regulatory Policies Act of 1978, 16 U.S.C. §§ 2705, 2708.

h. Applicant Contact: Larry Trosi, Manager, Santiam Water Control District, 284 East Water Street, Stayton, OR 97383, (503) 769–2669.

i. FERC Contact: Tom Dean, (202) 502–6041.

j. Cooperating Agencies: We are asking Federal, state, and local agencies and Indian tribes with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item l below.

k. Pursuant to § 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: September 17, 2007.

All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at (*http://www.ferc.gov*) under the ''eFiling'' link.

m. This application is not ready for environmental analysis at this time.

n. Santiam Water Control District proposes to restore operation to the Stayton Project which was operated by Pacific Power until 1992. As proposed, the Stayton Project would consist of: (1) An existing 24-foot-long by 12-foot-high intake structure equipped with 24.6-foot-long by 12-foot-high 3-inch bar spacing trashracks; (2) an existing 40-foot-long V-type spillway weir and integral powerhouse containing a single 600-kilowatt generating unit; (3) an existing 24-foot-long by 12-foot-high outlet structure; (4) an existing 100-foot-long, 2,400-kilovolt transmission line; and (5) appurtenant facilities. The project would have an average annual generation of 4,320 megawatt-hours.

Additional project facilities may include the existing: (1) Power canal head gate structure and fish ladder, and the fish screen and 28-inch-diameter, 600-foot-long juvenile fish bypassed return pipe located on the Stayton Ditch; (2) the tailrace fish barrier; (3) the Spill dam and fish ladder located on the North Channel of the Santiam River just upstream of the power canal head gate structure; and (4) the North Channel of the Santiam River including the Upper and Lower Bennett dams and fish ladders.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. With this notice, we are initiating consultation with the Oregon State Historic Preservation Officer (SHPO), as required by section 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

q. Waiver of Pre-filing Consultation: We intend to use the consultation that has occurred on this project for the previous conduit exemption application supplemented with National Environmental Policy Act scoping as a means to conduct further consultation with resource agencies and interested entities. Therefore, we intend to waive pre-filing consultation sections 4.38(a)–(g) which requires, among other things, holding a joint meeting, and distributing and consulting on a draft exemption application.

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–15797 Filed 8–10–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests and Comments

August 7, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12807–000.

c. *Date Filed:* July 3, 2007.

d. *Applicant:* BPUS Generation Developmen, LLC.

e. *Name of Project:* Mulqueeney Ranch Pumped Storage Project.

f. *Location:* On property known as Mulqueeney Ranch, near the City of Tracy, in Alameda County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jeffrey M. Auser, P.E., BPUS Generation Development, LLC., 225 Greenfield Parkway, Suite 201, Liverpool, NY 13088, (315) 413–2821.

i. *FERC Contact:* Patricia W. Gillis at (202) 502–8735.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

k. All documents (original and eight copies) should be filed with The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12807–000) on any comments, protests, or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

l. *Description of Project:* The proposed project would consist of: (1) A proposed upper impoundment having a surface area of approximately 40 acres and a normal water surface elevation of 1,600 feet mean sea level; (2) a proposed lower impoundment having a surface area of approximately 75 acres and a normal surface area of 580 feet mean sea level; (3) a proposed waterway connecting the upper impoundment to the lower impoundment; (4) a proposed powerhouse containing two generator units with a total installed capacity of 280-megawatts; (5) a proposed 1-mile-long, 230 or 500-kilovolt transmission line; and (6) appurtenant facilities. The proposed project would have an estimated annual generation of approximately 368-gigawatt-hours. The applicant plans to sell the generated energy to a local utility.

m. *Location of Application:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit

application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30 and 4.36.

p. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30 and 4.36.

q. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

r. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

s. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

t. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT'', or ''COMPETING APPLICATION'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

u. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

v. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–15798 Filed 8–10–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER07–521–000]

New York Independent System Operator, Inc.; Notice of Technical Conference

August 7, 2007.

Take notice that Commission staff will convene a technical conference in the above-referenced proceeding on Tuesday, September 11, 2007, at 10 a.m. (EDT), in conference room 3M–2A/B at the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's July 27, 2007 order [1] in this proceeding directed its staff to hold a technical conference to address the issues raised by New York Independent System Operator, Inc.'s (NYISO) February 5, 2007 compliance filing submitted in response to Order Nos. 681 and 681–A.[2]

Any parties that plan to participate at this technical conference should contact Morris Margolis at (202) 502–8611 no later than 14 days after the issuance of this notice. Parties with similar interests should designate a single spokesperson to address, on their behalf, NYISO's filing, concerns raised in the July 27 Order, and any alternative proposals. A further notice will provide a detailed agenda.

The technical conference will be transcribed. Those interested in obtaining a copy of the transcript immediately for a fee should contact Ace-Federal Reporters, Inc., at 202–347–3700, or 1–800–336–6646. Two weeks after the technical conference, the transcript will be available for free on the Commission's e-library system.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–1659 (TTY), or send a Fax to 202–208–2106 with the required accommodations.

For more information about this conference, please contact: Morris Margolis, Office of Energy Markets and Reliability, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502–8611, *morris.margolis@ferc.gov*.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–15796 Filed 8–10–07; 8:45 am]

BILLING CODE 6717–01–P

[1] *New York Independent System Operator, Inc.,* 120 FERC ¶ 61,099 (2007) (July 27 Order).

[2] *Long-Term Firm Transmission Rights in Organized Electricity Markets,* Order No. 681, FERC Stats. & Regs. ¶ 31,226, *order on reh'g and clarification,* Order No. 681–A, 117 FERC ¶ 61,201 (2006).

ENVIRONMENTAL PROTECTION AGENCY

[FRL–8453–8]

Environmental Laboratory Advisory Board; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Charter Renewal.

The Charter for the Environmental Protection Agency's (EPA) Environmental Laboratory Advisory Board (ELAB) will be renewed for an additional two-year period, as a necessary committee which is in the

public interest, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 section 9(c). The purpose of ELAB is to provide advice and recommendations to the Administrator of EPA on issues associated with the systems and standards of accreditation for environmental laboratories.

It is determined that ELAB is in the public interest in connection with the performance of duties imposed on the Agency by law.

Inquiries may be directed to Lara P. Autry, Senior Advisor, U.S. Environmental Protection Agency, Office of Research and Development, 109 T W Alexander Drive (E243–05), Research Triangle Park, NC 27709 or by e-mail: *autry.lara@epa.gov.*

Dated: June 21, 2007.

George M. Gray,

Assistant Administrator, Office of Research and Development.

[FR Doc. E7–15785 Filed 8–10–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2004–0122; FRL–8144–1]

Material Characterization of Nanoscale Materials; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is convening a public scientific peer consultation meeting on material characterization for nanoscale chemical substances (''nanoscale materials'') to inform the development of its Nanoscale Materials Stewardship Program (NMSP) under the Toxic Substances Control Act (TSCA). The peer consultation on material characterization information for nanoscale materials is one of several actions EPA is taking to better understand the potential risks and benefits of nanotechnology. EPA is requesting comments at the public scientific peer consultation meeting regarding: Characteristics currently used or potentially available to characterize nanoscale materials; the rationale for the use of these characteristics; and issues to consider regarding use of these characteristics in the NMSP. These comments will inform EPA on material characteristics to be considered in the NMSP.

DATES: The meeting will be held on September 6–7, 2007, from 8:30 a.m. to 5 p.m.

You may register for the meeting on or before August 31, 2007. See Unit IV. for additional information.

Comments must be received on or before 8:30 a.m., September 6, 2007.

Requests to present oral comments must be received on or before August 31, 2007. See Unit IV. for additional information.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the Holiday Inn Rosslyn at Key Bridge, 1900 Fort Myer Dr., Arlington, VA 22209.

For instructions on submission of requests to present oral comments in this meeting, see Unit IV.

Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2004–122, by one of the following methods:

• *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

• *Mail*: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Hand Delivery*: OPPT Document Control Office (DCO), EPA East Bldg., Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number EPA–HQ–OPPT–2004–0122. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to docket ID number EPA–HQ–OPPT–2004–0122. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line 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 regulations.gov or e-mail. The regulations.gov website 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 regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the 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 docket are listed in the docket index available in regulations.gov. To access the electronic docket, go to *http://www.regulations.gov*, select ''Advanced Search,'' then ''Docket Search.'' Insert the docket ID number where indicated and select the ''Submit'' button. Follow the instructions on the regulations.gov website to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division

(7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: Myrta Christian, Economics, Exposure and Technology Division (7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 564–8498: e-mail address: *christian.myrta@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of particular interest to those persons who manufacture, import, process, or use nanoscale materials that are chemical substances subject to the jurisdiction of TSCA. Potentially affected entities may include, but are not limited to:

- Chemical manufacturers (NAICS code 325), e.g., persons manufacturing, importing, processing, or using chemicals for commercial purposes.
- Petroleum and coal product industries (NAICS code 324), e.g., persons manufacturing, importing, processing, or using chemicals for commercial purposes.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket*. EPA has established a docket for this action under docket ID number EPA–HQ–OPPT–2004–0122. All documents in the docket are listed in the docket's index available at *http://www.regulations.gov*. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically at *http://www.regulations.gov*, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*.

C. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

D. Where Can I Access More Information About Nanotechnology?

For more information about nanotechnology under TSCA, go to *http://www.epa.gov/oppt/nano*.

II. Background

There is a growing class of materials commonly referred to as engineered nanoscale materials. Materials having structures with the dimensions of roughly 1 to 100 nanometers, also known as nanoscale materials or nanoscale substances, may have organizations and properties different than the same chemical substances displayed at a larger scale. Nanoscale materials that meet the definition of ''chemical substances'' under TSCA are subject to TSCA. TSCA provides EPA with a strong framework for ensuring that new and existing chemical substances are manufactured and used in a manner that protects human health and the environment.

EPA is developing the NMSP for nanoscale materials to complement and support its new and existing chemicals programs under TSCA. The NMSP will also help to provide a firmer scientific foundation for regulatory decisions by encouraging the development of key scientific information and appropriate risk management practices. This peer consultation on material characterization is one of several actions EPA is taking to better understand the potential risks and benefits of nanotechnology.

On October 18, 2006, EPA invited the public, industry, environmental groups, other Federal agencies and other stakeholders to participate in the design, development, and implementation of the NMSP (see *http://www.epa.gov/oppt/nano*). On July 12, 2007, EPA announced the availability of several documents for public review and comment related to the further development of the NMSP, including the announcement of a public meeting on August 2, 2007, to discuss and take

comment on these documents (Ref. 4, see also *http://www.epa.gov/oppt/nano/nmspfr.htm*).

EPA is holding this public scientific peer consultation meeting to assist in elaborating characteristics used to describe nanoscale materials for the purposes of the NMSP. The public meeting will involve peer panel discussions of EPA's discussion paper on possible material characteristics for the NMSP, with time allotted for public comment. EPA will place the discussion paper on possible material characteristics for nanoscale materials and the agenda for the meeting in the public docket, and on the OPPT nanotechnology website, Nanotechnology under the Toxic Substances Control Act, at *http://epa.gov/oppt/nano/index.htm*.

For further information on input EPA has received or solicited regarding development of the stewardship program, see the **Federal Register** issues of May 10, 2005 (70 FR 24574–24576) (FRL–7700–7), October 4, 2006 (71 FR 58601–58603) (FRL–8070–3), and July 12, 2007 (72 FR 38083) (FRL–8139–2) and (72 FR 38079) (FRL–8140–2), as well as the National Pollution Prevention and Toxics Advisory Committee (NPPTAC) Overview Document (Ref.1).

III. Discussion Items for EPA and Stakeholder Consideration

EPA has identified the following discussion items on material characterization for nanoscale materials for which your consideration and comment are specifically requested:

1. Description of nanoscale materials (e.g., types, categories).
2. Physical-chemical properties of potential interest (e.g., particle size/shape/distribution/dimensions, agglomeration, aggregation, surface area, etc.).
3. Design to achieve unique properties (e.g., manufacturing, processing, chemical transformations).
4. Obtaining characterization data for nanoscale materials (e.g., analytical methods, models).
5. Metrology (e.g., methods validation, standards, and harmonization).
6. Prioritization of characterization data and data gaps.

In addition, EPA is requesting information on characterization or methodology currently used for nanoscale materials. The Agency is also seeking comment on characterization or methodology that could potentially be used for nanoscale materials in the basic or the in-depth phases of the NMSP that were described in the ''Concept Paper for the Nanoscale Materials Program under TSCA,'' including the rationale for such use and any relevant issues (Ref. 4).

IV. How Can I Request to Participate in this Meeting?

You may register for the meeting electronically through EPA's website at *http://www.epa.gov/oppt/nano* on or before August 31, 2007. Advance requests will assist in planning adequate seating; however, members of the public may attend without prior registration.

You may submit a request to present oral comments in this meeting to the technical person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered CBI. Requests to present oral comments, identified by docket ID number EPA–HQ–OPPT–2004–0122, must be received on or before August 31, 2007.

V. References

The following references have been placed in the public docket that was established under docket ID number EPA–HQ–OPPT–2004–0122 for this action as indicated under **ADDRESSES**.

1. NPPTAC. November 22, 2005. Overview of Issues for Consideration byNPPTAC.
2. Discussion paper for public meeting on material characterization of nanoscale materials.
3. Agenda for public meeting on material characterization of nanoscale materials.
4. Concept Paper for the Nanoscale Materials Stewardship Program under TSCA.

List of Subjects

Environmental protection, Chemicals, Hazardous substances, Nanoscale materials.

Dated: August 2, 2007.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. E7–15780 Filed 8–10–07; 8:45 am]
BILLING CODE 6560–50–S

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 72 FR 43273, Friday, August 3, 2007.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Friday, August 10, 2007, 10 a.m. (Eastern Time).

CHANGE IN THE MEETING: The meeting has been cancelled.

FOR FURTHER INFORMATION CONTACT: Stephen Llewellyn, Acting Executive Officer on (202) 663–4070.

Dated: August 9, 2007.

Stephen Llewellyn,

Acting Executive Officer, Executive Secretariat.

[FR Doc. 07–3950 Filed 8–9–07; 12:01 pm]
BILLING CODE 6570–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center Web site 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 September 6, 2007.

A. Federal Reserve Bank of Atlanta (David Tatum, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. BancTenn Corporation, Kingsport, Tennessee; to acquire 20 percent of the voting shares of Paragon Commercial Corporation, and thereby acquire voting shares of Paragon Commercial Bank, both of Raleigh, North Carolina.

B. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. Level One Bancorp, Inc.; to become a bank holding company by acquiring 100 percent of the voting shares of Level One Bank (in organization), both of Farmington Hills, Michigan.

2. Metropolitan Bank Group, Inc., and Plaza Bancorp, Inc., both of Chicago, Illinois; to acquire 100 percent of the voting shares of Poplar Creek Community Bank (in organization), Rolling Meadows, Illinois.

C. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Peoples Bancshares, Inc. (''Peoples Bancshares''), Colorado Springs, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples National Bank Colorado, Colorado Springs, Colorado, and Peoples National Bank Monument, Monument, Colorado. Peoples Bancshares will also thereby indirectly acquire Peoples National Bank Interim, Leadville, Colorado. Peoples Bancshares, Inc. will be a direct subsidiary of Peoples Inc., Colorado Springs, Colorado, and an indirect subsidiary of Winter Trust of 12/3/74 (''Winter Trust''), Ottawa, Kansas. Subsequently, Winter Trust will acquire 100 percent of the voting shares of Peoples Bancshares.

Board of Governors of the Federal Reserve System, August 7, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7–15697 Filed 8–10–07; 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 Web site 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 September 7, 2007.

A. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. ABCT Holdings, Inc., Waco, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Jewett, Jewett, Texas.

Board of Governors of the Federal Reserve System, August 8, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–15737 Filed 8–10–07; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; Notice of Intent To Hold a Public Meeting To Share Information on Establishing an American Health Information Community Successor

SUMMARY: On August 17, 2007, Secretary Leavitt will lead a public meeting to raise awareness of the implementation strategy for the AHIC successor and encourage collaboration. The AHIC is a federally-chartered advisory committee that provides input and recommendations to the Department of Health and Human Services (HHS) on how to make health records digital and interoperable, and how to assure that the privacy and security of those records are protected. (Please visit *http://www.hhs.gov/healthit/community/background/* for more information on the AHIC.) The AHIC charter specifies that the AHIC will develop and advance recommendations to the Secretary on a private-sector health information community initiative that will succeed the AHIC. The AHIC successor will bring together public and private, not-for-profit and for-profit entities that represent all sectors of the health community. This new public-private partnership will develop a unified approach to realize an effective, secure, interoperable nationwide health information system that improves the quality, safety, and efficiency of health care in the U.S.

For the purposes of facilitating the establishment of the AHIC successor and convening a planning board, HHS will award a Cooperative Agreement that allows for substantial involvement by the Federal Government. Once a new legal entity is established and after certain conditions are met, HHS will support that entity through additional funding that will enable initial operations and transition of specific AHIC responsibilities by late Fall 2008.

DATES: August 17, 2007, from 10 a.m. to 12:30 p.m. (EDT); registration opens at 9:30 a.m.

ADDRESSES: Hubert H. Humphrey building (200 Independence Avenue, SW., Washington, DC 20201), Conference Room 800.

A webcast of the public meeting will be available on the NIH Web site at: *http://www.videocast.nih.gov/.*

For technical assistance with the webcast, please contact: Center for Information Technology, National Institutes of Health, Bethesda, Maryland 20892, local (301) 496–4357, toll free (866) 319–4357, TDD (301) 496–8294.

Instructions will be available on the day of the meeting about how to submit questions or comments via phone or e-mail.

For Further Information and To Confirm Meeting Time: visit *http://www.hhs.gov/healthit/community/background/AHICsuccessor.html.* If you have special needs for the meeting, please contact (202) 690–7151.

Dated: August 7, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–3927 Filed 8–10–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology American Health Information Community Personalized Healthcare Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the eighth meeting of the American Health Information Community Personalized Healthcare Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: September 17, 2007, from 9 a.m. to 4 p.m. [Eastern Daylight Time].

ADDRESSES: Hubert H. Humphrey Building (200 Independence Avenue, SW., Washington, DC 20201), Conference Room 705A (please bring photo ID for entry into a Federal building).

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/healthcare/.*

SUPPLEMENTARY INFORMATION: The Workgroup will discuss possible common data standards to incorporate interoperable, clinically useful genetic/genomic information and analytical tools into Electronic Health Records (EHR) to support clinical decision-making for the clinician and consumer.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov./healthit/ahic/healthcare/phc_instruct.html.*

Dated: August 7, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–3928 Filed 8–10–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Population Health and Clinical Care Connections Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 18th meeting of the American Health Information Community Population Health and Clinical Care Connections Workgroup [formerly Biosurveillance Workgroup] in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: September 5, 2007, from 12 p.m. to 3 p.m. [Eastern time].

ADDRESSES: Mary C. Switzer Building (330 C Street, S.W., Washington, DC 20201), Conference Room 4090 (please bring photo ID for entry to a Federal building).

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/population/.*

SUPPLEMENTARY INFORMATION: The Workgroup will continue its discussion on how to facilitate the flow of reliable health information among population health and clinical care systems necessary to protect and improve the public's health.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/population/pop_instruct.html.*

Dated: August 7, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–3929 Filed 8–10–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Confidentiality, Privacy, and Security Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 13th meeting of the American Health Information Community Confidentiality, Privacy, and Security Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: September 6, 2007, from 1 p.m. to 5 p.m. [Eastern].

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090 (please bring photo ID for entry to a Federal building).

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/confidentiality.*

SUPPLEMENTARY INFORMATION: The Workgroup Members will continue discussing and evaluating the confidentiality, privacy, and security protections and requirements for participants in electronic health information exchange environments.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/cps_instruct.html.*

Dated: August 7, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–3930 Filed 8–10–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Consumer Empowerment Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 19th meeting of the American Health Information Community Consumer Empowerment Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: September 12, 2007, from 1 p.m. to 4 p.m. [Eastern].

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090. Please bring photo ID for entry to a Federal building.

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/consumer/.*

SUPPLEMENTARY INFORMATION: The Workgroup will continue its discussion on how to encourage the widespread adoption of a personal health record that is easy-to-use, portable, longitudinal, affordable, and consumer-centered.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/consumer/ce_instruct.html.*

Dated: August 7, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–3931 Filed 8–10–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Electronic Health Records Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 18th meeting of the American Health Information Community Electronic Health Records Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.)

DATES: September 25, 2007, from 1 p.m. to 4 p.m. [Eastern]

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090. Please bring photo ID for entry to a Federal building.

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/healthrecords.*

SUPPLEMENTARY INFORMATION: The Workgroup will continue its discussion on ways to achieve widespread adoption of certified EHRs, minimizing gaps in adoption among providers.

The meeting will be available via Web/cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/healthrecords/ehr_instruct.html.*

Dated: August 7, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–3932 Filed 8–10–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the National Coordinator for Health Information Technology; American Health Information Community Chronic Care Workgroup Meeting

ACTION: Announcement of meeting.

SUMMARY: This notice announces the 18th meeting of the American Health Information Community Chronic Care Workgroup in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463, 5 U.S.C., App.).

DATES: September 27, 2007, from 1 p.m. to 4 p.m. Eastern Daylight Time.

ADDRESSES: Mary C. Switzer Building (330 C Street, SW., Washington, DC 20201), Conference Room 4090. Please bring photo ID for entry to a Federal building.

FOR FURTHER INFORMATION CONTACT: *http://www.hhs.gov/healthit/ahic/chroniccare/.*

SUPPLEMENTARY INFORMATION: The Workgroup will discuss barriers to availability of care in the virtual setting.

The meeting will be available via Web cast. For additional information, go to: *http://www.hhs.gov/healthit/ahic/chroniccare/cc_instruct.html.*

Dated: August 7, 2007.

Judith Sparrow,

Director, American Health Information Community, Office of Programs and Coordination, Office of the National Coordinator for Health Information Technology.

[FR Doc. 07–3933 Filed 8–10–07; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Fourth National Study of Older Americans Act Recipients

AGENCY: Administration on Aging, HHS.

ACTION: Notice.

SUMMARY: The Administration on Aging (AoA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork ReductionAct of 1995.

DATES: Submit written comments on the collection of information by September 12, 2007.

ADDRESSES: Submit written comments on the collection of information by fax 202.395.6974 to the OMB Desk Officer for AoA, Office of Information and Regulatory Affairs, OMB.

FOR FURTHER INFORMATION CONTACT: Valerie Cook (202) 357–3583 or *Valerie.Cook@aoa.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, AoA has submitted the following proposed collection of information to OMB for review and clearance.

The Fourth National Survey of Older Americans Act Service Recipients builds on earlier national studies and performance measurement tools developed by grantees in the Performance Outcomes Measures Project (POMP). It will include consumer assessment surveys for congregate and home delivered meal nutrition program, transportation, homecare services and other title IIIB services, and National Family Caregiver Support Program. Copies of the POMP instruments can be located at *http://www.gpra.net.* Information collected through the study will be used by AoA to track performance outcome measures, support budget requests; comply with Government Performance Results Act (GPRA) reporting requirements; provide information for OMB's program assessment (PART) process; provide national benchmark information for grantees and inform program improvement and management initiatives.

AoA estimates the burden of this collection of information as follows: 250 Area Agencies on Aging will have to commit 4 hours each for identifying potential clients to be interviewed for the survey. The estimated burden is 1,000 hours. 6,000 individuals will be surveyed about their usage and satisfaction with services. Each interview takes approximately 30 minutes for an estimated burden of 3,000 hours. Total burden of data collection is 4,000 hours.

Dated: August 8, 2007.

Josefina G. Carbonell,

Assistant Secretary for Aging.

[FR Doc. E7–15820 Filed 8–10–07; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006N–0211]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Submitting and Reviewing Complete Responses to Clinical Holds

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Submitting and Reviewing Complete Responses to Clinical Holds'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Elizabeth Berbakos, Office of the Chief Information Officer (HFA–250), Food and Drug Administration, 5600 Fishers

Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 25, 2006 (71 FR 30142), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910–0445. The approval expires on January 31, 2010. A copy of the supporting statement for this information collection is available on the Internet at *http://www.fda.gov/ohrms/dockets*.

Dated: August 6, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–15740 Filed 8–10–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0304]

Preparation for International Conference on Harmonization Meetings in Yokohama, Japan; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting entitled ''Preparation for ICH meetings in Yokohama, Japan'' to provide information and receive comments on the International Conference on Harmonization (ICH) as well as the upcoming meetings in Yokohama, Japan. The topics to be discussed are the topics for discussion at the forthcoming ICH Steering Committee Meeting. The purpose of the meeting is to solicit public input prior to the next Steering Committee and Expert Working Groups meetings in Yokohama, Japan, October 27 through November 1, 2007, at which discussion of the topics underway and the future of ICH will continue.

Date and Time: The meeting will be held on Wednesday, October 10, 2007, from 12:30p.m. to 3 p.m.

Location: The meeting will be held at 5600 Fishers Lane, 3rd floor, Conference Room D and E, Rockville, MD 20857. For security reasons, all attendees are asked to arrive no later than 12:20 p.m., as you will be escorted from the front entrance of 5600 Fishers Lane to Conference Room D and E.

Contact Person: All participants must register with Tammie Bell, Office of the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, by e-mail: *Tammie.Bell2@fda.hhs.gov* or fax: 301–827–0003.

Registration and Requests for Oral Presentations: Send registration information (including name, title, firm name, address, telephone, and fax number), written material and requests to make oral presentations, to the contact person by October 8, 2007.

If you need special accommodations due to a disability, please contact Tammie Bell at least 7 days in advance.

Transcripts: Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page.

SUPPLEMENTARY INFORMATION: The ICH was established in 1990 as a joint regulatory/industry project to improve, through harmonization, the efficiency of the process for developing and registering new medicinal products in Europe, Japan, and the United States without compromising the regulatory obligations of safety and effectiveness.

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for medical product development among regulatory agencies. ICH was organized to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. ICH is concerned with harmonization among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labor and Welfare; the Japanese Pharmaceutical Manufacturers Association; the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA; and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA). The ICH Steering Committee includes representatives from each of the ICH sponsors, and Health Canada, the European Free Trade Area, and the World Health Organization. The ICH process has achieved significant harmonization of the technical requirements for the approval of pharmaceuticals for human use in the three ICH regions.

The current ICH process and structure can be found at the following Web site: *http://www.ich.org*.

Interested persons may present data, information, or views orally or in writing, on issues pending at the public meeting. Oral presentations from the public will be scheduled between approximately 4:30 p.m. and 5 p.m. Time allotted for oral presentations may be limited to 10 minutes. Those desiring to make oral presentations should notify the contact person by April 2, 2007, and submit a brief statement of the general nature of the evidence or arguments they which to present, the names and addresses, phone number, fax, and e-mail of proposed participants, and an indication of the approximate time requested to make their presentation.

The agenda for the public meeting will be made available via the internet at *http://www.fda.gov/cder/meeting/ICH_20060508.htm*.

Dated: August 7, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7–15803 Filed 8–10–07; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0313]

Preparation for International Cooperation on Cosmetics Regulations Meeting in Brussels, Belgium; Notice of Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting entitled ''Preparation for International Cooperation on Cosmetics

Regulations (ICCR) Meeting in Brussels, Belgium'' to provide information on the process and receive comments on issues that may be relevant to discussions being held at the ICCR meeting in Brussels, Belgium. The purpose of the meeting is to solicit public input prior to the first meeting of this group in Brussels on September 27, 2007.

Date and Time: The meeting will be held on Tuesday, August 28, 2007, from 2 p.m. to 3:30 p.m.

Location: The meeting will be held at 5600 Fishers Lane, 3rd fl., Chesapeake Conference Room, Rockville, MD 20857. For security reasons, all attendees must preregister and are asked to arrive no later than 1:50 p.m., as you will be escorted from the front entrance of 5600 Fishers Lane to the Chesapeake Conference Room.

Contact Person: All participants must register with Michelle Limoli, Office of the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, by e-mail: *michelle.limoli@fda.hhs.gov* or FAX: 301–827–0003.

Registration and Requests for Oral Presentations: Send registration information (including name, title, firm name, address, telephone, and fax number), and written material and requests to make oral presentations, to the contact person by August 21, 2007.

If you need special accommodations due to a disability, please contact Michelle Limoli at least 7 days in advance.

Transcripts: Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 6–30, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page.

SUPPLEMENTARY INFORMATION: The ICCR is a voluntary international group of cosmetics regulatory authorities from the United States, Japan, the European Union, and Canada. It should be noted that the definition and regulatory classification of ''cosmetics'' in the different countries/regions is not identical. For this reason, the ICCR will consider some U.S. over-the-counter drugs that are regulated as ''cosmetics'' outside the United States. ICCR members are: the Food and Drug Administration of the United States of America; the Ministry of Health, Labour, and Welfare of Japan; the European Commission Directorate General Enterprise; and Health Canada. This multilateral framework was created to identify ways to remove regulatory obstacles among the regions, while maintaining the highest level of global consumer protection. The first meeting of the group will occur in Brussels, Belgium, September 27, 2007.

The ICCR will operate on a consensus basis whereby all decisions of the representatives of the regulatory members and subsequent actions must be taken by consensus. Members agree to take steps as appropriate to implement the items that have reached consensus within the boundaries of their legal and institutional constraints. In this respect, they agree to promote the documents reflecting the consensus within their own jurisdictions and to seek convergence of regulatory policies and practices.

The members' responsibilities will include providing overall strategic guidance and direction to activities of ICCR; defining subject areas for ICCR activities and deciding on future topics for activity; exchanging information on regulatory, trade, and market developments of interest; determining policies related to the ICCR process, administration, and external communications; appointing ad-hoc working groups to carry out technical work as needed; adopting guidelines and policy statements, including those developed by the ad-hoc working groups; and taking on any other initiatives that contribute to achieving ICCR objectives.

It is recognized that successful implementation requires the input of a constructive dialogue with the cosmetics' industry trade associations and other relevant stakeholders, hence the scheduling of this public meeting.

The industry trade associations of each region will gather input in order to represent all affected industry sectors on specific issues at ICCR meetings. Prior to ICCR meetings, well in advance to allow adequate time for preparation, industry will suggest items for priority actions to be consider by ICCR members. During the ICCR meeting, industry trade associations will enter in a constructive dialogue with the members and give their opinion and directions for future work.

According to specific needs, ICCR working groups may be established with a precise mandate on an ad-hoc and temporary basis by the members. Working groups are created primarily for the purpose of developing proposed guidelines and policy statements for adoption by the members. The working group participants are appointed by consensus of the members. Outside technical experts may be invited on an as-needed basis.

The ICCR will meet at least once per year, but may alter the frequency of meetings if considered necessary to ensure progress. The venue of meetings rotates among the territory of the four members.

Interested persons may present data, information, or views orally or in writing, on issues pending at the public meeting. Oral presentations from the public will be scheduled between approximately 3 p.m. and 3:30 p.m. Time allotted for oral presentations may be limited by the numbers requesting to speak; however no more than 10 minutes will be allotted per speaker. Those desiring to make oral presentations should notify the contact person by August 24, 2007, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses, phone number, fax, and e-mail of proposed participants, and an indication of the approximate time requested to make their presentation.

Dated: August 8, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 07–3954 Filed 8–9–07; 1:38 pm]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission of OMB Review; Comment Request; Drug Accountability Record

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute, the National Cancer Institute (NIH) will publish periodic summaries to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Drug Accountability Record (Form NIH 2564).

Type of Information Collection Request: Extension, with no Changes OMB No. 0925–0240, Expiration Date 11/30/07.

Need and Use of Information Collection: Food and Drug Administration (FDA) regulations require investigators to establish a record of the receipt, use and disposition of all investigational agents. The National Cancer Institute, (NCI) as a sponsor investigational drug trials, has the responsibility to assure the FDA that investigators in its clinical trials program are maintaining systems for drug accountability. In order to fulfill

these requirements, a standard Investigational Drug Accountability Report Form (NIH 2564) was designed to account for drug inventories and usage by protocols. The data obtained from the drug accountability record will be used to keep track of the dispensing of investigational anticancer agents to patients. It is used by NCI management to ensure that investigational drug supplies are not diverted for inappropriate protocol or patient use. The information is also compared to patient flow sheets (protocol reporting forms) during site visits conducted for each investigator once every three years. All comparisons are done with the intention of ensuring protocol, patient and drug compliance for patient and drug compliance for patient safety and protections.

Frequency of Response: Daily.

Affected Public: State or local governments, businesses or other for-profit. Federal agencies or employees, non-profit institutions, and small business or organizations.

Type of Respondents: Investigators, pharmacist, nurses, pharmacy technicians, data manager. The annual reporting burden is divided into two major areas. These are the audits of Drug Accountability Forms by Government and its contractors and the use of the forms by clinical research sites. The burden is as follows:

Federal Burden: 1,700 audits are conducted of clinical research sites, a minimum of three Drug Accountability Forms are reviewed at the audit. Each form requires a ½ hour to review.

Number of Respondents: 1,700.

Number of Responses per Respondent: 3.

Average Burden per Response: 0.5 hours.

Annual Burden Hours: 2,250 hours.

Clinical Trial Site Burden: The annualized respondents' burden for recordkeeping is estimated to require 6,240 hours. The recordkeeping burden represents an average time required for multiple entries (4 minutes or 0.1 hour per entry) on the drug accountability form, the average number of forms maintained by each recordkeeper and the number of recordkeepers.

Drug Accountability Forms

Number of Record Keepers: 3,990.

Number of Responses per Respondent: 16.

Average Burden per Response: 0.1.

Annual Burden Hours: 6,240 hours.

There are no Capital Costs, Operating Costs, and Maintenance Cost to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; including the validity of the methodology and 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

For Further Information Contact: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Charles L. Hall, Jr., Chief, Pharmaceutical Management Branch, Cancer Therapy Evaluation Program, Division of the Cancer Treatment and Diagnosis, and Centers, National Cancer Institute, Executive Plaza North, Room 7148, 9000 Rockville Pike, Bethesda, MD 20892 or call non-toll-free number 301–496–5725 or e-mail your request, including your address to: *Hallch@mail.nih.gov.*

Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days following the date of this publication.

Dated: August 3, 2007.

Ann E. Duane,

Acting NCI Project Clearance Liaison, National Institutes of Health.

[FR Doc. E7–15750 Filed 8–10–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

An Improved Chromosomal Comparative Genomic Hybridization (CGH) Microarray for the Detection of Cancer Associated Genome Amplification and Deletion Events

Description of Technology: The progression and therapeutic response of cancer is closely associated with chromosomal instability (i.e. genomic amplifications and deletions). The most widely used technique to detect these small changes in the genome is CGH. CGH utilizes nucleic acid hybridization to oligonucleotide features corresponding to specific, predetermined regions of the genome to detect DNA copy number changes. Due to the size of the human genome, it is necessary to have high-density features to detect small amplification and deletion events within the genome.

The current invention is based on a CGH microarray with oligonucleotide features that provides a high-density coverage. More specifically, the inventors have used 60-mer oligonucleotide features within a previously shown set of 36 tumor associated genes/genomic regions and have successfully detected small changes in DNA copy number with high density coverage (1 feature per 400bp). Furthermore, the inventors have used a fade-out design for coverage of the flanking regions and cover the remainder of the genome at an average density of 1 feature per 100kb.

Applications:

1. CGH microarray can be used to detect small regions of genomic instability within cancer associated genes, while larger events can also be detected with similar efficacy.

2. Gene amplification and deletion profiles of patient samples can be used in diagnosis and therapeutic decision making.

Advantages:

1. Easy to use, CGH microarray technique, based on current technology.

2. Technology detects small changes in tumor associated genomic instability

more efficiently than current available technologies.

3. The average coverage of Agilent oligoarray is 1 per 35kb of human genome, while the average coverage of the currently described technology is 1 per 400bp.

Developmental Status: The technology is ready for use.

Benefits: More than 600,000 cancer deaths are estimated to occur in 2007. Efficient diagnosis and informed decision making will aid in improved clinical management of cancer. This technology can rapidly diagnose cancer and thus help in proper clinical management leading to improved overall survival and quality of life of patients suffering from cancer. The current in-vitro diagnostics market is valued at $30 billion dollars and expected to grow.

Inventors: Xiaolin Wu, David Munroe, Ester Rozenblum, Hongling Liao (NCI/SAIC).

Patent Status: U.S. Provisional Application No. 60/911,411 filed 12 April 2007 (HHS Reference No. E–122–2007/0–US–01).

Licensing Contact: Thomas P. Clouse, J.D.; 301/435–4076; *clouset@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute Laboratory of Molecular Technology is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize CGH microarrays. Please contact John D. Hewes, PhD at 301–435–3121 or *hewesj@mail.nih.gov* for more information.

Methods and Compositions for Treating Diseases and Disorders Associated with Natural Killer T–Cells

Description of Technology: The invention relates to the discovery that C12 beta-D-galactosyl ceramide may be used to deplete or inactivate NKT cell populations. These findings suggest methods for using C12 beta-D-galactosyl ceramide to treat conditions that would benefit from depletion of NKT cells, such as certain autoimmune diseases (e.g. lupus, MS) and AIDS.

The presence of NKT cells can be associated with either beneficial effects or pathology. Deficiencies in NKT cells are associated with at least some types of autoimmune disease, including type 1 diabetes and autoimmune gastritis in mice. In contrast, NKT cells augment autoantibody secretion and lupus development in lupus-prone mouse models and therefore lupus patients may benefit from the depletion of NKT cells. The remission state of multiple sclerosis (MS) is also associated with decreased levels of NKT cells, suggesting NKT cell depletion as a method of treatment for MS.

Inventors: John R. Ortaldo and Robert H. Wiltrout (NCI).

Patent Status:

U.S. Provisional Application No. 60/488,339 filed 17 July 2003 (HHS Reference No. E–282–2002/0–US–01).

PCT Application No. PCT/US2004/22913 filed 16 Jul 2004, which published as WO 2005/014008 on 17 Feb 2005 (HHS Reference No. E–282–2002/0–PCT–02).

European Application No. 04778424.4 filed 16 Jul 2004, which published as 1653977 on 10 May 2006 (HHS Reference No. E–282–2002/0–EP–03).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Jennifer Wong; 301/435–4633; *wongje@mail.nih.gov.*

P53 and VGEF Regulate Tumor Growth of NO2 Expressing Cancer Cells

Description of Technology: The increased expression of nitric oxide synthase 2 (NOS2), an inducible enzyme that produces nitric oxide (NO), has been found in a variety of human cancers. It also has been shown that NOS2-specific inhibitors can reduce the growth of experimental tumors in mice. These findings suggest a pathophysiological role for NO in the development and progression of cancer. However, the function of NO and NOS2 in carcinogenesis is uncertain. NO had been found to either inhibit or stimulate tumor growth, and high concentrations of NO also are known to induce cell death in many cell types including tumor cells. On the other hand, the lower concentrations of NO that are found in human tissue can have an opposite effect and protect against programmed cell death, or apoptosis, from various stimuli. The role of NO and NOS2 in tumor progression, particularly with respect to p53, therefore need to be further defined.

This invention comprises methods of screening for modulators of NOS2 expression in p53 mutant cells, both *in vivo* and *in vitro*, as well as methods for predicting the chemotherapeutic benefit of administering NOS2-inhibitors to cancer patients. It has been demonstrated that NOS2-expressing cancer cells with wild-type p53 have reduced tumor growth in athymic nude mice whereas NOS2-expressing cancer cells with mutated p53 have accelerated tumor growth. Therefore, this invention has potential application for a number of cancers that overexpress NOS2 and have a high frequency of p53 mutations, including breast, brain, head, neck, lung and colon cancers.

Applications:

1. Method to treat cancer with NOS2 inhibitors.

2. Method to screen for NOS2 modulators.

3. Method to predict therapeutic benefits of NOS2 inhibitors in patients.

Market:

1. An estimated 1,444,920 new cancer diagnoses in the U.S. in 2007.

2. 600,000 deaths caused by cancer in the U.S. in 2006.

3. Cancer is the second leading cause of death in United States.

4. It is estimated that market for cancer drugs would double to $50 billion a year in 2010 from $25 billion in 2006.

Development Status: The technology is currently in the pre-clinical stage of development.

Inventors: Stefan Ambs and Curt Harris (NCI).

Publications:

1. JE Goodman *et al.* Nitric oxide and p53 in cancer-prone chronic inflammation and oxyradical overload diseases. Environ Mol Mutagen. 2004;44(1):3–9.

2. LJ Hofseth *et al.* Nitric oxide in cancer and chemoprevention. Free Radic Biol Med. 2003Apr 15;34(8):955–968.

Patent Status:

U.S. Patent Application No. 11/195,006 filed 01 Aug 2005 (HHS Reference No. E–223–1998/0–US–04).

U.S. Patent Application No. 09/830,977 filed 02 May 2001 (HHS Reference No. E–223–1998/0–US–03).

PCT Patent Application No. PCT/US1999/27410 filed 17 Nov 1998 (HHS Reference No. E–223–1998/0–PCT–02).

U.S. Provisional Patent Application No. 60/109,563 filed 23 Nov 1998 (HHS Reference No. E–223–1998/0–US–01).

Licensing Status: Available for exclusive or non-exclusive licensing.

Licensing Contact: Jennifer Wong; 301/435–4633; *wongje@mail.nih.gov.*

Dated: August 3, 2007.

Steven M. Ferguson,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. E7–15749 Filed 8–10–07; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the NIH Advisory Board for Clinical Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the contact person listed below in advance of the meeting.

This meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended to discuss personnel matters, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. This meeting is partially closed to the public.

Name of Committee: NIH Advisory Board for Clinical Research.

Date: September 21, 2007.

Open: 10 a.m. to 1 p.m.

Agenda: To review the Clinical Center's operating plan and provide updates on selected organizational initiatives.

Place: National Institutes of Health, Building 10, 10 Center Drive, CRC Medical Board, Room 4-2551, Bethesda, MD 20892.

Closed: 1 p.m. to 2 p.m.

Agenda: To review and evaluate personnel matters.

Place: National Institutes of Health, Building 10, 10 Center Drive, CRC Medical Board, Room 4–2551, Bethesda, MD 20892.

Contact Person: Maureen E. Gormley, Executive Secretary, Mark O. Hatfield Clinical Research Center, National Institutes of Health, Building 10, Room 6–2551, Bethesda, MD 20892, (301) 496–2897.

Any interested person may file written comments with the committee by forwarding the statement to the contact person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: August 6, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3923 Filed 8–10–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, Neuroscience and Alcohol.

Date: October 2, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Beata Buzas, PhD, Scientific Review Administrator, National Institutes on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rm 3041, Rockville, MD 20852, 301–443–0800. *bbuzas@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: August 6, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–3924 Filed 8–10–07; 8:45am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) National Advisory Council will meet on August 14, 2007 from 2 p.m. to 3 p.m. via teleconference.

The meeting will include the review, discussion and evaluation of grant applications. Therefore the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App. 2, Section 10(d).

Substantive program information, a summary of the meeting and a roster of Council members may be obtained as soon as possible after the meeting, either by accessing the SAMHSA Committee Web site at *http://www.nac.samhsa.gov*, or by contacting the CMHS National Advisory Council Executive Secretary, Dianne McSwain (see contact information below).

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Mental Health Services National Advisory Council.

Date/Time/Type: August 14, 2007, from 2 p.m. to 3 p.m.: Closed.

Place: 1 Choke Cherry Road, Conference Room 6–1060, Rockville, Maryland 20852.

Contact: Dianne McSwain, M.S.W., Executive Secretary, SAMHSA CMHS National Advisory Council, 1 Choke Cherry Rd., Rm. 6–1063, Rockville, Maryland 20857, Telephone: (240) 276–1828, E-mail: *dianne.mcswain@samhsa.hhs.gov.*

Dated: August 7, 2007.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. E7–15791 Filed 8–10–07; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Administration (SAMHSA) Center for Substance Abuse Prevention (CSAP) National Advisory Council (NAC) will meet on August 28, 2007.

The meeting is open and will include discussion of the Center's policy issues and current administrative, legislative, and program developments.

Attendance by the public will be limited to space available. Public comments are welcome. Please communicate with the CSAP NAC Executive Secretary, Tia Haynes (see contact information below), to make arrangements to attend, to comment or to request special accommodations for persons with disabilities.

Substantive program information, a summary of the meeting and a roster of Council members may be obtained as soon as possible after the meeting, either by accessing the SAMHSA Committee Web site at *www.nac.samhsa.gov/csap/csapnac.aspx*, or by contacting Ms. Tia Haynes.

Committee Name: Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention National Advisory Council.

Date/Time: Tuesday, August 28, 2007, from 9 a.m. to 3:30 p.m.: Open.

Place: 1 Choke Cherry Road, Sugarloaf Conference Room, Rockville, Maryland 20857.

Contact: Tia Haynes, Executive Secretary, CSAP National Advisory Council, 1 Choke Cherry Road, Room 4–1066, Rockville, Maryland 20857, Telephone: (240) 276–2436; Fax: (240) 276–2430, E-mail: *tia.haynes@samhsa.hhs.gov.*

Dated: August 7, 2007.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. E7–15792 Filed 8–10–07; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2007–0059]

Homeland Security Science and Technology Advisory Committee

AGENCY: Science and Technology Directorate.

ACTION: Committee Management; Notice of Closed Federal Advisory Committee Meeting.

SUMMARY: The Homeland Security Science and Technology Advisory Committee will meet August 27–29, 2007, at the Naval War College in Newport, RI. The meeting will be closed to the public.

DATES: The Homeland Security Science and Technology Advisory Committee will meet August 27, 2007, from 9 a.m. to 4 p.m.; on August 28, 2007, from 9 a.m. to 4 p.m.; and on August 29, 2007, from 9 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Naval War College, 686 Cushing Road, Newport, RI 02841. Requests to have written material distributed to each member of the committee prior to the meeting should reach the contact person at the address below by August 17, 2007. Send written material to Mrs. Deborah Russell, Science and Technology Directorate, Department of Homeland Security, 245 Murray Drive, Bldg. 410, Washington, DC 20528. Comments must be identified by Docket No. DHS–2007–0059 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: HSSTAC@dhs.gov*. Include the docket number in the subject line of the message.
- *Fax:* 202–254–6177.
- *Mail:* Mrs. Deborah Russell, Science and Technology Directorate, Department of Homeland Security, 245 Murray Drive, Bldg. 410, Washington, DC 20528.

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*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the Homeland Security Science and Technology Advisory Committee, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mrs. Deborah Russell, Science and Technology Directorate, Department of Homeland Security, 245 Murray Drive, Bldg. 410, Washington, DC 20528 202–253–0231, 202–254–6177.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463). (Provide information on the committee's purpose.)

The committee will meet for the purpose of receiving sensitive Homeland Security and classified briefings on Improvised Explosive Devices (IEDs) and will discuss the identification and location of IEDs based on experience in UK, Spain, Japan, etc.; countermeasures used in Iraq/Afghanistan and their applicability to U.S. homeland situations; and psychological effects of IEDs.

Basis for Closure: In accordance with Section 10(d) of the Federal Advisory Committee Act, it has been determined that the Science and Technology Advisory Committee meeting concerns sensitive Homeland Security information and classified matters within the meaning of 5 U.S.C. 552b(c)(1) and (c)(9)(B) and that, accordingly, the meeting will be closed to the public.

Jay M. Cohen,

Under Secretary for Science and Technology.

[FR Doc. E7–15821 Filed 8–10–07; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOMELAND SECURITY

Privacy Office; Published Privacy Impact Assessments on the Web

AGENCY: Privacy Office, Office of the Secretary, Department of Homeland Security.

ACTION: Notice of publication of Privacy Impact Assessments.

SUMMARY: The Privacy Office of the Department of Homeland Security is making available fourteen (14) Privacy Impact Assessments on various programs and systems in the Department. These assessments were approved and published on the Privacy Office's Web site between April 1, 2007 and June 30, 2007.

DATES: The Privacy Impact Assessments will be available on the DHS Web site until October 12, 2007, after which they may be obtained by contacting the DHS Privacy Office (contact information below).

FOR FURTHER INFORMATION CONTACT: Hugo Teufel III, Chief Privacy Officer, Department of Homeland Security, Mail Stop 0550, Washington, DC 20528, or e-mail: *pia@dhs.gov.*

SUPPLEMENTARY INFORMATION: Between April 1, 2007 and June 30, 2007, the Chief Privacy Officer of the Department of Homeland Security (DHS) approved and published fourteen (14) Privacy Impact Assessments (PIAs) on the DHS Privacy Office Web site, *http://www.dhs.gov/privacy,* under the link for ''Privacy Impact Assessments.'' Below is a short summary of each of those systems, indicating the DHS component responsible for the system, and the date on which the PIA was approved. Additional information can be found on the Web site or by contacting the Privacy Office.

System: Verification Information System.

Component: U.S. Citizenship and Immigration Services.

Date of approval: April 2, 2007.

U.S. Citizenship and Immigration Services (USCIS) provides immigration

status verification for benefits determinations and employment authorization through the Verification Division of USCIS. Presently, two programs exist to implement this mandate: The Systematic Alien Verification for Entitlements (SAVE) program for government benefits and the Employment Eligibility Verification/ Basic Pilot Program for private employer verification of employment authorization for all newly hired employees. The Verification Information System (VIS), a composite information system incorporating data from various DHS databases, is the underlying information technology that supports these programs. USCIS conducted this PIA to describe updates to VIS that will improve the ability of USCIS to provide citizenship and immigration status information to users of SAVE and Basic Pilot.

System: Automated Continuing Evaluation System Pilot.

Component: Management, Office of Security.

Date of approval: April 9, 2007.

DHS is working with the Department of Defense to pilot the Automated Continuing Evaluation System (ACES). ACES conducts automated records checks to identify new issues of security concern for DHS personnel and contractors requiring a security clearance. During the ACES pilot, DHS will assess the feasibility of using ACES for initial and continuing evaluation of DHS security clearance holders. This PIA is for the DHS implementation of the ACES Pilot.

System: 24 x 7 Incident Handling and Response Center.

Component: National Protection and Programs.

Date of approval: April 2, 2007.

The 24 x 7 Incident Handling and Response Center (''24 x 7'') focuses on ways to gather cyber information prior to attacks and to use that information to prevent attacks, protect computing infrastructure, and respond/restore where attacks are successful. 24 x 7 serves as a communication hub for the United States Computer Readiness Team (US–CERT) program, issuing regular security and warning bulletins, serving as a gateway for public contribution and outreach, and also serving as a ticketing center through which tasks may be delegated out to the various US–CERT programs.

System: Automated Identification Management System.

Component: US VISIT.

Date of approval: May 14, 2007.

In accordance with the guidance issued by the Office of Management and Budget (OMB) implementing the E-Government Act of 2002 to promote program transparency and address any privacy concerns, this revision of the United States Visitor and Immigrant Status Indicator Technology (US–VISIT) Program PIA is prompted by the decommissioning of the Automated Identification Management System (AIDMS).

System: ''Biometrics at Sea'' Mona Passage Proof of Concept Update.

Component: United States Coast Guard.

Date of approval: May 15, 2007.

This is an update to the previous PIA for the U.S. Coast Guard (Coast Guard) Biometrics At Sea Mona Passage Proof of Concept, dated November 3, 2006. This update describes new means by which the Coast Guard will transmit information to the US–VISIT Automated Biometric Identification System (IDENT) in connection with the Coast Guard Biometrics At Sea Mona Pass Proof of Concept program. With the addition of capabilities described in this update, the Coast Guard will be able to transmit biometric data obtained from undocumented aliens that the Coast Guard interdicts in the Mona Passage directly to US–VISIT via secure, encrypted satellite communications for analysis against the IDENT database. Biometric information to be searched against will no longer be stored on the laptops. If there is a communications failure, the Coast Guard may revert back to the ability to search biometric data against the distributed IDENT data sets on stand-alone non-networked secured laptop computers on board Coast Guard cutters more fully described in the November 3, 2006 PIA.

System: Enumeration Services of the Automated Biometric Identification System.

Component: US VISIT.

Date of approval: May 25, 2007.

The Automated Biometric Identification System (IDENT) is the primary repository of biometric information held by DHS in connection with its several and varied missions and functions, including but not limited to: The enforcement of civil and criminal laws (including immigration laws); investigations, inquiries, and proceedings in connection with those missions and functions; and national security and intelligence activities. IDENT is a centralized and dynamic DHS-wide biometric database. The DHS US–VISIT program is publishing this PIA update for the IDENT to describe the changes to IDENT required to support enumeration services, a new service offering from IDENT. Enumeration services generates a unique personal identifier, known as an enumerator, for each individual for whom ten fingerprints and minimal biographic data has been collected in IDENT. Within IDENT the enumerator will be used to uniquely identify individuals and to link and retrieve immigration and border management records with a single identifier instead of multiple identifiers. This PIA has been conducted because the addition of enumerator services constitutes a significant change to IDENT.

System: USCIS Secure Information Management Service Pilot with Inter-country Adoptions.

Component: United States Citizenship and Immigration Services.

Date of approval: May 24, 2007.

United States Citizenship and Immigration Services (USCIS) prepared a PIA for the Secure Information Management Service (SIMS) Pilot. Using the inter-country adoption caseload as a ''proof-of-concept'' for SIMS, this pilot will: (a) Demonstrate the case processing capability of the case management system, (b) verify that an enumerator (unique identifier based on biometrics) supports the USCIS person-centric business process, and (c) verify that the case management system can be used to view digitized files. This PIA covers the initial deployment of the SIMS and will be supplemented accordingly as additional USCIS applications and system functionalities are added to the SIMS.

System: Chemical Security Assessment Tool Update.

Component: National Protection and Programs.

Date of approval: May 25, 2007.

This is an update to the previous Chemical Security Assessment Tool (CSAT) PIA in order to describe the additional Web site functionality, the new eligibility requirements for CSAT users, and the deployment of the CSAT Help Desk. CSAT collects personally identifiable information from CSAT users and/or CVI Web site users. Further, the CSAT Help Desk may collect contact information from both CSAT users requesting basic CSAT IT support or from the general public inquiring about the CSAT program.

System: Department of Homeland Security General Contact Lists.

Component: Department Wide.

Date of approval: June 15, 2007.

Many DHS operations and projects collect a minimal amount of contact information in order to distribute information and perform various other administrative tasks. Department Headquarters has conducted this

privacy impact assessment because contact lists contain personally identifiable information. Programs that follow the policies and procedures outlined in this PIA are noted in the Appendix.

System: Protected Critical Infrastructure Information Management System.

Component: National Protection and Programs.

Date of approval: June 20, 2007.

The Protected Critical Infrastructure Information (PCII) Program, part of the DHS Infrastructure Partnerships Division, is an information-protection tool that facilitates the sharing of PCII between the government and the private sector. The Protected Critical Infrastructure Information Management System is an Information Technology system and the means by which PCII submissions from the private sector will be cataloged. The PCII Program conducted this PIA because PII from the submitting individuals is collected for contact purposes.

System: USCIS Enterprise Service Bus.

Component: US Citizenship and Immigration Services.

Date of approval: June 22, 2007.

The USCIS Enterprise Service Bus (ESB) was developed by the USCIS Office of Information Technology (OIT) to facilitate information sharing and integration between USCIS systems, and across DHS components and other agencies, such as the Department of State. The ESB is a set of commercial off-the-shelf software that provides a standardized infrastructure to connect to multiple systems and services. This is a new infrastructure component within USCIS that will be incrementally enhanced to provide support for multiple service interfaces. This PIA will be updated to reflect those material changes.

System: USCIS Person Centric Query Service.

Component: US Citizenship and Immigration Services.

Date of approval: June 22, 2007.

The Rice/Chertoff Initiative is an information sharing initiative between the Department of Homeland Security, USCIS and Department of State (DOS), Bureau of Counselor Affairs to share immigration and visa data between agencies. To support this information sharing initiative, the USCIS OIT developed a new service called the Person Centric Query (PCQ) Service that will improve the existing business information sharing capabilities between DHS and DOS. The PCQ Service provides authorized DHS/DOS users with a consolidated view of all information about an individual in selected USCIS and DOS data bases. This new service will improve efficiency of user searches, facilitate information sharing, increase the quality and accuracy of the underlying data, and increase the security of the information being shared among systems.

System: Homeland Security Information Network Communities of Interest.

Component: Operations.

Date of approval: June 22, 2007.

The Homeland Security Information Network (HSIN) is designed to facilitate the secure integration and interoperability of information sharing resources amongst federal, state, local, tribal, private sector commercial, and other non-governmental stakeholders involved in identifying and preventing terrorism as well as in undertaking incident management activities. As part of the information sharing efforts HSIN supports, HSIN has established different Communities of Interest within the HSIN network.

System: Central Index System.

Component: US Citizenship and Immigration Services.

Date of approval: June 22, 2007.

The DHS USCIS maintains the Central Index System (CIS), a database system originally developed by the legacy Immigration and Naturalization Service. CIS contains information on the status of 57 million applicants/petitioners seeking immigration benefits to include: lawful permanent residents, naturalized citizens, U.S. border crossers, aliens who illegally entered the U.S., aliens who have been issued employment authorization documents, individuals who petitioned for benefits on behalf of family members, and other individuals subject to the provisions of the Immigration and Nationality Act. This PIA addresses the current status of CIS, and will be updated accordingly as additional USCIS applications and system functionalities are added to CIS.

Dated: August 6, 2007.

Hugo Teufel III,

Chief Privacy Officer.

[FR Doc. E7–15817 Filed 8–10–07; 8:45 am]

BILLING CODE 4410–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5161–N–01]

Credit Watch Termination Initiative

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice advises of the cause and effect of termination of Origination Approval Agreements taken by HUD's Federal Housing Administration (FHA) against HUD-approved mortgagees through the FHA Credit Watch Termination Initiative. This notice includes a list of mortgagees which have had their Origination Approval Agreements terminated.

FOR FURTHER INFORMATION CONTACT: The Quality Assurance Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room B133–P3214, Washington, DC 20410–8000; telephone (202) 708–2830 (this is not a toll free number). Persons with hearing or speech impairments may access that number through TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: HUD has the authority to address deficiencies in the performance of lenders' loans as provided in HUD's mortgagee approval regulations at 24 CFR 202.3. On May 17, 1999 (64 FR 26769), HUD published a notice on its procedures for terminating Origination Approval Agreements with FHA lenders and placement of FHA lenders on Credit Watch status (an evaluation period). In the May 17, 1999 notice, HUD advised that it would publish in the **Federal Register** a list of mortgagees, which have had their Origination Approval Agreements terminated.

Termination of Origination Approval Agreement: Approval of a mortgagee by HUD/FHA to participate in FHA mortgage insurance programs includes an Origination Approval Agreement (Agreement) between HUD and the mortgagee. Under the Agreement, the mortgagee is authorized to originate single-family mortgage loans and submit them to FHA for insurance endorsement. The Agreement may be terminated on the basis of poor performance of FHA-insured mortgage loans originated by the mortgagee. The termination of a mortgagee's Agreement is separate and apart from any action taken by HUD's Mortgagee Review Board under HUD's regulations at 24 CFR part 25.

Cause: HUD's regulations permit HUD to terminate the Agreement with any mortgagee having a default and claim rate for loans endorsed within the preceding 24 months that exceeds 200 percent of the default and claim rate within the geographic area served by a HUD field office, and also exceeds the national default and claim rate. For the 31st review period, HUD is terminating the Agreement of mortgagees whose default and claim rate exceeds both the national rate and 200 percent of the field office rate.

Effect: Termination of the Agreement precludes that branch(s) of the mortgagee from originating FHA-insured single-family mortgages within the area of the HUD field office(s) listed in this notice. Mortgagees authorized to purchase, hold, or service FHA insured mortgages may continue to do so.

Loans that closed or were approved before the termination became effective may be submitted for insurance endorsement. Approved loans are (1) Those already underwritten and approved by a Direct Endorsement (DE) underwriter employed by an unconditionally approved DE lender and (2) cases covered by a firm commitment issued by HUD. Cases at earlier stages of processing cannot be submitted for insurance by the terminated branch; however, they may be transferred for completion of processing and underwriting to another mortgagee or branch authorized to originate FHA insured mortgages in that area. Mortgagees are obligated to continue to pay existing insurance premiums and meet all other obligations associated with insured mortgages.

A terminated mortgagee may apply for a new Origination Approval Agreement if the mortgagee continues to be an approved mortgagee meeting the requirements of 24 CFR 202.5, 202.6, 202.7, 202.8 or 202.10 and 202.12, if there has been no Origination Approval Agreement for at least six months, and if the Secretary determines that the underlying causes for termination have been remedied. To enable the Secretary to ascertain whether the underlying causes for termination have been remedied, a mortgagee applying for a new Origination Approval Agreement must obtain an independent review of the terminated office's operations as well as its mortgage production, specifically including the FHA-insured mortgages cited in its termination notice. This independent analysis shall identify the underlying cause for the mortgagee's high default and claim rate. The review must be conducted and issued by an independent Certified Public Accountant (CPA) qualified to perform audits under Government Auditing Standards as provided by the General Accounting Office. The mortgagee must also submit a written corrective action plan to address each of the issues identified in the CPA's report, along with evidence that the plan has been implemented. The application for a new Agreement should be in the form of a letter, accompanied by the CPA's report and corrective action plan. The request should be sent to the Director, Office of Lender Activities and Program Compliance, 451 Seventh Street, SW., Room B133–P3214, Washington, DC 20410–8000 or by courier to 490 L'Enfant Plaza, East, SW., Suite 3214, Washington, DC 20024–8000.

Action: The following mortgagees have had their Agreements terminated by HUD:

Mortgagee name	Mortgagee branch address	HUD office jurisdictions	Termination effective date	Homeownership centers
Advanced Mortgage & Investment Corp	3112 Washington Road Ste D, Augusta, GA 30907.	Atlanta	6/26/2007	Atlanta.
GSF Milwaukee	300 Patriot Drive, Little Chute, WI 54140 ...	Milwaukee	6/18/2007	Denver.
I Mortgage Funding Corp	2825 Wilcrest Drive Ste 407, Houston, TX 77042.	San Antonio	4/16/2007	Denver.
Mortgage Access Corp d/b/a Weichert Financial Services.	225 Littleton Road, Morris Plains, NJ 07950.	Camden	6/18/2007	Philadelphia.
Radius Capital Corp	601 S Falkenburg Road Ste 2–1, Tampa, FL 33619.	Tampa	4/14/2007	Atlanta.
SFMC LP	2105 Waterview Pkwy Ste 101, Richardson, TX 75080.	Dallas	4/14/2007	Denver.
Summit Mortgage Corp	9100 IH–10 West, Ste 100, San Antonio, TX 78230.	San Antonio	4/14/2007	Denver.

Dated: July 20, 2007.

Brian D. Montgomery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. E7–15745 Filed 8–10–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5157–N–02]

Mortgagee Review Board Administrative Actions Termination of Lender Approval for Renewal Noncompliance

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In compliance with section 202(c) of the National Housing Act, and 24 CFR 25.10, this notice advises of the cause and description of certain administrative actions taken by HUD's Mortgagee Review Board (MRB) against HUD-approved mortgagees. The MRB terminated 123 Title I and Title II lender approvals during the six month period ending March 31, 2007, for failure to submit an acceptable annual audited financial statement and/or payment of the annual fee required to renew their FHA lender approval.

FOR FURTHER INFORMATION CONTACT: Joy Hadley, Director, Office of Lender Activities and Program Compliance, 451 Seventh Street, SW., Room B–133–P3214, Washington, DC 20410–8000, telephone: (202) 708–1515. (This is not a toll-free number.) A Telecommunications Device for Hearing- and Speech-Impaired Individuals (TTY) is available at (800) 877–8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: Section 202(c)(5) of the National Housing Act (added by section 142 of the Department of Housing and Urban Development Reform Act of 1989, Pub. L. 101–235, approved December 15, 1989), and 23 CFR 25.10 requires that HUD publish a description of and the cause for administrative actions against a HUD-approved mortgagee by the Department's Mortgagee Review Board. The MRB terminated 123 Title I and Title II lender approvals during the six

month period ending March 31, 2007, for failure to submit an acceptable annual audited financial statement and/or payment of the annual fee required to renew their FHA lender approval.

ACTION: Termination of HUD/FHA Title I and Title II lender approval.

CAUSE: Failure to submit an acceptable annual audited financial statement and/or payment of the annual fee required to renew their FHA lender approval.

Approval type	FHA ID	Lender name	City	St
Title II	1007600008	ADVANTAGE ONE MORTGAGE BROKERS INC	ROGERS	AR
Title II	2063800000	AKEYGENT MORTGAGE LLC	OKLAHOMA CITY	OK
Title II	1610900006	ALL STAR MORTGAGE INC	PLANO	TX
Title II	1045200004	ALLERTON FINANCIAL CORP	BLOOMFIELD HILLS	MI
Title I	7251200007	AMERIBANC CORPORATION	MEDFORD	OR
Title II	1054400008	AMERIBANC CORPORATION	MEDFORD	OR
Title II	7832800005	AMERICAN CALIF FIN SERV INC	TORRANCE	CA
Title II	1652600009	AMERICAN DEBT REDUCTION	MARSHFIELD	WI
Title II	1772800000	AMERICAN HOME FINANCE	EDEN PRAIRIE	MN
Title II	1151800006	AMERICAN HOME LOANS EXPRESS	LONG BEACH	CA
Title II	1476600003	AMERICAN LENDING RESOURCE INC	TEMECULA	CA
Title II	7675300005	AMERICAN MORTGAGE PROFESSIONALS INC	ESCONDIDO	CA
Title I	7117900006	AMERICAN MORTGAGE SERVICES INC	MILLINGTON	TN
Title II	2373500007	AMERICAN SECURE MORTGAGE LLC	FORT WORTH	TX
Title II	1847700000	AMERIHOME MORTGAGE CORPORATION	SAN BERNARDINO	CA
Title II	1504900009	APPLIED RESEARCH CAPITAL CORP	VILLA PARK	IL
Title II	1883400005	ASPECT LLC	AUSTIN	TX
Title II	2108100000	AT HOME DISCOUNT MORTGAGE INC	NORTH SALT LAKE	UT
Title II	2112300002	AVA MORTGAGE INC	HUNTERSVILLE	NC
Title I	7386900000	AVENTUS INC	TUKWILA	WA
Title II	2096200009	AVENTUS INC	TUKWILA	WA
Title I	7348700001	BANKERS ACCEPTANCE MORTGAGE CORP	SPRINGFIELD	MO
Title II	7753200009	BOTTOMLINE MORTGAGE INC	MONROVIA	CA
Title II	7181100008	BOULDER FINANCIAL CORPORATION	UPLAND	CA
Title II	1039000005	BRENWARD MORTGAGE CORPORATION	CERRITOS	CA
Title II	1923300009	C U MEMBERS MORTGAGE CORPORATION	EAST HAVEN	CT
Title II	6441109991	CAL COAST MORTGAGE CORP.	SAN DIEGO	CA
Title I	7253300003	CALIFORNIA EMPIRE FUNDING CORP	RANCHO CUCAMONGA	CA
Title II	7756700002	CALIFORNIA EMPIRE FUNDING CORP	RANCHO CUCAMONGA	CA
Title II	7149400009	CALIFORNIA MORTGAGE SPECIALISTS INC	SUSANVILLE	CA
Title II	2092200003	CAPITOL CITY MORTGAGE INCORPRATED	CARMEL	IN
Title II	2106100008	CARDINAL BANC MORTGAGE CORP	BRECKSVILLE	OH
Title II	1392700001	CB TOWNE CENTER FINANCIAL	CERRITOS	CA
Title II	7417800006	CLARK-ALLENBACH GROUP	SAN DIEGO	CA
Title II	2085700009	COAST2COAST MORTGAGE SPECIALISTS LTD	GLEN ELLYN	IL
Title I	7192800006	COMMUNITY FINANCIAL INC	CLAREMONT	CA
Title II	7560400002	COMPASS MORTGAGE INC	CHARLESTON	SC
Title I	7274100002	CONSTITUTION MORTGAGE CORP	TUSTIN	CA
Title II	7905900004	CONSTITUTION MORTGAGE CORP	TUSTIN	CA
Title II	7058100004	CORONA MORTGAGE	CORONA	CA
Title I	7378400001	CYPRESS POINT FUNDING INC	WOODLAND HILLS	CA
Title II	1967200006	CYPRESS POINT FUNDING INC	WOODLAND HILLS	CA
Title II	1508800004	EAGLE FUNDING GROUP LTD	CHANTILLY	VA
Title I	7220600006	EST FIN SERVICES INC	SOUTH GATE	CA
Title II	7983600004	EST FIN SERVICES INC	SOUTH GATE	CA
Title II	1280200002	EXECUTIVE HOME LOAN INC	SANTA ANA	CA
Title II	2115800006	EXPRESS FUNDING CORP	PARMA HEIGHTS	OH
Title II	1385000006	FIDUCIAL LENDING CORPORATION	INDIANAPOLIS	IN
Title II	7870900006	FIRST AMERICAN FUNDING INC	BALTIMORE	MD
Title II	1914600009	FIRST FUNDING MORTGAGE INC	YORBA LINDA	CA
Title II	1787200005	FIRST INTERSTATE MORTGAGE	AMERICAN FORK	UT
Title I	7300600009	GOLD CROWN HOME LOANS INC	GLENDALE	CA
Title II	1239800004	GOLD CROWN HOME LOANS INC	GLENDALE	CA
Title II	2354200004	GOLDEN MORTGAGE FINANCIAL SERVICES	SAN JUAN	PR
Title II	1968200002	GREAT LAKES CREDIT UNION	NORTH CHICAGO	IL
Title II	1223000000	GREATER ATLANTIC MORTGAGE CORP	VIENNA	VA
Title II	0322109994	GUARANTY LOAN AND REAL ESTATE	WEST MEMPHIS	AR
Title I	7302100008	HEARTLAND FUNDING CORP	SPRINGFIELD	MO
Title II	2353500000	HILLMAN & REECE CORPORATION	AURORA	CO
Title II	1955200005	HOMELEND MORTGAGE COMPANY INC	HOLLAND	OH
Title II	1282600009	HOMESTEAD MORTGAGE CORP	NORTH READING	MA
Title II	7660600008	IMPERIAL LENDERS CORPORATION	MIAMI	FL
Title II	1763900000	INTEGRITY MORTGAGE GROUP INC	HURST	TX
Title II	7931100006	INTERBANK MORTGAGE CORP	HUNTINGTON BEACH	CA
Title I	7345700004	J J AND D FINANCIAL SERVICES INC	BUENA PARK	CA
Title II	1605300004	J J AND D FINANCIAL SERVICES INC	BUENA PARK	CA
Title I	7363100004	JB MORTGAGE MARKET INC	DUBLIN	CA
Title II	1777500005	JB MORTGAGE MARKET INC	DUBLIN	CA
Title II	1909400001	JPO FUNDING INC	EULESS	TX

Approval type	FHA ID	Lender name	City	St
Title II	1279400003	JT ENTERPRISES	HUNTINGTON BEACH	CA
Title II	1158800000	KERN CENTRAL CREDIT UNION	BAKERSFIELD	CA
Title II	1912300004	KNR MORTGAGE INC	ALBUQUERQUE	NM
Title II	7879700001	LAGUNA FUNDING CORPORATION	ONTARIO	CA
Title II	7744400009	LEGACY FINANCIAL GROUP INC	ARLINGTON	TX
Title II	1661700001	LENDERS FINANCIAL MORTGAGE CORP	DAVIE	FL
Title II	1894900004	MAIDSTONE MORTGAGE	DOWNEY	CA
Title II	7915200006	MAJOR MORTGAGE	CHEYENNE	WY
Title II	1641500003	MESA FINANCIAL INC	ANAHEIM	CA
Title II	7942100000	MILDOR CORPORATION	VICTORIA	TX
Title II	1600800007	MONEY TREE MORTGAGE BANKERS USA INC	MIAMI	FL
Title II	7167700005	MONTICELLO BANK	JACKSONVILLE	FL
Title II	1780600004	MURRAY MORTGAGE INCORPORATED	DALLAS	TX
Title II	1430400000	NATIONS FUNDING GROUP	ATLANTA	GA
Title II	2335200004	NATIONS MORTGAGE CORPORATION	SALT LAKE CITY	UT
Title II	2290900004	NATIONWIDE MORTGAGE GROUP INC	SOUTHFIELD	MI
Title II	1152300008	NATIONWIDE REALTY SERVICES INC	SAN DIEGO	CA
Title II	7313700006	NORTH SUBURBAN MORTGAGE CORP	BROOMFIELD	CO
Title II	1135500002	ODICO INC	LOS ANGELES	CA
Title II	1256900002	PARK PLACE MORTGAGE CORP	LIVONIA	MI
Title II	2705009995	PHILADELPHIA FREEDOM CORP	LAS VEGAS	NV
Title II	1340600007	PRIME EQUITY ACCESS CORP	GRAND RAPIDS	MI
Title II	2314300002	QUALIFIED MORTGAGE SOLUTIONS, L.P.	PALM BEACH GARDENS	FL
Title II	2022700000	QUOTEMEARATE.COM	HOUSTON	TX
Title II	1657700001	R SANCHEZ FINANCIAL INC	RANCHO CUCAMONGA	CA
Title II	1336900006	REGENCY MORTGAGE CO	BIRMINGHAM	AL
Title II	7520600001	REPUBLIC MORTGAGE CORPORATION	TROY	MI
Title I	7177600009	SAN DIEGO SOUTHLAND EQUITIES LTD	SAN DIEGO	CA
Title II	7811400009	SAN DIEGO SOUTHLAND EQUITIES LTD	SAN DIEGO	CA
Title II	1120500002	SCOTT RESIDENTIAL SERVICES INC	CITRUS HEIGHTS	CA
Title II	2257500002	SFMCPS INC	DURHAM	NC
Title I	7086600009	SHASTA FINANCIAL SERVICES INC	ELK GROVE	CA
Title II	2343200000	SILVERSTONE MORTGAGE INC	HOUSTON	TX
Title II	1337500002	SIMPLICITY FUNDING INC	DALLAS	TX
Title II	7423200003	SMI SOUTHERN MORTGAGE INC	BIRMINGHAM	AL
Title II	1291000005	ST CLOUD MORTGAGE	SANTA CLEMENTE	CA
Title II	2229000006	STARMARK FINANCIAL LLC	SOUTHFIELD	MI
Title II	2079700006	STRATE FINANCIAL SERVICES LLC	DENVER	CO
Title II	1777400009	SUMMIT CAPITAL GROUP INC	PACIFIC GROVE	CA
Title II	1187300004	SUPERIOR LENDING CORP	PLANO	TX
Title II	1981200004	SUPERIOR MORTGAGE INC	EDEN PRAIRIE	MN
Title II	1789900004	TAILOR-MADE MORTGAGE CORP	MENIFEE	CA
Title II	7518300001	TRUST MORTGAGE COMPANY INC	WALTHAM	MA
Title II	2274300008	UFS FINANCIAL GROUP INC	DALLAS	TX
Title II	1909800005	UNION MORTGAGE INC	ARLINGTON	TX
Title I	7082100004	UNIVERSAL SAVINGS BANK FA	MILWAUKEE	WI
Title II	7182600009	VALLEY BANK MARYLAND	HUNT VALLEY	MD
Title I	7198900008	VALLEYSOURCE MORTGAGE INC	BAKERSFIELD	CA
Title II	7882200000	VALLEYSOURCE MORTGAGE INC	BAKERSFIELD	CA
Title II	7373900007	VILLAGE ASSOCIATES MORTGAGE INC	BIRMINGHAM	MI
Title II	7849900009	VOYAGEUR FINANCIAL INC	PRIOR LAKE	MN
Title II	1987900009	WENTWORTH MORTGAGE CORPORATION	PLYMOUTH	MI
Title II	2330000000	WEST MICHIGAN MORTGAGE AND FINANCIAL SER	GRAND RAPIDS	MI
Title II	7207000003	WESTERN CAPITAL ASSOCIATES	SAN DIEGO	CA

Dated: August 3, 2007.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner, Chairman Mortgagee Review Board.

[FR Doc. E7–15742 Filed 8–10–07; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Amendments to Appendices I and II Adopted by the Conference of the Parties to CITES at Its Fourteenth Regular Meeting (CoP14)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: This notice announces the amendments to Appendices I and II adopted by the Conference of the Parties (CoP) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at its fourteenth regular meeting (CoP14). The meeting was held in The Hague, The Netherlands, June 3–15, 2007. In this notice we list those amendments that were adopted by the Parties at the meeting. We also invite public input on whether the United States should take a

reservation on the amendments (with the exception of species deleted from the Appendices) that were adopted at the meeting. To date, the United States has entered no reservations to any CITES listing. The amendments to CITES Appendices I and II described in this notice enter into effect on September 13, 2007.

DATES: In determining whether the United States should take a reservation on any of the amendments (with the exception of species deleted from the Appendices) to the CITES Appendices adopted at CoP14, we will consider written information and comments submitted by September 12, 2007.

ADDRESSES: *Comments:* Submit your comments concerning whether the United States should take a reservation on the amendments to the CITES Appendices (with the exception of species deleted from the Appendices) adopted at CoP14 by any one of the following methods:

- By mail or hand-delivery to Division of Scientific Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 750, Arlington, VA 22203;
- By e-mail to *scientificauthority@fws.gov;* or
- By fax to 703–358–2276.

Comments and materials we receive will be available for public inspection, from 8 a.m. to 4 p.m., Monday through Friday, at the street address given above.

Available Information: You may obtain information concerning the resolutions and decisions adopted at CoP14, including the full text of the CITES resolutions discussed in this notice:

- On the official Web site of the CITES Secretariat at *http://www.cites.org* (click on Conference of the Parties);
- By mailing a request to Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 700, Arlington, VA 22203;
- By e-mailing a request to *cop14@fws.gov;* or
- By faxing a request to 703–358–2095.

FOR FURTHER INFORMATION CONTACT: For information pertaining to the discussions of proposed resolutions, decisions, and agenda items at CoP14 contact: Robert R. Gabel, Chief, Division of Management Authority (see **ADDRESSES**, above). For more information pertaining to the discussions of proposed amendments to the Appendices considered at CoP14, contact: Acting Chief, Division of Scientific Authority (see **ADDRESSES**, above).

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or the Convention) is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may become threatened with extinction due to trade. These species are listed in the Appendices to CITES, which are available on the CITES Secretariat's Web site (*http://www.cites.org/eng/app/index.shtml*). Currently, 172 countries, including the United States, are Parties to CITES. The Convention calls for regular meetings of the Conference of the Parties (CoP) to review issues pertaining to implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and to make recommendations to improve the effectiveness of CITES. Any country that is a Party to CITES may propose and vote on amendments to Appendices I and II (species proposals), draft resolutions and decisions, and agenda items submitted for consideration by the Conference of the Parties. Accredited nongovernmental organizations (NGOs) may participate in the meeting as approved observers and may speak during sessions when recognized by the meeting Chairperson, but they may not vote or submit proposals.

In this notice we announce the amendments to Appendices I and II adopted by the Parties at CoP14, held in The Hague, The Netherlands, June 3–15, 2007, and also invite public input on whether the United States should take a reservation on any of the amendments to the Appendices (with the exception of species deleted from the Appendices) adopted by the Parties at CoP14.

This is our fifth notice in a series of **Federal Register** notices relating to CoP14. We published our first CoP14-related **Federal Register** notice on January 20, 2006 (71 FR 3319), to request information and recommendations on species proposals, draft resolutions and decisions, and agenda items for the United States to consider submitting for consideration at CoP14. We published our second **Federal Register** notice on November 7, 2006 (71 FR 65126), to request public comments and information on species proposals, draft resolutions and decisions, and agenda items that the United States was considering submitting for consideration at CoP14. On December 11, 2006, we held a public meeting that was announced in our second **Federal Register** notice; at that meeting, we discussed the issues contained in our November 7, 2006, **Federal Register** notice and on our website posting on the same topic. In our third **Federal Register** notice, published on February 21, 2007 (72 FR 7904), we announced the provisional agenda for CoP14, solicited public comments on items listed in the provisional agenda, and announced a second public meeting to discuss the agenda items. Our second public meeting was held on April 9, 2007. In our fourth CoP14-related **Federal Register** notice published June 1, 2007 (72 FR 30606), we announced the tentative U.S. negotiating positions on species proposals, draft resolutions and decisions, and agenda items submitted by other countries and the CITES Secretariat for consideration at CoP14. We also announced that we would publish a notice after the conclusion of CoP14 inviting public input on whether the United States should take a reservation on any of the amendments to the CITES Appendices adopted at CoP14.

You may obtain information on the above **Federal Register** notices from the following sources. For information on draft resolutions and decisions, and agenda items, contact the Division of Management Authority (see **ADDRESSES**, above); for information on species proposals, contact the Division of Scientific Authority (see **ADDRESSES**, above). Our regulations governing this public process are found in 50 CFR 23.31–23.39.

Amendments to the Appendices

Listed below are the amendments to CITES Appendices I and II adopted at CoP14. These amendments include the inclusion of species in Appendix I or Appendix II; the transfer of species from one Appendix to another; the deletion of species from Appendix I or II; and amendment of the annotations of certain CITES-listed species.

TABLE 1.—AMENDMENTS TO CITES APPENDIX I AND APPENDIX II ADOPTED AT THE COP14

Proposal	Description of proposal	Submitted by	Comments
1	Transfer of *Nycticebus* species (slow lorises) from Appendix II to Appendix I.	Cambodia 3	
3	Transfer the Ugandan population of leopard (*Panthera pardus*) from Appendix I to Appendix II with an annotation that trade is to be allowed for the exclusive purpose of sport hunting for trophies and skins for personal use, to be exported as personal effects; and with an annual export quota of 50 leopards for the whole country.	Uganda	At CoP14, Uganda revised the proposal to retain their leopard population in Appendix I with an annual export quota of 28 leopards as sport-hunted trophies.
Inf. 61	Amendment of the listing annotation for African elephant (*Loxodonta africana*). The three African elephant proposals (4, 5, and 6) were withdrawn at the CoP, and replaced by a new proposed amendment (CoP14 Inf. 61) that would annotate the listings of the populations of African elephant in Appendix II to include trade in hunting trophies for non-commercial purposes; trade in live animals to appropriate and acceptable destinations for Zimbabwe and Botswana, and for in situ conservation programs for Namibia and South Africa; trade in hides; trade in hair; trade in leather goods for commercial and non-commercial purposes for Botswana, Namibia, and South Africa and for non-commercial purposes for Zimbabwe; trade in marked and certified ekipas (tourist souvenirs) for non-commercial purposes for Namibia and ivory carvings for non-commercial purposes for Zimbabwe; and trade in registered raw ivory for Botswana, Namibia, South Africa, and Zimbabwe from existing stockpiles registered by January 31, 2007, subject to certain conditions.	Chad and Zambia, on behalf of Africa.	The new proposal (CoP14 Inf. 61) was developed and adopted by consensus on the agreement that no further proposals to allow trade in elephant ivory from these populations may be submitted to the CoP until 9 years following the sale of the approved ivory stocks, in accordance with the provisions set forth in Inf. 61. The Parties also decided that the African elephant range States shall develop an overall African elephant action plan to improve elephant management, and that the CITES Secretariat shall establish an African elephant fund, to be administered by the CITES Standing Committee, that will be applied to implement the action plan. Import of ekipas and ivory carvings into the United States is prohibited.
8	Amendment of the annotation of the vicuña (*Vicugna vicugna*) population of Bolivia for the exclusive purpose of allowing international trade in wool sheared from live vicuñas, and in cloth and items made thereof, including luxury handicrafts and knitted articles.	Bolivia	The proposal amends the annotation to include the entire Bolivian vicuña population for wool and products; the rest of the annotation remains unchanged.
10	Inclusion of Cuvier's gazelle (*Gazella cuvieri*) in Appendix I.	Algeria	Since 1976, the species had been included in Appendix III at the request of Tunisia.
12	Inclusion of slender-horned gazelle (*Gazella leptoceros*) in Appendix I.	Algeria	Since 1976, the species had been included in Appendix III at the request of Tunisia.
13	Transfer of the Brazilian population of black caiman (*Melanosuchus niger*) from Appendix I to Appendix II.	Brazil	This species is currently listed as endangered under the U.S. Endangered Species Act; therefore, the import of specimens into the United States for commercial purposes is still prohibited.
14	Transfer Guatemalan beaded lizard (*Heloderma horridum charlesbogerti*) from Appendix II to Appendix I.	Guatemala	
17	Inclusion of the Family Pristidae (7 species of sawfish) in Appendix I.	Kenya, Nicaragua and the United States of America.	The proposal was amended to include the species *Pristis microdon* in Appendix II with the following annotation: For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable aquaria for primarily conservation purposes. All other species were included in Appendix I.
18	Inclusion of European eel (*Anguilla anguilla*) in Appendix II.	Germany, on behalf of the European Community Member States.	
22	Deletion of Arizona agave (*Agave arizonica*) from Appendix I.	United States	Scientific research has determined that Arizona agave is a randomly occurring first-generation hybrid and not a species.

TABLE 1.—AMENDMENTS TO CITES APPENDIX I AND APPENDIX II ADOPTED AT THE COP14—Continued

Proposal	Description of proposal	Submitted by	Comments
23	Transfer of Dehesa bear grass (*Nolina interrata*) from Appendix I to Appendix II.	United States	Dehesa bear grass is listed as endangered under the California Endangered Species Act; therefore, the collection and sale of wild-collected specimens is prohibited under State law.
24	Deletion of leaf-bearing cacti in the genera *Pereskia* and *Quiabentia* from Appendix II.	Argentina	
25	Deletion of leaf-bearing cacti in the genus *Pereskiopsis* from Appendix II.	Mexico	
27	Amendment of the annotations to *Adonis vernalis, Guaiacum* species, *Hydrastis canadensis, Nardostachys grandiflora, Panax ginseng, Panax quinquefolius, Picrorhiza kurrooa, Podophyllum hexandrum, Pterocarpus santalinus, Rauvolfia serpentina, Taxus chinensis, T. fuana, T. cuspidata, T. sumatrana,* and *T. wallichiana,* Orchidaceae species in Appendix II, and all Appendix-II and -III taxa annotated with annotation #1.	Switzerland as the Depositary Government, at the request of the Plants Committee.	The proposal was produced by the Medicinal Plant Annotations Working Group in consultation with the CITES Plants Committee, which was directed by the Parties to assess the effectiveness of and streamline the annotations for CITES-listed medicinal plants.
28	Deletion of Oconee bells (*Shortia galacifolia*) from Appendix II.	United States	
30	Inclusion of pernambuco (*Caesalpinia echinata*) in Appendix II, including all parts and derivatives.	Brazil	The proposed annotation was amended to exclude finished bows and buttons from CITES controls. The adopted annotation states: ''designates logs, sawn wood, veneer sheets, including wood articles used for the fabrication of bows for stringed musical instruments.''
35	Amendment of the annotation to exempt certain artificially propagated hybrids of Orchidaceae (interspecific and intergeneric hybrids of *Cymbidium, Dendrobium, Phalaenopsis,* and *Vanda*) included in Appendix II.	Switzerland as the Depositary Government, at the request of the Plants Committee.	This proposal will replace confusing language in the existing taxon-specific orchid hybrid exemptions (referred to as footnote 8) with language proposed and agreed upon by consensus of the Plants Committee.
37	Deletion of the current annotation for *Taxus chinensis, T. fuana,* and*T. sumatrana,* and a new annotation for artificially propagated hybrids and cultivars of *T. cuspidata* in pots or other small containers to be exempted from CITES controls.	Switzerland as the Depositary Government, at the request of the Standing Committee.	The proposed annotation was amended to exempt from CITES controls artificially propagated hybrids and cultivars of *T. cuspidata* live in pots.

Reservations

In addition to announcing the amendments to CITES Appendices I and II that were adopted at CoP14, we invite public input on whether the United States should take any reservations on the amendments to the CITES Appendices (with the exception of species deleted from the Appendices) that were adopted at the meeting. CITES provides a period of 90 days from the close of a meeting of the CoP for any Party to enter a reservation for a particular species listed in Appendix I or II. Countries that choose not to recognize a listing and take a reservation may continue trading in the species without CITES documents with other Parties that have taken the same reservation or with non-Parties, provided such shipments do not transit a Party country. However, trade with Parties that have not taken the same reservation requires CITES documents. While the reservation is in effect the Party is formally treated as a non-Party with respect to trade in the reserved species. A Party that has entered a reservation may withdraw it at any time.

CITES Resolution Conf. 4.25 recommends that, when a species is newly listed in Appendix I or is transferred from Appendix II to Appendix I, Parties that take a reservation for that species should treat the species as if it were listed in Appendix II, rather than not listed, when trading with other reserving Parties or non-Parties. Further, CITES Resolution Conf. 9.7 (Rev. CoP13) states that a shipment containing specimens of CITES species traded between non-Parties or reserving Parties or between a non-Party and a reserving Party must be accompanied by CITES documents if it transits a Party country before reaching its final destination. Therefore, if the United States entered a reservation to the listing of a species in Appendix I, we would require a CITES document that meets Appendix II permit criteria (*i.e.*, legal acquisition and non-detriment finding) for international trade in specimens of that species with a non-Party or a Party that has taken the same reservation.

The United States has never entered a reservation on any CITES listing because a reservation would do very little to relieve importers in the United States from the need for foreign export permits. As discussed in the **Federal Register** notice of November 17, 1987 (52 FR 43924), the Lacey Act Amendments of 1981 (16 U.S.C. 3371 *et seq.*) make it a Federal offense to import into the United States any ''fish or wildlife'' taken, possessed, transported, or sold in violation of foreign laws. If a foreign nation has enacted CITES, and has not taken a reservation with regard to the particular species, part, or derivative, the United States would continue to require CITES documents as a condition of import. Regarding CITES-listed plants, the Lacey Act does not provide the same protections for plants outside of the United States. However, a reservation by the United States also would provide exporters in this country

with little relief from the need for U.S. export documents. Unless the receiving country had entered the same reservation or was a non-Party, U.S. exporters of CITES-listed plants and animals would continue to be required to obtain CITES-comparable documents because the Parties have agreed to trade with non-Parties and reserving Parties only if they issue permits and certificates that substantially conform with CITES requirements and contain the required information outlined in CITES Resolution Conf. 9.5 (Rev. CoP13). If the United States were to enter a reservation for a particular species, it may confuse importers and exporters because, as stated above, CITES permit requirements would still be imposed by other Parties. This could lead persons to inadvertently violate the laws of foreign countries that honor the listing.

Author

This notice was prepared by Pat Ford, Division of Scientific Authority, (see **ADDRESSES**, above).

Authority: This notice is issued under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 31, 2007.

H. Dale Hall,

Director.

[FR Doc. E7–15828 Filed 8–10–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of an extension of a currently approved information collection (OMB Control Number 1010–0122).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. We changed the title of this ICR. The previous title of this ICR was ''30 CFR 243—Suspensions Pending Appeal and Bonding—Minerals Revenue Management (Forms MMS–4435, Administrative Appeal Bond; MMS–4436, Letter of Credit; and MMS–4437, Assignment of Certificate of Deposit).'' The new title of this ICR is ''30 CFR 243—Suspensions Pending Appeal and Bonding.'' Forms associated with this collection are Forms MMS–4435, Administrative Appeal Bond; MMS–4436, Letter of Credit; and MMS–4437, Assignment of Certificate of Deposit.

DATES: Submit written comments on or before October 12, 2007.

ADDRESSES: Submit written comments to Sharron L. Gebhardt, Lead Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 302B2, Denver, Colorado 80225. If you use an overnight courier service or wish to hand-deliver your comments, our courier address is Building 85, Room A–614, Denver Federal Center, West 6th Ave. and Kipling Blvd., Denver, Colorado 80225. You may also e-mail your comments to us at *mrm.comments@mms.gov.* Include the title of the information collection and the OMB control number in the ''Attention'' line of your comment. Also include your name and return address. If you do not receive a confirmation that we have received your e-mail, contact Ms. Gebhardt at (303) 231–3211.

FOR FURTHER INFORMATION CONTACT: Sharron L. Gebhardt, telephone (303) 231–3211, FAX (303) 231–3781, or e-mail *sharron.gebhardt@mms.gov.*

SUPPLEMENTARY INFORMATION:

Title: 30 CFR Part 243—Suspensions Pending Appeal and Bonding.

OMB Control Number: 1010–0122.

Bureau Form Number: Forms MMS–4435, MMS–4436, and MMS–4437.

Abstract: The Secretary of the U.S. Department of the Interior is responsible for collecting royalties from lessees who produce minerals from leased Federal and Indian lands. The Secretary is required by various laws to manage mineral resources production on Federal and Indian lands, collect the royalties due, and distribute the funds in accordance with those laws. The Secretary also has a trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. The MMS performs the royalty management functions and assists the Secretary in carrying out the Department's trust responsibility for Indian lands. Applicable law citations pertaining to mineral leases on Federal and Indian lands include: Public Law 97–451—Jan. 12, 1983 (Federal Oil and Gas Royalty Management Act of 1982 [FOGRMA]); Public Law 104–185—Aug. 13, 1996 (Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 [RSFA]), as corrected by Public Law 104–200—Sept. 22, 1996; and Public Law 97–382—Dec. 22, 1982 (Indian Mineral Development Act of 1982). The RSFA section 4(l), ''Stay of Payment Obligation Pending Review,'' requires MMS to evaluate any person, ordered by the Secretary or a delegated state to pay any obligation (other than an assessment) subject to RSFA, to determine whether that person is entitled to a stay of the order without bond or other surety instrument, pending an administrative or judicial proceeding, based on the financial solvency of that person. Public laws pertaining to mineral royalties are located on our Web site at *http://www.mrm.mms.gov/Laws_R_D/PublicLawsAMR.htm.*

Regulations at 30 CFR part 243 govern the suspension of orders or decisions pending administrative appeal for Federal leases. These regulations require the submission of information demonstrating financial solvency by the person who represents the appellant, requesting a suspension without the need to provide a surety. For those appellants who are not financially solvent or for appeals involving Indian leases, MMS requires that a surety instrument be posted to secure the financial interest of the public and Indian lessors during the entire administrative or judicial appeal process. This information collection request covers the burden hours associated with appellants submitting financial statements or surety instruments, subject to annual audit, required to stay an MMS order.

Minerals produced from Federal and Indian leases vary greatly in the nature of occurrence, production, and processing methods. When a company or an individual enters into a lease to explore, develop, produce, and dispose of minerals from Federal or Indian lands, that company or individual agrees to pay the lessor a share (royalty) of the value received from production from the leased lands. The lease creates a business relationship between the lessor and the lessee. The lessee is required to report various kinds of information to the lessor relative to the disposition of the leased minerals. Such information is similar to data reported to private and public mineral interest owners and is generally available within the records of the lessee or others involved in developing, transporting, processing, purchasing, or selling such minerals. The information collected includes data necessary to ensure that the royalties are paid appropriately.

Proprietary information submitted to MMS under this collection is protected, and no items of a sensitive nature are collected. A response is required to obtain the benefit of suspending compliance of an order pending appeal.

Stay of Payment Pending Appeal

Title 30 CFR 243.1 states that lessees or recipients of MMS Minerals Revenue Management (MRM) orders may suspend compliance with an order if they appeal in accordance with 30 CFR Part 290, Subpart B—Appeals of Royalty Management Program and Delegated State Orders (the Royalty Management Program is now known as Minerals Revenue Management). Pending appeal, MMS suspends the payment requirement if the appellant submits a formal agreement of payment in case of default, such as a bond or other surety, or demonstrates financial solvency. The MMS accepts the following surety types: Form MMS–4435, Administrative Appeal Bond; Form MMS–4436, Letter of Credit; Form MMS–4437, Assignment of Certificate of Deposit; Self-bonding; and U.S. Treasury Securities.

When one of the surety types is selected and put in place, appellants must maintain the surety until completion of the appeal. If the appeal is decided in favor of the appellant, MMS returns the surety to the appellant. If the appeal is decided in favor of MMS, then MMS will take action to collect full royalty payment or draw down on the surety. The MMS draws down on a surety if the appellant fails to comply with requirements relating to amount due, timeframe, or surety submission or resubmission. Whenever MMS must draw down on a surety, the total amount due is defined as unpaid principal plus interest accrued to the projected receipt date of the surety payment. Appellants may refer to the Surety Instrument Posting Instructions for each of the five surety types to submit the respective information. Instructions for the five surety types discussed below can be found at *http://www.mrm.mms.gov/ReportingServices/PDFDocs/SuretyInst.pdf.*

Form MMS–4435, Administrative Appeal Bond

Appellants may file Form MMS–4435, Administrative Appeal Bond, which MMS uses to secure the financial interests of the public and Indian lessors during the entire administrative and judicial appeal process. Under 30 CFR 243.4, appellants are required to submit their contact and surety amount information to obtain the benefit of suspension of an obligation to comply with an order. The bond must be issued by a qualified surety company that is approved by the Department of the Treasury (see Department of the Treasury Circular No. 570, revised periodically in the **Federal Register**). The Associate Director for MRM (Associate Director) or the delegated bond-approving officer (officer) maintains these bonds in a secure facility. Once the appeal has concluded, MMS may release and return the bond to the appellant or collect royalty payment upon the bond. If collection is necessary for a remaining royalty payment balance, MMS will issue a demand for payment to the surety company with a notice to the appellant, including all interest accrued on the affected bill.

Form MMS–4436, Letter of Credit

Appellants may choose to file Form MMS–4436, Letter of Credit, with no modifications. Requirements of 30 CFR 243.4 continue to apply. The Associate Director or officer maintains the Letter of Credit (LOC) in a secure facility. A bank must notarize and issue the LOC for appellants in which the bank has a minimum Fitch rating (formerly Bankwatch) of ''C'' for an LOC of less than $1 million, ''B/C'' for an LOC between $1 million and $10 million, or ''B'' for an LOC over $10 million. The LOC must have a minimum coverage period of 1 year and be automatically renewable for up to 5 years.

The appellant is responsible for verifying that the bank provides a current rating to MMS. If the issuing bank's rating falls below the minimum acceptable level, a satisfactory replacement surety must be submitted within 14 days, or MMS will draw down the existing LOC. If the bank issuing the LOC chooses not to renew the existing LOC, it must provide MMS with a notice of its decision not to renew 30 days prior to expiration of the LOC. Once the appeal has been concluded, MMS may release and return the LOC to the appellant or collect royalty payment upon the LOC. If collection is necessary for a remaining royalty payment balance, MMS will issue a demand for payment, which includes all interest assessed on the affected bill, to the bank with a notice to the appellant.

Form MMS–4437, Assignment of Certificate of Deposit

Appellants may choose to secure their debts by requesting to use a Certificate of Deposit (CD) from their bank and submitting Form MMS–4437, Assignment of Certificate of Deposit. Requirements of 30 CFR 243.4 continue to apply. Appellants must file the request with MMS prior to the invoice due date. The MMS will accept a book-entry CD that explicitly assigns the CD to the Associate Director. A bank must issue the CD in which the bank has a minimum Fitch rating or is confirmed by a bank with an acceptable rating. The acceptable ratings for a CD are the same as for an LOC. If collection of the CD is necessary for a royalty payment balance, MMS will return unused CD funds to the appellant after total settlement of the appealed issues, including applicable interest charges.

Self-Bonding

For Federal leases, RSFA section 4(l), as promulgated at 30 CFR 243.201, provides that no surety instrument is required when a person representing the appellant periodically demonstrates, to the satisfaction of MMS, that guarantor or appellant is financially solvent or otherwise able to pay the obligation. Appellants must submit a written request to ''self-bond'' every time a new appeal is filed. To evaluate the financial solvency and exemption from requirements of appellants to maintain a surety related to an appeal, MMS requires appellants to submit a consolidated balance sheet, subject to annual audit. In some cases, MMS also requires copies of the most recent tax returns—up to 3 years—filed by appellants.

In addition, appellants must annually submit financial statements, subject to annual audit, to support their net worth. The MMS uses the consolidated balance sheet or business information supplied to evaluate the financial solvency of a lessee, designee, or payor seeking a stay of payment obligation pending review. If appellants do not have a consolidated balance sheet documenting their net worth, or if they do not meet the $300 million net worth requirement, MMS selects a business information or credit reporting service to provide information concerning an appellant's financial solvency. We charge the appellant a $50 fee each time we need to review data from a business information or credit reporting service. The fee covers our costs in determining an appellant's financial solvency.

U.S. Treasury Securities

Appellants may choose to secure their debts by requesting to use a U.S. Treasury Security (TS). Appellants must file the letter of request with MMS prior to the invoice due date. The TS must be a U.S. Treasury note or bond with maturity equal to or greater than 1 year. The TS must equal 120 percent of the appealed amount plus 1 year of estimated interest (necessary to protect MMS against interest rate fluctuations). The MMS only accepts a book-entry TS.

Request to OMB

The MMS is requesting OMB's approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge his/her duties and may also result in loss of royalty payments.

Frequency: Annually and on occasion.

Estimated Number and Description of Respondents: 140 Federal/Indian appellants.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 140 hours.

The following chart shows the estimated annual burden hours by CFR section and paragraph. We have not included in our estimates certain requirements performed in the normal course of business and considered usual and customary.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR 243	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
Subpart A—General Provisions				
243.4(a)(1)	How do I suspend compliance with an order? (a) If you timely appeal an order, and if that order or portion of that order: (1) Requires you to make a payment, and you want to suspend compliance with that order, you must post a bond or other surety instrument or demonstrate financial solvency * * *.	1 hour	75 surety instruments (including Forms MMS–4435, MMS–4436, and MMS–4437, or TS).	75
243.6	When must I or another person meet the bonding or financial solvency requirements under this part? If you must meet the bonding or financial solvency requirements under § 243.4(a)(1), or if another person is meeting your bonding or financial solvency requirements, then either you or the other person must post a bond or other surety instrument or demonstrate financial solvency within 60 days after you receive the order or the Notice of Order.	Burden hours covered under § 243.4(a)(1).		
243.7(a)	What must a person do when posting a bond or other surety instrument or demonstrating financial solvency on behalf of an appellant? If you assume an appellant's responsibility to post a bond or other surety instrument or demonstrate financial solvency * * * (a) Must notify MMS in writing * * * that you are assuming the appellant's responsibility * * *.	Burden hours covered under § 243.4(a)(1).		
243.8(a)(2) and (b)(2)	When will MMS suspend my obligation to comply with an order? (a) Federal leases. * * * (2) If the amount under appeal is $10,000 or more, MMS will suspend your obligation to comply with that order if you: (i) Submit an MMS-specified surety instrument under subpart B of this part within a time period MMS prescribes; or (ii) Demonstrate financial solvency under subpart C (b) Indian leases. * * * (2) If the amount under appeal is $1,000 or more, MMS will suspend your obligation to comply with that order if you submit an MMS-specified surety instrument under subpart B of this part within a time period MMS prescribes.	Burden hours covered under § 243.4(a)(1).		
Subpart B—Bonding Requirements				
243.101(b)	How will MMS determine the amount of my bond or other surety instrument? * * * (b) If your appeal is not decided within 1 year from the filing date, you must increase the surety amount to cover additional estimated interest for another 1-year period. You must continue to do this annually * * *.	Burden hours covered under § 243.4(a)(1).		

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR 243	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
	Subpart C—Financial Solvency Requirements			
243.200(a) and (b)	How do I demonstrate financial solvency? (a) To demonstrate financial solvency under this part, you must submit an audited consolidated balance sheet, and, if requested by the MMS bond-approving officer, up to 3 years of tax returns to the MMS, * * *. (b) You must submit an audited consolidated balance sheet annually, and, if requested, additional annual tax returns on the date MMS first determined that you demonstrated financial solvency as long as you have active appeals, or whenever MMS requests. * * *.	1 hour	65 self-bonding submissions-demonstration of financial solvency.	65
243.201 (c)(1), (c)(2)(i), and (c)(2)(ii) and 243.201(d)(2).	How will MMS determine if I am financially solvent? * * * (c) If your net worth, minus the amount we would require as surety under subpart B for all orders you have appealed is less than $300 million, you must submit * * *:. (1) A written request asking us to consult a business-information, or credit-reporting service or program to determine your financial solvency; and (2) A nonrefundable $50 processing fee: (i) You must pay the processing fee * * * (ii) You must submit the fee with your request * * * and then annually on the date we first determined that you demonstrated financial solvency, as long as you are not able to demonstrate financial solvency * * * and you have active appeals. (d) * * * (2) For us to consider you financially solvent, the business-information or credit-reporting service or program must demonstrate your degree of risk as low to moderate: * * *.	Burden hours covered under §§ 243.4(a)(1) and 243.200(a) and (b).		
243.202(c)	When will MMS monitor my financial solvency? * * * (c) If our bond-approving officer determines that you are no longer financially solvent, you must post a bond or other MMS-specified surety instrument under subpart B.	Burden hours covered under §§ 243.4(a)(1) and 243.200 (a) and (b).		
Total Burden	.....	.....	140	140

Estimated Annual Reporting and Recordkeeping ''Non-Hour'' Cost Burden: There are no additional recordkeeping costs associated with this information collection. However, MMS estimates 15 appellants will pay MMS a $50 fee to obtain credit data from a business information or credit reporting service as a ''non-hour'' cost burden over the next 3 years for a total of $250 per year (5 appellants per year × $50 = $250).

Public Disclosure Statement: The PRA (44 U.S.C. 3501 *et seq.*) provides that 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.

Comments: Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency '' * * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or recordkeepers resulting from the collection of information. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons

other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request. The ICR also will be posted on our Web site at *http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRInfColl.htm*.

Public Comment Policy: We will post all comments in response to this notice on our Web site at *http://www.mrm.mms.gov/Laws_R_D/FRNotices/FRInfColl.htm*. We also will make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so.

MMS Information Collection Clearance Officer: Arlene Bajusz (202) 208–7744.

Dated: August 6, 2007.

Lucy Querques Denett,

Associate Director for Minerals Revenue Management.

[FR Doc. E7–15783 Filed 8–10–07; 8:45 am]

BILLING CODE 4310–MR–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 28, 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 28, 2007.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

FLORIDA

Leon County

Billingsley Farm, 3640 Oakhurst Ln., Tallahassee, 07000897.

ILLINOIS

Cook County

Hatch, William H., House, 309 Keystone Ave., River Forest, 07000898.

Lake County

West Park Neighbourhood Historic District, Roughly bounded by Green Bay Rd., Westminster, Oakwood, and Atteridge Rds., Lake Forest, 07000900.

Winnebago County

West Downtown Rockford Historic District, Roughly bounded by Park Ave., State St., Church St., and Wyman St., Rockford, 07000899.

LOUISIANA

Orleans Parish

Carrollton Historic District (Boundary Increase), Roughly bounded Claiborne, National Octavia, Grape and Lowerline, New Orleans, 07000901.

NORTH CAROLINA

Caldwell County

Lenoir Downtown Historic District, Roughly bounded by Ashe Ave., Mulberry St., Harper Ave., Church St., and Boundary St., Lenoir, 07000905.

Cumberland County

Verdery, Dr. William C., House, 1428 Raeford Rd., Fayetteville, 07000904.

Franklin County

McGhee, C.L. and Bessie G., House, 103 W. Mason St., Franklinton, 07000903.

Wake County

Boylan Apartments, 817 Hillsborough St., Raleigh, 07000902.

Washington County

Davenport House, VA 1143 (Mount Tabor Rd. and VA 1146 (Mount Tabor Road-Backwoods Creswell, 07000932.

OKLAHOMA

Atoka County

First Presbyterian Church, 212 E. 1st St., Atoka, 07000914.

Creek County

Bristow Firestone Service Station, (Route 66 and Associated Resources in Oklahoma AD MPS), 321 N. Main, Bristow, 07000912.

Dewey County

Vici M–K–T Depot, Houser St., Bet. 7th St. and 8th St., Vici, 07000911.

Kay County

Tonkawa Lodge No. 157 A.F. & A.M., 112 N. 7th St., Tonkawa, 07000910.

Love County

Love County Jail and Sheriff's House, 408 1/2 W. Chickasaw, Marietta, 07000916.

Santa Fe Depot

101 SE Front, Marietta, 07000913.

Oklahoma County

Film Exchange Historic District, Jct. of W. Sheridan Ave. and Lee Ave., Oklahoma City, 07000908.

Texas County

Franklin Hall, 201 N. College Ave., Goodwell, 07000909.

Tulsa County

Buena Vista Park Historic District, Roughly bounded by W. 18th St. S, rear lot lines of W of S. Cheyenne Ave., W, W. 21st St. S and Riverside Dr./S, Carson, Tulsa, 07000919.

Carlton Place Historic District, Bounded by W. 14th St. S, S. Carson Ave. W., W. 15th St. S and S. Cathage Ave. W, Tulsa, 07000907.

Riverview Historic District, Roughly bounded by W. 12th and 13th Sts. S, E of S. Elwood Ave. W., W., 14th Place S., S. Riverside Dr., S. Jackson Ave., Tulsa, 07000906.

Stonebraker Heights Historic District, Roughly bounded by W. 15th St. S., Alley E of South Cheyenne Ave. W., W., 17th St. S and S. Elwood Ave. W, Tulsa, 07000917.

Will Rogers High School, 3909 E. 5th Place, Tulsa, 07000918.

Woodward County

Woodward Federal Courthouse and Post Office, 1023 10th St., Woodward, 07000915.

OREGON

Clackamas County

Williamette Falls Locks, W bank of Williamette R, West Linn, 07000920.

Douglas County

English Settlement School, 17455 Elkhead Rd., Oakland, 07000924.

Jackson County

Cooley—Neff Warehouse, 340 N. Fir St., Medford, 07000923.

Multnomah County

Gerber, G.G., Building, 210 NW 11th Ave., Portland, 07000922.

Olson, Charles and Fae, House, 765 SW Walters Rd., Gresham, 07000921.

Smith, Alfred H. and Mary E., House, 1806 SW High St., Portland, 07000926.

SOUTH CAROLINA

Charleston County

Atlanticville Historic District, (Sullivan's Island, South Island MPS), Middle St., Jasper Blvd., Myrtle Ave. bet. Stations 22½ and 26, Sullivan's Island, 07000927.

Fort Moultrie Quartermaster and Support Facilities Historic District, (Sullivan's Island, South Island MPS), Middle St. and Thompson Ave., bet. Stations 14 and 16.5, Sullivan's Island, 07000925.
Moultrieville Historic District, (Sullivan's Island, South Island MPS), Middle St. and Osceola Ave., bet. stations 11 and 12, Sullivan's Island, 07000928.
Sullivan's Island Historic District, (Sullivan's Island, South Island MPS), Middle St., I'on Ave. and Central Ave. bet. Stations 17 and 18½, Sullivan's Island, 07000929.

TENNESSEE

Marion County

Marion Memorial Bridge, US 41 at Nickajack Lake, Haletown, 07000930.

VIRGINIA

Hanover County

Cool Well, 8198 Shady Grove Rd, Mechanicsville, 07000931.

WASHINGTON

Grays Harbor County

Masonic Temple—Hoquiam, 510 8th St., Hoquian, 07000934.

WISCONSIN

Dane County

Gilbert, John and Flora, House, 357 N. Main St., Oregon, 07000933.

A request for REMOVAL has been made for the following resource:

NEW MEXICO

Eddy County

Sipple-Ward Building, 331 W. Main St., Artesia, 91001503.

[FR Doc. E7–15748 Filed 8–9–07; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Bishop Museum, Honolulu, HI

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the possession and control of Bishop Museum, Honolulu, HI. The human remains were removed from multiple locations on the island of Kauai, HI.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by Bishop Museum professional staff in consultation with representatives of Hui Malama I Na Kupuna O Hawaii Nei and Kauai Island Burial Council.

In 1949, two bags of human bone representing a minimum of one individual were collected by Tiare Emory and Rebecca Banks from Milolii, Napali, Kauai, HI. No known individual was identified. No associated funerary objects are present.

In 1949, one human tooth and one bag of possible human bone fragments representing a minimum of one individual were collected by Tiare Emory and Rebecca Banks possibly from Canoe Shed Cave, Hanalei, Kauai, HI. No known individual was identified. No associated funerary objects are present.

In 1955, Bishop Museum received two human teeth representing a minimum of one individual collected by George F. Arnemann from archeology site 50–Ka-C07–001, Haeleele, Kauai, HI. No known individual was identified. No associated funerary objects are present.

In 1955, one human tooth representing a minimum of one individual was collected during a Bishop Museum and University of Hawaii-Manoa field school project by Bishop Museum staff from Haeleele Shelter (archeology site 50–Ka-C07–001), Kauai, HI. No known individual was identified. No associated funerary objects are present.

In 1967, one human tooth and one human tooth fragment representing a minimum of one individual were found among midden at Moir's Garden, Koloa, Kauai, HI, by Bishop Museum staff. No known individual was identified. No associated funerary objects are present.

In 2002, three human teeth representing a minimum of one individual were found in the Bishop Museum collections from an unknown area of Kauai, HI. No known individual was identified. No associated funerary objects are present.

Officials of the Bishop Museum have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of a minimum of six individuals of Native Hawaiian ancestry. Officials of the Bishop Museum also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native Hawaiian human remains and Hui Malama I Na Kupuna O Hawaii Nei.

Representatives of any other Native Hawaiian organization that believes itself to be culturally affiliated with the human remains should contact Betty Lou Kam, Vice-President, Cultural Resources, Bishop Museum, 1525 Bernice Street, Honolulu, HI 96817, telephone (808) 848–4144, before September 12, 2007. Repatriation of the human remains to Hui Malama I Na Kupuna O Hawaii Nei will proceed after that date if no additional claimants come forward.

The Bishop Museum is responsible for notifying Hui Malama I Na Kupuna O Hawaii Nei and Kauai Island Burial Council that this notice has been published.

Dated: July 13, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–15822 Filed 8–10–07; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF JUSTICE

[AAG/A Order No. 024–2007]

Privacy Act of 1974; System of Records

AGENCY: Office of the Pardon Attorney, Department of Justice.

ACTION: Modifications to Notice of Privacy Act System of Records.

SUMMARY: The Office of the Pardon Attorney (OPA) is making minor modifications to its Privacy Act System of Records entitled ''Executive Clemency Case Files/Executive Clemency Tracking System, OPA–001,'' last published in the **Federal Register** on October 31, 2002, at 67 FR 66417. Since the OPA has changed locations since its notice of 2002, the new address will be published in three sections of the notice under ''System Location'', ''System Manager(s) and Addresses'', and ''Notification Procedures''.

DATES: Since this is a minor change, notification to the public, the Office of Management and Budget and the Congress is not required. The notice will be effective August 13, 2007.

SUPPLEMENTARY INFORMATION: The change in the text of the notice entitled ''Executive Clemency Files/Executive Clemency Tracking System'' is shown below.

Dated: August 2, 2007.

Lee J. Lofthus,

Assistant Attorney General for Administration.

Justice/OPA–001

SYSTEM NAME:

Executive Clemency Case Files/ Executive Clemency Tracking System.

SYSTEM LOCATION:

Office of the Pardon Attorney (OPA), U.S. Department of Justice, 950 Pennsylvania Ave., NW., Washington, DC. 20530.

* * * * *

SYSTEM MANAGER(S) AND ADDRESSES:

Pardon Attorney, Office of the Pardon Attorney, U.S. Department of Justice, 950 Pennsylvania Ave., NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address inquiries to Office of the Pardon Attorney, U.S. Department of Justice, 950 Pennsylvania Ave., NW., Washington, DC 20530.

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[FR Doc. E7–15729 Filed 8–10–07; 8:45 am]

BILLING CODE 4410–29–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[OMB Number 1140–0009]

Agency Information Collection Activities; Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review.

Application to Register as an Importer of U.S. Munitions Import List Article. The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 72, Number 102, page 29549 on May 29, 2007, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until September 12, 2007. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–5806.

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

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

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

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Application to Register as an Importer of U.S. Munitions Import List Articles.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 4587 (5330.4). Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None. Abstract: The purpose of this information collection is to allow ATF to determine if the registrant qualifies to engage in the business of importing a firearm or firearms, ammunition, and the implements of war, and to facilitate the collection of registration fees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There will be an estimated 300 respondents, who will complete the form within approximately 30 minutes.

(6) *An estimate of the total burden (in hours) associated with the collection:* There are an estimated 150 total burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, United States Department of Justice, Policy and Planning Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: August 7, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, United States Department of Justice.

[FR Doc. E7–15730 Filed 8–10–07; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB Number 1121–0114]

Office for Victims of Crime; Agency Information Collection Activities; Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review; Extension of a Currently Approved Collection; Victims of Crime Act, Victim Compensation Grant Program, State Performance Report.

The Department of Justice (DOJ), Office for Victims of Crime (OVC), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until October 12, 2007. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Toni Thomas, OVC, 810 7th Street, NW., Washington, DC 20531.

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

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

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

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The title of the Form/Collection:* Victims of Crime Act, Victim Compensation Grant Program, State Performance Report.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: OJP ADMIN FORM 7390/6. Office for Victims of Crime, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State Government. The form is used by State Government to submit Annual Performance Report data about claims for victim compensation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 53 respondents will complete the form within 2 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 106 total annual burden hours associated with this collection.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: August 7, 2007.

Lynn Bryant,

Department Clearance Officer, PRA, Department of Justice.

[FR Doc. E7–15728 Filed 8–10–07; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Information Collection Request of the ETA 207, Nonmonetary Determination Activities Report; Comment Request

AGENCY: Employment and Training Administration, DOL.

ACTION: Notice.

SUMMARY: The Department of Labor, 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 collection of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to 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.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice or by accessing: *http://www.doleta.gov/OMBCN/OMBControlNumber.cfm.*

DATES: Written comments must be submitted to the office listed in the addressee section below on or before October 12, 2007.

ADDRESSES: Send comments to Ericka Parker, U.S. Department of Labor, Employment and Training Administration, Office of Workforce Security, 200 Constitution Avenue, NW., Frances Perkins Bldg. Room S–4531, Washington, DC 20210, telephone number (202)–693–3208 (this is not a toll-free number) or by e-mail: *parker.ericka@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The ETA 207 Report, Nonmonetary Determination Activities, contains state data on the number and types of issues that are adjudicated when unemployment insurance (UI) claims are filed. It also has data on the number of disqualifications that are issued for reasons associated with a claimant's separation from employment and reasons related to a claimant's continuing eligibility for benefits. These data are used by the Office of Workforce Security (OWS) to determine workload counts for allocation of administrative funds, to analyze the ratio of disqualifications to determinations, and to examine and evaluate the program effect of nonmonetary activities.

II. Desired Focus of Comments

Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension collection of the ETA 207, Nonmonetary Determinations Activities Report. Comments are requested to:

- Evaluate whether the proposed collection of information is necessary to assess performance of the nonmonetary determination function, 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 electronic submissions of responses.

III. Current Actions

The continued collection of the information contained on the ETA 207 report is necessary to enable the OWS to continue evaluating state performance in the nonmonetary determination area and to continue using the data as a key input to the administrative funding process.

Type of Review: Extension without change.

Agency: Employment and Training Administration (ETA).

Title: Nonmonetary Determination Activities Report.

OMB Number: 1205–0150.

Agency Number: ETA 207.

Affected Public: State and Local Governments.

Total Respondents: 53.

Frequency: Quarterly.

Total Responses: 224 (212 responses for ETA 207 Regular report and estimated 12 responses for ETA 207 Extended Benefits report).

Average Time Per Response: 4 hours.

Estimated Total Burden Hours: 896 hours (848 hours for the ETA 207 Regular report + estimated 48 hours for ETA 207 (Extended Benefits).

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 3, 2007.

Cheryl Atkinson,

Administrator, Office of Workforce Security.

[FR Doc. E7–15731 Filed 8–10–07; 8:45 am]

BILLING CODE 4510–FW–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–414]

Duke Power Company, LLC.; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–52 issued to Duke Power Company, LLC. (the licensee) for operation of the Catawba Nuclear Station, Unit 2 located in York County, South Carolina.

The proposed amendment would revise the Catawba Nuclear Station, Unit 2, Technical Specification Section 5.5.9 concerning modifications to the steam generator tube repair criteria. Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

First Standard

A. Does operation of the facility in accordance with the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The previously analyzed accidents are initiated by the failure of plant structures, systems, or components. The proposed change that alters the SG [steam generator] tube repair criteria does not have a detrimental impact on the integrity of any plant structure, system, or component that initiates an analyzed event. The proposed change will not alter the operation of, or otherwise increase the failure probability of any plant equipment that initiates an analyzed accident.

Of the applicable accidents previously evaluated, the limiting transients with consideration to the proposed change to the SG tube repair criteria, are the SG tube rupture event and the steam line break event.

During the SG tube rupture event, the required structural integrity margins of the SG tubes will be maintained by the presence of the SG tubesheet. SG tubes are hydraulically expanded in the tubesheet area. Tube rupture in tubes with cracks in the tubesheet region of the tube is precluded by the constraint provided by the tubesheet. This constraint results from the hydraulic expansion process, thermal expansion mismatch between the tube and tubesheet, and the differential pressure between the primary and secondary side. Based on this design, the structural margins against burst, discussed in the TS are maintained for both normal and postulated accident conditions.

The proposed change does not affect other systems, structures, components, or operational features. Therefore, the proposed changes result in no significant increase in the probability of the occurrence of a SG tube rupture event.

At normal operating pressures, leakage from stress corrosion cracking below the proposed limited tube repair depth is limited by both the tube-to-tubesheet crevice and the limited crack opening permitted by the tubesheet constraint. Consequently, negligible normal operating leakage is expected from cracks within the tubesheet region. The consequences of a SG tube rupture event are affected by the primary-to-secondary leakage flow during the event. Primary-to-secondary leakage flow through a postulated broken tube is not affected by the proposed change since the tubesheet enhances the tube integrity in the region of the hydraulic expansion by precluding tube deformation beyond its initial hydraulically expanded outside diameter.

The probability of a steam line break event is unaffected by the potential failure of a SG tube, as this failure is not an initiator for a steam line break event.

The consequences of a steam line break event are also not significantly affected by the proposed change. During a steam line break event, the reduction in pressure above the tubesheet on the shell side of the SG creates an axially uniformly distributed load on the tubesheet due to the reactor coolant system pressure on the underside of the tubesheet. The resulting bending action constrains the tubes in the tubesheet, thereby restricting primary-to-secondary leakage below the midplane.

Primary-to-secondary leakage from tube degradation in the tubesheet area during the limiting accident (i.e., a steam line break event) is limited by flow restrictions resulting from the crack and tube-to-tubesheet contact pressures that provide a restricted leakage path above the indications and also limit the degree of potential crack face opening as compared to free span indications. The primary-to-secondary leak rate from tube degradation in the tubesheet region during postulated steam line break event conditions will be no more than twice that allowed during normal operating conditions when the pressure boundary is relocated to the 17-inch depth. Since normal operating leakage is limited to 75 gallons per day through any one SG per the proposed license condition, the associated accident condition leak rate, assuming all leakage to be from lower tubesheet indications, would be limited to 150 gallons per day per SG. This is the value that is assumed in the steam line break dose analysis.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Second Standard

B. Does operation of the facility in accordance with the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not introduce any new equipment, create new failure modes for existing equipment, or create any new limiting single failures. Plant operation will not be altered, and all safety functions will continue to be performed as previously assumed in accident analyses. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

Third Standard

C. Does operation of the facility in accordance with the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

The proposed change maintains the required structural margins of the SG tubes for both normal and accident conditions. NEI [Nuclear Energy Institute] 97–06 and the Catawba TS are used as the bases in the development of the limited tubesheet tube repair depth methodology for determining that SG tube integrity considerations are maintained within acceptable limits. Regulatory Guide 1.121 describes a method acceptable to the NRC for meeting General Design Criterion (GDC) 14, ''Reactor coolant pressure boundary,'' GDC 15, ''Reactor

coolant system design,'' GDC 31, ''Fracture prevention of reactor coolant pressure boundary,'' and GDC 32, ''Inspection of reactor coolant pressure boundary,'' by reducing the probability and consequences of a SG tube rupture event. By determining the limiting safe conditions for tube wall degradation, the probability and consequences of a SG tube rupture event are reduced. Safety factors are used for loads for tube burst that are consistent with the requirements of Section III of the American Society of Mechanical Engineers (ASME) Code.

For axially oriented cracking located within the tubesheet, tube burst is precluded due to the presence of the tubesheet. For circumferentially oriented cracking, the analysis referenced in support of this proposed amendment defines a length of degradation free expanded tubing that provides the necessary resistance to tube pullout due to the pressure induced forces, with applicable safety factors applied. Application of the limited tubesheet tube repair depth criterion (17 inches) will preclude unacceptable primary-to-secondary leakage during all plant conditions.

Therefore, the proposed change does not involve a significant reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestors/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of

the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *HEARINGDOCKET@NRC.GOV*; or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to Ms. Lisa F. Vaughn, Associate General Counsel and Managing Attorney, Duke Energy Carolinas, LLC, 526 South Church Street, EC07H, Charlotte, North Carolina 28202, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated April 30, 2007 (ADAMS Accession No. ML071280284), which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 6th day of August 2007.

For the Nuclear Regulatory Commission.

John F. Stang,

Senior Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7–15766 Filed 8–10–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–413 and 50–414]

Duke Power Company, LLC.; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–35 and NPF–52 issued to Duke Power Company LLC (the licensee) for operation of the Catawba Nuclear Station, Units 1 and 2, respectively, located in York County, South Carolina.

The proposed amendment would revise the Catawba Nuclear Station, Units 1 and 2, Technical Specification Section 3.5.2.8, and the associated Bases and authorize changes to the Updated Final Safety Analysis Report concerning modifications to the emergency core cooling system sumps.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Implementation of the proposed amendment does not significantly increase the probability or the consequences of an accident previously evaluated. The containment sump strainer structures function to mitigate the consequences of an accident. As stated in Generic Letter 2004–02, ''Potential Impact of Debris Blockage on Emergency Recirculation During Design Basis Accidents at Pressurized-Water Reactors,'' the current 50% screen blockage assumption identified in Regulatory Guide (RG) 1.82, Rev. 0, ''Sumps for Emergency Core Cooling and Containment Spray Systems,'' should be replaced with a more comprehensive means of assessing debris effects on a plant-specific basis. The 50% screen blockage assumption did not require a plant-specific evaluation of the debris-blockage potential and usually results in a non-conservative analysis for screen blockage effects.

As stated in Duke's [the licensee's] letters of March 1 and September 1, 2005, Catawba confirmed the Emergency Core Cooling System (ECCS) and Containment Spray System (CSS) recirculation functions under debris loading conditions would be in compliance with the regulatory positions listed in the Regulatory Requirements Section of Generic Letter 2004–02. The design of the modified containment sump structure will accommodate the effects of debris loading as determined by a baseline and refined evaluations specific to Catawba. These evaluations use the guidance of NEI [Nuclear Energy Institute] 04–07, ''Pressurized Water Reactor Sump Performance Evaluation Methodology, Revision 0,'' dated December 2004, as amended by the NRC's [Nuclear Regulatory Commission's] Safety Evaluation Report. Removal of the implied licensing basis requirement to physically separate the containment sump into two halves or provide ECCS train separation within the same containment sump will not impact the assumptions made in Chapter 15 of the Catawba UFSAR [Updated Final Safety Analysis Report]. There are no changes in any failure mode or effects analysis associated with this change. Since there are no credible failures which could result in the introduction of unfiltered debris within the strainer assembly beyond the design limits, the need to maintain this physical separation is not warranted.

Although the configurations of the existing containment sump trash racks and screen and the replacement sump strainer assemblies are different, they serve the same fundamental purpose of passively removing debris from the sump's suction supply of the supported system pumps. Removal of trash

racks does not impact the adequacy of the pump NPSH [net positive suction head] assumed in the safety analysis. Likewise, the change does not reduce the reliability of any supported systems or introduce any new system interactions. The greatly increased surface area of the new strainer is designed to reduce head loss and reduce the approach velocity at the strainer face significantly, decreasing the risk of impact from large debris entrained in the sump flow stream.

Thus, based on the above, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

B. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed licensing basis changes will not create the possibility of a new or different kind of accident. The ECCS containment sump serves as a portion of the ECCS accident mitigation system. It is, therefore, not an accident initiator. Duke's evaluation concludes that there are no credible failures which could result in the introduction of debris within the strainer assembly and clog downstream components. Accordingly, there is no change in the consequences of an accident previously evaluated in the UFSARs.

Catawba is replacing the ECCS sump trash racks and screens with strainer assemblies in support of the response to Generic Letter 2004–02. These strainer assemblies are passive components in standby safety systems used for accident mitigation. As such, they cannot be accident initiators.

A change to Catawba Technical Specification Surveillance Requirement 3.5.2.8 does not alter the nature of events postulated in the Safety Analysis Report nor do they introduce any unique precursor mechanisms.

Therefore, the proposed changes will not create the possibility of a new or different kind of accident from any accident previously evaluated.

C. Does the proposed amendment involve a significant reduction in the margin of safety?

Response: No.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The performance of the fuel cladding, the reactor coolant system, and the containment system will not be impacted by the proposed change.

Nuclear safety is greatly enhanced by the proposed licensing basis changes by ensuring consistent interpretation and implementation of their requirements.

As previously stated, Duke's evaluation concludes that there are no credible failure mechanisms which could result in the introduction of debris above design limits within the strainer assembly and clog downstream components. The partitioning of the containment sump into two halves is therefore unnecessary and does not result in any increase in safety or protection.

The proposed change to Technical Specification SR [Surveillance Requirement] 3.5.2.8 will have no effect on the manner in which safety limits, limiting safety system settings, or limiting conditions for operation are determined nor will there be any effect on those plant systems necessary to assure the accomplishment of protective functions. The proposed change does not adversely affect the fuel, fuel cladding, Reactor Coolant System, or containment integrity.

Thus, it is concluded that the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the

requestors/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

A request for a hearing or a petition for leave to intervene must be filed by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; (2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff; (3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, *HEARINGDOCKET@NRC.GOV;* or (4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415–1101, verification number is (301) 415–1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301–415–3725 or by e-mail to *OGCMailCenter@nrc.gov.* A copy of the request for hearing and petition for leave to intervene should also be sent to Ms. Lisa F. Vaughn, Associate General Counsel and Managing Attorney, Duke Energy Carolinas, LLC, 526 South Church Street, EC07H, Charlotte, North Carolina 28202, attorney for the licensee.

For further details with respect to this action, see the application for amendment dated March 29, 2007 (ADAMS Accession No. ML071020044), which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 6th day of August 2007.

For the Nuclear Regulatory Commission.

John F. Stang,

Senior Project Manager, Plant Licensing Branch II–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7–15767 Filed 8–10–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR WASTE TECHNICAL REVIEW BOARD

Notice of Meeting

Board meeting: September 19, 2007—Las Vegas, Nevada; The U.S. Nuclear Waste Technical Review Board will meet to discuss U.S. Department of Energy activities related to the possible development of a repository for spent nuclear fuel and high-level radioactive waste at Yucca Mountain in Nevada.

Pursuant to its authority under section 5051 of Public Law 100–203, Nuclear Waste Policy Amendments Act of 1987, the U.S. Nuclear Waste Technical Review Board will meet in Las Vegas, Nevada on Wednesday, September 19, 2007. The Board was created in the Nuclear Waste Policy Amendments Act of 1987 and charged with performing an independent review of the technical and scientific validity of U.S. Department of Energy (DOE) activities related to implementing the Nuclear Waste Policy Act. Such activities include characterizing the proposed repository site for disposing of spent nuclear fuel and high-level radioactive waste at Yucca Mountain in Nevada and packaging and transporting the waste.

The focus of the meeting, which will be open to the public, will be repository surface-facility designs and operations; other technical issues also may be discussed. A final meeting agenda will be available on the Board's Web site (*www.nwtrb.gov*) or by telephone request approximately one week before the meeting date.

The meeting will be held at the Atrium Suites Hotel; 4255 S. Paradise Road; Las Vegas, Nevada 89109; (tel) 702–369–4400; (res) 866–404–5286; (fax) 702–369–4330.

The meeting will begin at 8 a.m. Time will be set aside at the end of the day for public comments. Those wanting to speak are encouraged to sign the ''Public Comment Register'' at the check-in table. A time limit may have to be set on individual remarks, but written comments of any length may be submitted for the record.

Transcripts of the meeting will be available on the Board's Web site, by e-mail, on computer disk, and on a

library-loan basis in paper format from Davonya Barnes of the Board's staff no later than October 15, 2007.

A block of rooms has been reserved for meeting participants at the Atrium Suites. When making a reservation, please state that you are attending the NWTRB meeting. Reservations should be made by August 27, 2007, to ensure receiving the meeting rate.

For more information, contact Karyn Severson, NWTRB External Affairs; 2300 Clarendon Boulevard, Suite 1300; Arlington, VA 22201–3367; (tel) 703–235–4473; (fax) 703–235–4495.

Dated: August 7, 2007.

William D. Barnard,

Executive Director, Nuclear Waste Technical Review Board.

[FR Doc. 07–3937 Filed 8–10–07; 8:45 am]

BILLING CODE 6820–NM–M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This gives notice of OPM decisions granting authority to make appointments under Schedules A, B, and C in the excepted service as required by 5 CFR 6.6 and 213.103.

FOR FURTHER INFORMATION CONTACT: C. Penn, Group Manager, Executive Resources Services Group, Center for Human Resources, Division for Human Capital Leadership and Merit System Accountability, 202–606–2246.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are the individual authorities established under Schedules A, B, and C between June 1, 2007, and June 30, 2007. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities as of June 30 is published each year.

Schedule A

No Schedule A appointments were approved for June 2007.

Schedule B

No Schedule B appointments were approved for June 2007.

Schedule C

The following Schedule C appointments were approved during June 2007:

Section 213.3303 Executive Office of the President

Office of Management and Budget

BOGS70010 Confidential Assistant to the Deputy Director Office of Management and Budget. Effective June 01, 2007.

BOGS70013 Director of Operations to the Director Office of Management and Budget. Effective June 13, 2007.

BOGS70015 Confidential Assistant to the Associate Director for National Security Programs. Effective June 28, 2007.

Office of National Drug Control Policy

QQGS70011 Confidential Assistant to the Director. Effective June 08, 2007.

QQGS70010 Legislative Analyst to the Associate Director Office of Legislative Affairs. Effective June 12, 2007.

Section 213.3304 Department of State

DSGS61230 Staff Assistant to the Assistant Secretary, Bureau of Educational and Cultural Affairs. Effective June 01, 2007.

DSGS61236 Special Assistant to the Women's Human Rights Coordinator. Effective June 01, 2007.

DSGS61233 Foreign Affairs Officer to the Assistant Secretary for Western Hemispheric Affairs. Effective June 06, 2007.

DSGS61234 Public Affairs Specialist to the Director. Effective June 06, 2007.

DSGS61237 Deputy Chief of Staff to the Secretary of State. Effective June 07, 2007.

DSGS61239 Staff Assistant to the Counselor. Effective June 20, 2007.

DSGS61225 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective June 22, 2007.

DSGS61229 Protocol Assistant to the Deputy Chief of Protocol. Effective June 22, 2007.

DSGS61235 Public Affairs Specialist to the Assistant Secretary for Public Affairs. Effective June 22, 2007.

DSGS61224 Legislative Management Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective June 27, 2007.

DSGS61238 Program Officer to the Assistant Secretary for Public Affairs. Effective June 27, 2007.

Section 213.3305 Department of the Treasury

DYGS60139 Director of Scheduling to the Chief of Staff. Effective June 22, 2007.

Section 213.3306 Department of Defense

DDGS17049 Confidential Assistant to the Deputy Under Secretary of Defense (Acquisition and Technology). Effective June 01, 2007.

DDGS17046 Public Affairs Analyst to the Assistant Secretary of Defense Public Affairs. Effective June 11, 2007.

DDGS17044 Special Assistant to the Under Secretary of Defense (Comptroller). Effective June 13, 2007.

DDGS17047 Special Assistant to the Assistant Secretary of Defense (Legislative Affairs). Effective June 13, 2007.

DDGS17048 Staff Assistant to the Principal Deputy Under Secretary of Defense for Policy. Effective June 13, 2007.

DDGS17051 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective June 20, 2007.

Section 213.3307 Department of the Army

DWGS00087 Special Assistant to the Principal Deputy Assistant Secretary of the Army (Financial Management and Comptroller). Effective June 28, 2007.

Section 213.3310 Department of Justice

DJGS00183 Counsel to the Counselor and Chief of Staff. Effective June 08, 2007.

DJGS00207 Special Assistant to the Director of the Violence Against Women Office. Effective June 11, 2007.

DJGS00078 Counsel to the Counselor and Chief of Staff. Effective June 15, 2007.

DJGS00325 Staff Assistant to the Assistant Attorney General (Legislative Affairs). Effective June 20, 2007.

DJGS00378 Special Assistant to the Director, Office of Public Affairs. Effective June 22, 2007.

Section 213.3311 Department of Homeland Security

DMGS00673 Special Assistant for Faith Based and Community Initiatives to the Director of Faith-Based and Community Initiatives. Effective June 06, 2007.

DMGS00676 Special Assistant to the Director, Bureau of Citizenship and Immigration Services. Effective June 06, 2007.

DMGS00665 Confidential Assistant to the Chief of Staff. Effective June 13, 2007.

DMGS00671 Coordinator for Local Affairs to the Assistant Secretary for

Intergovernmental Programs. Effective June 13, 2007.
DMGS00672 Confidential Assistant to the Secretary to the Chief of Staff. Effective June 13, 2007.
DMGS00666 Counselor to the General Counsel. Effective June 15, 2007.
DMGS00674 Special Assistant, Office of International Affairs to the Chief of Staff. Effective June 15, 2007.
DMGS00678 Advisor to the Director for Congressional and Intergovernmental Affairs to the Director, Bureau of Citizenship and Immigration Services. Effective June 22, 2007.
DMOT00679 Special Assistant to the Assistant Secretary, Transportation Security Administration. Effective June 22, 2007.
DMGS00682 Special Assistant to the Executive Secretary. Effective June 28, 2007.
DMGS00683 Deputy Director of Scheduling and Protocol Coordinator to the Director of Scheduling and Advance. Effective June 28, 2007.

Section 213.3312 Department of the Interior

DIGS01093 White House Liaison to the Chief of Staff. Effective June 21, 2007.
DIGS01103 Special Assistant to the Director, External and Intergovernmental Affairs. Effective June 21, 2007.
DIGS70007 Special Assistant to the Director National Park Service. Effective June 22, 2007.
DIGS01104 Special Assistant for Alaskan Affairs to the Senior Adviser to the Secretary for Alaskan Affairs. Effective June 28, 2007.

Section 213.3313 Department of Agriculture

DAGS00899 Staff Assistant to the Under Secretary for Natural Resources and Environment. Effective June 01, 2007.
DAGS00906 Press Assistant to the Director of Communications. Effective June 14, 2007.
DAGS00900 Confidential Assistant to the Administrator, Foreign Agricultural Service. Effective June 18, 2007.
DAGS00907 Staff Assistant to the Administrator. Effective June 21, 2007.
DAGS00897 Deputy Director of Intergovernmental Affairs to the Assistant Secretary for Congressional Relations. Effective June 22, 2007.
DAGS00902 Deputy White House Liaison to the Secretary. Effective June 22, 2007.
DAGS00903 Advance Representative to the Director of Communications. Effective June 22, 2007.
DAGS00904 Director of Legislative Affairs to the Administrator, Foreign Agricultural Service. Effective June 22, 2007.
DAGS00905 Special Assistant to the Administrator to the Under Secretary for Marketing and Regulatory Programs. Effective June 22, 2007.

Section 213.3314 Department of Commerce

DCGS00460 Director of Intergovernmental Affairs to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective June 07, 2007.
DCGS60536 Speechwriter to the Director for Speechwriting. Effective June 08, 2007.
DCGS00339 Confidential Assistant to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective June 21, 2007.
DCGS00427 Senior Advisor to the Assistant Secretary for Export Enforcement. Effective June 21, 2007.
DCGS00521 Confidential Assistant to the Deputy Assistant Secretary for Domestic Operations. Effective June 21, 2007.
DCGS00608 Confidential Assistant to the Under Secretary for International Trade. Effective June 21, 2007.
DCGS00502 Deputy Director of Advance to the Director of Advance. Effective June 22, 2007.

Section 213.3315 Department of Labor

DLGS60144 Staff Assistant to the Director, 21st Century Office and Deputy Assistant Secretary for Intergovernmental Affairs. Effective June 01, 2007.
DLGS60086 Senior Advisor to the Wage and Hour Administrator. Effective June 06, 2007.
DLGS60209 Chief of Staff to the Assistant Secretary for Veterans Employment and Training. Effective June 06, 2007.
DLGS60269 Special Assistant to the Director of Scheduling. Effective June 06, 2007.
DLGS60041 Staff Assistant to the Executive Assistant to the Secretary. Effective June 27, 2007.
DLGS60249 Attorney Adviser to the Deputy Solicitor of Labor. Effective June 28, 2007.

Section 213.3316 Department of Health and Human Services

DHGS60060 Special Assistant to the Deputy for Policy and External Affairs. Effective June 13, 2007.
DHGS60545 Special Assistant to the Assistant Secretary, Health. Effective June 27, 2007.
DHGS60054 Special Assistant to the Assistant Secretary for Administration and Management. Effective June 29, 2007.

Section 213.3317 Department of Education

DBGS00618 Chief of Staff to the Assistant Deputy Secretary. Effective June 06, 2007.
DBGS00620 Special Assistant to the Assistant Secretary for Postsecondary Education. Effective June 06, 2007.

Section 213.3318 Environmental Protection Agency

EPGS07011 Associate Assistant Administrator/White House Liaison to the Assistant Administrator for Administration and Resources Management. Effective June 06, 2007.
EPGS07012 Advance Specialist to the Director of Advance. Effective June 15, 2007.
EPGS07010 Press Secretary to the Associate Administrator for Public Affairs. Effective June 22, 2007.

Section 213.3323 Federal Communications Commission

FCGS95448 Attorney Advisor (Legal Advisor) to the Chairman. Effective June 12, 2007.

Section 213.3325 United States Tax Court

JCGS60078 Trial Clerk to the Chief Judge. Effective June 07, 2007.

Section 213.3327 Department of Veterans Affairs

DVGS60084 Special Assistant to the Assistant Secretary for Congressional and Legislative Affairs. Effective June 22, 2007.

Section 213.3331 Department of Energy

DEGS00591 Special Assistant for Communication to the Chief Operating Officer for Energy Efficiency and Renewable Energy. Effective June 01, 2007.
DEGS00594 Senior Advisor for Public Affairs to the Director, Public Affairs (National Nuclear Security Administration). Effective June 06, 2007.
DEGS00596 Press Assistant to the Director, Public Affairs (National Nuclear Security Administration). Effective June 12, 2007.
DEGS00595 Speechwriter to the Director, Public Affairs. Effective June 14, 2007.
DEGS00598 Special Assistant to the Assistant Secretary for Policy and International Affairs. Effective June 15, 2007.
DEGS00597 Special Assistant to the Assistant Secretary for Congressional

and Intergovernmental Affairs. Effective June 21, 2007.

DEGS00599 Assistant Press Secretary to the Director, Public Affairs. Effective June 28, 2007.

DEGS00600 Special Assistant to the Deputy Assistant Secretary for Natural Gas and Petroleum Technology. Effective June 28, 2007.

Section 213.3332 Small Business Administration

SBGS00615 Senior Advisor, Office of Performance Management to the Director of Performance Management. Effective June 06, 2007.

SBGS00616 Deputy Associate Administrator for Field Operations to the Associate Administrator for Field Operations. Effective June 06, 2007.

SBGS00617 Special Assistant to the Associate Administrator for Government Contracting and Business Development. Effective June 06, 2007.

Section 213.3333 Federal Deposit Insurance Corporation

FDOT00013 Special Counselor to the Chairman of the Board of Directors (Director). Effective June 28, 2007.

Section 213.3337 General Services Administration

GSGS60126 Deputy Associate Administrator for Communications to the Associate Administrator for Citizen Services and Communications. Effective June 20, 2007.

GSGS60089 Confidential Assistant to the Administrator. Effective June 25, 2007.

Section 213.3384 Department of Housing and Urban Development

DUGS60419 Speechwriter to the General Deputy Assistant Secretary for Public Affairs. Effective June 11, 2007.

Section 213.3394 Department of Transportation

DTGS60351 Counselor to the Deputy Secretary. Effective June 06, 2007.

Section 213.3396 National Transportation Safety Board

TBGS71538 Special Assistant to a Member. Effective June 01, 2007.

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218.

U.S. Office of Personnel Management.

Tricia Hollis,

Chief of Staff.

[FR Doc. E7–15802 Filed 8–10–07; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 248.30; SEC File No. 270–549; OMB Control No. 3235–0610.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information for rule 248.30 under Regulation S–P (17 CFR 248.30), titled ''Procedures to Safeguard Customer Records and Information; Disposal of Consumer Report Information.''

Rule 248.30 (the ''safeguard rule'') requires brokers, dealers, investment companies, and investment advisers registered with the Commission (''registered investment advisers'') (collectively ''covered institutions'') to adopt written policies and procedures for administrative, technical, and physical safeguards to protect customer records and information. The safeguards must be reasonably designed to ''insure the security and confidentiality of customer records and information,'' ''protect against any anticipated threats or hazards to the security and integrity'' of those records, and protect against unauthorized access to or use of those records or information, which ''could result in substantial harm or inconvenience to any customer.'' The safeguard rule's requirement that covered institutions' policies and procedures be documented in writing constitutes a collection of information and must be maintained on an ongoing basis. This requirement eliminates uncertainty as to required employee actions to protect customer records and information and promotes more systematic and organized reviews of safeguard policies and procedures by institutions. The information collection also assists the Commission's examination staff in assessing the existence and adequacy of covered institutions' safeguard policies and procedures.

The Commission staff estimates that approximately 449 new entities are subject to the requirements of the safeguard rule's documentation requirement each year. Of these, we estimate that 389 will be small entities, and that on average a small entity will spend an average of 15 hours to develop and document its safeguard policies and procedures. The Commission staff therefore estimates a one-time hour burden for these new, smaller entities of 5,835 hours. We estimate that 60 additional large institutions will be subject to the rule, and that on average each new large institution will spend 715 hours to develop and document their safeguard policies and procedures, for a one-time burden of 42,900 hours. Thus, we estimate a one-time hour burden for new entities of 48,735 hours per year.

The Commission staff also estimates that 2,080 institutions review and update their policies and procedures under the rule each year. We estimate that 815 of these institutions are smaller entities that spend an average of 6 hours reviewing and updating their policies and procedures once per year, or 4,890 hours annually. We estimate that an additional 1,265 larger institutions spend an average of 30 hours to review and update their safeguard policies and procedures, or 37,950 hours each year. Accordingly, we estimate that the annual burden for covered institutions that review and update their safeguard policies and procedures is 42,840 hours. We therefore estimate a total of 2,529 respondents and an annual burden of 91,575 hours associated with the rule's collection of information requirement.

These estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act. 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 control number. The safeguard rule does not require the reporting of any information or the filing of any documents with the Commission. The collection of information required by the safeguard rule is mandatory.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or e-mail to: *David_Rostker@omb.eop.gov*; and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312, or send an e-mail to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 6, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–15722 Filed 8–10–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Assistance, Washington, DC 20549–0213.

Extension:

Rule 15Bc3–1 and Form MSDW, SEC File No. 270–93, OMB Control No. 3235–0087.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information discussed below.

Rule 15Bc3–1 (17 CFR 240.15Bc3–1) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) provides that a notice of withdrawal from registration with the Commission as a bank municipal securities dealer must be filed on Form MSDW.

The Commission uses the information submitted on Form MSDW in determining whether it is in the public interest to permit a bank municipal securities dealer to withdraw its registration. This information is also important to the municipal securities dealer's customers and to the public, because it provides, among other things, the name and address of a person to contact regarding any of the municipal securities dealer's unfinished business.

Based upon past submissions, the staff estimates that approximately 20 respondents will utilize this notice annually, with a total burden for all respondents of 10 hours. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 15Bc3–1 is 0.5 hours. The average cost per hour is approximately $101. Therefore, the total cost of compliance for the respondents is $1010 ($101 × 0.5 × 20 = $1010).

Providing the information on the notice is mandatory in order to withdraw from registration with the Commission as a bank municipal securities dealer. The information contained in the notice will not be confidential. 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 control number. Providing the information on the application is mandatory in order to register with the Commission as a bank municipal securities dealer. The information contained in the application will not be kept confidential. 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 control number.

General comments regarding the estimated burden hours should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an e-mail to: *David_Rostker@omb.eop.gov* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 30, 2007.

Nancy M. Morris,

Secretary.

[FR Doc. E7–15733 Filed 8–10–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Assistance, Washington, DC 20549–0213.

Extension:

Rule 15Ba2–1 and Form MSD; SEC File No. 270–0088; OMB Control No. 3235–0083.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 15Ba2–1 (17 CFR 240.15Ba2–1) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) provides that an application for registration with the Commission by a bank municipal securities dealer must be filed on Form MSD. The Commission uses the information contained in Form MSD to determine whether bank municipal securities dealers meet the standards for registration set forth in the Exchange Act, to develop a central registry where members of the public may obtain information about particular bank municipal securities dealers, and to develop statistical information about bank municipal securities dealers.

Based upon past submissions, the staff estimates that approximately 32 respondents will utilize this application procedure annually, with a total burden of 48 hours. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 15Ba2–1 is 1.5 hours. The average cost per hour is approximately $67. Therefore, the total cost of compliance for the respondents is approximately $3,216.

Rule 15Ba2–1 does not contain an explicit recordkeeping requirement, but the rule does require the prompt correction of any information on Form MSD that becomes inaccurate, meaning that bank municipal securities dealers need to maintain a current copy of Form MSD indefinitely.

Providing the information on the application is mandatory in order to register with the Commission as a bank municipal securities dealer. The information contained in the application will not be kept confidential. 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 control number. General comments regarding the estimated burden hours should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or send an email to: *David_Rostker@omb.eop.gov* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, C/O Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: July 30, 2007.

Nancy M. Morris,

Secretary.

[FR Doc. E7–15735 Filed 8–10–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Assistance, Washington, DC 20549–0213.

Extension:
Rule 303; SEC File No. 270–450; OMB Control No. 3235–0505.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Regulation ATS (17 CFR 242.300 *et seq.*) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) provides a regulatory structure that directly addresses issues related to alternative trading systems' role in the marketplace. Regulation ATS allows alternative trading systems to choose between two regulatory structures. Alternative trading systems have the choice between registering as broker-dealers and complying with Regulation ATS or registering as national securities exchanges. Regulation ATS provides the regulatory framework for those alternative trading systems that choose to be regulated as broker-dealers. Rule 303 of Regulation ATS describes the record preservation requirements for alternative trading systems that are not national securities exchanges.

Alternative trading systems that register as broker-dealers, comply with Regulation ATS, and meet certain volume thresholds are required to preserve all records made pursuant to Rule 302, which includes information relating to subscribers, trading summaries and order information. Such alternative trading systems are also required to preserve records of any notices communicated to subscribers, a copy of the system's standards for granting access to trading, and any documents generated in the course of complying with the capacity, integrity and security requirements for automated systems under Rule 301(b)(6) of Regulation ATS. Rule 303 also describes how such records must be kept and how long they must be preserved.

The information contained in the records required to be preserved by the Rule will be used by examiners and other representatives of the Commission, state securities regulatory authorities, and the SROs to ensure that alternative trading systems are in compliance with Regulation ATS as well as other rules and regulations of the Commission and the SROs. Without the data required by the proposed Rule, the Commission would be limited in its ability to comply with its statutory obligations, provide for the protection of investors and promote the maintenance of fair and orderly markets.

Respondents consist of alternative trading systems that choose to register as broker-dealers and comply with the requirements of Regulation ATS. The Commission estimates that there are currently approximately 65 respondents.

An estimated 65 respondents will spend approximately 260 hours per year (65 respondents at 4 burden hours/respondent) to comply with the record preservation requirements of Rule 303. At an average cost per burden hour of $86.54, the resultant total related cost of compliance for these respondents is $22,500.00 per year (260 burden hours multiplied by $86.54/hour; a slight discrepancy is due to arithmetic rounding).

Compliance with Rule 303 is mandatory. The information required by the Rule 303 is available only to the examination of the Commission staff, state securities authorities and the SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522, and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

Regulation ATS requires alternative trading systems to preserve any records, for at least three years, made in the process of complying with the systems capacity, integrity and security requirements.

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 control number.

Comments should be directed to (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503 or by sending an e-mail to: *David_Rostker@omb.eop.gov;* and (ii) R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, VA 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted within 30 days of this notice.

Dated: July 30, 2007.

Nancy M. Morris,

Secretary.

[FR Doc. E7–15736 Filed 8–10–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:
Rule 17a–7; SEC File No. 270–147; OMB Control No. 3235–0131.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17a–7 (17 CFR 240.17a–7) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*) requires non-resident broker-dealers registered or applying for registration pursuant to section 15 of the Exchange Act to maintain—in the United States—complete and current copies of books and records required to be maintained under any rule adopted under the Securities Exchange Act of 1934. Alternatively, Rule 17a–7 provides that the non-resident broker-dealer may sign a written undertaking to furnish the requisite books and records to the Commission upon demand.

There are approximately 54 non-resident brokers and dealers. Based on the Commission's experience in this area, it is estimated that the average amount of time necessary to preserve the books and records required by Rule 17a–7 is one hour per year. Accordingly, the total burden is 54 hours per year. With an average cost per hour of approximately $245, the total cost of compliance for the respondents is $13,230 per year.

Written comments are invited on: (a) Whether the proposed collection of

information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Comments should be directed to: R. Corey Booth, Director/Chief Information Officer, Securities and Exchange Commission, c/o Shirley Martinson, 6432 General Green Way, Alexandria, Virginia 22312 or send an e-mail to: *PRA_Mailbox@sec.gov.* Comments must be submitted within 60 days of this notice.

Dated: August 6, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–15764 Filed 8–10–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56210; File No. SR–Amex–2007–58]

Self-Regulatory Organizations; American Stock Exchange, LLC.; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change Modifying an Aspect of the Definition of Independent Director

August 6, 2007.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'') and Rule 19b–4 thereunder,[2] notice is hereby given that on June 8, 2007, the American Stock Exchange, LLC. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. This order provides notice of the proposed rule change and approves the proposed rule change on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section 121A(2)(b) of its Company Guide (''Guide'') to modify an aspect of the definition of ''independent director.''

The text of the proposed rule change is available at Amex, the Commission's Public Reference Room, and *http://www.amex.com*.

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 III 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

Under current Section 121A(2)(b) of the Guide, a director of a listed issuer is generally precluded from being considered ''independent'' if that director has received more than $60,000 in compensation from the issuer or any parent or subsidiary of the issuer during any period of twelve consecutive months within the three years preceding the determination of independence.[3] The Exchange proposes to raise this amount to $100,000, which is the same amount specified by both the New York Stock Exchange, LLC. (''NYSE'')[4] and NASDAQ Stock Market, LLC. (''Nasdaq'')[5] in their comparable provisions.

The Exchange believes that the current $60,000 threshold was originally based on the disclosure threshold set by the Commission in Regulation S–K, Item 404.[6] The Exchange notes that the Commission last year adopted a proposal to raise the threshold in Item 404 of Regulation S–K to $120,000[7] and recently approved Nasdaq's proposal to raise the compensation threshold in its definition of independent director from $60,000 to $100,000.[8] As a result, the Exchange believes that it would be appropriate to also raise its compensation threshold.

Further, the Exchange believes that by making its ''bright line'' test with respect to the maximum amount of compensation a director can receive from the issuer (or any parent or subsidiary) consistent with the equivalent tests of NYSE and Nasdaq, it will provide a uniform standard for issuers to understand and apply. However, the Exchange notes that even if a director passes the ''bright line'' test as proposed to be amended, an issuer's board of directors must still make an affirmative determination that such director has no relationship whatsoever with the issuer that would interfere with the director's exercise of independent judgment.[9]

2. Statutory Basis

The Exchange states that the proposed rule change is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(5) of the Act[11] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

According to the Exchange, the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will promote greater uniformity with the corporate governance standards of other markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

[3] *See* Section 121A(2)(b) of the Guide.

[4] *See* Section 303A.02(b)(ii) of the NYSE Listed Company Manual.

[5] *See* Nasdaq Rule 4200(a)(15)(B).

[6] 17 CFR 229.404.

[7] *See* Securities Exchange Act Release No. 54302A (August 29, 2006), 71 FR 53158 (September 8, 2006).

[8] *See* Securities Exchange Act Release No. 55463 (March 13, 2007), 72 FR 13327 (March 21, 2007) (SR–NASDAQ–2006–041).

[9] *See* Section 121A(2) of the Guide.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

III. 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 Number SR–Amex–2007–58 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–Amex–2007–58. 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 Amex. 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–Amex–2007–58 and should be submitted on or before September 4, 2007.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[13] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change would raise the amount of compensation that precludes a director from being an ''independent director'' from $60,000 to $100,000. The Commission believes that this change will promote greater uniformity among the corporate governance listing standards of national securities exchanges because it aligns Amex's rule with the equivalent rules at Nasdaq[14] and the NYSE.[15]

The Commission finds good cause, consistent with Section 19(b)(2) of the Act,[16] for approving this proposed rule change before the thirtieth day after the publication of notice thereof in the **Federal Register.** As noted above, the proposed rule change would harmonize Amex's standard concerning the maximum amount of compensation an independent director could receive from the issuer (or its parent or subsidiary) with the standard of other markets. As such, the Commission believes the proposal raises no new regulatory issues and that no reasonable purpose would be served by delaying its implementation.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17] that the proposed rule change (SR–Amex–2007–58), be, and it hereby is, approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–15725 Filed 8–10–07; 8:45 am]

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[12] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* Nasdaq Rule 4200(a)(15)(b) and IM–4200—''Definition of Independence.''

[15] *See* Section 303A.02(b)(ii) of the NYSE Listed Company Manual.

[16] 15 U.S.C. 78s(b)(2).

[17] *Id.*

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56214; File No. SR–CBOE–2007–92]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Transaction Fees for Credit Default Options

August 7, 2007.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 27, 2007, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Exchange has designated this proposal as one establishing or changing a due, fee, or other charge imposed by CBOE under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal 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 its Fees Schedule to establish fees for transactions in certain Credit Default Options (''CDOs''). The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/Legal*), 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, CBOE 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 those 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange recently received approval to list and trade certain CDOs, which are binary call options based on credit events in one or more debt securities of an issuer or guarantor.[5] The purpose of this rule change is to establish transaction fees for these CDOs.

The transactions fee shall be $0.20 per contract for Market-Makers, Designated Primary Market-Makers, and Remote Market-Makers; $0.20 per contract for member firm proprietary transactions; $0.25 per contract for manually executed broker-dealer transactions; $0.45 per contract for electronically executed broker-dealer transactions (*i.e.*, broker-dealer orders that are automatically executed on the CBOE Hybrid Trading System);[6] and $0.85 per contract for public customer transactions. In addition, the Exchange's Liquidity Provider Sliding Scale[7] shall apply to transaction fees in CDOs, but the Exchange's Marketing Fee[8] shall not apply. The Exchange believes the rule change will further the Exchange's goal of introducing new products to the marketplace that are competitively priced.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Section 6(b)(4) of the Act,[10] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among CBOE members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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 neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and subparagraph (f)(2) of Rule 19b–4 thereunder.[12] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such 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 Number SR–CBOE–2007–92 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–CBOE–2007–92. 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 CBOE. 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–CBOE–2007–92 and should be submitted on or before September 4, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–15756 Filed 8–10–07; 8:45 am]

BILLING CODE 8010–01–P

[5] *See* Securities Exchange Act Release No. 55871 (June 6, 2007), 72 FR 32372 (June 12, 2007) (SR–CBOE–2006–84).

[6] Broker-dealer manual and electronic transaction fees will apply to broker-dealer orders (orders with ''B'' origin code), non-member market-maker orders (orders with ''N'' origin code), and orders from specialists in the underlying security (orders with ''Y'' origin code).

[7] *See* Footnote 10 of the Fees Schedule.

[8] *See* Footnote 6 of the Fees chedule.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56207; File No. SR–NASD–2007–044]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc. (n/k/a Financial Industry Regulatory Authority, Inc.); Notice of Filing of Proposed Rule Change To Expand the Class of Entities Permitted To Use the Delta Hedging Exemption From Equity Options Position Limits

August 6, 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 June 29, 2007, the National Association of Securities Dealers, Inc. (''NASD'') (n/k/a Financial Industry Regulatory Authority, Inc.) filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by FINRA.[3] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On July 26, 2007, the Commission approved a proposed rule change filed by NASD to amend NASD's Certificate of Incorporation to reflect its name change to Financial Industry Regulatory Authority Inc., or FINRA, in connection with the consolidation of the member firm regulatory

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

FINRA proposes to amend Rule 2860 to expand the class of entities permitted to use the delta hedging exemption from equity options position limits. The text of the proposed rule change is available on FINRA's Web site (*www.finra.org*), at FINRA, 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, FINRA 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. FINRA 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

Background

Over the past several years, FINRA has increased in absolute terms the size of the options position and exercise limits as well as the size and scope of available exemptions for ''hedged'' positions.[4] The exemptions for hedged positions generally required a one-to-one hedge, *i.e.*, one stock option contract must be hedged by the number of shares covered by the options contract, typically 100 shares. In practice, however, many firms do not hedge their options positions in this way. Rather, these firms engage in what is known as ''delta hedging,'' which varies the number of shares of stock used to hedge an options position based upon the relative sensitivity of the value of the option contract to a change in the price of the underlying stock.[5] FINRA believes that delta hedging is widely accepted for net capital and risk management purposes.

In 2004, the Commission approved amendments to Rule 2860 that provide a delta hedging exemption from stock options position and exercise limits[6] for positions held by affiliates of NASD members approved by the Commission as ''OTC Derivatives Dealers.''[7] At that time, the Commission reiterated its ''support for recognizing options positions hedged on a delta neutral basis as properly exempted from position limits.''[8]

Broadening the Scope of FINRA's Delta Hedging Exemption

In the proposed rule change, FINRA is expanding the delta hedging exemption beyond OTC Derivatives Dealers to include broker-dealers and certain other financial institutions (''Exemption''). Specifically, the proposed rule change would permit *any* member, or non-member affiliate permitted to rely on new proposed subparagraph (B) or (C) of Rule 2860(b)(3)(A)(vii)b.1. (described below),[9] to apply the delta model developed by the Options Clearing Corporation.

In addition, certain other broker-dealers and affiliated entities, described below, would be permitted to use a proprietary model(s) to calculate options position net deltas provided that the use of such models were in accordance with the entity's internal risk management control systems. The options contract equivalent of the net delta[10] of a hedged options position still would be subject to the position limits in Rule 2860 (subject to the availability of any other position limit exemptions).

For example, if a member is short 20,000 call contracts (each representing 100 shares of stock) with a delta of .5, the member would need to be long 1,000,000 shares of stock to hedge that position. Assume that the member was long 600,000 shares and had another permitted offset (*e.g.*, a swap or futures contract) representing another 200,000 shares of stock. In that case, the net delta of that position would be 200,000 shares (1,000,000—600,000 long shares—200,000 swap or future); and the number of contracts attributable to that position would be 2,000 contracts (200,000 shares / 100 shares per contract) on the short side of the market.

''Permitted Pricing Models'' for purposes of the Exemption would be pricing models used by: (1) A member or its affiliate subject to consolidated supervision by the Commission pursuant to Appendix E of Rule 15c3–1 under the Act;[11] (2) a financial holding company (''FHC'') or a company treated as an FHC under the Bank Holding Company Act of 1956, or its affiliate subject to consolidated holding company group supervision;[12] (3) an SEC registered OTC derivatives

functions of NASD and NYSE Regulation, Inc. *See* Securities Exchange Act Release No. 56146 (July 26, 2007), 72 FR 42190 (August 1, 2007).

[4] *See* Securities Exchange Act Release Nos. 47307 (February 3, 2003), 68 FR 6977 (February 11, 2003) (SR–NASD–2002–134); 40932 (January 11, 1999), 64 FR 2930 (January 19, 1999) (SR–NASD–98–92); 40087 (June 12, 1998), 63 FR 33746 (June 19, 1998) (SR–NASD–98–23); and 39771 (March 19, 1998), 63 FR 14743 (March 26, 1998) (SR–NASD–98–15).

[5] For example, an option with a delta of .5 will move $0.50 for every $1.00 move in the underlying stock.

[6] The proposed rule change does not expressly amend FINRA's options exercise limits in Rule 2860(b)(4) because such exercise limits apply only to the extent Rule 2860(b)(3) imposes position limits. Thus, as delta neutral positions would be exempt from position limits under the proposed rule change, such positions also would be exempt from exercise limits. *See* NASD *Notice to Members* 94–46 (June 1994) at 2 (''* * * exercise limits correspond to position limits, such that investors in options classes on the same side of the market are allowed to exercise * * * only the number of options contracts set forth as the applicable position limit for those options classes.''). Similarly, for positions held that are not delta neutral, only the option contract equivalent of the net delta of such positions would be subject to exercise limits.

[7] *See* Securities Exchange Act Release No. 50748 (November 29, 2004), 69 FR 70485 (December 6, 2004) (SR–NASD–2004–153).

[8] *Id.* at 70486.

[9] *See infra* notes 11 and 12 and accompanying text.

[10] ''Net delta'' would be defined in Rule 2860(b)(2)(GG) to mean ''the number of shares that must be maintained (either long or short) to offset the risk that the value of an equity options position will change with incremental changes in the price of the security underlying the options position.'' Options Contract Equivalent of the Net Delta'' would be defined in proposed Rule 2860(b)(2)(LL) to mean the net delta divided by the number of shares underlying the options contract.

[11] Use of such pricing model would be required to be consistent with the requirements of Appendices E or G, as applicable, to Rules 15c3–1 and 15c3–4 under the Act in connection with the calculation of risk-based deductions from capital or capital allowances for market risk thereunder. *See* subparagraph (B) of proposed Rule 2860(b)(3)(A)(vii)b.1.

[12] An FHC's affiliate that is part of the FHC's consolidated supervised holding company group would be eligible to use this part of the Exemption. An FHC's (or an affiliate's) use of a proprietary model would have to be consistent with either: (i) The requirements of the Board of Governors of the Federal Reserve System, as amended from time to time, in connection with the calculation of risk-based adjustments to capital for market risk under capital requirements of the Board of Governors of the Federal Reserve System; or (ii) the standards published by the Basel Committee on Banking Supervision, as amended from time to time and as implemented by such company's principal regulator, in connection with the calculation of risk-based deductions or adjustments to or allowances for the market risk capital requirements of such principal regulator applicable to such company—where ''principal regulator'' means a member of the Basel Committee on Banking Supervision that is the home country consolidated supervisor of such company. *See* subparagraph (C) of proposed Rule 2860(b)(3)(A)(vii)b.1.

It is important to note that the U.S. activities of entities subject to the Basel standards still are overseen by the Federal Reserve Board, and FINRA would be relying upon that oversight in extending exemptive relief to such entities.

dealer; [13] (4) a national bank under the National Bank Act; [14] and, as previously noted, (5) a member, or non-member affiliate (as permitted by subparagraph (B) or (C) of proposed Rule 2860(b)(3)(A)(vii)b.1.), using a pricing model maintained and operated by the Options Clearing Corporation.

Irrespective of the features of any proprietary pricing model, only financial instruments relating to the security underlying an equity options position would be permitted to be included in any determination of an equity options position's net delta or whether the options position is delta neutral. For example, a short position in XYZ calls could be hedged with a long position in XYZ warrants. However, a short position in XYZ calls would not be permitted to be hedged with any financial instrument relating to a security *other than* XYZ stock. In addition, firms would not be permitted to use the same equity or other financial instrument position in connection with more than one hedge exemption. Thus, a stock position used as part of a delta hedge would not be permitted also to serve as the basis for any other equity option hedge exemption.

Obligations of Members and Affiliates

A member that intends to employ, or whose non-member affiliate intends to employ, the Exemption would be required to provide a written certification to FINRA stating that the member and/or its affiliate will use a Permitted Pricing Model as described above and defined in the Rule, and that if an affiliate ceases to hedge stock options positions in accordance with such systems and models, it will provide immediate written notice to the member.

In addition, the options positions of a non-member relying on the Exemption would be required to be carried by a member with which it is affiliated.

Any options position that is not delta neutral would remain subject to position and exercise limits (subject, however, to the availability of other exemptions). While delta hedging generally is employed as part of an overall risk management program, firms do not necessarily hedge every position to be delta neutral, *i.e.*, having a net delta of zero. In such cases, only the options contract equivalent of the net delta of any such options position would be subject to position limits.

Impact on ''Aggregation'' Guidance

FINRA recently issued guidance on when certain options accounts may be ''disaggregated.'' [15] The proposed rule change would impact this guidance in the following way: Generally, an entity that relies on the proposed rule change would be required to ensure that a Permitted Pricing Model is applied to all positions in or relating to the security underlying the relevant options position that are owned or controlled by the entity, or its affiliates. However, the net delta of an options position held by an entity entitled to rely on this Exemption, or by a separate and distinct trading unit of such entity, would be permitted to be calculated without regard to positions in or relating to the security underlying the option held by an affiliated entity or by another trading unit within the same entity, provided that: (1) The entity demonstrates to FINRA's satisfaction that no control relationship, as defined in *Notice to Members* 07–03, exists between such affiliates or trading units; and (2) the entity has provided FINRA written notice in advance that it intends to be considered separate and distinct from any affiliate, or, as applicable, which trading units within the entity are to be considered separate and distinct from each other for purposes of this Exemption.[16]

Position Reporting

Today, under paragraph (b)(5) of Rule 2860, a broker-dealer must report any options position in which the member has an interest, and each customer, non-member broker or non-member dealer account, which has established an aggregate position of 200 or more options contracts (whether long or short) of the put class and the call class on the same side of the market. Under the proposed rule change, FINRA would retain these reporting thresholds even with respect to options positions of any member or designated aggregation unit that are delta neutral. In addition, however, each member, or designated aggregation unit pursuant to proposed subparagraph (b)(3)(A)(vii)b.2., also shall report the options equivalent of the net delta of a position if such position represents 200 or more contracts (whether long or short) on the same side of the market covering the same underlying stock that are effected by the member. Referring to the example above, a member who is short 20,000 call contracts with a delta of .5 and long 600,000 shares of stock and long 200,000 shares through a SWAP or futures contract, would report: (a) Its options position as short 20,000 contracts and (b) its options equivalent of the net delta as short 2,000 contracts.

FINRA and other self-regulatory organizations are working on modifying the Large Options Position Reporting system and/or the Options Clearing Corporation reports to allow a member to indicate that an equity options position is being delta hedged.

Reliance on Federal Oversight

FINRA notes that when it provided exemptive relief for OTC Derivatives Dealers in 2004, NASD indicated that it believed that the rigor of the Commission's OTC Derivatives Dealer approval process and the ongoing oversight by the Commission staff provided an appropriate basis for exempting delta neutral positions in options held by such entities from position and exercise limits.[17] The proposed rule change's extension of exemptive relief to additional users of proprietary models similarly relies upon the rigorous approval processes and ongoing oversight of a federal financial regulator.

In an effort to leverage the existing federal oversight in this area, FINRA has developed procedures to monitor members' compliance with the proposed delta hedging position limit rules. Specifically, FINRA would employ a narrowly circumscribed program around the employment of delta hedging by eligible broker-dealers. FINRA would examine to the extent of: (1) Reviewing that the eligible broker-dealers have policies and procedures to determine their net positions in ascertaining any option holdings in

[13] This part of the Exemption would replace in its entirety current Rule 2860(b)(3)(a)vii.b. An OTC Derivative Dealer's use of a proprietary model would be required to be consistent with the requirements of Appendix F to Rule 15c3–1 and Rule 15c3–4 under the Act, as amended from time to time, in connection with the calculation of risk-based deductions from capital for market risk thereunder. Only an OTC Derivatives Dealer and no other affiliated entity (including a member) would be able to rely upon this particular part of the Exemption. *See* subparagraph (D) of proposed new Rule 2860(b)(3)(A)(vii)b.1.

[14] The use of a proprietary model by a national bank would be required to be consistent with the requirements of the Office of the Comptroller of the Currency, as amended from time to time, in connection with the calculation of risk-based adjustments to capital for market risk under capital requirements of the Office of the Comptroller of the Currency. An affiliate of a national bank (including a FINRA member) would not be permitted to rely on this part of the Exemption. *See* subparagraph (E) of proposed Rule 2860(b)(3)(A)(vii)b.1.

[15] *See* NASD *Notice to Members* 07–03 (January 2007).

[16] *See* proposed subparagraph (A)(vii)b.2 of Rule 2860(b)(3). FINRA has set forth, in *Notice to Members* 07–03, the conditions under which it will deem no control relationship to exist between affiliates and between separate and distinct trading units within the same entity.

[17] *See* Securities Exchange Act Release No. 50539 (October 19, 2004), 69 FR 61884, 61885 (October 21, 2004)(SR–NASD–2004–153).

respect of position limits including the reduction from any such net positions any positions subject to delta hedging or allowable equity option hedges; and (2) determining that the eligible broker-dealers represent that they have made any reduction from such net option positions pursuant to and in accordance with a model, or the processes that develop a model, for delta hedging that have been approved by an applicable federal regulator. It is important to note that FINRA is not under any obligation to test: (1) The integrity of a model, its processes or methodology; or (2) the employment of such models by eligible broker-dealers as to any data inputs, calculations or any other utilization of the model.

FINRA will announce the effective date of the proposed rule change in a *Notice to Members* to be published no later than 60 days following Commission approval. The effective date will be no later than 30 days following publication of the *Notice to Members* announcing Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[18] which requires, among other things, that FINRA rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that it is appropriate, subject to certain conditions, to exempt options positions of entities subject to an extensive regulatory framework of a federal financial regulator from position limits and require that only the option contract equivalent of the net delta of a stock options position be subject to position limits.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change would 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

Written comments were neither solicited nor received.

[18] 15 U.S.C. 78*o*–3(b)(6).

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 such 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 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 Number SR–NASD–2007–044 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–NASD–2007–044. 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, on official business days between the hours of 10 am and 3 pm. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–NASD–2007–044 and should be submitted on or before September 4, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–15723 Filed 8–10–07; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56211; File No. SR–ISE–2007–34]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Approving a Proposed Rule Change Relating to an Amendment to the International Securities Exchange, LLC Constitution and Amended and Restated LLC Agreement

August 6, 2007.

I. Introduction

On May 8, 2007, the International Securities Exchange, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Exchange's Constitution (''ISE Constitution'' or ''Constitution'') and Amended and Restated LLC Agreement (''ISE LLC Agreement''). The proposed rule change was published for comment in the **Federal Register** on June 4, 2007.[3] The Commission received no comments regarding the proposal. This order approves the proposed rule change.

II. Description of the Proposal

Currently, the ISE Constitution requires that the President of the Exchange and the Chief Executive Officer (''CEO'') of the Exchange be the same person. The Constitution also

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78*s*(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 55809 (May 23, 2007), 72 FR 30894.

currently requires that the number of directors on the board of directors (''Board'') of the Exchange be fixed at 15, to be comprised of: (i) Two ''PMM Directors'' [4]; (ii) two ''CMM Directors'' [5]; (iii) two ''EAM Directors'' [6]; (iv) eight ''Non-Industry Directors'' [7]—at least two of whom must be ''Public Directors'' [8]—and (v) the person holding the office of President and CEO.

The proposed rule change would remove the requirement that the President be the CEO, and amend the ISE Constitution to require that the director position described in subparagraph (v) above be held by the CEO. The proposal also would amend the Constitution to establish the number of directors at no less than 15 and no more than 16.

In conjunction with these changes, Sole LLC Member,[9] in its sole and absolute discretion, would be able to elect one additional director (''Former Employee Director'') who was employed by the Exchange at any time during the three-year period prior to his or her initial election but otherwise meets the definition of a Non-Industry Director under the Exchange's Constitution.[10] The proposed rule change also would make conforming amendments to the ISE LLC Agreement.

According to the Exchange, the proposed modifications to its governance structure would provide it with the flexibility to structure its board of directors in a way that would enable the ISE to attract and keep talented individuals.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission finds that the proposed rule change is consistent with section 6(b)(1) of the Act,[11] which requires, among other things, that an exchange be so organized and have the capacity to be able to carry out the purposes of the Act; and with section 6(b)(5) of the Act,[12] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest.[13]

The Commission notes that the additional member that the Sole LLC Member would be permitted to elect to the Board, aside from having been an Exchange employee within the prior three years, otherwise would be required to meet the qualifications of a Non-Industry Director. Thus, the Former Employee Director could not be a person who is an officer, director, or employee of a broker or dealer or who has been employed in any such capacity at any time within the prior three years. Further, the Commission notes that, under the proposed rule change, the ISE Constitution would continue to provide that eight of the members of the Exchange's board of directors—out of a maximum total of 16 members—must be non-industry representatives. The Commission believes that this proposed balance with respect to the composition of the Exchange's Board is consistent with other self-regulatory organization governance structures that were approved by the Commission.[14]

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[15] that the proposed rule change (SR–ISE–2007–34) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–15758 Filed 8–10–07; 8:45 am]

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[4] As set forth in Article III, Section 3.2(b)(i) of the ISE Constitution, a PMM Director is an officer, director, or partner of a Primary Market Maker elected by a plurality of the holders of the PMM Rights (*see* Article XII, Section 12.1 of the ISE Constitution) voting together as a class.

[5] As set forth in Article III, Section 3.2(b)(ii) of the ISE Constitution, a CMM Director is an officer, director, or partner of a Competitive Market Maker elected by a plurality of the holders of the CMM Rights (*see* Article XII, Section 12.2 of the ISE Constitution) voting together as a class.

[6] As set forth in Article III, Section 3.2(b)(iii) of the ISE Constitution, an EAM Director is an officer, director, or partner of an Electronic Access Member elected by the plurality of the holders of the EAM Rights (*see* Article XII, Section 12.3 of the ISE Constitution) voting together as a class.

[7] As set forth in Article III, Section 3.2(b)(iii) of the ISE Constitution, a ''Non-Industry Director'' is a director elected by the Sole LLC Member (*see infra,* note 9) who meets the requirements to be a ''non-industry representative.'' A ''non-industry representative'' is defined in Article XIII, Section 13.1(w) as any person that would not be considered an ''industry representative'' (see below) as well as: (i) a person affiliated with a broker or dealer that operates solely to assist the securities-related activities of the business of non-member affiliates, (ii) an employee of an entity that is affiliated with a broker or dealer that does not account for a material portion of the revenues of the consolidated entity, and who is primarily engaged in the business of the non-member entity.

An ''industry representative'' is defined in Article XIII, Section 13.1(t) as a person who is an officer, director, or employee of a broker or dealer or who has been employed in any such capacity at any time within the prior three years, as well as a person who has a consulting or employment relationship with or has provided professional services to the Exchange and a person who had any such relationship or provided any such services to the Exchange at any time within the prior three years.

[8] As set forth in Article III, Section 3.2(b)(iv) of the ISE Constitution, a ''Public Director'' must be a ''public representative,'' defined in Article XIII, Section 13.1(dd) as a non-industry representative (*see supra,* note 7) who has no material business relationship with a broker or dealer or the Exchange.

[9] As set forth in Article I, Section 1.1 of the ISE Constitution, the ISE is a single member limited liability company with one limited liability company interest currently authorized (the ''LLC Interest''). The holder of the LLC interest is International Securities Exchange Holdings, Inc., which may assign the LLC Interest as provided in the LLC Agreement (the ''Sole LLC Member'').

[10] The term of a Former Employee Director would expire at the annual meeting of holders of Exchange Rights and the Sole LLC Member held in the second year following the year of his or her election. (Regarding Exchange Rights, *see* Article I, Section 1.2 of the ISE Constitution and Article VI of the ISE LLC Agreement.) A Former Employee Director would not be permitted to serve on the Board for more than three consecutive terms, but would be eligible for election as a director following a two-year hiatus from service on the Board, provided that he or she meets the relevant requirements. *See* proposed new Section 3.2(e)(iv) to Article III of the ISE Constitution.

[11] 15 U.S.C. 78f(b)(1).

[12] 15 U.S.C. 78f(b)(5).

[13] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] *See, e.g.*, Securities Exchange Act Release No. 54494 (September 25, 2006), 71 FR 58023 (October 2, 2006).

[15] 15 U.S.C. 78s(b)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56204; File No. SR–NASDAQ–2007–070]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt Certain FINRA Rules Relating to Trading Halts and Disclosure of Disciplinary Information

August 3, 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 August 3, 2007, The NASDAQ Stock Market LLC (''Nasdaq''), 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 Nasdaq.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Nasdaq has designated the proposed rule change as one constituting a non-controversial rule change under Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal 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

Nasdaq proposes this rule change to add several rules, based on Financial Industry Regulatory Authority, Inc. (''FINRA'') rules, that were inadvertently omitted from the Nasdaq rulebook when Nasdaq became a national securities exchange.

The text of the proposed rule change is available on Nasdaq's Web site at *http://www.nasdaq.com,* at Nasdaq'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, Nasdaq 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. Nasdaq 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

To ensure that FINRA members did not incur significant regulatory burdens as a result of Nasdaq separating from FINRA and registering as a national securities exchange, Nasdaq based its rules governing regulatory standards and disciplinary processes on FINRA rules, to a significant extent. Over the past few months, however, it has come to Nasdaq's attention that several FINRA rules that arguably should have been copied into the Nasdaq rulebook were inadvertently omitted during the exchange registration process. Nasdaq believes that adding these rules will enhance Nasdaq's regulatory programs and enhance FINRA's ability to serve as Nasdaq's regulatory services provider under NASD Regulation's regulatory services agreement with Nasdaq.[5]

Accordingly, Nasdaq is adding new Rule 3340, which explicitly prohibits Nasdaq members and their associated persons from trading during a trading halt. The rule is written broadly to cover effecting transactions or publishing quotations, priced bids and/or offers, unpriced indications of interest, or bids or offers accompanied by a modifier to reflect unsolicited customer interest, in securities, single stock futures, and futures on narrow indexes that could be used as proxies for trading in the halted stock. Although Nasdaq believes that violations of a trading halt by a Nasdaq member could currently be addressed as violations of Rule 2110, which mandates high standards of commercial honor and just and equitable principles of trade, adding the rule to its rulebook will provide added clarity with regard to the requirement.

Second, Nasdaq is adopting IM–8310–3, which provides for release of disciplinary complaints, decisions and other information regarding Nasdaq members and their associated persons.[6] The Rule is drafted to be administered by Nasdaq Regulation, which under Rule 8001, is defined to include FINRA staff, NASD Regulation staff, and FINRA departments acting on Nasdaq's behalf pursuant to Nasdaq's regulatory services agreement.[7] Nasdaq's rule would empower its Chief Regulatory Officer to make certain determinations regarding the scope of disclosure; the comparable FINRA rule looks to the NASD Regulation Board of Directors or the President of FINRA Regulatory Policy and Oversight to make comparable decisions. In all other material respects, however, Nasdaq's IM–8310–3 will be substantively similar to FINRA's comparable Interpretive Material.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 6 of the Act,[8] in general, and with sections 6(b)(5) of the Act,[9] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq 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, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

Nasdaq has requested that the Commission waive the 30-day pre-operative period for ''non-controversial'' proposals because it adopts rules that are already part of FINRA rules, and the waiver will allow FINRA to process disciplinary matters as Nasdaq's regulatory services provider in accordance with the disclosure standards provided in IM–8310–3 without delay. In light of the foregoing, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission has determined to waive the operative delay, and the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] Notwithstanding the fact that Nasdaq has entered into a regulatory services agreement with NASD Regulation to perform some of Nasdaq's functions, Nasdaq retains ultimate legal responsibility for, and control of, such functions.

[6] Among other things, the Interpretive Material contains descriptions of when particular decisions become effective. In this regard, the Interpretive Material is merely describing the parameters otherwise established in the 9000 Series of the Nasdaq Rules. Accordingly, Nasdaq believes that including the descriptions in the Interpretive Material enhances its clarity.

[7] Nasdaq will amend its entire rulebook at a later date to replace references to NASD with references to FINRA.

[8] 15 U.S.C. 78f.

[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).

Act,[12] and Rule 19b–4(f)(6) thereunder,[13] with no operative delay.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such 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 Number SR–NASDAQ–2007–070 on the subject line.

Paper Comments

• Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F. Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2007–070. 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 Nasdaq. 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–NASDAQ–2007–070 and should be submitted on or before September 4, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–15757 Filed 8–10–07; 8:45 am]

BILLING CODE 8010–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 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. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56209; File No. SR–NYSE–2007–65]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Rule 79A.30 (Miscellaneous Requirements on Stock Market Procedures)

August 6, 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 24, 2007, the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') 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 filed the proposed rule change as a ''non-controversial'' proposed rule change pursuant to section 19(b)(3)(A)[3] of the Act and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal 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 is proposing to amend NYSE Rule 79A.30 to remove the requirement to obtain Floor Official approval before trading more than one or two dollars away from the last sale. The proposed amendment would preserve the requirement in situations: (i) Where such trades are initiated by a specialist in connection with certain manual transactions when the NYSE market is ''slow''; and (ii) where such trades are initiated by the specialist when reaching across the market when the market is ''fast.'' The filing also makes certain non-substantive changes to the language of the rule in order to clarify existing provisions and procedures, and conforms the rule to changes in Exchange rules made subsequent to the last time NYSE Rule 79A.30 was amended.

The text of the proposed rule change is available at the Exchange, the Commission's Public Reference Room, and *http://www.nyse.com.*

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. NYSE has substantially 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 Exchange is proposing to amend NYSE Rule 79A.30 to remove the requirement that members obtain prior approval from an Exchange Floor Official for trades that are more than $1.00 from the last sale when such previous sale is under $20.00 per share, or more than $2.00 from the last sale when such previous sale is $20.00 per share or more. The requirement to obtain approval would continue to apply in situations where: (i) The market is ''slow''[5] and a proposed trade results from a pricing decision by the specialist in connection with such market events as, for example, the opening or reopening of trading, the resumption of trading after a gapped quotation has been published, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] For purposes of the rule, the NYSE will be considered to be a slow market when displaying a bid or offer (or both) that is not entitled to protection of Rule 611 under Regulation NMS.

resumption of trading in the security following the triggering of a Liquidity Replenishment Point® (''LRP''), or when the specialist is arranging the closing transaction in a stock; or (ii) the market is ''fast'' and the specialist as dealer is manually reaching across the market.[6] The Exchange states that the amendment addresses changes in the marketplace that have resulted from the implementation of the NYSE's Hybrid Market®.

NYSE Rule 79A.30, in its original form, predates the federal securities laws. It was initially aimed at preventing undue price dislocation by the specialist at the opening but gradually was extended to all trades significantly away from the last sale.[7] This requirement had merit in the manual auction market, particularly when the market was both more centralized and less transparent than it is today, but as the market has evolved toward decentralized and transparent trading, the rule has lost some of its original purpose and utility.

For example, the rule functioned in part as a safeguard against market manipulation by specialists and brokers, and also controlled price volatility, by requiring a Floor Official who was not party to the transaction to review and approve all proposed transactions that exceeded the rule's parameters before they were published to the consolidated tape. This ensured that specialists were maintaining appropriate price continuity and depth, and that Floor brokers were not transacting in the Crowd at unduly wide variations from the last sale.

As a result of changes in the market in recent years, particularly the decentralization of control of pricing decisions away from the specialist and Floor broker, and the greater availability to all market participants of timely trade and quote information, the Exchange believes that NYSE Rule 79A.30 is no longer either necessary or viable in its present form. In particular, since the implementation of Phase III of the NYSE Hybrid Market®, the Exchange has observed that the process of obtaining prior Floor Official approval for transactions one or two points away from the last sale does not add meaningful value in the context of electronic trading, for two reasons: (i) Automated quoting and the entry of orders for automatic execution do not permit time for the involvement of Floor Officials before automated executions occur; and (ii) the greater availability of information in the market obviates much of the protection that such approval was designed to provide, in any event.[8]

Regarding the time required to obtain approval, the Exchange notes that requiring Floor Official approval for automated trades would, in effect, turn fast markets slow while a specialist or Floor broker requested approval and a Floor Official considered the request. This delay could impact the ability of a market participant to receive the best execution possible.

At the same time, the Exchange believes that there is less need for such approval in the modern market because of the wide commercial availability of real-time trading data, through such products as NYSE Open Book® [9] and similar products provided by other market centers that trade NYSE-listed securities (*e.g.*, NYSE Arca, the Nasdaq Market Center, and BATS). Before such tools existed, a party entering an order that might trade outside the one or two point parameter had little or no direct way to evaluate the likely price impact of such an order. Consequently, the rule provided for a Floor Official to certify that the price movement was warranted from his or her neutral perspective (that is, based upon information available to the Floor Official but not necessarily to the party entering or representing the order in question). In contrast, in electronic markets there is significantly more information available in near real-time, and so customers engaging in electronic trading can more readily assess the impact of their actions before they enter an order for automatic execution or representation on the Floor, and can adjust their actions as necessary.

The Exchange reaches the same conclusion with respect to manual auction market trading in the Crowd between brokers or between the specialist and a broker. This is both because of the improved, widely-available real-time market information noted above and because in such situations, the transactions are ultimately subject to the business scrutiny of the upstairs trader who entered the order and who generally has access to the same information as the broker or specialist and therefore can determine the appropriateness (or inappropriateness) of the pricing decision. The Exchange believes that this business scrutiny has added teeth as well, since the upstairs customer who believes the price variation was unreasonable could demand price adjustment in the form of a difference check [10] or, where the specialist is the agent, could refuse the execution altogether.[11]

Notwithstanding this general conclusion, the Exchange believes that the restrictions in NYSE Rule 79A.30 continue to be useful in certain situations including: (i) Where the market is slow and the specialist is making a unilateral pricing decision not on an agency basis (*e.g.*, at openings, reopenings and the close; when the quotation has been gapped; and when an LRP has been reached and the market is locked or crossed and the specialist trades out of the situation); and (ii) when the market is fast and the specialist as dealer is reaching across the market. The Exchange believes that in these situations, there is continuing merit in requiring Floor Official approval for trades that are more than $1.00 from the last sale when such previous sale is under $20.00 per share, or more than $2.00 from the last sale when such previous sale is $20.00 per share or more, since independent evaluation and prior approval by a Floor Official of such pricing decisions will ensure that specialists continue to make fair and orderly markets in situations where a significant imbalance between supply and demand is being addressed.

The Exchange notes in addition that the proposed rule change would shift the timing of the approval. Whereas currently Floor Official approval may be obtained after the trade takes place but before it is published to the consolidated tape, the proposed rule change would require that the specialist

[6] When reaching across the market to hit the bid or take the offer, the specialist must engage the report template in the Display Book, ensure that the bid/offer price is correct, enter the amount of the specialist interest, and hit the done key.

[7] The rule was extended in 1945 to all transactions more than $2.00 from the last sale, and, in 1970, to groups of related transactions that would move the stock price more than $2.00. The $1.00 parameter for stocks trading under $20.00 per share was added in 1979.

[8] Notwithstanding this, NYSE Regulation has continued conducting Rule 79A.30 surveillance, identifying situations where the one or two point parameter was exceeded without Floor Official approval. The NYSE has observed that many of the exceptions generated relate to the automated execution of electronic interest where it would not have been possible for the individual violating the rule to have sought approval for the transaction because either they entered their order from off the floor, or from on the floor but at a distance from the point of sale.

[9] NYSE Open Book is provided by the NYSE to vendors in two modes. The first displays the depth of the market refreshed every five seconds. The second displays the depth of the market in real time. The monthly subscription price of the former is $50, and the monthly subscription price of the latter is $60. NYSE Open Book discloses limit order interest at the price at the best bid and offer and at prices below the best bid and above the best offer. It does not include broker reserve interest, convert and parity orders (''CAP orders''), or stop orders.

[10] *See* Exchange Rule 134(d).20.

[11] *See* Exchange Rule 91 and Supplementary Materials.

obtain approval prior to transactions. The Exchange believes this shift is consistent with the underlying concern in the rule of ensuring that there are not undue price dislocations in a stock.

The Exchange also notes that its proposal to remove the requirement of prior Floor Official approval for most trading as specified under Rule 79A.30 would remove a restriction on the Exchange that does not exist for other automated market centers, thus removing the current undue competitive restraint that application of the rule to automated trading on the Exchange implies, but would retain certain benefits of the existing rule.

In connection with the substantive amendment, the Exchange is proposing to make certain additional conforming amendments to Rule 79A.30. Among other things, the Exchange is proposing to delete the last two paragraphs in the rule, which address situations where a Floor broker is driving the price change in an effort to execute block size interest. Since the proposed amendment would permit such trading without Floor Official approval, the Exchange believes that the language in the two paragraphs is no longer necessary.

The Exchange further proposes to amend Rule 79A.30 to clarify that prior Floor Official for one- and two-point sales as required under the proposed amendment would continue not to apply to inactively traded stocks.[12] The current text of Rule 79A.30 on its face applies only to ''stocks at the active Posts,'' which is an anachronistic reference to inactively-traded stocks. It derived from the fact that stocks that were very inactively traded used to be handled at the Exchange Floor's Post 30, often referred to as the ''inactive Post.'' Some years ago, these very thinly traded securities were moved to a Panel at one of the active Posts, and so the reference in the rule to ''active Posts'' became unclear. Accordingly, the proposed amendment would delete the reference to ''active posts'' and would insert language that clearly states that neither paragraph (a) nor (b) of the proposed amendment applies to inactively traded securities. The Exchange states that this would not effect a substantive change to the current rule.

The Exchange further proposes to delete the reference to NYSE Rule 123A.40 in paragraph (a) of the rule. Rule 123A.40, which governs the handling of stop orders, was amended in relation to the Hybrid Market. In the Hybrid Market, specialists no longer see accumulating stop order volume and the related electing process and are, therefore, not responsible for manually processing elected stop orders. Instead, an elected stop order becomes a market order upon election and is eligible for automated execution without Floor Official approval. Accordingly, the Exchange believes that the reference to Rule 123A.40 in Rule 79A.30 is outdated and should be deleted.

Finally, with respect to paragraph (c) of the rule, which governs the requirements for reporting a one or two point sale to the consolidated tape, the Exchange believes that the requirement to report a one or two point sale as ''sold'' would be rendered moot by the proposed amendment. Those markers are intended to signal to the market that a trade was reported to the consolidated tape late and out of sequence with subsequent trades. Since, as proposed for amendment, the rule would require that Floor Official approval be obtained before a trade outside the parameters of the rule is effected, there would no longer be a lag time between the execution of a one and two point sale and the related report to the consolidated tape. Accordingly, one and two point sales that occur after the Opening would no longer need to be reported to the consolidated tape as late to the consolidated tape and out of sequence, unless the report to the consolidated tape was accidentally not made at the time of execution. The NYSE notes that one and two point sales which occur on the Opening would continue to be marked ''OPD,'' which means ''opened.''

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act,[13] in general, and furthers the objectives of section 6(b)(5) of the Act,[14] in particular, because it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would 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

Because the Exchange has designated the proposed rule change as one that does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days after the date of filing (or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest), the proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[15] and subparagraph (f)(6) of Rule 19b–4 thereunder.[16]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of filing.[17] However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has satisfied the five-day pre-filing requirement of Rule 19b–4(f)6)(iii). In addition, the Exchange has requested that the Commission waive the 30-day operative delay and designate the proposed rule change operative upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it would allow the Exchange to remove an impediment to Hybrid Market trading without delay. Therefore, the Commission designates the proposal operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the

[12] For the period January 1 through May 31, 2007, 181 thinly traded or inactive securities traded at Post 4 Panels L, M, and N and include 96 nonconvertible preferred stocks (61 one hundred-share units and 35 ten-share units) and 85 structured products. As to their trading characteristics, these 181 inactive securities had an average of six and a half million shares outstanding (the minimum was 1,600 shares, the median was 11.4 million shares, and the maximum was 81 million shares) and an average daily trading volume of 4,000 shares (the minimum was 3 shares, the median was 4,000 shares, and the maximum was 44,100 shares).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in the 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 Number SR–NYSE–2007–65 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–NYSE–2007–65. 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–NYSE–2007–65 and should be submitted on or before September 4, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–15724 Filed 8–10–07; 8:45 am]

BILLING CODE 8010–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10948]

North Dakota Disaster Number ND–00008

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA–1713–DR), dated 07/17/2007.

Incident: Severe Storms and Flooding.

Incident Period: 06/02/2007 through 06/18/2007.

EFFECTIVE DATE: 08/03/2007.

Physical Loan Application Deadline Date: 09/17/2007.

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 Private Non-Profit organizations in the State of North Dakota 07/17/2007, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties:

Cass, Cavalier.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. E7–15768 Filed 8–10–07; 8:45 am]

BILLING CODE 8025–01–P

[19] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #10927 and #10928]

Oklahoma Disaster Number OK–00012

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–1712–DR), dated July 7, 2007.

Incident: Severe Storms, Flooding, and Tornadoes.

Incident Period: June 10, 2007 through July 25, 2007.

EFFECTIVE DATE: August 3, 2007.

Physical Loan Application Deadline Date: Septemeber 5, 2007.

EIDL Loan Application Deadline Date: April 7, 2007.

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 July 7, 2007 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties:

Logan, Payne, Pontotoc, Seminole.

Contiguous Counties: Oklahoma:

Canadian, Coal, Creek, Garfield, Garvin, Hughes, Johnston, Kingfisher, Murray, Noble, Pawnee.

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. E7–15769 Filed 8–10–07; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice Before Waiver With Respect to Land at Leesburg Executive Airport, Leesburg, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The FAA is publishing notice of proposed release from aeronautical use of approximately 22,170 square feet of land at the Leesburg Executive Airport, Leesburg, Virginia to the Town of Leesburg. The release will facilitate the widening of Sycolin Road that will improve access to the airport and provide needed capacity of the road system. There are no impacts to the Airport and the land is not needed for airport development as shown on the Airport Layout Plan.

DATES: Comments must be received on or before September 10, 2007.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Terry J. Page, Manager, FAA Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA 20166.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Timothy B. Deike, Director, Leesburg Executive Airport, at the following address: Mr. Timothy B. Deike, Director, Leesburg Executive Airport, 1001 Sycolin Road, SE., Leesburg, Virginia 20175.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Page, Manager, Washington Airports District Office, 23723 Air Freight Lane, Suite 210, Dulles, VA 20166; telephone (703) 661–1354, fax (703) 661–1370, e-mail *Terry.Page@faa.gov*.

SUPPLEMENTARY INFORMATION: On April 5, 2000, new authorizing legislation became effective. That bill, the Wendell H. Ford Aviation investment and Reform Act for the 21st Century, Public Law 10–181 (Apr. 5, 2000; 114 Stat. 61) (AIR 21) requires that a 30-day public notice must be provided before the Secretary may waive any condition imposed on an interest in surplus property.

Issued in Chantilly, Virginia, on August 6, 2007.

Terry J. Page,

Manager, Washington Airports District Office, Eastern Region.

[FR Doc. 07–3919 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Maps—Ronald Reagan Washington National Airport

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Metropolitan Washington Airport Authority (MWAA) for Ronald Reagan Washington National Airport under the provisions of 49 U.S.C. 47501 *et. seq* (Aviation Safety and Noise Abatement Act) and 14 CFR Part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibiity program that was submitted for Ronald Reagan Washington National Airport under Part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before February 2, 2008.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is August 6, 2007. The public comment period ends October 5, 2007.

FOR FURTHER INFORMATION CONTACT: Jennifer Mendelsohn, Eastern Region, Washington Airports District Office, Federal Aviation Administration, 23723 Air Freight Lane, Suite 210, Dulles, Virginia 20166, Telephone: 703–661–1362. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for Ronald Reagan Washington National Airport are in compliance with applicable requirements of Part 150, effective August 6, 2007. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before February 2, 2008. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C., section 47503 (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

MWAA submitted to the FAA on August 2, 2007 noise exposure maps, descriptions and other documentation that were produced during Ronald Reagan Washington National Airport's November 2004 noise compatibility study. It was requested that the FAA review this material as the noise exposure maps, as described in section 47503 of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 47504 of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by MWAA. The specific documentation determined to constitute the noise exposure maps includes: Exhibit V–1, ''Noise Exposure Map—Existing Condition: and Exhibit VI–1, ''Noise Exposure Map: 2009 with FAA TAF General Aviation Operations and Advanced Navigational Procedure.'' The FAA has determined that these maps for Ronald Reagan Washington National Airport are in compliance with applicable requirements. This determination is effective on August 6, 2007. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or constitute a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities

are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Ronald Reagan Washington National Airport, also effective on August 6, 2007. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before February 2, 2008.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, Eastern Region—Airports Division, 1 Aviation Plaza, Jamaica, New York 11434

Federal Aviation Administration, Washington Airports District Office, 23723 Air Freights Lane, Suite 210, Dulles, Virginia 20166

Metropolitan Washington Airports Authority, 1 Aviation Circle, Washington, DC 20001

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

Issued in Dulles, Virginia, on August 6, 2007.

Terry J. Page,

Manager, Washington Airports District Office.

[FR Doc. 07–3920 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2007–28961]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on June 8, 2007. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by September 12, 2007.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2007–28961.

FOR FURTHER INFORMATION CONTACT: Bobette Meads, 202–366–2881, Office of the Chief Financial Officer, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Voucher for Federal-aid Reimbursements.

OMB Control #: 2125–0507.

Form #: PR–20.

Background: The Federal-aid Highway Program provides for the reimbursement to States for expenditure of State funds for eligible Federal-aid highway projects. The Voucher for Work Performed under Provisions of the Federal Aid and Federal Highway Acts as amended is utilized by the States to provide project financial data regarding the expenditure of State funds and to request progress payments from the FHWA. Title 23 U.S.C. 121(b) requires the submission of vouchers. The specific information required on the voucher is contained in 23 U.S.C. 121 and 117. Two types of submissions are required by recipients. One is a progress voucher where the recipient enters the amounts claimed for each FHWA appropriation, and the other is a final voucher where project costs are classified by work type. An electronic version of the Voucher for Work Performed under Provisions of the Federal Aid Highway Acts, as amended, Form PR–20, is used by all recipients to request progress and final payments.

Respondents: 50 State Transportation Departments, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

Estimated Average Annual Burden: The respondents electronically submit an estimated total of 12,900 vouchers each year. Each voucher requires an estimated average of 30 minutes to complete.

Estimated Total Annual Burden Hours: Total estimated average annual burden is 6450 hours.

Electronic Access: Internet users may access all comments received by the U.S. DOT Dockets, by using the universal resource locator (URL): *http://dms.dot.gov,* 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: August 8, 2007.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. E7–15824 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Docket Number: FRA–2007–27322

Applicant: Union Pacific Railroad Company, Robert M. Grimaila, Chief Safety Officer, 1400 Douglas Street, MC1180, Omaha, NE 68179–1180.

The Union Pacific Railroad Company (UP) has submitted a temporary waiver petition to support field testing of its processor-based train control systems identified as Communications Based Train Control (CBTC) and Vital-Train Management System (V–TMS), pursuant to 49 CFR 211.7 and 211.51.

An informational filing, as required under 49 CFR Part 236, Subpart H, has also been prepared and submitted in conjunction with this waiver petition, and can be found in the same docket as this waiver petition (FRA–2007–27322).

The CBTC is a locomotive-centric, non-vital system designed to be overlaid on existing methods of operation and is intended to provide an improved level of safety through the enforcement of authority limits, permanent speed restrictions, and temporary speed restrictions.

The V–TMS is a locomotive-centric, vital train control system designed to be overlaid on existing methods of operation and is intended to provide a high level of railroad safety through the enforcement of authority limits, permanent speed restrictions, and temporary speed restrictions.

UP desires to commence CBTC/V–TMS field testing on or about October 1, 2007, or as soon as practicable thereafter, contingent upon FRA's acceptance and approval of the informational filing and waiver petition.

UP is requesting regulatory relief from the following Federal regulations:

49 CFR 216.13, Special notice for repairs—locomotive.

49 CFR 217.9, Program of operational tests and inspections: recordkeeping.

49 CFR 217.11, Program of instruction on operating rules; recordkeeping; electronic recordkeeping.

49 CFR Part 218 [Subpart D], Prohibition against tampering with safety devices.

49 CFR 229.7, Prohibited acts.

49 CFR 229.135, Event recorders.

49 CFR 233.9, Annual reports.

49 CFR 235.5, Changes requiring filing of application.

49 CFR 240.127, Criteria for examining skill performance.

49 CFR 240.129, Criteria for monitoring operational performance of certified engineers.

The petitioner's arguments in favor of relief from the above regulations can be found in the waiver petition document under Docket No. FRA–2007–27322, which can be viewed using Web site listed below.

Relief is sought for development testing and demonstration purposes only. UP expects to fully comply with all FRA regulations, and requests the above relief only while conducting development testing of the CBTC/V–TMS or to occasionally operate a demonstration train. UP has an approved Railroad Safety Program Plan (RSPP), as provided for 49 CFR 236.905 (Docket No. FRA–2006–24002).

The CBTC and V–TMS are intended to be tested and demonstrated on UP's Overland Route between Chicago, IL, and O'Fallons, NE; between O'Fallons, NE, and Shawnee Jct., WY; and between Spokane, WA, and Eastport, ID. More detailed milepost locations and descriptions of methods of operation information on these routes can also be obtained from the waiver petition document using the above mentioned docket number, via the Web site listed below.

Interested parties are invited to review the waiver petition, informational filing, and associated documents at the following locations:

Web site: *http://dms.dot.gov.* Follow the instructions for a simple search on the DOT electronic Docket Management System. All documents in the public docket that are associated with the waiver petition are available on the Web site for inspection and copying.

DOT Docket Management Facility, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Any interested parties desiring to protest the granting of the application for the requested regulatory relief listed above shall specifically set forth the grounds upon which the protest is made and include a concise statement of the interest of the party in the proceeding. Additionally, one copy should be furnished to the applicant at the address listed above.

However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

All communications concerning this proceeding shall be identified by the docket number (FRA–2007–27322) and must be submitted to the Docket Clerk, DOT Docket Management Facility, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Communications received within 30 days of this notice will be considered before FRA takes final action. Comments received after this period will be considered to the extent possible. All written communications concerning the above waiver request are available for examination at the above facility during regular business hours (9 a.m.–5 p.m.). All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

Anyone is able to search the electronic form of all the comments received into any of our dockets by the name of the individual submitting the comment (or signing 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 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC, on August 7, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–15760 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being

requested, and the petitioner's arguments in favor of relief.

Union Pacific Railroad Company

(Docket Number FRA–2007–28340)

Union Pacific Railroad Company (UP) seeks a waiver of compliance from certain requirements of 49 CFR Part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment: End-of Train Devices;* and CFR Part 215, *Railroad Freight Car Safety Standards.* Specifically, UP seeks relief to permit trains received at the U.S./Mexico border at Brownsville, TX, from the Kansas City Southern de Mexico Railway (KCSM), to move from the interchange point without performing the regulatory tests and inspections specified in 49 CFR Part 215 and 49 CFR section 232.205(a)(1), at that location. UP proposes moving the trains from the border at Milepost 0.7 on the Brownsville Subdivision to the UP yard at Olmito, TX, a distance of 7.9 miles, where the required FRA inspections will be performed. According to UP, the railroad has been operating in this fashion since February 2004 under the authority of a letter from the Director of FRA's Office of Safety Assurance and Compliance.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA–2007–28340) and must be submitted in triplicate to the Docket Clerk, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the DOT Central Docket Management Facility, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, in Washington, DC. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov*.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–19478). The Statement may also be found at *http://dms.dot.gov*.

Issued in Washington, DC, on August 7, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–15738 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Railroad Safety Program Plan

Although not required, notice is hereby given that the Federal Railroad Administration (FRA) has received a Railroad Safety Program Plan (RSPP) from the Union Pacific Railroad Company (UP) pursuant to Title 49 Code of Federal Regulations (CFR) Part 236, Subpart H. A brief summary of the RSPP, including the party submitting it and the requisite docket number, follows.

Union Pacific Railroad Company

(Docket Number FRA–2006–24002)

UP submitted RSPP Version 4.3b, which is its strategic safety planning document for the development and implementation of safety-critical processor-based signal and train control systems or active highway-rail grade crossing warning systems, subject to the provisions of 49 CFR section 234.275 or 49 CFR Part 236, Subpart H.

A previous version (4.3a) of the RSPP has been approved by FRA (Docket FRA–2006–24002). This new version of the RSPP does not require FRA approval, per 49 CFR Part 236, Subpart H. Interested parties are invited to review this and other associated documents at the following:

Web site: *http://dms.dot.gov.* Click on ''Simple Search'' on the DOT electronic docket site and enter Docket Number 24002.

U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov.*

You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78). The Statement may also be found at *http://dms.dot.gov.*

Issued in Washington, DC on August 7, 2007.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. E7–15779 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Availability of Environmental Management Systems Training and Assistance for State and Local Transit Agencies

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of Environmental Management Systems training and assistance.

SUMMARY: The Federal Transit Administration (FTA) will sponsor training and assistance in Environmental Management Systems (EMS) for up to ten state and local transit agencies. EMS can play a valuable role in the establishment of sound business management practices that include concern for the environment. Adoption of environmental management systems has been shown to result in advantages in financing, insurance, marketing, regulatory compliance, and other areas of operations. FTA will sponsor assistance in the form of training workshops, on-site technical advice and consultation, including follow-up. Applications from transit agencies to participate in this training and assistance are solicited.

DATES: Letters of application to participate in this training and assistance program must be received by September 7, 2007.

ADDRESSES: Letters of application should be submitted to: Federal Transit Administration, Office of Planning and Environment, 1200 New Jersey Avenue, SE., Room E45–130, Washington, DC 20590, Attention: Jim Barr, Fax: (202) 366–2478.

Applications may be hand delivered between 9 a.m. and 5 p.m., Monday through Friday, except for Federal holidays; for confirmation of mail delivery, a stamped, self-addressed post card must be included.

FOR FURTHER INFORMATION CONTACT: Jim Barr or Julie Atkins, Office of Planning and Environment, Federal Transit Administration, 1200 New Jersey Avenue, SE., Room E45–130, Washington, DC 20590. Telephone: (202) 366–1568.

SUPPLEMENTARY INFORMATION:

Environmental Management Systems

Environmental management systems are designed to develop a systematic management approach to the environmental concerns of an organization. Evidence suggests that adoption of environmental management systems results in advantages in financing, insurance, marketing, regulatory compliance, and other areas of operations. Perhaps the most recognized and widely employed environmental management system is ISO [International Organization for Standardization] 14001, a model for implementing environmental management systems used by tens of thousands of organizations in more than 100 countries.

In January 2006, the Federal Transit Administration (FTA) concluded a successful Environmental Management Systems (EMS) training and technical assistance program based on ISO 14001 for ten public transit agencies. The results of the final audit and the responses of the participating transit agencies, documented in a report entitled, ''Environmental Management Systems Training & Assistance Final Report'' (January 2006), available online at *http://www.fta.dot.gov/library/FTA_EMS/index.htm*, were impressive. Nine of the ten participating transit agencies achieved an overall rating of 93 per cent or higher, and four of those agencies achieved an overall rating in excess of 97 per cent. Cost savings could not be easily quantified in the abbreviated implementation period, but one participating transit agency reported an annualized savings of $66,000 in fuel and labor costs alone. So impressed were two of the participating transit agencies with ISO 14001 as a framework that inspires and channels the creative thinking of all their employees that they elected to become ISO certified.

FTA is now prepared to provide an opportunity for up to ten more public transit agencies to receive similar EMS training and assistance.

EMS Training and Assistance

FTA will provide assistance in the form of training workshops, on-site technical support visits and electronic materials and consultation. FTA is currently selecting a skilled contractor to carry out EMS training and assistance under a cooperative agreement. Training will be designed to help transit agencies develop and implement an environmental management system based on ISO 14001 which provides a structured process for the achievement of continual improvement, the rate and extent of which are determined by the organization in light of economic factors and other circumstances.

The EMS training program will include:

- EMS training and assistance for up to ten transit agency teams, consisting of three to four members each, over a two-year period;
- A curriculum designed specifically for transit agency implementation of an EMS with a possible emphasis on the implementation of an EMS for a transit capital program;
- A pre-workshop site evaluation visit to each agency by the contractor team;
- A training ''tool-kit,'' including guidebooks and software, as necessary;
- Four three-day workshops at the site of the contractor's choosing which would include all transit teams; participants are responsible for travel and accommodation costs for these workshops;
- Two site visits and progress reviews by the contractor for each participant; and
- Monthly conference calls with the contractor, FTA, and all program participants.

At the conclusion of training, and following a period of implementation, FTA will assemble a final report that includes the participating transit agencies' case studies and an assessment of training results.

How To Apply for the Program

Interested transit agencies should submit a letter, signed by the head of the public transportation organization, that contains the following information:

- A brief description of the transit organization and its responsibilities;
- The name of a high-ranking transit agency management representative who will have the responsibility and the authority for ensuring that the EMS is developed based on the program provided above. The transit agency's representative should be available to travel and participate in workshops with other transit participants over the life of the project; and
- A clear assurance that senior management in the organization will provide the necessary visibility, staff time, and other resources necessary to successfully develop and implement the EMS through its implementation team. Ongoing top management support is the most critical factor for ensuring a successful and sustainable EMS.

Judging Applications

Once all applications are received, FTA will conduct follow-up interviews with each applicant to discuss the information contained in the letter of application in more detail and to obtain any other necessary information. FTA will give preference to agencies that are particularly interested in the implementation of an EMS for a transit capital program. FTA may consult with the contractor before final decisions are made.

FTA will use a number of criteria to select participants, including:

- Organizational commitment by transit agency leadership to EMS implementation;
- Geographical diversity;
- Previous environmental experiences; and
- Environmental challenges from operations and/or pending capital projects.

The first program workshop should occur in early 2008.

Issued in Washington, DC this 7th day of August 2007.

James S. Simpson,

Administrator.

[FR Doc. E7–15754 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement (VISA)

AGENCY: Maritime Administration, DOT.

ACTION: Notice of open season for enrollment in the VISA program.

Introduction

The VISA program was established pursuant to section 708 of the Defense Production Act of 1950, as amended (DPA), which provides for voluntary agreements for emergency preparedness programs. VISA was approved for a two year term on January 30, 1997, and published in the **Federal Register** on February 13, 1997, (62 FR 6837). Approval is currently extended through September 30, 2007, as published in the **Federal Register** on September 23, 2005 (70 FR 55947).

As implemented, the VISA program is open to U.S.-flag vessel operators of oceangoing militarily useful vessels. Operators include vessel owners and bareboat charter operators if satisfactory signed agreements are in place committing the assets of the owner to the bareboat charterer for purposes of VISA. While tug/barge operators must own or bareboat charter barges committed to the VISA program, it is not required that these operators commit tug services through bareboat charter or ownership arrangements. Time charters of U.S.-flag tugs will satisfy tug commitments to the VISA program. However, participation in the VISA program is not satisfied by tug commitment only. Tug/barge VISA participants must commit capacity of at least one barge to the VISA program. Voyage and space charterers are not considered U.S.-flag vessel operators for purposes of VISA eligibility.

VISA Concept

The mission of VISA is to provide commercial sealift and intermodal shipping services and systems, including vessels, vessel space, intermodal systems and equipment, terminal facilities, and related management services, to the Department of Defense (DOD), as necessary, to meet national defense contingency requirements or national emergencies.

VISA provides for the staged, time-phased availability of participants' shipping services/systems to meet contingency requirements through prenegotiated contracts between the Government and participants. Such arrangements are jointly planned with the Maritime Administration, U.S. Transportation Command (USTRANSCOM), and participants in peacetime to allow effective and best valued use of commercial sealift capacity, to provide DOD assured contingency access, and to minimize commercial disruption, whenever possible.

There are three time-phased stages in the event of VISA activation. VISA Stages I and II provide for prenegotiated contracts between DOD and participants to provide sealift capacity to meet all projected DOD contingency requirements. These contracts are executed in accordance with approved DOD contracting methodologies. VISA Stage III will provide for additional capacity to DOD when Stages I and II commitments or volunteered capacity are insufficient to meet contingency requirements, and adequate shipping services from non-participants are not available through established DOD contracting practices or U.S. Government treaty agreements.

VISA Enrollment Open Season

The purpose of this notice is to invite interested, qualified U.S.-flag vessel operators that are not currently enrolled in the VISA program to participate. This is the tenth annual enrollment period since the commencement of the VISA program. The annual enrollment is intended to link the VISA enrollment cycle with DOD's peacetime cargo contracting to ensure eligible participants priority consideration for DOD awards of cargo.

New VISA applicants are required to submit their applications for the VISA program as described in this Notice no later than August 31, 2007. Applicants must provide copies of loadline documents from a recognized classification society to validate oceangoing vessel capability, and U.S. Coast Guard Certificates of Documentation for all vessels in their fleet. If vessels are bareboat chartered or time chartered (applicable to tugs only) by the applicant, charter agreements shall be provided along with the application. Bareboat charter and time charter agreements must, at a minimum, be valid from the time of application through September 30, 2008. Bareboat charter agreements must also state that the owner will not interfere with the charterer's obligation to commit chartered vessel(s) to the VISA program for the duration of the charter. Approved VISA participants will be responsible for assuring that information submitted with their application remains up to date beyond the approval process. Any changes to VISA commitments must be reported to the Maritime Administration and USTRANSCOM not later than seven days after the change. If charter agreements are due to expire, participants must provide the Maritime Administration with charters that extend the charter duration for another 12 months or longer.

Alignment of VISA enrollment and eligibility for VISA priority will solidify the linkage between commitment of contingency assets by VISA participants and receiving VISA priority consideration for the award of DOD peacetime cargo. This is the only planned enrollment period for carriers to join the VISA program and derive benefits for DOD peacetime contracts during the time frame of October 1, 2007 through September 30, 2008. The only exception to this open season period for VISA enrollment will be for a non-VISA carrier that reflags a vessel into U.S. registry. That carrier may submit an application to participate in the VISA program at any time upon completion of reflagging.

Advantages of Peacetime Participation

Because enrollment of carriers in the VISA program provides DOD with assured access to sealift services during contingencies based on a level of commitment, as well as a mechanism for joint planning, DOD awards peacetime cargo contracts to VISA participants on a priority basis. This applies to liner trades and charter contracts alike. Award of DOD cargoes to meet DOD peacetime and contingency requirements is made on the basis of the following priorities:

- U.S.-flag vessel capacity operated by VISA participants and U.S.-flag Vessel Sharing Agreement (VSA) capacity held by VISA participants.
- U.S.-flag vessel capacity operated by non-participants.
- Combination U.S.-flag/foreign-flag vessel capacity operated by VISA participants, and combination U.S.-flag/foreign-flag VSA capacity held by VISA participants.
- Combination U.S.-flag/foreign-flag vessel capacity operated by non-participants.
- U.S.-owned or operated foreign-flag vessel capacity and VSA capacity held by VISA participants.
- U.S.-owned or operated foreign-flag vessel capacity and VSA capacity held by non-participants.
- Foreign-owned or operated foreign-flag vessel capacity of non-participants.

Participants

Any U.S.-flag vessel operator organized under the laws of a state of the United States, or the District of Columbia, who is able and willing to commit militarily useful sealift assets and assume the related consequential risks of commercial disruption, may be eligible to participate in the VISA program. The term ''operator'' is defined in the VISA document as ''an ocean common carrier or contract carrier that owns, controls or manages vessels by which ocean transportation is provided''. Applicants wishing to become participants must provide satisfactory evidence that the vessels being committed to the VISA program are operational and that vessels are intended to be operated by the applicant in the carriage of commercial or government preference cargoes. While vessel brokers, freight forwarders and agents play an important role as a conduit to locate and secure appropriate vessels for the carriage of DOD cargo, they may not become participants in the VISA program due to lack of requisite

vessel ownership or operation. However, brokers, freight forwarders and agents should encourage the carriers they represent to join the program.

Commitment

Any U.S.-flag vessel operator desiring to receive priority consideration in the award of DOD peacetime contracts must commit no less than 50 percent of its total U.S.-flag militarily useful capacity in Stage III of the VISA program. Participants operating vessels in international trade and desiring to bid on DOD peacetime contracts will be required to provide commitment levels to meet DOD-established Stages I and/or II minimum percentages of the participant's militarily useful, oceangoing U.S-flag international trading fleet capacity on an annual basis. USTRANSCOM and the Maritime Administration will coordinate to ensure that the amount of sealift assets committed to Stages I and II will not have an adverse national economic impact. To minimize domestic commercial disruption, participants operating vessels exclusively in the domestic Jones Act trades are not required to commit the capacity of those U.S. domestic trading vessels to VISA Stages I and II. Overall VISA commitment requirements are based on annual enrollment.

In order to protect a U.S.-flag vessel operator's market share during contingency activation, VISA allows participants to join with other vessel operators in Carrier Coordination Agreements (CCAs) to satisfy commercial or DOD requirements. VISA provides a defense against antitrust laws in accordance with the DPA. CCAs must be submitted to the Maritime Administration for coordination with the Department of Justice for approval, before they can be utilized.

Compensation

In addition to receiving priority in the award of DOD peacetime cargo, a participant will receive compensation during contingency activation. During enrollment, each participant may choose a compensation methodology which is commensurate with risk and service provided. The compensation methodology selection will be completed with the appropriate DOD agency.

Enrollment

New applicants may enroll by obtaining a VISA application package (Form MA–1020 (OMB Approval No. 2133–0532)) from the Director, Office of Sealift Support, at the address indicated below. Form MA–1020 includes instructions for completing and submitting the application, blank VISA Application forms and a request for information regarding the operations and U.S. citizenship of the applicant company. A copy of the VISA document as published in the **Federal Register** on September 23, 2005, will also be provided with the package. This information is needed in order to assist the Maritime Administration in making a determination of the applicant's eligibility. An applicant company must provide an affidavit that demonstrates that the company is qualified to document a vessel under 46 U.S.C., section 12103, and that it owns, or bareboat charters and controls, oceangoing, militarily useful vessel(s) for purposes of committing assets to the VISA program. As previously mentioned, VISA applicants must return the completed VISA application documents to the Maritime Administration not later than August 31, 2007. Once the Maritime Administration has reviewed the application and determined VISA eligibility, the Maritime Administration will sign the VISA application document which completes the eligibility phase of the VISA enrollment process.

After VISA eligibility is approved by the Maritime Administration, approved applicants are required to execute a joint VISA Enrollment Contract (VEC) with DOD [USTRANSCOM and the Military Sealift Command (MSC)] which will specify the participant's Stage III commitment for the period October 1, 2007 through September 30, 2008. Once the VEC is completed, the applicant completes the DOD contracting process by executing a Drytime Contingency Contract (DCC) with MSC (for Charter Operators) and if applicable, a VISA Contingency Contract (VCC) with USTRANSCOM (for Liner Operators). The Maritime Administration reserves the right to revalidate all eligibility requirements without notice.

For Additional Information and Applications Contact: Taylor E. Jones II, Director, Office of Sealift Support, U.S. Maritime Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone (202) 366–2323. Fax (202) 366–3128. Other information about the VISA can be found on the Maritime Administration's Internet Web Page at *http://www.marad.dot.gov.*

(Authority: 49 CFR 1.66)

Dated: August 6, 2007.

By order of the Maritime Administrator.

Daron Threet,

Secretary, Maritime Administration.

[FR Doc. E7–15825 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. A **Federal Register** Notice soliciting public comment on the ICR, with a 60-day comment period, was published on May 15, 2007 at 72 FR 27354.

DATES: Comments must be submitted on or before September 12, 2007.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance (NVS–223), West Building—Room W45–311, 1200 New Jersey Avenue, SE., Washington, DC 20590 (202–366–3151).

SUPPLEMENTARY INFORMATION:

National Highway Traffic Safety Administration

Title: Importation of Vehicles and Equipment Subject to the Federal Motor Vehicle Safety, Bumper, and Theft Prevention Standards.

OMB Number: 2127–0002.

Type of Request: Extension of a Currently Approved Collection.

Abstract: The National Highway Traffic Safety Administration (NHTSA) has requested OMB to extend that agency's approval of the information collection that is incident to NHTSA's administration of the regulations at 49 CFR parts 591, 592, and 593 that govern the importation of motor vehicles and motor vehicle equipment. The information collection includes declarations that are filed (on the HS–7 Declaration form) with U.S. Customs and Border Protection (CBP) upon the importation of motor vehicles or motor vehicle equipment that is subject to the Federal motor vehicle safety, bumper,

and theft prevention standards administered by NHTSA. The information collection also includes the Department of Transportation (DOT) conformance bond that is furnished to CBP (on form HS–474) for each motor vehicle offered for importation that does not conform to all applicable Federal motor vehicle safety standards (FMVSS). The bond ensures that such vehicles are brought into conformity with those standards within 120 days from the date of entry or are exported from, or abandoned to, the United States. The information collection also includes paperwork that must be submitted to NHTSA and in some instances retained by registered importers (RIs) of motor vehicles that were not originally manufactured to comply with all applicable FMVSS. These items include information that a person or business entity must submit to NHTSA to be registered as an RI and to retain that status. The paperwork also includes the statement of conformity that an RI must submit to NHTSA following the completion of conformance modifications on an imported nonconforming vehicle to obtain release of the DOT conformance bond furnished for the vehicle at the time of entry. Also included is the petition that an RI or manufacturer may submit to NHTSA for the agency to decide that a vehicle that was not originally manufactured to comply with all applicable FMVSS is capable of being modified to conform to those standards and is therefore eligible for importation under 49 U.S.C. 30141. The information collection also includes applications that are filed with NHTSA for permission to import nonconforming vehicles for purposes of research, investigations, demonstrations, training, competitive racing events, and show or display, as well as applications requesting the agency to recognize vehicles manufactured for racing purposes as being qualified to be imported as vehicles that were not primarily manufactured for use on public roads, precluding the need for those vehicles to comply with the FMVSS. This information collection is necessary to ensure that motor vehicles and motor vehicle equipment subject to the Federal motor vehicle safety, bumper, and theft prevention standards are lawfully imported into the United States and that RIs and applicants for RI status are capable of meeting their obligations under the statutes and regulations governing the importation of nonconforming vehicles.

Affected Public: Individuals and commercial entities that import motor vehicles or motor vehicle equipment subject to the FMVSS and vehicles that are not primarily manufactured for use on public roads, as well as applicants for RI status and existing RIs.

Estimated Total Annual Burden: 42,413 hours; $1,655,613.00.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention NHTSA Desk Officer.

Comments are invited on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility.
- Whether the Department's estimate of the burden of the proposed information collection is accurate.
- Ways to enhance the quality, utility and clarity of the information to be collected.
- Ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Issued on: August 7, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E7–15739 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket: PHMSA–98–4957]

Request for Public Comments and Office of Management and Budget Approval of Existing Information Collections (2137–0578 and 2137–0579)

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that PHMSA has forwarded two Information Collection Requests to the Office of Management and Budget (OMB) for the renewal and extension of two information collections: ''Reporting of Safety-Related Conditions on Gas, Hazardous Liquid and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities'' (2137–0578) and ''Drug and Alcohol Testing of Pipeline Operators'' (2137–0579). The purpose of this notice is to invite the public to submit comments on the requests to OMB.

DATES: Submit comments on or before September 12, 2007.

ADDRESSES: Send comments directly to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: Desk Office for the Department of Transportation, 725 17th Street, N.W., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Roger Little at (202) 366–4569, or by e-mail at *roger.little@dot.gov.*

SUPPLEMENTARY INFORMATION: This notice identifies two existing information collections PHMSA is submitting to OMB for renewal and extension. These information collections are found in 49 CFR Parts 192, 195, and 199 of the pipeline safety regulations. PHMSA has revised the burden estimates, where appropriate, to reflect current reporting levels or adjustments based on changes made since the last information collection approvals. PHMSA is now requesting that OMB grant a three-year term of approval for both information collections.

Pursuant to 44 U.S.C. 3506(c)(2)(A) of the PRA, PHMSA is required to obtain OMB approval for information collections. The term ''information collection'' includes all work related to preparing and disseminating information related to these information collection requirements including completing paperwork, gathering information, and conducting telephone calls. PHMSA published a notice providing a 60-day period for comments on the renewal of information in the **Federal Register** on Friday 8, 2007 (72 FR 31896–31897), and received no comments. PHMSA invites comments on whether the proposed information collections are necessary for DOT's proper performance. The comments may include (1) whether the information will have practical utility; (2) the accuracy of DOT's estimate of the burden of the proposed information collections; (3) ways to enhance the quality, utility, and clarity of the information collection; and (4) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology.

Title of Information Collection Request: Reporting of Safety-Realted Conditions ono Gas, Hazardous Liquid and Carbon Dioxide Pipelines and Liquefied Natural Gas Facilities.

OMB Control Number: 2137–0578.

Summary: Operators of a gas, hazardous liquid, and carbon dioxide pipeline (except master meter) or a liquefied natural gas facility are required to submit to DOT a written report on any safety-related condition that cause a significant change or restriction in the operation of facilities or a condition that is a hazard to life, property, or the environment (49 U.S.C. 60102). PHMSA uses the information collected to identify safety-related trends and takes action to reduce pipeline accidents and incidents.

Type of Information Collection Request: Renewal of Existing Collection.

Respondents: 127.

Estimated Total Annual Burden on Respondents: 762 hours.

Estimated Cost: $49,340.

Titel of Information Collection Request: Drug and Alcohol Testing of Pipeline Operators.

OMB Control Number: 2137–0579.

Summary: Operators are required to conduct drug and alcohol testing of covered employees who perform operation, maintenance, or emergency-response functions regulated by 49 CFR Pars 192, 193, or 195 (49 CFR Part 199 and 49 CFR Part 40). PHMSA uses this information to deter and detect illegal drug use and alcohol misuse in the pipeline industry.

Type of Information Collection Request: Renewal of Existing Collection.

Respondents: 2,419.

Estimated Total Annual Burden on Respondents: 2,963 hours.

Estimated Cost: $153,314.

Issued in Washington, DC on August 7, 2007.

Florence L. Hamn,

Director of Regulations, Office of Pipeline Safety.

[FR Doc. 07–3941 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–07–28590 (Notice No. 07–6)]

Hazardous Materials: Request for Comments on Issues or Problems Concerning International Atomic Energy Agency Regulations for the Safe Transport of Radioactive Materials

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

ACTION: Notice; request for comments.

SUMMARY: PHMSA and the U.S. Nuclear Regulatory Commission (NRC) are jointly seeking comments on issues or problems concerning requirements in the International Atomic Energy Agency (IAEA) Regulations for the Safe Transport of Radioactive Material (referred to as TS–R–1). The IAEA is considering revisions to the TS–R–1 regulations as part of its review cycle for a 2011 edition.

DATES: Submit comments by September 5, 2007. Comments received after this date will be considered if it is practical to do so; however, we are only able to assure consideration for proposals received on or before this date.

ADDRESSES: You may submit comments identified by the docket number PHMSA–07–28590 by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Web Site: *http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- Fax: 1–202–493–2251.
- Mail: U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.
- Hand Delivery: To the Docket Management System; 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.

Instructions: You must include the agency name and docket number PHMSA–07–28590 or the Regulatory Identification Number (RIN) for this notice at the beginning of your proposal. For detailed instructions on submitting proposals and additional information on the rulemaking process, see the Public Participation section of this document. Note that all proposals received will be posted without change to *http://dms.dot.gov* including any personal information provided. Please see the Privacy Act section of this document.

Docket: You may view the public docket through the Internet at *http://dms.dot.gov* or in person at the Docket Management System office at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Boyle, Office of Hazardous Materials Technology, Pipeline and Hazardous Materials Technology, 1200 New Jersey Avenue, SE., Washington, DC 20590, phone number: (202) 366–4545, e-mail: *rick.boyle@dot.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The IAEA is the world's center of cooperation in the nuclear field. The Agency works with its Member States and multiple partners worldwide to promote safe, secure and peaceful nuclear technologies. The IAEA established and maintains an international standard, Regulations for the Safe Transport of Radioactive Material (TS–R–1), to promote the safe and secure transportation of radioactive material. The IAEA periodically revises its Regulations for the Safe Transport of Radioactive Material to reflect new information and accumulated experience. The DOT is the U.S. competent authority before the IAEA for radioactive material transportation matters. The NRC provides technical support to the DOT in this regard, particularly with regard to Type B and fissile transportation packages.

The IAEA recently initiated the review cycle for a potential 2011 edition of its regulations. To assure opportunity for public participation in the international regulatory development process, the DOT and the NRC are soliciting comments and information concerning issues or problems with the IAEA Regulations.

The focus of this solicitation is to identify issues or problems with the 2005 edition of TS–R–1. While it is helpful to identify potential changes or solutions to resolve the identified issues or problems, you need not provide a proposed change to accompany each identified issue or problem. This information will assist the DOT and the NRC to consider the full range of views as the agencies develop the proposed issues the United States will submit to the IAEA.

II. Public Participation

Proposed issues or identified problems should identify docket number PHMSA–07–28590 (Notice No. 07–6). Persons wishing to receive confirmation of receipt of their proposals should include a self-addressed stamped postcard. Internet users may access all proposals received by the U.S. Department of Transportation at *http://dms.dot.gov*.

Proposals must be submitted in writing (electronic file on disk in Microsoft Word format preferred) and should include:

- Name;
- Address;
- Telephone number;
- E-mail address;
- Principal objective of issue or identified problem (e.g., required to provide adequate protection to health

and safety of public and occupational workers, needed to define or redefine level of protection to health and safety of public and occupational workers, required for consistency within the IAEA Transport Regulations, required as a result of advances in technology, needed to improve implementation of the IAEA Transport Regulations);

• A description of the issue or the identified problem by reference to or using the table of contents of TS–R–1 (2005 Edition) and the Advisory Material for the IAEA Regulations for the Safe Transport of Radioactive Material (TS–G–1.1 (ST–2));

• Justification for proposed change—a clear statement of the main objectives of the proposed change and the solution ''path'' (e.g., change to regulations, additional guidance, a research project);

• An assessment of the benefits and impacts of the proposed change, including identification of affected parties, changes in public and occupational exposure, changes in accident risk, and effects on health, safety or the environment;

• Paragraphs of the current regulations (TS–R–1) affected (existing text, and proposed new text);

• Paragraphs affected and proposed text change to IAEA advisory material in TS–G–1.1;

• A listing of any applicable reference documents; and

• Expected cost of implementation (negligible, low, medium or high).

The DOT and the NRC will review the proposed issues and rationales. In addition to issues proposed in response to this notice, the DOT is considering submitting issues regarding nuclear power plant large component transport and clarification of TS–R–1 paragraph 619 on pressure requirements for air transport of packages.

Proposed issues and identified problems from all Member States and International Organizations will be considered at an IAEA Transport Safety Standards Committee (TRANSSC) Meeting to be convened by IAEA on October 1–5, 2007, in Vienna, Austria.

Prior to that meeting, the DOT and the NRC will consider convening a public meeting to discuss the U.S. proposals submitted to the IAEA.

III. Privacy Act

Anyone is able to search the electronic form of all proposed changes received into any of our dockets by the name of the individual submitting the proposed change (or signing the proposed change, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov*.

Issued in Washington, DC on August 7, 2007.

Theodore L. Willke,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. E7–15741 Filed 8–10–07; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35069]

Central Illinois Railroad Company—Operation Exemption—Rail Line of the City of Peoria, IL

Central Illinois Railroad Company (CIRY), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to operate a short segment of railroad, referred to as ''the 1800-foot connection,'' constructed and owned by the City of Peoria, IL (the City). CIRY states that it will be operating the segment pursuant to an interim agreement with the City which will be replaced by a longer term agreement. The connection joins a 1.9-mile segment of track, referred to as ''the Western Connection,'' that the City purchased from Union Pacific Railroad Company with an 8.29-mile segment, known as the Kellar Branch, that the City acquired from the former Chicago, Rock Island & Pacific Railroad Company.[1]

CIRY certifies that its projected revenues as a result of the transaction will not result in the creation of a Class II or Class I rail carrier and will not exceed $5 million.

The earliest this transaction may be consummated is the August 23, 2007 effective date of the exemption (30 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Petitions for stay must be filed no later than August 16, 2007 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35069, must be filed with the Surface Transportation Board, 395 E. Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John D. Heffner, 1920 N. Street, NW., Suite 800, Washington, DC 20036.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: August 7, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–15732 Filed 8–10–07; 8:45 am]

BILLING CODE 4915–01–P

[1] The City was granted an exemption to construct the connecting track in 2004, and CIRY received authority to operate the Kellar Branch (2004) and the Western Connection (2005), but neither entity received authority to operate the connecting track at that time. By decision served on June 27, 2007, in STB Finance Docket No. 34753, *Central Illinois Railroad Company—Operation Exemption—Rail Line of the City of Peoria, IL,* CIRY was directed to show cause by July 27, 2007, why it should not be required to obtain Board authority to operate over the connecting track or to cease operations over the trackage. CIRY states it is filing the instant exemption in direct response to the Board's June 27 decision.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 6 Committee of the Taxpayer Advocacy Panel (Including the States of Arizona, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 6 Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel (TAP) is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service. The TAP will use citizen input to make recommendations to the Internal Revenue Service.

DATES: The meeting will be held Thursday, August 30, 2007.

FOR FURTHER INFORMATION CONTACT: Dave Coffman at 1–888–912–1227, or 206–220–6096.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 6 Committee of the Taxpayer Advocacy Panel will be held Thursday, August 30, 2007 from 1 p.m. to 2:30 p.m. Pacific Time via a telephone conference call. The public is invited to make oral

comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 206–220–6096, or write to Dave Coffman, TAP Office, 915 2nd Avenue, MS W–406, Seattle, WA 98174 or you can contact us at *www.improveirs.org.* Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Dave Coffman. Mr. Coffman can be reached at 1–888–912–1227 or 206–220–6096.

The agenda will include the following: Various IRS issues.

Dated: August 6, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–15751 Filed 8–10–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Volunteer Income Tax Assistance (VITA) Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel VITA Issue Committee 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, September 4, 2007, at 12 noon Eastern Time.

FOR FURTHER INFORMATION CONTACT: Barbara Foley 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 Taxpayer Advocacy Panel VITA Issue Committee will be held Tuesday, September 4, 2007, at 12 noon Eastern Time via a telephone conference call. Public comments will be welcome during the meeting. You can also submit written comments to the Panel by faxing to (414) 231–2363, or by mail to Taxpayer Advocacy Panel, Stop 1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203–2221, or you can contact us at *www.improveirs.org.* Please contact Barbara Foley at 1–888–912–1227 or (414) 231–2360 for additional information.

The agenda will include the following: Various VITA issues.

Dated: August 6, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7–15755 Filed 8–10–07; 8:45 am]

BILLING CODE 4830–01–P

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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 ''PLUS'' (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.

H.R. 3206/P.L. 110–57

To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes. (Aug. 8, 2007; 121 Stat. 560)

H.R. 1260/P.L. 110–58

To designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the ''Claude Ramsey Post Office''. (Aug. 9, 2007; 121 Stat. 561)

H.R. 1335/P.L. 110–59

To designate the facility of the Unites States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the ''S/Sgt Lewis G. Watkins Post Office Building''. (Aug. 9, 2007; 121 Stat. 562)

H.R. 1384/P.L. 110–60

To designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the ''Buck Owens Post Office''. (Aug. 9, 2007; 121 Stat. 563)

H.R. 1425/P.L. 110–61

To designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the ''Staff Sergeant Marvin 'Rex' Young Post Office Building''. (Aug. 9, 2007; 121 Stat. 564)

H.R. 1434/P.L. 110–62

To designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the ''Rachel Carson Post Office Building''. (Aug. 9, 2007; 121 Stat. 565)

H.R. 1617/P.L. 110–63

To designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the ''Harriett F. Woods Post Office Building''. (Aug. 9, 2007; 121 Stat. 566)

H.R. 1722/P.L. 110–64

To designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the ''Leonard W. Herman Post Office''. (Aug. 9, 2007; 121 Stat. 567)

H.R. 2025/P.L. 110–65

To designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, at the ''Willye B. White Post Office Building''. (Aug. 9, 2007; 121 Stat. 568)

H.R. 2077/P.L. 110–66

To designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the ''George B. Lewis Post Office Building''. (Aug. 9, 2007; 121 Stat. 569)

H.R. 2078/P.L. 110–67

To designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the ''Staff Sergeant Omer 'O.T.' Hawkins Post Office''. (Aug. 9, 2007; 121 Stat. 570)

H.R. 2127/P.L. 110–68

To designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the ''Clem Rogers McSpadden Post Office Building''. (Aug. 9, 2007; 121 Stat. 571)

H.R. 2272/P.L. 110–69

America COMPETES Act (Aug. 9, 2007; 121 Stat. 572)

H.R. 2309/P.L. 110–70

To designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the ''Frank G. Lumpkin, Jr. Post Office Building''. (Aug. 9, 2007; 121 Stat. 719)

H.R. 2563/P.L. 110–71

To designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the ''Major Scott Nisely Post Office''. (Aug. 9, 2007; 121 Stat. 720)

H.R. 2570/P.L. 110–72

To designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the ''Dr. Karl E. Carson Post Office Building''. (Aug. 9, 2007; 121 Stat. 721)

H.R. 2688/P.L. 110–73

To designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the ''Dolph Briscoe, Jr. Post

Office Building''. (Aug. 9, 2007; 121 Stat. 722)

S. 1099/P.L. 110–74

To amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance. (Aug. 9, 2007; 121 Stat. 723)

Last List August 8, 2007

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CFR CHECKLIST

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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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:			
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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:			
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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
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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
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2000–End	(869–062–00023–5)	50.00	Jan. 1, 2007
8	(869–062–00024–3)	63.00	Jan. 1, 2007
9 Parts:			
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200–End	(869–062–00026–0)	58.00	Jan. 1, 2007
10 Parts:			
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51–199	(869–062–00028–6)	58.00	Jan. 1, 2007
200–499	(869–062–00029–4)	46.00	Jan. 1, 2007
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11	(869–062–00031–6)	41.00	Jan. 1, 2007
12 Parts:			
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220–299	(869–062–00034–1)	61.00	Jan. 1, 2007
300–499	(869–062–00035–9)	47.00	Jan. 1, 2007
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600–899	(869–062–00037–5)	56.00	Jan. 1, 2007
900–End	(869–062–00038–3)	50.00	Jan. 1, 2007
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14 Parts:			
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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:			
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800–End	(869–062–00047–2)	42.00	Jan. 1, 2007
16 Parts:			
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200–239	(869–062–00052–9)	60.00	Apr. 1, 2007
240–End	(869–062–00053–7)	62.00	Apr. 1, 2007
18 Parts:			
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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:			
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400–499	(869–060–00060–7)	64.00	Apr. 1, 2006
500–End	(869–062–00061–8)	63.00	Apr. 1, 2007
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
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24 Parts:			
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200–499	(869–062–00075–8)	50.00	Apr. 1, 2007
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§§ 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
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§§ 1.908–1.1000	(869–062–00089–8)	60.00	Apr. 1, 2007
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§§ 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
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50–299	(869–062–00096–1)	42.00	Apr. 1, 2007

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500–599	(869–062–00098–7)	12.00	[6] Apr. 1, 2007
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400–End	(869–062–00102–9)	18.00	Apr. 1, 2007
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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:			
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200–699	(869–060–00114–0)	50.00	July 1, 2006
700–End	(869–060–00115–8)	58.00	July 1, 2006
31 Parts:			
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200–499	(869–060–00117–4)	46.00	July 1, 2006
500–End	(869–060–00118–2)	62.00	July 1, 2006
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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:			
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125–199	(869–060–00126–3)	61.00	July 1, 2006
200–End	(869–060–00127–1)	57.00	July 1, 2006
34 Parts:			
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300–399	(869–060–00129–8)	40.00	July 1, 2006
400–End & 35	(869–060–00130–1)	61.00	[8] July 1, 2006
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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:			
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18–End	(869–060–00136–1)	62.00	July 1, 2006
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40 Parts:			
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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
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136–149	(869–060–00159–0)	61.00	July 1, 2006
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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
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101	(869–060–00170–1)	21.00	[8] July 1, 2006
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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:			
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1000–end	(869–060–00178–6)	62.00	Oct. 1, 2006
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1200–End	(869–060–00183–2)	61.00	Oct. 1, 2006
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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:			
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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
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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
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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
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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:			
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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
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Subscription (mailed as issued)		332.00	2007
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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.