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DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 6

Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2007 Tariff-Rate Quota Year

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document sets forth the revised appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2007 quota year reflecting the cumulative annual transfers from Appendix 1 to Appendix 2 for certain dairy product import licenses permanently surrendered by licenses or revoked by the Licensing Authority.

DATES: *Effective Date:* September 21, 2007.

FOR FURTHER INFORMATION CONTACT:

Jorge Martinez, Dairy Import Licensing Program, Import and Trade Support Programs Division, STOP 1021, U.S.

Department of Agriculture, 1400 Independence Avenue, SW., Washington, DC 20250-1021 or telephone at (202) 720-9439 or e-mail at jorge.martinez@usda.gov.

SUPPLEMENTARY INFORMATION: The Foreign Agricultural Service, under a delegation of authority from the Secretary of Agriculture, administers the Dairy Tariff-Rate Import Quota Licensing Regulation codified at 7 CFR 6.20-6.37 that provides for the issuance of licenses to import certain dairy articles under tariff-rate quotas (TRQs) as set forth in the Harmonized Tariff Schedule of the United States. These dairy articles may only be entered into the United States at the low-tier tariff by or for the account of a person or firm to whom such licenses have been issued and only in accordance with the terms and conditions of the regulation.

Licenses are issued on a calendar year basis, and each license authorizes the license holder to import a specified quantity and type of article from a specified country of origin. The Import Trade and Support Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, issues these licenses and, in conjunction with the U.S. Customs and Border Protection, U.S. Department of Homeland Security, monitors their use.

The regulation at 7 CFR 6.34(a) states: "Whenever a historical license (Appendix 1) is not issued to an applicant pursuant to the provisions of § 6.23, is permanently surrendered or is revoked by the Licensing Authority, the amount of such license will be

transferred to Appendix 2." Section 6.34(b) provides that the cumulative annual transfers will be published in the **Federal Register**. Accordingly, this document sets forth the revised Appendices for the 2007 tariff-rate quota year.

List of Subjects in 7 CFR Part 6

Agricultural commodities, Cheese, Dairy products, Imports, Reporting and recordkeeping requirements.

Issued at Washington, DC the 4th day of September, 2007.

Ronald Lord,
Licensing Authority.

■ Accordingly, 7 CFR part 6 is amended as follows:

PART 6—IMPORT QUOTAS AND FEES

■ 1. The authority citation for part 6, Subpart—Dairy Tariff-Rate Import Quota Licensing continues to read as follows:

Authority: Additional U.S. Notes 6, 7, 8, 12, 14, 16-23 and 25 to Chapter 4 and General Note 15 of the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), Pub. L. 97-258, 96 Stat. 1051, as amended (31 U.S.C. 9701), and secs. 103 and 404, Pub. L. 103-465, 108 Stat. 4819 (19 U.S.C. 3513 and 3601).

■ 2. Appendices 1, 2 and 3 to Subpart—Dairy Tariff-Rate Import Quota Licensing are revised to read as follows:

Appendices 1, 2 and 3 to Subpart—Dairy Tariff-Rate Import Quota Licensing

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES, APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2007

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo round	Uruguay round
NON-CHEESE ARTICLES				
BUTTER (NOTE 6)	5,363,130	1,613,870	.....	.....
EU-25	75,918	20,243	.....	.....
New Zealand	116,998	33,595	.....	.....
Other Countries	55,902	18,033	.....	.....
Any Country	5,114,312	1,541,999	.....	.....
DRIED SKIM MILK (NOTE 7)	118,800	5,142,200	.....	.....
Australia	118,800	481,276	.....	.....
Canada .....	.....	219,565	.....	.....
Any Country .....	.....	4,441,359	.....	.....
DRIED WHOLE MILK (NOTE 8)	3,175	3,318,125	.....	.....
New Zealand	3,175	.....	.....	.....
Any Country .....	.....	3,318,125	.....	.....

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES, APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2007—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo round	Uruguay round
DRIED BUTTERMILK/WHEY (NOTE 12)	25,515	199,466	.....	.....
Canada .....	.....	161,161	.....	.....
New Zealand	25,515	38,305	.....	.....
BUTTER SUBSTITUTES CONTAINING OVER 45 PERCENT OF BUTTERFAT AND/OR BUTTER OIL (NOTE 14) .....	.....	6,080,500	.....	.....
Any Country .....	.....	6,080,500	.....	.....
TOTAL: NON-CHEESE ARTICLES	5,510,620	16,354,161	.....	.....
CHEESE ARTICLES				
CHEESE AND SUBSTITUTES FOR CHEESE (EXCEPT: SOFT RIPENED COW'S MILK CHEESE; CHEESE NOT CONTAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT; AND, ARTICLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PROVIDED FOR IN THIS SUBCHAPTER) (NOTE 16)	23,356,153	8,113,578	9,661,128	7,496,000
Argentina	7,690	.....	92,310	.....
Australia	535,628	5,542	758,830	1,750,000
Canada	1,013,777	127,223	.....	.....
Costa Rica .....	.....	.....	.....	1,550,000
EU-25	16,147,453	7,120,203	1,132,568	7,446,000
Of which Portugal is:	65,838	63,471	223,691	.....
Israel	79,696	.....	593,304	.....
Iceland	294,000	.....	29,000	.....
New Zealand	4,443,558	371,914	6,506,528	.....
Norway	124,982	25,018	.....	.....
Switzerland	597,513	73,899	548,588	500,000
Uruguay .....	.....	.....	.....	250,000
Other Countries	111,856	89,779	.....	.....
Any Country .....	.....	300,000	.....	.....
BLUE-MOLD CHEESE (EXCEPT STILTON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, BLUE-MOLD CHEESE (NOTE 17) ..	2,285,947	195,054	.....	430,000
Argentina	2,000	.....	.....	.....
EU-25	2,283,946	195,054	.....	350,000
Chile .....	.....	.....	.....	80,000
Other Countries	1	.....	.....	.....
CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES OR CHEESE CONTAINING, OR PROCESSED FROM, CHEDDAR CHEESE (NOTE 18)	3,635,792	648,064	519,033	7,620,000
Australia	930,605	53,894	215,501	1,250,000
Chile .....	.....	.....	.....	220,000
EU-25	52,404	210,596	.....	1,050,000
New Zealand	2,539,040	257,428	303,532	5,100,000
Other Countries	113,743	26,146	.....	.....
Any Country .....	.....	100,000	.....	.....
AMERICAN-TYPE CHEESE, INCLUDING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUDING CHEDDAR) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING OR PROCESSED FROM SUCH AMERICAN-TYPE CHEESE (NOTE 19)	2,784,899	380,654	357,003	.....
Australia	813,798	67,200	119,002	.....
EU-25	149,547	204,453	.....	.....
New Zealand	1,657,689	104,310	238,001	.....
Other Countries	163,865	4,691	.....	.....
EDAM AND GOUDA CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (NOTE 20)	5,239,073	367,329	.....	1,210,000
Argentina	119,003	5,997	.....	110,000
EU-25	5,000,990	288,010	.....	1,100,000
Norway	114,318	52,682	.....	.....
Other Countries	4,762	20,640	.....	.....
ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (ROMANO MADE FROM COW'S MILK, REGGIANO, PARMESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYA-NOT IN ORIGINAL LOAVES) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETHER OR NOT IN ORIGINAL LOAVES (NOTE 21)	6,473,892	1,046,655	795,517	5,165,000
Argentina	3,937,962	187,521	367,517	1,890,000

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES, APPENDIX 2, NONHISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTER LICENSES FOR QUOTA YEAR 2007—Continued

[Quantities in kilograms]

Article by additional U.S. note number and country of origin	Appendix 1	Appendix 2	Appendix 3	
			Tokyo round	Uruguay round
EU-25	2,535,930	846,070	.....	2,025,000
Romania .....	.....	.....	.....	500,000
Uruguay .....	.....	.....	428,000	750,000
Other Countries .....	.....	13,064	.....	.....
SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (NOTE 22)	5,567,856	1,083,458	823,519	380,000
EU-25	4,266,210	885,784	393,006	380,000
Switzerland	1,264,357	155,130	430,513	.....
Other Countries	37,289	42,544	.....	.....
CHEESE AND SUBSTITUTES FOR CHEESE, CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF-RATE QUOTAS PROVIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (NOTE 23)	2,711,667	1,713,251	1,050,000	.....
EU-25	2,711,666	1,713,251	.....	.....
Israel .....	.....	.....	50,000	.....
New Zealand .....	.....	.....	1,000,000	.....
Other Countries	1	.....	1	.....
SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (NOTE 25)	16,290,841	6,006,490	9,557,945	2,620,000
Argentina .....	.....	9,115	70,885	.....
Australia	209,698	.....	290,302	.....
Canada .....	.....	.....	70,000	.....
EU-25	11,348,480	5,128,348	4,003,172	2,420,000
Iceland	149,999	.....	150,001	.....
Israel	27,000	.....	.....	.....
Norway	3,187,264	468,046	3,227,690	.....
Switzerland	1,283,125	400,980	1,745,895	200,000
Other Countries	85,275	1	.....	.....
TOTAL: CHEESE ARTICLES	68,346,120	19,554,533	22,764,145	24,921,000

[FR Doc. 07-4682 Filed 9-20-07; 8:45 am]

BILLING CODE 3410-10-M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2007-27712; Directorate Identifier 2006-NM-233-AD; Amendment 39-15207; AD 2007-19-16]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 747 Airplanes**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).**ACTION:** Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to certain Boeing Model 747 series airplanes. That AD requires a one-time inspection for discrepancies of the potable water and drain lines in the cargo compartments, and corrective

action if necessary. This new AD requires that the inspection be repetitively performed using new service information, until terminating action is done. This AD also removes certain airplanes from the applicability. This AD results from a report of a fire in the aft cargo compartment started by a potable water line heater tape. We are issuing this AD to prevent overheating of the heater tape on potable water fill and drain lines, which could ignite accumulated debris or contaminants on or near the potable water fill and drain lines, resulting in a fire in the airplane.

DATES: This AD becomes effective October 26, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of October 26, 2007.

ADDRESSES: You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

Contact Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124-2207, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Don Eiford, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM-150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6465; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION:**Examining the Docket**

You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located on the ground floor of the West Building at the DOT street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR

part 39 to include an AD that supersedes AD 2004–09–10, amendment 39–13599 (69 FR 23647, April 30, 2004). The existing AD applies to certain Boeing Model 747 series airplanes. That NPRM was published in the **Federal Register** on March 29, 2007 (72 FR 14719). That NPRM proposed to require repetitive inspections of the potable water and drain lines in the cargo compartments for indications of overheating of the heater tape, exposed foam insulation, missing or damaged protective tape, or debris around the potable water fill and drain lines; corrective action, if necessary; and eventual installation of new ribbon heaters, which would terminate the repetitive inspections. That NPRM also proposed to remove certain airplanes from the applicability.

Relevant Service Information

The NPRM cited Boeing Alert Service Bulletin 747–30A2080, Revision 2, dated September 14, 2006, as the appropriate source of service information for the proposed actions. Boeing has since revised the service bulletin. We have reviewed Boeing Service Bulletin 747–30A2080, Revision

3, dated June 14, 2007. Revision 3 removes certain airplanes from the effectivity, revises certain references, and updates certain other information, but otherwise does not substantially change any of the actions.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comment that has been received on the NPRM.

Request To Remove Airplanes From the Proposed Applicability

Boeing requests that we revise the applicability of the NPRM to remove Model 747–400 passenger airplanes that have been converted to the 747–400 BCF configuration, except for the first such configured airplane (variable number RT456). Boeing reports that as part of the conversion, heater tapes are replaced with new heater ribbons that satisfy the requirements for the terminating action specified in the NPRM and eliminates the unsafe condition associated with the installation of heater tapes addressed by superseded AD 2004–09–10.

We agree with Boeing's rationale. Accordingly, we have revised Note 1 and paragraphs (c), (f), and (g) in this final rule to refer to Revision 3 of the service bulletin. We have also revised paragraph (h) in this final rule to provide credit for actions already accomplished as specified in Revision 2 of the service bulletin.

Conclusion

We have carefully reviewed the available data, including the comment that has been received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 1,114 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this AD, at an average labor rate of \$80 per hour. The cost of parts is minimal.

ESTIMATED COSTS

Action	Group	Work hours	Cost per airplane	No. of U.S.-registered airplanes	Fleet cost by group
Inspection (cost per inspection cycle)	1	3	\$240	113	\$27,120
	2 (Config. 1)	2	160	18	2,880
	2 (Config. 2)	2	160	17	2,720
	3	3	240	2	480
	4	3	240	0	0
Modification	5	2	160	0	0
	1	48	3,840	113	433,920
	2 (Config. 1)	7	560	18	10,080
	2 (Config. 2)	15	1,200	17	20,400
	2 (Config. 3)	8	640	17	10,880
	3	60	4,800	2	9,600
	4	61	4,880	0	0
	5	27	2,160	0	0

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 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.

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 removing amendment 39–13599 (69 FR 23647, April 30, 2004) and by adding the following new airworthiness directive (AD):

2007–19–16 Boeing: Amendment 39–15207. Docket No. FAA–2007–27712; Directorate Identifier 2006–NM–233–AD.

Effective Date

(a) This AD becomes effective October 26, 2007.

Affected ADs

(b) This AD supersedes AD 2004–09–10.

Applicability

(c) This AD applies to Boeing Model 747 airplanes, certificated in any category, as identified in Boeing Service Bulletin 747–30A2080, Revision 3, dated June 14, 2007.

Note 1: For the purposes of this AD, a cargo area that is not fully enclosed or not enclosed, as identified in Boeing Service Bulletin 747–30A2080, Revision 3, dated June 14, 2007, is a floor without panels installed between all roller trays in the cargo compartment.

Unsafe Condition

(d) This AD results from a report of a fire in the aft cargo compartment started by a potable water line heater tape. We are issuing this AD to prevent overheating of the heater tape on potable water fill and drain lines,

which could ignite accumulated debris or contaminants on or near the potable water fill and drain lines, resulting in a fire in 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.

Inspections

(f) At the later of the times specified in paragraphs (f)(1) and (f)(2) of this AD: Do the initial inspections specified in Table 1 of this AD in accordance with the Accomplishment Instructions of Boeing Service Bulletin 747–30A2080, Revision 3, dated June 14, 2007. Correct any discrepancy before further flight in accordance with the service bulletin. Repeat the inspections at the applicable time specified in Table 1 of this AD.

(1) Within 18 calendar months since the date of issuance of the original standard airworthiness certificate or within 18 calendar months since the date of issuance of the original export certificate of airworthiness.

(2) Within 90 calendar days after the effective date of this AD.

TABLE 1.—INSPECTIONS

Do a general visual inspection of the forward and aft cargo compartments, as applicable, for—	And repeat the inspection at intervals not to exceed—	Until—
Foreign object debris (FOD) or contamination on, near, or around the potable water supply and gray water drain lines.	600 flight hours	The heater tape replacement required by paragraph (g) of this AD is done.
Indications of heat damage, exposed foam insulation, or missing or damaged protective tape of all heater tape on the potable water supply and gray water drain lines.	1,800 flight hours	The heater tape replacement required by paragraph (g) of this AD is done.

Terminating Action

(g) At the applicable time specified in Table 2 of this AD: Replace the heater tape on the potable water supply and gray water

drain lines of the forward and aft cargo compartments, as applicable, with Adel Wiggins ribbon heaters. Do the actions in accordance with the Accomplishment

Instructions of Boeing Service Bulletin 747–30A2080, Revision 3, dated June 14, 2007. This replacement terminates the requirements of paragraph (f) of this AD.

TABLE 2.—COMPLIANCE TIME FOR TERMINATING ACTION

For airplanes on which the heater tape has—	(1) Replace the heater tape at the later of—	
(1) Not been replaced before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–30A2079, dated December 12, 2002; Revision 1, dated October 16, 2003; or Revision 2, dated December 16, 2004.	Within 42 months since the date of issuance of the original standard airworthiness certificate or the date of issuance of the original export certificate of airworthiness, whichever occurs first.	24 months after the effective date of this AD.
(2) Been replaced before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–30A2079, dated December 12, 2002; Revision 1, dated October 16, 2003; or Revision 2, dated December 16, 2004.	Within 42 months after the heater tape was replaced ...	24 months after the effective date of this AD.

Provisions for Previously Accomplished Work

(h) Actions done before the effective date of this AD in accordance with Boeing Alert Service Bulletin 747–30A2080—either the original version dated December 16, 2004, or Revision 1, dated August 18, 2005—are acceptable for compliance with the

corresponding requirements of this AD; except, for Group 2, Configuration 2 and Configuration 3 airplanes, as defined in Revision 2 of the service bulletin, additional work is required in the forward cargo compartment, as specified in Parts 1, 2, and 3 of the service bulletin and required by this AD. Actions done before the effective date of this AD in accordance with Boeing Alert

Service Bulletin 747–30A2080, Revision 2, dated September 14, 2006, are acceptable for compliance with the corresponding requirements of this AD.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Seattle Aircraft Certification Office, 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.

Material Incorporated by Reference

(j) You must use Boeing Service Bulletin 747-30A2080, Revision 3, dated June 14, 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 September 10, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. E7-18473 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-27151; Directorate Identifier 2006-NM-156-AD; Amendment 39-15206; AD 2007-19-15]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-10-10F and MD-10-30F Airplanes, Model MD-11 and MD-11F Airplanes, and Model 717-200 Airplanes

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

ACTION: Final rule.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD), which applies to all McDonnell Douglas Model MD-10-10F and MD-10-30F airplanes, Model MD-11 and MD-11F airplanes, and Model 717-200 airplanes. That AD currently requires a revision to the Limitations section of the airplane flight manual (AFM) to prohibit use of

the flight management system (FMS) profile (PROF) mode for descent and/or approach operations unless certain conditions are met. This new AD requires, for certain Model 717-200 airplanes, upgrading the versatile integrated avionics (VIA) digital computer with new system software, which would end the need for the AFM revision. This AD results from a report of two violations of the selected flight control panel (FCP) altitude during FMS PROF descents. We are issuing this AD to prevent, under certain conditions during the FMS PROF descent, the uncommanded descent of an airplane below the selected level-off altitude, which could result in an unacceptable reduction in the separation between the airplane and nearby air traffic or terrain.

DATES: This AD becomes effective October 26, 2007.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of October 26, 2007.

ADDRESSES: You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

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

FOR FURTHER INFORMATION CONTACT:

Thomas Phan, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5342; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the airworthiness directive (AD) docket on the Internet at <http://dms.dot.gov> or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located on the ground floor of the West Building at the DOT street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that supersedes AD 2004-18-04, amendment

39-13782 (69 FR 53794, September 3, 2004). [A correction of that AD was published in the **Federal Register** on September 21, 2004 (69 FR 56480).] The existing AD applies to all McDonnell Douglas Model MD-10-10F and MD-10-30F airplanes, Model MD-11 and MD-11F airplanes, and Model 717-200 airplanes. That NPRM was published in the **Federal Register** on February 14, 2007 (72 FR 6975). That NPRM proposed to continue to require a revision to the Limitations section of the airplane flight manual (AFM), and proposed, for Model 717-200 airplanes, upgrading the versatile integrated avionics (VIA) digital computer with new system software, which would end the need for the AFM revision.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comments that have been received on the NPRM.

Support for the NPRM

AirTran Airways states that it supports the proposed actions described in the NPRM.

Request To Revise Applicability

Midwest Airlines requests that we revise the applicability of the NPRM. Midwest suggests that for Model 717-200, paragraph (c) of the NPRM include only those airplanes that are listed in Boeing Service Bulletin 717-31-0013, dated March 25, 2005 (which is referred to as the appropriate source of service information for doing the software upgrade specified in the NPRM). Midwest believes that this is an appropriate limiting of applicability for that model because fuselage numbers 5141 and subsequent were delivered from Boeing with the upgraded VIA part number 4081570-909 installed. Midwest concludes that since these airplanes were delivered with the improved VIA installed, these aircraft do not have the unsafe condition that was present with airplanes that were delivered with the affected VIAs.

We agree with the commenter for the reasons stated. We have revised paragraph (c) of this AD accordingly.

Request To Revise Paragraph (g) of the NPRM

AirTran Airways requests that we revise paragraph (g) of the NPRM to coincide with the actions specified in Boeing Service Bulletin 717-31-0013, dated March 25, 2005. AirTran requests that the sentence "Doing this upgrade terminates the requirements of paragraph (f) of this AD for that airplane

only” to state “Accomplishing this upgrade or the installation of VIA P/N 4081570–909 or subsequent terminates the requirements of paragraph (f) of this AD for that airplane only.”

We agree with the commenter. Doing the upgrade converts VIAs having P/Ns prior to 4081570–909 to VIAs having P/N 4081570–909. We have revised paragraph (g) of this AD accordingly.

Clarification of Alternative Method of Compliance (AMOC) Paragraph

We have revised this action to clarify the appropriate procedure for notifying

the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

Conclusion

We have carefully reviewed the available data, including the comments that have been received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 369 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this AD. The parts manufacturer states that it will supply required parts to the operators at no cost.

ESTIMATED COSTS

Action	Work hours	Average labor rate per hour	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
AFM Revision (required by AD 2004–18–04)	1	\$80	\$80	226	\$18,080
Software upgrade for Model 717–200 airplanes (new action)	1	80	80	109	8,720

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 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. 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 removing amendment 39–13782 (69 FR 53794, September 3, 2004), corrected at 69 FR 56480, September 21, 2004, and by adding the following new airworthiness directive (AD):

2007–19–15 McDonnell Douglas:

Amendment 39–15206. Docket No. FAA–2007–27151; Directorate Identifier 2006–NM–156–AD.

Effective Date

(a) This AD becomes effective October 26, 2007.

Affected ADs

(b) This AD supersedes AD 2004–18–04.

Applicability

(c) This AD applies to the airplanes listed in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) All McDonnell Douglas Model MD–10–10F and MD–10–30F airplanes, and Model MD–11 and MD–11F airplanes.

(2) Model 717–200 airplanes, as identified in Boeing Service Bulletin 717–31–0013, dated March 25, 2005.

Unsafe Condition

(d) This AD results from a report of two violations of the selected flight control panel (FCP) altitude during flight management system (FMS) profile (PROF) descents. We are issuing this AD to prevent, under certain conditions during the FMS PROF descent, the uncommanded descent of an airplane below the selected level-off altitude, which could result in an unacceptable reduction in the separation between the airplane and nearby air traffic or terrain.

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.

Restatement of Requirements of AD 2004–18–04

Airplane Flight Manual (AFM) Revision

(f) Within 90 days after September 20, 2004 (the effective date of AD 2004–18–04), revise the Limitations section of the AFM to include the following statement. This may be done by inserting a copy of this AD in the AFM. Doing the applicable software upgrade specified in paragraph (g) of this AD (for

Model 717–200 airplanes), paragraph (j) of AD 2006–16–15, amendment 39–14715 (for Model MD–11 and MD–11F airplanes), or paragraph (k) of AD 2006–16–15 (for Model MD–10–10F and MD–10–30F airplanes), terminates the requirements of this paragraph for that airplane. For airplanes on which the applicable software upgrade has been done, the AFM revision may be removed.

“Use of PROF mode for descent and/or approach operations is prohibited unless

1. The airplane is on path and the FMA indicates THRUST | xxx | PROF, or
2. The indicated airspeed is below Vmax for the airplane configuration by at least:
 - a. 10 knots at indicated altitudes below 10,000 feet, or
 - b. 15 knots at indicated altitudes of 10,000 feet or above, or
3. Basic autoflight modes (e.g., LVL CHG, V/S, or FPA) are used to recapture the path when the PROF mode is engaged and the airplane is:
 - a. Above or below the path and the FMA indicates PITCH | xxx | IDLE, or
 - b. Below the path and the FMA indicates THRUST | xxx | V/S.”

Note 1: When a statement identical to that in paragraph (f) of this AD has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

New Requirements of This AD

Upgrade Software—Model 717–200 Airplanes

(g) For Model 717–200 airplanes: Within 18 months after the effective date of this AD, upgrade the versatile integrated avionics (VIA) digital computer with new system software (part number (P/N) PS4081970–909) and in-service data acquisition system (ISDAS) database (DB) software (P/N PS4081642–909), in accordance with the Accomplishment Instructions of Boeing Service Bulletin 717–31–0013, dated March 25, 2005. Accomplishing this upgrade or the installation of VIA P/N 4081570–909 or subsequent terminates the requirements of paragraph (f) of this AD for that airplane only.

Note 2: Boeing Service Bulletin 717–31–0013, dated March 25, 2005, refers to Honeywell Alert Service Bulletin 4081570–31–A6007, dated March 9, 2005, as an additional source of service information for doing the actions specified in paragraph (g) of this AD.

Parts Installation

(h) For Model 717–200 airplanes: As of the effective date of this AD, no person may install a VIA digital computer, P/N 4081570–904, –905, –906, or –907, on any airplane, except as required by the actions specified in paragraph (g) of this AD.

Alternative Methods of Compliance (AMOCs)

(i)(1) The Manager, Los Angeles Aircraft Certification Office, 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.

Material Incorporated by Reference

(j) You must use Boeing Service Bulletin 717–31–0013, dated March 25, 2005, 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, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024), 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 September 10, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–18475 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–29178; Directorate Identifier 2007–CE–074–AD; Amendment 39–15205; AD 2007–19–14]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Limited Model PC–6 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above that would supersede existing ADs. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Findings of corrosion, wear and cracks in the upper wing strut fittings on some PC–6 aircraft have been reported in the past.

It is possible that the spherical bearing of the wing strut fittings installed in the underwing can be loose in the fitting or cannot rotate because of corrosion. In this condition, the joint cannot function as designed and fatigue cracks may then develop. Undetected cracks, wear and/or corrosion in this area could lead to failure on the upper attachment fitting. This could result in the failure of the wing structure with subsequent loss of control of the aircraft.

This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective September 26, 2007.

On September 26, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

We must receive comments on this AD by October 22, 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 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:

Doug Rudolph, Aerospace Engineer, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; fax: (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Discussion

On January 24, 2007, we issued AD 2007-03-08, Amendment 39-14919 (72 FR 4635; February 1, 2007), and on July 19, 2007, we issued AD 2007-15-09, Amendment 39-15138 (72 FR 41436; July 30, 2007). Those ADs required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2007-03-08 and AD 2007-15-09, Pilatus reported that the right hand (RH) wing strut fitting of aircraft serial number 903 was found with one lug shoulder completely broken. The aircraft had accumulated 297 hours time-in-service since the RH wing strut fitting had been replaced in May of 2007. Based on this report, the foreign airworthiness authority has issued a new MCAI.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2007-0241-E, dated September 5, 2007 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

Findings of corrosion, wear and cracks in the upper wing strut fittings on some PC-6 aircraft have been reported in the past.

It is possible that the spherical bearing of the wing strut fittings installed in the underwing can be loose in the fitting or cannot rotate because of corrosion. In this condition, the joint cannot function as designed and fatigue cracks may then develop. Undetected cracks, wear and/or corrosion in this area could lead to failure on the upper attachment fitting. This could result in the failure of the wing structure with subsequent loss of control of the aircraft.

To address this problem the superseded FOCA Airworthiness Directives (AD) TM-L Nr. 80.627-6, HB-2006-400 and EASA AD 2007-0114 were issued to mandate specific inspections and to obtain a fleet status. Since the issuance of AD 2007-0114, the data reporting proved that it was necessary to establish repetitive inspections.

Thus, in addition to an extended applicability, the present AD mandates repetitive inspections of the upper wing strut fitting for cracks, wear and/or corrosion and examination of the spherical bearing and replacement of cracked fittings.

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

Relevant Service Information

Pilatus Aircraft Ltd. has issued Service Bulletin No. 57-005, dated August 30, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the 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 issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This 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 have also required different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are described in a separate paragraph of the AD. These requirements take precedence over those copied from the MCAI.

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 it is possible that fatigue cracks exist on the wing strut fittings installed on the wing that are not detected during the inspections published in the aircraft maintenance manual or required by any previous service bulletin. Undetected cracks in this area could lead to failure of the fitting and 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 opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD.

Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2007-29178; Directorate Identifier 2007-CE-074-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 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.

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 removing Amendment 39–14919 (72 FR 4635; February 1, 2007) and Amendment 39–15138 (72 FR 41436; July 30, 2007); and adding the following new AD:

2007–19–14 Pilatus Aircraft Limited:
Amendment 39–15205; Docket No. FAA–2007–29178; Directorate Identifier 2007–CE–074–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective September 26, 2007.

Affected ADs

(b) This AD supersedes the following ADs:
(1) AD 2007–03–08; Amendment 39–14919; and
(2) AD 2007–15–09; Amendment 39–15138.

Applicability

(c) This AD applies to:
(1) Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 airplanes (these airplanes are also identified as Fairchild Republic Company PC–6 airplanes, Fairchild Industries PC–6 airplanes, Fairchild Heli Porter PC–6 airplanes, or Fairchild-Hiller Corporation PC–6 airplanes);
(2) Manufacturer serial numbers (MSN) 101 through 999 and MSN 2001 through 2092;
(3) Airplanes that are equipped with left wing strut fitting part number (P/N) 6102.0041.00, P/N 111.35.06.055, P/N 111.35.06.184, or P/N 111.35.06.185; or equipped with right wing strut fitting P/N 6102.0041.00, P/N 111.35.06.056, P/N 111.35.06.184, or P/N 111.35.06.186, or FAA-approved equivalent part numbers; and
(4) Airplanes that are certificated in any category.

Subject

(d) Air Transport Association of America (ATA) Code 57: Wings.

Reason

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

Findings of corrosion, wear and cracks in the upper wing strut fittings on some PC–6 aircraft have been reported in the past.

It is possible that the spherical bearing of the wing strut fittings installed in the underwing can be loose in the fitting or cannot rotate because of corrosion. In this condition, the joint cannot function as designed and fatigue cracks may then develop. Undetected cracks, wear and/or corrosion in this area could lead to failure on the upper attachment fitting. This could result in the failure of the wing structure with subsequent loss of control of the aircraft.

To address this problem the superseded FOCA Airworthiness Directives (AD) TM–L Nr. 80.627–6, HB–2006–400 and EASA AD 2007–0114 were issued to mandate specific inspections and to obtain a fleet status. Since the issuance of AD 2007–0114, the data reporting proved that it was necessary to establish repetitive inspections.

Thus, in addition to an extended applicability, the present AD mandates repetitive inspections of the upper wing strut fitting for cracks, wear and/or corrosion and examination of the spherical bearing and replacement of cracked fittings.

Actions and Compliance

(f) Unless already done, do the following actions:

(1) *For airplanes that have not had both wing strut fittings replaced within the last 100 hours time-in-service (TIS) since September 26, 2007 (the effective date of this AD) or inspected using an eddy current inspection method following Pilatus Aircraft Ltd. Service Bulletin No. 57–004, dated April 16, 2007, within the last 100 hours TIS since September 26, 2007 (the effective date of this AD):* Before further flight after September 26, 2007 (the effective date of this AD), visually inspect the upper wing strut fittings and examine the spherical bearings following Pilatus Aircraft Ltd. Service Bulletin No. 57–005, dated August 30, 2007.

(2) *For all airplanes:* Within 25 hours TIS after September 26, 2007 (the effective date of this AD) or within 30 days after September 26, 2007 (the effective date of this AD), whichever occurs first, visually and using eddy current methods, inspect the upper wing strut fittings and examine the spherical bearings following Pilatus Aircraft Ltd. Service Bulletin No. 57–005, dated August 30, 2007.

(3) *For all airplanes:* After doing the inspection specified in paragraph (f)(2) of this AD, repetitively at intervals not to exceed 100 hours TIS or 3 months, whichever occurs first, visually and using eddy current methods, inspect the upper wing strut fittings and examine the spherical bearings following Pilatus Aircraft Ltd. Service Bulletin No. 57–005, dated August 30, 2007.

(4) *For all airplanes:* If during any inspection required by paragraph (f)(1), (f)(2), or (f)(3) of this AD cracks are found in the upper wing strut fitting, before further flight, replace the wing strut fitting following the

Accomplishment Instructions in Pilatus Aircraft Ltd. Service Bulletin No. 57–005, dated August 30, 2007. Replacement of one or both upper wing strut fitting(s) does not terminate the repetitive inspection specified in paragraph (f)(3) of this AD.

(5) *For all airplanes:* If during any inspection required by paragraph (f)(1), (f)(2), or (f)(3) of this AD the spherical bearing is found not in conformity, before further flight, replace the bearing following the Accomplishment Instructions in Pilatus Aircraft Ltd. Service Bulletin No. 57–005, dated August 30, 2007.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards 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: Doug Rudolph, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4059; 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 European Aviation Safety Agency (EASA) AD No: 2007–0241–E, dated September 05, 2007; Pilatus Aircraft Ltd. Service Bulletin No. 57–005, dated August 30, 2007; and Pilatus Aircraft Ltd. Service Bulletin No. 57–004, dated April 16, 2007, for related information.

Material Incorporated by Reference

(i) You must use Pilatus Aircraft Ltd. Service Bulletin No. 57–005, dated August 30, 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 Pilatus Aircraft Ltd.,

Customer Liaison Manager, CH 6371 STANS, Switzerland; telephone: + 41 (0)41 619 6580; fax: + 41 (0)41 619 6576; e-mail: fodermatt@pilatus.aircraft.com.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, 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/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri on September 13, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-18476 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-26441; Directorate Identifier 2006-NM-204-AD; Amendment 39-15139; AD 2007-15-10]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 747 Airplanes

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

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting a typographical error in an existing airworthiness directive (AD) that was published in the **Federal Register** on July 30, 2007 (72 FR 41438). The error resulted in certain compliance times being mislabeled as units of flight cycles instead of flight hours. This AD applies to all Boeing Model 747 airplanes. This AD requires an inspection of the No. 2 and No. 3 windows on the left and right sides of the airplane to determine their part numbers, and related investigative and corrective actions if necessary.

DATES: Effective September 21, 2007.

ADDRESSES: The AD docket contains the proposed AD, comments, and any final disposition. 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. This docket number is FAA-2006-26441; the directorate identifier for this docket is 2006-NM-204-AD.

FOR FURTHER INFORMATION CONTACT:

Steve Fox, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6425; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION: On July 18, 2007, the FAA issued AD 2007-15-10, amendment 39-15139 (72 FR 41438, July 30, 2007), for all Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP series airplanes. The AD requires an inspection of the No. 2 and No. 3 windows on the left and right sides of the airplane to determine their part numbers, and related investigative and corrective actions if necessary.

As published, the compliance times in paragraph (g) of AD 2007-15-10 were mislabeled as units of flight cycles instead of flight hours.

No other part of the regulatory information has been changed; therefore, the final rule is not republished in the **Federal Register**.

The effective date of this AD remains September 4, 2007.

§ 39.13 [Corrected]

■ In the **Federal Register** of July 30, 2007, on page 41441, in the 2nd column, paragraph (g) of AD 2007-15-10 is corrected to read as follows:

* * * * *

(g) Where Tables 1, 2, and 3 of paragraph 1.E. of Boeing Alert Service Bulletin 747-56A2012, dated August 24, 2006, specify 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. After replacing a discrepant window with a new window, do the initial detailed inspection of the new window at the applicable compliance time: (1) within 5,500 flight hours after installing part number (P/N) 65B27042-() or 65B27043-(), or (2) within 22,000 flight hours after installing P/N 65B27046-() or 65B27047-().

* * * * *

Issued in Renton, Washington, on September 10, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-18472 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-27787 Directorate Identifier 2007-CE-032-AD; Amendment 39-15209; AD 2007-19-18]

RIN 2120-AA64

Airworthiness Directives; DG Flugzeugbau GmbH Model DG-1000T Gliders

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued 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:

The digital engine indicating system (DEI-NT) and associated control unit must get their latest software update. It has been found out in operation, that some combinations of system states while pressing switches can cause electrical damages to the system. A new software update is mandated to correct this deficiency and to incorporate additional safety functions to the system.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective October 26, 2007.

On October 26, 2007, the Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD.

ADDRESSES: You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That

NPRM was published in the **Federal Register** on June 28, 2007 (72 FR 35371). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

The digital engine indicating system (DEI-NT) and associated control unit must get their latest software update. It has been found out in operation, that some combinations of system states while pressing switches can cause electrical damages to the system. A new software update is mandated to correct this deficiency and to incorporate additional safety functions to the system.

As a result, the Flight and Maintenance Manuals need to be revised, specifically regarding the stall warning.

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

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Differences Between This 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 required 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 AD.

Costs of Compliance

We estimate that this AD will affect 1 product of U.S. registry. We also estimate that it will take about 1 work-hour per product to comply with basic requirements of this AD. The average labor rate is \$80 per work-hour.

Based on these figures, we estimate the cost of this AD to the U.S. operators to be \$80 or \$80 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 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 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 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 the NPRM, 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.

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 AD:

2007-19-18 DG Flugzeugbau GmbH:
Amendment 39-15209; Docket No. FAA-2007-27787; Directorate Identifier 2007-CE-032-AD.

Effective Date

- (a) This airworthiness directive (AD) becomes effective October 26, 2007.

Affected ADs

- (b) None.

Applicability

- (c) This AD applies to DG-1000T gliders, all serial numbers, certificated in any category.

Subject

- (d) Air Transport Association of America (ATA) Code 77: Engine Indicating.

Reason

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

The digital engine indicating system (DEI-NT) and associated control unit must get their latest software update. It has been found out in operation, that some combinations of system states while pressing switches can cause electrical damages to the system. A new software update is mandated to correct this deficiency and to incorporate additional safety functions to the system.

As a result, the Flight and Maintenance Manuals need to be revised, specifically regarding the stall warning.

Actions and Compliance

- (f) Within the next 60 days after October 26, 2007 (the effective day of this AD), unless already done, do the following actions:

(1) Replace the Digital Indicating System (DEI-NT) unit with an updated unit that incorporates software version V1.5, and replace the control unit with an updated unit that incorporates software version V1.9 following DG-Flugzeugbau GmbH Technical Note No. 1000/09, EASA approved December 12, 2006.

(2) Insert the new Flight Manual pages 0.1, 0.5, 7.14, and 7.15 and the new Maintenance Manual pages 0.1, 0.3, 0.6, 0.10, 1.22, and 1.23, issued October 2006 marked with TN1000/09, and add Diagram 15a into your maintenance program (maintenance manual) following DG-Flugzeugbau GmbH Technical Note No. 1000/09, EASA approved December 12, 2006.

(3) Prior to further flight after the action required by paragraph (f)(1) of this AD, do not install a DEI-NT or control unit in any DG-1000T airplane, unless it incorporates the software versions required in this AD.

Note 1: The referenced DG-Flugzeugbau GmbH Technical Note No. 1000/09, EASA approved December 12, 2006, also includes instructions for replacement of the fuel cock, which is not required by this AD.

Note 2: As specified in the flight manual, the glider can only be operated in the non-powered configuration without the DEI-NT installed. Engine operation is not possible.

FAA AD Differences

Note 3: This AD differs from the MCAI as follows: No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Staff, FAA, ATTN: Greg Davison, Glider Program Manager, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4130; fax: (816) 329-4090, has the authority to approve AMOCs for this AD, if requested using the procedures found 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.

(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 European Aviation Safety Agency (EASA) AD No. 2007-0040, dated February 23, 2007; and DG-Flugzeugbau GmbH Technical Note No. 1000/09, EASA approved December 12, 2006, for related information.

Material Incorporated by Reference

(i) You must use DG-Flugzeugbau GmbH Technical Note No. 1000/09, EASA approved December 12, 2006, 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 DG-Flugzeugbau GmbH, Wilhelm Dirks, Chief of Design; Otto-Lilienthal-Weg 2, 76646 Bruchsal, Germany; telephone: +49 7251 3020 140; fax: +49 7251 3020 149; e-mail: design@dg-flugzeugbau.de.

(3) You may review copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, 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/cfr/ibr-locations.html>.

Issued in Kansas City, Missouri, on September 13, 2007.

Kim Smith,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-18474 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-27519; Directorate Identifier 2007-NE-09-AD; Amendment 39-15203; AD 2007-19-12]

RIN 2120-AA64

Airworthiness Directives; SICMA Aero Seat 50XXX Passenger Seats

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from Mandatory Continuing Airworthiness Information (MCAI) provided by the aviation authority of France to identify and correct an unsafe condition on SICMA Aero Seat 50XXX Passenger Seats. The MCAI states the following:

A release of smoke was experienced in the passenger compartment during flight after an overheating of a reading lights power box of a PN 5039201-4T SICMA seat. An analysis put into evidence that this overheating was caused by a short-circuit produced by the rupture of an electrical power supply component (PN 78147-B). It has been noticed that this power supply is not in compliance with DO 160 environmental standard.

The short-circuiting could result in arcing and consequent smoke or fire. We are proposing this AD to prevent a short-circuit in the power box, which could result in smoke or fire in the airplane cabin.

DATES: This AD becomes effective October 26, 2007. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 26, 2007.

ADDRESSES: The Docket Operations office is located at U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room

W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate; 12 New England Executive Park, Burlington, MA 01803; e-mail: Jeffrey.lee@faa.gov; telephone 781-238-7161; fax 781-238-7170.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on April 27, 2007 (72 FR 20963). That NPRM proposed to correct an unsafe condition for the specified products. The Direction Generale De L'Aviation Civile (DGAC) AD states that:

A release of smoke was experienced in the passenger compartment during flight after an overheating of a reading lights power box of a PN 5039201-4T SICMA seat. An analysis put into evidence that this overheating was caused by a short-circuit produced by the rupture of an electrical power supply component (PN 78147-B). It has been noticed that this power supply is not in compliance with DO 160 environmental standard.

The short-circuiting could result in arcing and consequent smoke or fire.

We gave the public the opportunity to participate in developing this AD. We considered the comments received.

Request To Revise the Costs of Compliance

SICMA Aero Seat requests us to change the Costs of Compliance section of the AD to accurately depict the extent of the issue. SICMA has verified the number of affected power boxes installed in seats and the number already retrofitted. SICMA states that only 731 seats don't comply with the AD and we should change the Costs of Compliance to reflect the new numbers. We agree. We changed the Costs to Comply to reflect the reduced number of affected seats.

Conclusion

We reviewed the available data, including the comment[s] received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Costs of Compliance

We estimate that this AD will affect about 731 seats installed on airplanes of

U.S. registry. We also estimate that it would take about 0.33 work-hour to perform the actions required by this AD and that the average labor rate is \$80 per work-hour. Required parts will cost about \$3,475 per seat. Based on these figures, we estimate the total cost of this AD to U.S. operators to be \$2,559,523. Our cost estimate is exclusive of possible warranty coverage.

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 this AD:

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.

Examining the AD 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 AD docket contains this AD, the

regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is provided 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 AD:

2007-19-12 SICMA Aero Seat: Amendment 39-15203. Docket No. FAA-2007-27519; Directorate Identifier 2007-NE-09-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 26, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to SICMA Aero Seat 50XXX passenger seats with part numbers listed in the following Table 1:

TABLE 1.—APPLICABILITY

Single seats Part No.	Twin seats Part No.
50692(xx)-(xx)	50A71(xx)-(xx)
50442(xx)-(xx)	50A81(xx)-(xx)
50752(xx)-(xx)	50401(xx)-(xx)
50402(xx)-(xx)	50451(xx)-(xx)
50462(xx)-(xx)	50391(xx)-(xx)
50392(xx)-(xx)	
50452(xx)-(xx)	
50382(xx)-(xx)	
50A02(xx)-(xx)	
50A72(xx)-(xx)	
50A82(xx)-(xx)	

These seats are installed on, but not limited to, Boeing 747, 767, and 777 series, and Airbus A330 and A340 series airplanes.

Reason

(d) Direction Generale De L'Aviation Civile (DGAC) Airworthiness Directive F-2005-135, dated August 3, 2005, states:

A release of smoke was experienced in the passenger compartment during flight after an overheating of a reading lights power box of

a PN 5039201-4T SICMA seat. An analysis put into evidence that this overheating was caused by a short-circuit produced by the rupture of an electrical power supply component (PN 78147-B). It has been noticed that this power supply is not in compliance with DO 160 environmental standard.

The short-circuiting could result in arcing and consequent smoke or fire. We are issuing this AD to prevent a short-circuit in the power box, which could result in smoke or fire in the airplane cabin.

Actions and Compliance

(e) Unless already done, within six months from the effective date of this AD, identify the seats part numbers listed in the Table 1 of this AD and replace installed reading lights electrical power supplies with new ones using the instructions of the SICMA Aero Seat Service Bulletin No. 50-25-210, dated June 27, 2005.

FAA AD Differences

(f) None.

Other FAA AD Provisions

(g) *Alternative Methods of Compliance (AMOCs):* The Manager, Boston Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) Refer to DGAC Airworthiness Directive F-2005-135, dated August 3, 2005, (EASA reference number 2005-6123) for related information.

(i) Contact Jeffrey Lee, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: jeffrey.lee@faa.gov; telephone 781-238-7161; fax 781-238-7170, for more information about this AD.

Material Incorporated by Reference

(j) You must use SICMA Aero Seat Service Bulletin No. 50-25-210, dated June 27, 2005, 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 SICMA Aero Seat, 7 Rue Lucien Coupet 36100 Issoudun, France; telephone 33 (0) 2 54 03 39 39; telefax 33 (0) 2 54 03 15 16.

(3) You may review copies at the FAA, New England Region, 12 New England Executive Park, Burlington, MA; 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 Burlington, Massachusetts, on September 11, 2007.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E7-18431 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-28301; Directorate Identifier 2007-NM-061-AD; Amendment 39-15208; AD 2007-19-17]

RIN 2120-AA64

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

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

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all McDonnell Douglas Model MD-11 and MD-11F airplanes and certain Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F airplanes. This AD requires rerouting system 3 hydraulic piping, installing new pipe assemblies and unions, and installing redesigned support brackets for the system 3 hydraulic piping. This AD results from a report of damage to the hydraulic system that occurred when pieces of a ruptured tire from the left main landing gear penetrated the wing trailing edge access panel during takeoff. We are issuing this AD to prevent damage to the system 3 hydraulic piping, which could result in loss of the hydraulic system.

DATES: This AD becomes effective October 26, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of October 26, 2007.

ADDRESSES: You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

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

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

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Operations office (telephone (800) 647-5527) is located on the ground floor of the West Building at the DOT street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to all McDonnell Douglas Model MD-11 and MD-11F airplanes and certain Model DC-10-10, DC-10-10F, DC-10-15, DC-10-30, DC-10-30F (KC-10A and KDC-10), DC-10-40, DC-10-40F, MD-10-10F, and MD-10-30F airplanes. That NPRM was published in the **Federal Register** on May 29, 2007 (72 FR 29447). That NPRM proposed to require rerouting system 3 hydraulic piping, installing new pipe assemblies and unions, and installing redesigned support brackets for the system 3 hydraulic piping.

Comments

We provided the public the opportunity to participate in the development of this AD. We have considered the comment received.

Request To Extend the Compliance Time

The NPRM specified a 2-year compliance time for the modification. According to the commenter, the U.S.

Air Force, this is not enough time to modify the 59 airplanes in its Model KC-10 fleet, at a current C-check interval of 2 years. The commenter requests that we revise the proposed compliance time from 2 years to 5 years, in light of the lead time necessary to order parts and the U.S. Air Force's low usage rate relative to that of the commercial operators.

We do not agree with the request. Boeing has confirmed that parts will be available to accommodate the 2-year lead time necessary to accomplish the requirements of this AD. We have not changed the AD regarding this issue. However, according to the provisions of paragraph (h) of this AD, we may approve requests to adjust the compliance time if the request includes data that prove that the new compliance time would provide an acceptable level of safety.

Changes to NPRM

We have revised this final rule to refer to the service bulletins as Boeing (not McDonnell Douglas) Alert Service Bulletin MC11-29A068 and Boeing (not McDonnell Douglas) Alert Service Bulletin DC10-29A147.

Proposed paragraph (f) specified to reroute "system hydraulic piping." We have revised this final rule to specify that rerouting the piping must be done on "system 3 hydraulic piping."

Conclusion

We have carefully reviewed the available data, including the comment received, and determined that air safety and the public interest require adopting the AD with the changes described previously. We have determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Costs of Compliance

There are about 430 airplanes of the affected design in the worldwide fleet. The following table provides the estimated costs for U.S. operators to comply with this AD.

ESTIMATED COSTS

Work hours	Average labor rate per hour	Parts	Cost per airplane	Number of U.S.-registered airplanes	Fleet cost
60	\$80	\$14,020 to \$14,620	\$18,820 to \$19,420	260	\$4,893,200 to \$5,049,200.

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 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. 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):

2007–19–17 McDonnell Douglas:

Amendment 39–15208. Docket No. FAA–2007–28301; Directorate Identifier 2007–NM–061–AD.

Effective Date

(a) This AD becomes effective October 26, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to the following McDonnell Douglas airplanes, certificated in any category:

- (1) All Model MD–11 and MD–11F airplanes.
- (2) DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes; as identified in Boeing Alert Service Bulletin DC10–29A147, dated February 9, 2007.

Unsafe Condition

(d) This AD results from a report of damage to the hydraulic system that occurred when pieces of a ruptured tire from the left main landing gear penetrated the wing trailing edge access panel during takeoff. We are issuing this AD to prevent damage to the system 3 hydraulic piping, which could result in loss of the hydraulic system.

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.

Modification

(f) Within 24 months after the effective date of this AD, reroute system 3 hydraulic piping, install new pipe assemblies and unions, and install redesigned support brackets for system 3 hydraulic piping. Do these actions in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin MD11–29A068, Revision 1, dated February 9, 2007 (for Model MD–11 and MD–11F airplanes); or Boeing Alert Service Bulletin DC10–29A147, dated February 9, 2007 (for Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC–10A and KDC–10), DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F airplanes).

(g) Accomplishment before the effective date of this AD of the modification required by paragraph (f) of this AD in accordance with Boeing Alert Service Bulletin MD11–29A068, dated January 23, 2007, is acceptable for compliance with the requirements of paragraph (f) of this AD.

Alternative Methods of Compliance (AMOCs)

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

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

Material Incorporated by Reference

(i) You must use Boeing Alert Service Bulletin MD11–29A068, Revision 1, dated February 9, 2007; or Boeing Alert Service Bulletin DC10–29A147, dated February 9, 2007; as applicable, 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 these documents in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Contact Boeing Commercial Airplanes, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024), for 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 September 10, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–18459 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–29089; Directorate Identifier 2007–NM–215–AD; Amendment 39–15197; AD 2007–18–52]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment

adopting airworthiness directive (AD) 2007-18-52 that was sent previously to all known U.S. owners and operators of Boeing Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes by individual notices. This AD requires repetitive detailed inspections of the slat track downstop assemblies to verify that proper hardware is installed, one-time torquing of the nut and bolt, and corrective actions if necessary. This AD is prompted by reports of parts coming off the main slat track downstop assemblies. We are issuing this AD to detect and correct loose or missing parts from the main slat track downstop assemblies, which could result in a fuel leak and consequent fire.

DATES: This AD becomes effective September 26, 2007 to all persons except those persons to whom it was made immediately effective by emergency AD 2007-18-52, issued August 28, 2007, which contained the requirements of this amendment.

We must receive comments on this AD by November 20, 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:

Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6440; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION: On August 28, 2007, we issued emergency AD 2007-18-52, which applies to all Boeing Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes. That emergency AD superseded emergency AD 2007-18-51, described below.

Background

On August 25, 2007, we issued emergency AD 2007-18-51 for all Boeing Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes. That AD requires repetitive detailed inspections of the main slat track downstop assemblies to verify that proper hardware is installed, one-time torquing of the nut and bolt, and corrective actions if necessary. Corrective actions include installing a new or serviceable part; and doing a detailed inspection of the inside of the slat can for foreign object debris (FOD) and damage, and removing any FOD and repairing damage that is found.

That AD resulted from reports of parts of the main slat track downstop assembly coming off the main slat track. In one case, a nut fell into the slat track housing (referred to as "slat can") and, during a subsequent slat retraction, the track made contact with the nut, pushing it into the wall of the can and puncturing it. That operator reported finding fuel leaking from the drain hole in the slat track housing at the No. 5 slat track position. In another case, an initial investigation revealed that following retraction of the slats after landing on a Model 737-800 airplane, loose parts of the main slat track downstop assembly punctured the slat can, which resulted in a fuel leak and a fire that ultimately destroyed the airplane. We issued that AD to detect and correct loose or missing parts from the main slat track downstop assemblies, which could result in a fuel leak and consequent fire.

Actions Since Issuance of Emergency AD 2007-18-51

Since the issuance of emergency AD 2007-18-51, we have received additional reports of parts coming off the main slat track downstop assemblies. In these cases, the parts were found in the bottom of the slat track housing ("slat can"). Additionally, in one case, the slat can was damaged.

Based on this new information, we find that the 24-day compliance time specified in emergency AD 2007-18-51 for accomplishing the detailed inspection of each main slat track downstop assembly to verify proper installation of the slat track hardware is not adequate to address the unsafe condition. We have determined that the appropriate compliance time for this inspection is 10 days after receipt of emergency AD 2007-18-52. In addition, we have determined that an inspection using borescope techniques in lieu of a detailed inspection is acceptable.

Further, we have determined that by performing the initial detailed or

borescope inspection within the reduced compliance time of 10 days, the compliance time for torquing the nut and bolt can remain at 24 days after receipt of emergency AD 2007-18-51.

FAA's Determination and Requirements of This AD

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, we issued emergency AD 2007-18-52 to detect and correct loose or missing parts from the main slat track downstop assemblies, which could result in a fuel leak and consequent fire.

This AD supersedes emergency AD 2007-18-51, which required repetitive detailed inspections of the main slat track downstop assemblies to verify that proper hardware is installed, one-time torquing of the nut and bolt, and corrective actions if necessary. Corrective actions include installing a new or serviceable part; and doing a detailed inspection of the inside of the slat can for foreign object debris (FOD) and damage, and removing any FOD and repairing damage that is found.

This AD continues to require the same actions as emergency AD 2007-18-51, but reduces the compliance time for the initial detailed inspection of each main slat track downstop assembly to verify proper installation of the slat track hardware from 24 days after receipt of emergency AD 2007-18-51 to 10 days after receipt of this new AD. This AD also provides an additional inspection method (using borescope techniques) in lieu of the detailed inspection.

Clarification of Determining Proper Installation of Hardware

Operators should note that it was not our intent that the hardware for the main slat track downstop assemblies be disassembled to determine proper installation of the sleeve. Proper installation of the sleeve need not be confirmed, and the stop location part may be installed on either the inboard or the outboard side of the slat track. Disassembling the parts provides additional opportunities for introducing the unsafe condition addressed in this AD. Therefore, we have revised paragraph (f) of this AD accordingly.

Clarification of Reference to Boeing Multi Operator Message

Paragraph (f)(1) of emergency AD 2007-18-51 identified "Boeing Correspondence (Multi Operator Message) Service Request ID 1-523812011, issued August 25, 2007," as one approved method for verifying proper installation; installing a new or serviceable part; and inspecting for

damage and FOD, and removing FOD and repairing damage. This AD identifies that document correctly as "Boeing Multi Operator Message Number 1-523812011-1, issued August 25, 2007."

Since the issuance of emergency AD 2007-18-51, Boeing has issued Boeing Multi Operator Message Number 1-527463441-1, issued August 28, 2007. We have referenced that document in this AD as an additional approved method for doing the specified actions.

We found that immediate corrective action was required; therefore, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on August 28, 2007, to all known U.S. owners and operators of Boeing Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Interim Action

We consider this AD interim action. If final action is later identified, we might consider further rulemaking then.

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 in the **ADDRESSES** section. Include "Docket No. FAA-2007-29089, Directorate Identifier 2007-NM-215-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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this emergency regulation is later deemed significant under DOT Regulatory Policies and Procedures, we will prepare a final regulatory evaluation and place it in the AD Docket. See the

ADDRESSES section for a location to examine the regulatory evaluation, if filed.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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):

2007-18-52 Boeing: Amendment 39-15197. Docket No. FAA-2007-29089; Directorate Identifier 2007-NM-215-AD.

Effective Date

(a) This AD becomes effective September 26, 2007, to all persons except those persons to whom it was made immediately effective by emergency AD 2007-18-52, issued on August 28, 2007, which contained the requirements of this amendment.

Affected ADs

(b) This AD supersedes emergency AD 2007-18-51, issued August 25, 2007.

Applicability

(c) This AD applies to all Boeing Model 737-600, -700, -700C, -800, -900, and -900ER series airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from additional reports of parts coming off the main slat track downstop assemblies. We are issuing this AD to detect and correct loose or missing parts from the main slat track downstop assemblies, which could result in a fuel leak and consequent fire.

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.

Note 1: Paragraph (f) of this AD merely restates the requirements of paragraph (f)(1) of AD 2007-18-51. As allowed by the phrase, "unless the actions have already been done," if the applicable initial inspections required by paragraph (f)(1) of AD 2007-18-51 have already been done, this AD does not require that those inspections be repeated until the repetitive interval of 3,000 flight cycles.

Repetitive Detailed Inspections: New Initial Compliance Time

(f) Within 10 days after the effective date of this AD: Do a detailed inspection or a borescope inspection of each main slat track downstop assembly to verify proper installation of the slat track hardware (i.e., the bolt, washers, downstops, stop location, and nut shown in Figure 1 of Boeing Service Letter 737-SL-57-084-B, dated July 10, 2007, and in this AD). Proper installation of the sleeve need not be confirmed, and the stop location part may be installed on either the inboard or the outboard side of the slat track. If any part is missing or is installed improperly, before further flight, install a new or serviceable part using a method approved in accordance with the procedures specified in paragraph (h) of this AD; and do a detailed inspection of the inside of the slat can for foreign object debris (FOD) and

damage. Before further flight, remove any FOD found and repair any damage found using a method approved in accordance with the procedures specified in paragraph (h) of this AD. Using Boeing Multi Operator Message Number 1-523812011-1, issued August 25, 2007; or 1-527463441-1, issued August 28, 2007; is one approved method for verifying proper installation; installing a new or serviceable part; and inspecting for damage and FOD, and removing FOD and repairing damage. Repeat the actions required by paragraph (f) of this AD thereafter at intervals not to exceed 3,000 flight cycles.

Note 2: Paragraph (g) of this AD merely restates the requirements of paragraph (f)(2) of AD 2007-18-51. As allowed by the phrase, "unless the actions have already been done," if the torque application required by paragraph (f)(2) of AD 2007-18-51 has

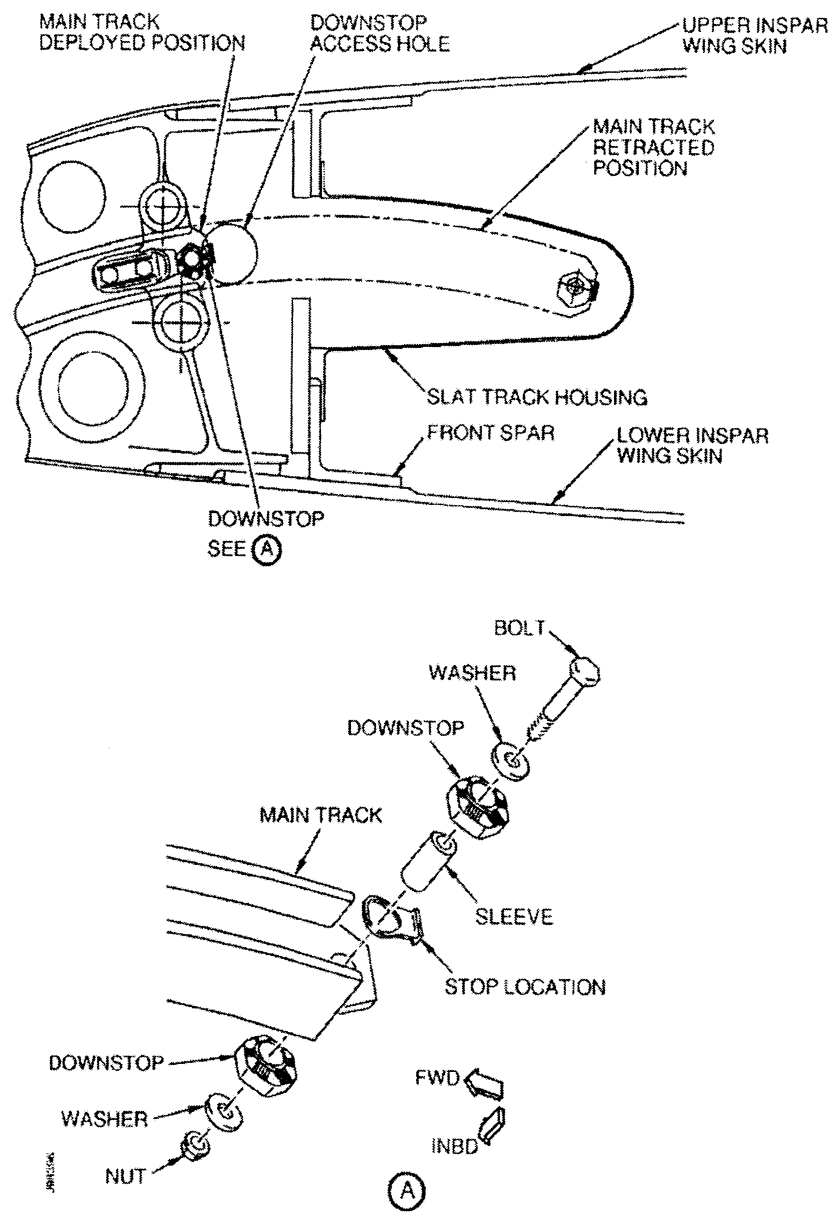
already been done, this AD does not require that the torque application be repeated.

One-Time Torquing

(g) Within 24 days after receipt of AD 2007-18-51: Apply a torque between 50 to 80 inch-pounds to the nut. The bolt head must be held with the torque applied to the nut.

Note 3: For the purposes of this AD, a detailed inspection is: "An intensive examination of a specific item, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at an intensity deemed appropriate. Inspection aids such as mirror, magnifying lenses, etc., may be necessary. Surface cleaning and elaborate procedures may be required."

BILLING CODE 4910-13-P



Slat Track Downstop Assembly

Figure 1

Alternative Methods of Compliance (AMOCs)

(h)(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.

(4) AMOCs approved previously in accordance with AD 2007-18-51 are approved as AMOCs for the corresponding provisions of this AD.

Material Incorporated by Reference

(i) None.

Issued in Renton, Washington, on September 10, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7-18436 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-28374; Directorate Identifier 2007-NM-067-AD; Amendment 39-15199; AD 2007-19-08]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A300-600R Series Airplanes; and Model A310-300 Series Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This 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:

While they were gaining access to the THS (trimmable horizontal stabilizer) fuel tank for maintenance check, several operators have found one or several of the 8 THS hoist point fitting bases cracked or broken-off. The breakage resulted in metallic debris being released within the Trim Tank. The origin of the damage is most probably due to interference with the THS hoisting lugs that are stowed in the hoist point fittings in the reverse position, being screwed too deep inside the THS hoist fittings. Damaged hoist point fittings could cause the release of metallic debris within the THS fuel system.

* * * Compliance with the requirements of this AD will also eliminate potential contributing factor[s] to ignition risks.

We are issuing this AD to require actions to correct the unsafe condition on these products.

DATES: This AD becomes effective October 26, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 26, 2007.

ADDRESSES: You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Stafford, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1622; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on June 18, 2007 (72 FR 33409). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states:

While they were gaining access to the THS (trimmable horizontal stabilizer) fuel tank for maintenance check, several operators have found one or several of the 8 THS hoist point fitting bases cracked or broken-off. The breakage resulted in metallic debris being released within the Trim Tank. The origin of the damage is most probably due to interference with the THS hoisting lugs that are stowed in the hoist point fittings in the reverse position, being screwed too deep inside the THS hoist fittings. Damaged hoist point fittings could cause the release of metallic debris within the THS fuel system.

This Airworthiness Directive (AD) requires the repair of any damaged THS hoist point fittings to prevent any risk of further hoist

point fittings damage as well as any fuel leak. Compliance with the requirements of this AD will also eliminate potential contributing factor[s] to ignition risks.

The corrective action is an inspection of the internal base of the THS hoist point fittings for signs of score, cracks, perforation or other damage; and an inspection of the hoist point fittings base inside the fuel tank for structural damage, as applicable, and applicable corrective actions (repair damaged fittings and install new plastic plugs). You may obtain further information by examining the MCAI in the AD docket.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Clarification of Compliance

We have revised paragraphs (f)(3), (f)(4), (f)(5), and (f)(6) of this final rule to clarify that those actions are required before further flight following the inspection required by paragraph (f)(2) of the AD. Additionally, we have removed the references to doing corrective actions "before return to revenue service" throughout the AD.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD with the changes described previously. We determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

Differences Between This 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 required different actions in this AD from those in the MCAI in order to follow our FAA policies. Any such differences are highlighted in a NOTE within the AD.

Costs of Compliance

Based on the service information, we estimate that this AD affects about 137 products of U.S. registry. We also estimate that it takes about 10 work-hours per product to comply with the

basic requirements of this AD. The average labor rate is \$80 per work-hour. Required parts cost about \$332 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 this AD on U.S. operators to be \$155,084, or \$1,132 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 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 this AD:

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.

Examining the AD 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 AD docket contains the NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is 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 AD:

2007-19-08 Airbus: Amendment 39-15199.
Docket No. FAA-2007-28374;
Directorate Identifier 2007-NM-067-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 26, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Airbus Model A310-300 and A300-600R series airplanes; certificated in any category; all serial numbers fitted with a THS (trimmable horizontal stabilizer) containing fuel on which, during production Airbus Modifications 04801 and 04802 have been embodied, and Airbus Modification 06549 has not been embodied; except aircraft on which Airbus Modification 13191 has been embodied in production, or Airbus Service Bulletin A310-55-2042 or A300-55-6041 has been incorporated in service.

Subject

(d) Air Transport Association (ATA) of America Code 55: Stabilizers.

Reason

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

While they were gaining access to the THS (trimmable horizontal stabilizer) fuel tank for maintenance check, several operators have found one or several of the 8 THS hoist point fitting bases cracked or broken-off. The breakage resulted in metallic debris being released within the Trim Tank. The origin of

the damage is most probably due to interference with the THS hoisting lugs that are stowed in the hoist point fittings in the reverse position, being screwed too deep inside the THS hoist fittings. Damaged hoist point fittings could cause the release of metallic debris within the THS fuel system.

This Airworthiness Directive (AD) requires the repair of any damaged THS hoist point fittings to prevent any risk of further hoist point fittings damage as well as any fuel leak. Compliance with the requirements of this AD will also eliminate potential contributing factor[s] to ignition risks.

The corrective action is an inspection of the internal base of the THS hoist point fittings for signs of score, cracks, perforation or other damage; and an inspection of the hoist point fittings base inside the fuel tank for structural damage, as applicable, and applicable corrective actions (repair damaged fittings and install new plastic plugs).

Actions and Compliance

(f) Unless already done, within 60 months after the effective date of this AD, do the actions specified in paragraphs (f)(1) through (f)(6) of this AD in accordance with the instructions given in Airbus Service Bulletin A300-55-6041 or A310-55-2042, both dated September 13, 2006, as applicable.

(1) Remove the 8 THS metallic hoisting lugs.

(2) Do a detailed visual inspection of the internal base of the 8 THS hoist point fittings in order to detect visible signs of score, cracks, perforation or other damage.

(3) In case of no finding, before further flight install the new plastic plugs.

(4) In case of any finding, before further flight, entry into the fuel trim tank is required to do a detailed visual inspection for structural damage of the hoist point fittings base inside the fuel tank.

(5) If structural damage is not confirmed, before further flight blend-out/protect the scoring area of the fitting internal base and install the new plastic plugs.

(6) If structural damage is confirmed, before further flight repair the damaged fittings and install the new plastic plugs.

FAA AD Differences

Note: This AD differs from the MCAI and/or service information as follows: No differences.

Other FAA AD Provisions

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

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM-116, Transport Airplane Directorate, 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: Tom Stafford, Aerospace Engineer, International Branch, ANM-116, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 227-1622; fax (425) 227-1149. 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, 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 European Aviation Safety Agency Airworthiness Directive 2007-0024, dated January 25, 2007; and Airbus Service Bulletins A300-55-6041 and A310-55-2042, both dated September 13, 2006; for related information.

Material Incorporated by Reference

(i) You must use the service information specified in Table 1 of this AD 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 Airbus, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France.

(3) 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>.

TABLE 1.—MATERIAL INCORPORATED BY REFERENCE

Airbus service bulletin	Revision	Date
A300-55-6041	Original	September 13, 2006.
A310-55-2042	Original	September 13, 2006.

Issued in Renton, Washington, on September 10, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. E7-18435 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2007-28365; Directorate Identifier 2007-NE-26-AD; Amendment 39-15185; AD 2007-18-05]

RIN 2120-AA64

Airworthiness Directives; Societe de Motorisations Aeronautiques (SMA) SR305-230 and SR305-230-1 Reciprocating Engines

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for the products listed above. This AD results from Mandatory Continuing Airworthiness Information (MCAI) provided by the aviation authority of France to identify and correct an unsafe condition on SMA SR305-230 and SR305-230-1 reciprocating engines. The MCAI states the following:

Several occurrences of cracks on the exhaust collector assembly have been reported in service. Failure of the engine primary exhaust can lead to a loss of engine manifold pressure and may result in a loss

of engine power. In some recent occurrences, cracking has appeared near the weld of the Turbine Inlet Temperature (TIT) probe support. This eventually led to an open hole in the exhaust collector assembly. The resulting loss of engine power was not compatible with the continuation of the flight and an immediate landing was necessary.

We are issuing this AD to prevent failure of the engine primary exhaust, which could result in loss of engine power and inability to maintain safe flight.

DATES: This AD becomes effective October 9, 2007.

We must receive comments on this AD by October 22, 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.
- *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:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493-2251.
- *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 Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments

received, and other information. The street address for the Docket Operations office (telephone (800) 647-5527) is the same as the Mail address provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT:

Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: christopher.spinney@faa.gov; telephone (781) 238-7175; fax (781) 238-7199.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2007-0127, dated May 7, 2007, to correct an unsafe condition for the specified products. The EASA AD states:

Several occurrences of cracks on the exhaust collector assembly have been reported in service. Failure of the engine primary exhaust can lead to a loss of engine manifold pressure and may result in a loss of engine power. In some recent occurrences, cracking has appeared near the weld of the Turbine Inlet Temperature (TIT) probe support. This eventually led to an open hole in the exhaust collector assembly. The resulting loss of engine power was not compatible with the continuation of the flight and an immediate landing was necessary.

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

Relevant Service Information

SMA has issued Service Bulletin SB-01-78-001, dated March 27, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of France, and is approved for operation in the United States. Pursuant to our bilateral agreement with France, they have notified us of the unsafe condition described above. We are issuing this AD because we evaluated all the information provided by the Direction Generale De L'Aviation Civile, which is the airworthiness authority for France, and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

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 compliance times do not afford opportunity to gather public comment. 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 opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2007-28365; Directorate Identifier 2007-NE-26-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 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 this AD:

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.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, 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 AD:

2007-18-05 Societe de Motorisations

Aeronautiques: Amendment 39-15185.
Docket No. FAA-2007-28365;
Directorate Identifier 2007-NE-26-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 9, 2007.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Societe de Motorisations Aeronautiques (SMA) SR305-230 and SR305-230-1 reciprocating engines with exhaust collector assembly part number (P/N) SF01080014-0. These engines are installed on, but not limited to, Cessna 182 series airplanes modified to supplemental type certificate AS03302AT.

Reason

(d) Several occurrences of cracks on the exhaust collector assembly have been reported in service. Failure of the engine primary exhaust can lead to a loss of engine manifold pressure and may result in a loss of engine power. In some recent occurrences, cracking has appeared near the weld of the Turbine Inlet Temperature (TIT) probe support. This eventually led to an open hole in the exhaust collector assembly. The resulting loss of engine power was not compatible with the continuation of the flight and an immediate landing was necessary.

We are issuing this AD to prevent failure of the engine primary exhaust, which could result in loss of engine power and inability to maintain safe flight.

Actions and Compliance

Initial Inspection

(e) Unless already done, do the following actions.

(1) Within 30 hours time-since-new (TSN), visually inspect the exhaust collector assembly, P/N SF01080014-0 in the area of the TIT probe mount weld for cracks.

(2) Before further flight, replace exhaust collector assemblies found cracked with a serviceable part.

Repetitive Inspections

(3) Within 10 hours time-since-last inspection (TSLI), repeat the actions specified in paragraph (e)(1) and (e)(2) of this AD.

Replace Exhaust Collector Assembly

(4) Within 50 hours TSN, replace the exhaust collector assembly with a serviceable part.

Continuing Action

(5) Continue to inspect and replace exhaust collector assemblies as specified in paragraphs (e)(1) through (e)(4) of this AD.

Definitions

(6) For the purpose of this AD, a serviceable exhaust collector assembly is a new exhaust collector assembly, or an

exhaust collector assembly with fewer than 50 operating hours and no cracks.

FAA AD Differences

(f) This AD differs from the Mandatory Continuing Airworthiness Information (MCAI) and/or service information as follows:

- (1) We require the initial inspection within 30 hours TSN instead of at 30 hours TSN.
- (2) We require the repetitive inspections within 10 hours TSLI instead of at 40 hours TSN.
- (3) We define a serviceable part.

Other FAA AD Provisions

(g) *Alternative Methods of Compliance (AMOCs)*: The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(h) *Special Flight Permits*: We will allow a special flight permit to comply with paragraph (e)(4) of this AD.

Related Information

(i) Refer to MCAI EASA Airworthiness Directive 2007–0127, dated May 7, 2007, and SMA Service Bulletin SB–01–78–001, dated March 27, 2007, for related information.

(j) Contact Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: christopher.spinney@faa.gov; telephone (781) 238–7175; fax (781) 238–7199 for more information about this AD.

Material Incorporated by Reference

(k) None.

Issued in Burlington, Massachusetts, on September 11, 2007.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E7–18412 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–23594; Directorate Identifier 2005–NE–54–AD; Amendment 39–15202; AD 2007–19–11]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Artouste III B, Artouste III B1, and Artouste III D Turboshaft Engines

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) for Turbomeca Artouste III B, Artouste III

B1, and Artouste III D turboshaft engines. That AD currently requires removing certain fuel pumps from service and installing serviceable fuel pumps. This AD requires the same actions and adds to the applicability, additional fuel pumps by serial number (SN). This AD results from Turbomeca identifying a number of fuel pump SNs that they omitted from the original population. We are issuing this AD to prevent reduced engine fuel flow and subsequent loss of control of the helicopter, or an accident.

DATES: Effective October 9, 2007.

We must receive any comments on this AD by November 20, 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.

- *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.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* (202) 493–2251.

Contact Turbomeca, 40220 Tarnos, France; telephone 33 05 59 74 40 00, fax 33 05 59 74 45 15, for the service information identified in this AD.

FOR FURTHER INFORMATION CONTACT:

Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238–7175; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: On February 17, 2006, the FAA issued AD 2005–04–15, Amendment 39–14497 (71 FR 9692, February 27, 2006). That AD requires removing affected fuel pumps from service and installing serviceable fuel pumps, within 30 days or 80 operating hours after receipt of a serviceable fuel pump, whichever occurs first, but no later than March 15, 2006. That AD was the result of fuel pumps entering service after passing a faulty acceptance test. Accordingly, those fuel pumps may limit the maximum fuel flow available to the engine. That condition, if not corrected, could result in reduced engine fuel flow and subsequent loss of control of the helicopter, or an accident.

Actions Since AD 2006–04–15 Was Issued

The European Aviation Safety Agency (EASA), which is the airworthiness authority for the European Union, notified the FAA that Turbomeca has identified an additional 58 fuel pumps, by SN, that were omitted from the original SN listing. These pumps may be installed on U.S.-registered Eurocopter France Alouette III SE.3160, SA.316B, SA.315B, and SA.316C helicopters.

Turbomeca issued Mandatory Service Bulletin No. 218 73 0802, Update 1, dated January 8, 2007, to address the 160 suspect fuel pumps. We cannot confirm that these fuel pumps have been removed from service and retested or replaced. The EASA issued AD 2007–0030, dated February 6, 2007, in order to ensure the airworthiness of these engines in the European Union. We are issuing this AD to prevent reduced helicopter performance, subsequent loss of control of the helicopter, or accident.

Differences Between This AD and the Service Information

Turbomeca SB 218 73 0802, Update 1, dated January 8, 2007, requires compliance by March 1, 2007, at the latest. This AD requires compliance no later than 30 days after the effective date of this AD.

Bilateral Airworthiness Agreement

This engine model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Under this bilateral airworthiness agreement, the EASA has kept the FAA informed of the situation described above. We have examined the findings of the EASA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

FAA's Determination and Requirements of This AD

The unsafe condition described previously is likely to exist or develop on other Turbomeca Artouste III B, Artouste III B1, and Artouste III D turboshaft engines of the same type design. We are issuing this AD to prevent reduced engine fuel flow and subsequent loss of control of the helicopter, or an accident. This AD requires:

- For pumps with a SN listed in Table 1 of this AD, removing affected fuel pumps from service and installing serviceable fuel pumps no later than

March 15, 2006, the compliance end date of AD 2005–04–15.

- For pumps with a SN listed in Table 2 of this AD, removing affected fuel pumps from service and installing serviceable fuel pumps before accumulating 50 cycles-in-service after the effective date of this AD, but no later than 30 days after the effective date of this AD.

FAA's Determination of the Effective Date

Since an unsafe condition exists that requires the immediate adoption of this AD, we have found that notice and opportunity for public comment before issuing this AD are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to send us any written relevant data, views, or arguments regarding this AD. Send your comments to an address listed under **ADDRESSES**. Include "AD Docket No. FAA–2006–23594; Directorate Identifier 2005–NE–54–AD" in the subject line of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the rule 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 the DMS 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 AD 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 AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is

provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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 this AD:

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 summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (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 removing Amendment 39–14497 (71 FR 9692, February 27, 2006), and by adding a new airworthiness directive, Amendment 39–15202, to read as follows:

2007–19–11 Turbomeca S.A.: Amendment 39–15202. Docket No. FAA–2005–23594; Directorate Identifier 2005–NE–54–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 9, 2007.

Affected ADs

(b) This AD supersedes AD 2005–04–15, Amendment 39–14497.

Applicability

(c) This AD applies to Turbomeca Artouste III B, Artouste III B1, and Artouste III D turboshaft engines. These engines are installed on, but not limited to, Eurocopter France Alouette III SE.3160, SA.316B, SA.315B, and SA.316C helicopters.

Unsafe Condition

(d) This AD results from Turbomeca S.A. identifying a number of fuel pump serial numbers (SNs) that they omitted from the original population. We are issuing this AD to prevent reduced engine fuel flow and subsequent loss of control of the helicopter, or an accident.

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.

Original Requirement

(f) Remove from service the fuel pumps listed by SN in Table 1 of this AD, and install a serviceable fuel pump no later than March 15, 2006.

TABLE 1.—AFFECTED FUEL PUMP SNS

A59B	F504B	2827
A82B	F506B	2828
A91B	F537B	2830
B14B	F561B	2838
B29B	F589B	2854
B42B	F596B	2867
C27B	F607B	2868
C6B	F630B	2884
C92B	F643B	2944
D16B	F706B	3078
D18B	F724B	3175
D20B	F743B	3230
D80B	F745B	3259
D99B	F748B	3282
E49B	F759B	3343
E77B	F760B	3376
E90B	F762B	3383

TABLE 1.—AFFECTED FUEL PUMP SNS—Continued

F112B	F957B	3385
F131B	808	3397
F176B	1725	3458
F220B	1766	3515
F243B	1770	3548
F253B	1897	3660
F262B	1941	3746
F293B	2154	3756
F317B	2155	3757
F320B	2233	3783
F357B	2512	3792
F368B	2620	3826
F420B	2729	3858
F464B	2759	3888
F466B	2763	3894
F477B	2786	3979
F47B	2787	4066

New Requirement

(g) Remove from service the fuel pumps listed by SN in Table 2 of this AD, and install a serviceable fuel pump, before accumulating 50 hours in service after the effective date of this AD, but no later than 30 days from the effective date of this AD.

TABLE 2.—ADDITIONAL AFFECTED FUEL PUMP SNS

158B	3395	F129B
1749	3438	F151B
1750	3581	F164B
2103	3725	F335B
2577	3729	F350B
2665	3884	F472B
2728	3923	F48B
2837	4123	F551B
2882	4129	F620B
2887	4213	F652B
2894	4241B	F66B
2933	B52B	F776B
3045	B82B	F801B
3120	C01B	F817B
3200	D14B	F833B
3220	D2B	F944B
3277	D71B	F971B
3293	D93B	G58B
3323	E67B	G61B
3326		

Definition

(h) For the purpose of this AD, a serviceable fuel pump is:

(1) A fuel pump that is not listed in Table 1 or Table 2 of this AD; or

(2) A fuel pump that is listed in Table 1 or Table 2 of this AD that has been retested to verify that it meets maximum fuel flow requirements.

Alternative Methods of Compliance

(i) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(j) European Aviation Safety Agency AD No. 2007-0030, dated February 6, 2007, also addresses the subject of this AD.

(k) Turbomeca Mandatory Service Bulletin No. 218 73 0802, Update No. 1, dated January 8, 2007, pertains to the subject of this AD.

Issued in Burlington, Massachusetts, on September 11, 2007.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E7-18434 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2007-29263; Directorate Identifier 2007-NM-198-AD; Amendment 39-15210; AD 2007-19-19]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes

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

ACTION: Final rule; request for comments.

SUMMARY: The FAA is superseding an existing airworthiness directive (AD) that applies to certain Boeing Model 747 series airplanes. The existing AD currently requires repetitive inspections and torque checks of the hanger fittings and strut forward bulkhead of the forward engine mount and adjacent support structure, and corrective actions if necessary. The existing AD also currently requires a terminating action for the repetitive inspections and checks. This new AD requires, among other actions, new repetitive inspections in the existing area and new areas. This new AD also provides for an optional inspection and no longer allows the existing fastener replacement to terminate repetitive inspections. This AD results from new reports of under-torqued or loose fasteners, a cracked bulkhead chord, and a fractured back-up angle after operators accomplished the terminating action required by the existing AD. We are issuing this AD to detect and correct loose fasteners and/or damaged or cracked hanger fittings, back-up angles, and bulkhead of the forward engine mount, which could lead to failure of the hanger fitting and bulkhead and consequent separation of the engine from the airplane.

DATES: This AD becomes effective October 9, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of October 9, 2007.

On December 6, 2000 (65 FR 69862, November 21, 2000), the Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 747-54A2203, dated August 31, 2000.

We must receive any comments on this AD by November 20, 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: Tamara Anderson, Aerospace Engineer, Airframe Branch, ANM-120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6421; fax (425) 917-6590.

SUPPLEMENTARY INFORMATION:**Discussion**

On July 13, 2001, we issued AD 2001-15-02, amendment 39-12336 (66 FR 37884, July 20, 2001). That AD applies to certain Boeing Model 747 series airplanes. That AD requires repetitive inspections and torque checks of the hanger fittings and strut forward bulkhead of the forward engine mount and adjacent support structure, and corrective actions if necessary. That AD also requires a terminating action for the repetitive inspections and checks. That AD resulted from reports indicating the detection of loose fasteners of the hanger fittings and strut forward bulkhead of the forward engine mount. The actions specified in that AD are intended to prevent loose fasteners and associated damage to the hanger fittings

and bulkhead of the forward engine mount, which could result in separation of the engine from the airplane.

Actions Since AD Was Issued

Since we issued that AD, we have received new reports of under-torqued or loose fasteners after operators accomplished the terminating action required by AD 2001-15-02 (i.e., Part 6 specified in Boeing Alert Service Bulletin 747-54A2203, dated August 31, 2000). In addition, we have received a report of a crack approximately 1.5-inch in length in the bulkhead chord adjacent to an upper fastener on a number 2 strut with approximately 20,050 total flight cycles and 110,000 total flight hours. Further investigation revealed that the back-up angle inside the strut adjacent to the crack had fractured at its bend radius. The fracture initiated as a result of fatigue at multiple locations on the inner diameter of the bend radius. The cause of the loose fasteners of the hanger fittings of the bulkhead of the forward engine mount is their location in an area of high vibration and the design of the bulkhead. Loose fasteners and/or damaged or cracked hanger fittings, back-up angles, and bulkhead of the forward engine mount, if not corrected, could lead to failure of the hanger fitting and bulkhead and consequent separation of the engine from the airplane.

Relevant Service Information

We have reviewed Boeing Alert Service Bulletin 747-54A2203, Revision 1, dated August 9, 2007. The service information describes the following new procedures:

- Repetitive detailed inspections of the torque stripes and bulkhead of the forward engine mount and the adjacent support structure on the inboard and outboard struts and repetitive torque inspections (checks) of the bulkhead for cracks and/or fretting damage of the hanger fittings and bulkhead and for loose or under-torqued fasteners, as applicable; and applicable related investigative and corrective actions (i.e., Part 2 of the Accomplishment Instructions).

- Repetitive high frequency eddy current (HFEC), detailed, or fluorescent penetrant inspections of the bulkhead of the forward engine mount on the inboard and outboard struts for cracks of the bulkhead chords, evidence of a fractured internal angle, or cracks/fracture of the internal angles; as applicable (i.e., Part 8 of the Accomplishment Instructions); and detailed and HFEC inspections to detect cracks or fracture of the internal angle and stiffener (i.e., Part 7 of the

Accomplishment Instructions), and applicable related investigative and corrective actions.

The related investigative actions involve doing applicable inspections described previously. The corrective actions include applying optional torque stripes; reworking, repairing, and/or replacing any discrepant part with a new part; replacing all fasteners with new fasteners; and contacting Boeing for certain conditions; as applicable.

For the inspections specified in Parts 2 and 8 of the Accomplishment Instructions, the service information specifies an initial compliance time of 90 days and repeat intervals of 6 and 18 months, depending on the inspection type. For the inspections specified in Part 7 of the Accomplishment Instructions, the service information specifies an initial compliance time of 18 months and repeat intervals of 36 months. The service bulletin specifies a compliance time of before further flight or 18 months for doing the related investigative and corrective actions, as applicable.

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. For this reason, we are issuing this AD to supersede AD 2001-15-02. This new AD retains the required fastener replacement, except that action no longer terminates any repetitive inspections and torque inspections (checks). This AD also requires accomplishing the actions specified in Parts 2 and 8 of the Accomplishment Instructions of the service information described previously, except as discussed under "Differences Between the AD and Service Information." This AD also provides, as an option, the inspections specified in Part 7 of the Accomplishment Instructions of the service information described previously.

Interim Action

This is considered to be interim action. We are currently considering requiring the inspections and applicable related investigative and corrective actions specified in Part 7 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747-54A2203, Revision 1. However, the planned compliance time for the inspections is sufficiently long so that notice and opportunity for prior public comment will be practicable.

Differences Between the AD and Service Information

The service information specifies to contact the manufacturer for instructions on how to repair certain conditions, but this AD requires 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.

Change to Existing AD

This AD will retain certain requirements of AD 2001-15-02. Since AD 2001-15-02 was issued, we have revised the AD format and rearranged certain paragraphs. As a result, we reidentified paragraph (c) of AD 2001-15-02 as paragraph (f) in this AD.

Boeing Commercial Airplanes has received a Delegation Option Authorization (DOA). We have revised paragraph (f) of this AD to delegate the authority to approve an alternative method of compliance for any repair required by this AD to an Authorized Representative for the Boeing Commercial Airplanes DOA rather than a Designated Engineering Representative (DER).

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD; therefore, providing notice and opportunity for public comment before the AD is issued is impracticable, and good cause exists to make this AD effective in less than 30 days.

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 in the **ADDRESSES** section. Include "Docket No. FAA-2007-29263; Directorate Identifier 2007-NM-198-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 part 39 of the Federal Aviation Regulations (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 removing amendment 39–12336 (66 FR 37884, July 20, 2001) and adding the following new airworthiness directive (AD):

2007–19–19 Boeing: Docket No. FAA–2007–29263; Directorate Identifier 2007–NM–198–AD; Amendment 39–15210.

Effective Date

(a) This AD becomes effective October 9, 2007.

Affected ADs

(b) This AD supersedes AD 2001–15–02.

Applicability

(c) This AD applies to Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes, certificated in any category; as identified in Boeing Alert Service Bulletin 747–54A2203, Revision 1, dated August 9, 2007.

Unsafe Condition

(d) This AD results from new reports of under-torqued or loose fasteners, a cracked bulkhead chord, and a fractured back-up angle after operators accomplished the terminating action required by the existing AD. We are issuing this AD to detect and correct loose fasteners and/or damaged or cracked hanger fittings, back-up angles, and bulkhead of the forward engine mount, which could lead to failure of the hanger fitting and bulkhead and consequent separation of the engine from 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.

Certain Requirement of AD 2001–15–02

(f) Within 60 months after August 24, 2001 (the effective date of AD 2001–15–02): Accomplish all actions specified in Part 6 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2203, dated August 31, 2000. Where the alert service bulletin specifies that the manufacturer may be contacted for disposition of certain corrective actions (rework or replacement of fittings), this AD requires such rework and/or replacement to be done in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO); or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD. As of the effective date of this AD, the rework and/or replacement must be done using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

Note 1: Installation of two BACW10BP*APU washers on Group A fasteners accomplished during modification in accordance with Boeing Service Bulletin 747–54A2159, dated November 3, 1994, Revision 1, dated June 1, 1995, or Revision 2, dated March 14, 1996; and pin or bolt protrusion as specified in the 747 Structural Repair Manual, Chapter 51–30–02 (both referenced in Boeing Alert Service Bulletin 747–54A2203, dated August 31, 2000); is considered acceptable for compliance with the action required by paragraph (f) of this AD.

New Actions Required by This AD

Inspections and Related Investigative and Corrective Actions

(g) Except as provided by paragraphs (i) and (j) of this AD: At the applicable compliance times and repeat intervals listed in Tables 1 and 2 of paragraph 1.E., "Compliance," of Boeing Alert Service Bulletin 747–54A2203, Revision 1, dated August 9, 2007, do the inspections and applicable related investigative and corrective actions by accomplishing all the actions specified in Parts 2 and 8 of the Accomplishment Instructions of the service bulletin.

Optional Initial and Repetitive Inspections and Related Investigative and Corrective Actions

(h) Do the initial and repetitive inspections and related investigative and corrective actions by accomplishing all the actions specified in Part 7 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–54A2203, Revision 1, dated August 9, 2007, except as provided by paragraph (j) of this AD.

Exceptions to Service Bulletin

(i) Where Boeing Alert Service Bulletin 747–54A2203, Revision 1, dated August 9, 2007, specifies a compliance time after the date of the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

(j) Where Boeing Alert Service Bulletin 747–54A2203, Revision 1, dated August 9, 2007, specifies to contact Boeing for appropriate action, this AD requires, before further flight, repair of the discrepancy or replacement of the discrepant part using a method approved in accordance with the procedures specified in paragraph (k) of this AD.

Alternative Methods of Compliance (AMOCs)

(k)(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

(l) You must use Boeing Alert Service Bulletin 747–54A2203, dated August 31, 2000; and Boeing Alert Service Bulletin 747–54A2203, Revision 1, dated August 9, 2007; to perform the actions that are required by this AD, unless the AD specifies otherwise.

(1) The Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 747–54A2203, Revision 1, dated August 9, 2007, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) On December 6, 2000 (65 FR 69862, November 21, 2000), the Director of the Federal Register approved the incorporation by reference of Boeing Alert Service Bulletin 747–54A2203, dated August 31, 2000.

(3) 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 September 14, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–18541 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****15 CFR Part 902****50 CFR Part 648**

[Docket No. 0612243159–7456–03; I.D. 020507A]

RIN 0648–AU34

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 4

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS implements new management measures for the monkfish fishery approved in Framework Adjustment 4 to the Monkfish Fishery Management Plan (FMP). This framework eliminates the control rule for determining management measures established by Framework Adjustment 2 to the FMP, and establishes target total allowable catch (TAC) levels, trip limits, and days-at-sea (DAS) allocations for the final 3 years of the monkfish rebuilding plan. The intent of this action is to replace the Framework 2 control rule with measures consistent with the stock rebuilding goals established in the original FMP, and in accordance with Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requirements. NMFS is publishing this action as an interim final rule in order to provide the opportunity for additional public comment because the approval of Framework 4 was based, in part, on the consideration of the integrated monkfish stock assessment, which was not available during the original public comment period. This action also contains three changes to address incorrect cross-references or duplicate regulatory text.

DATES: The interim rule published on April 27, 2007 (72 FR 20952), which is

scheduled to expire on October 28, 2007, is superseded by this interim final rule and expires at 12:01 a.m. on October 22, 2007. The amendments in this interim final rule become effective at 12:02 a.m. on October 22, 2007. Comments on the measures contained in this interim final rule must be received by 5 p.m. on October 22, 2007.

ADDRESSES: Copies of the Environmental Assessment (EA), including the Regulatory Impact Review (RIR) and Initial Regulatory Flexibility Analysis (IRFA), prepared for this action are available upon request from Paul Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Newburyport, MA, 01950. The document is also available online at www.nefmc.org. NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is contained in the classification section of this interim final rule. The small entity compliance guide is available from Patricia A. Kurkul, Regional Administrator, Northeast Regional Office, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930 2298, and on the Northeast Regional Office's website at www.nero.noaa.gov/nero/nr/.

Written comments on this interim final rule may be submitted by any of the following methods:

- E-mail: E-mail comments may be submitted to monkfish.FW4interim@noaa.gov. Include in the subject line the following "Comments on the Interim Final Rule for Framework Adjustment 4."
- Mail: Comments submitted by mail should be sent to Patricia A. Kurkul, Administrator, Northeast Region, NMFS (Regional Administrator), One Blackburn Drive, Gloucester, MA 01930–2298. Mark the outside of the envelope "Comments on the Interim Final Rule for Framework Adjustment 4 to the Monkfish FMP."

- Facsimile (fax): Comments submitted by fax should be faxed to (978) 281–9135.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this interim final rule may be submitted to the Regional Administrator at the address listed above and by e-mail to David_Rostker@omb.eop.gov, or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT:

Allison McHale, Fishery Policy Analyst, e-mail Allison.McHale@noaa.gov, phone (978) 281–9103, fax (978) 281–9135.

SUPPLEMENTARY INFORMATION:

Background

The monkfish fishery is jointly managed by the New England and Mid-Atlantic Fishery Management Councils (Councils), with the New England Fishery Management Council (NEFMC) having the administrative lead. The fishery extends from Maine to North Carolina, and is divided into two management units: The NFMA and the Southern Fishery Management Area (SFMA). The original Monkfish FMP established a framework adjustment process that requires an annual review by the Monkfish Monitoring Committee (MFMC) to evaluate the effectiveness of the FMP in meeting its conservation objectives. This annual review was a fairly general process calling for the development of target total allowable catch levels (TACs) for the upcoming fishing year based on the best scientific information available and consistent with the goals and objectives of the FMP. The annual review and target TAC setting process in the FMP was modified through the implementation of Framework Adjustment 2 (Framework 2) (68 FR 22325; April 28, 2003) to establish a more specific and prescribed process for setting annual target TACs. Specifically, Framework 2 added a target TAC setting control rule based on the ratio of a 3-year running average of the NMFS fall trawl survey biomass index to an established annual biomass index target, compared to landings from the previous year. Based on the experiences of the last several years, it became apparent that the Framework 2 control rule could result in measures that were inconsistent with the rebuilding goals of the FMP because changes to the target TACs are based, in large part, on prior landings. Thus, under the existing control rule, target TACs could be increased even when annual biomass rebuilding targets are not being met.

The Councils initiated Framework 4 during the spring of 2006 because of the above mentioned concerns regarding the Framework 2 control rule and the status of the monkfish resource with respect to the rebuilding schedule established in the FMP. The intent of Framework 4 is to replace the Framework 2 control rule with measures consistent with the stock rebuilding goals established in the original FMP. Due to concerns over the status of the monkfish resource and the fact that monkfish is in the seventh year of a 10-year rebuilding plan, NMFS postponed making a decision on Framework 4 and implemented interim measures for the start of the 2007 fishing year (72 FR 20952, April 27, 2007) until

a new monkfish stock assessment could be conducted in July 2007.

The results of the monkfish stock assessment, conducted by the Northeast Data Poor Stocks Working Group (Northeast Fisheries Science Center Reference Document 07-13) became available in August 2007. The summary report for this assessment entitled "Monkfish assessment summary for 2007" is available online at www.nefsc.noaa.gov/nefsc/publications/crd/crd0713/. A new analytic model was developed and applied to the available scientific information for monkfish. Based on the existing biomass reference points in the FMP, monkfish is considered overfished in both the northern and southern stock management areas. New biological reference points were developed as part of the 2007 assessment, based on a revised yield-per-recruit analysis (using a revised value of the natural mortality rate) and results of a length-tuned model that incorporates multiple survey indices and catch data. Based on the reference points generated through this assessment, monkfish in both management regions would be considered not overfished, and overfishing is not occurring. However, the median and maximum sizes of monkfish in both the north and south have declined since the 1980s.

The new assessment results are accompanied by substantial uncertainty, and therefore need to be viewed with caution. Reservations highlighted in the assessment report include: (1) input uncertainties (under-reported landings and unknown discards of monkfish during the 1980s and incomplete understanding of key biological parameters such as age and growth, longevity, natural mortality, and stock structure); (2) the shorter assessment time frame of data used (1980–2006) than was used in previous assessments (1963–2006); and (3) the relatively recent development of the assessment model. More specifically, the assessment hinges critically on assumptions regarding growth, longevity, and natural mortality of monkfish, all of which are poorly known. In addition, commercial catches prior to 1993 are not well characterized. Model results are sensitive to the assumed value of natural mortality, revised in this assessment from 0.2 to 0.3 per year. This decision was based on the observed longevity of male and female fish in the resource; however, the actual lifespan of monkfish may be greater than that which has been observed thus far. Uncertainties in key life history parameters and historical

catches are unlikely to be resolved in the short term.

The assessment model was also used to evaluate the impacts of target TACs proposed in Framework 4 (5,000 mt in the north and 5,100 mt in the south), assuming long-term average recruitment. The results indicate that total biomass in both regions would increase through 2009 and remain above the newly estimated B_{target} . In other words, if the new biomass reference points were applied, fishing at the Framework 4 target TAC levels would keep the stocks at levels such that they would not be considered overfished. However, these results did not incorporate any uncertainty associated with the stock size estimates for 2006, and further work is necessary to develop a complete forecasting approach. The report concluded that the data-poor nature of this species and the significant uncertainty in assessing the stocks should be considered when developing management measures.

The biomass reference points currently contained in the FMP, which are used to make stock status determinations, remain unchanged at this time. The Councils will be presented with the new stock assessment results in the next few months. If, on the basis of this new information, the Councils determine that the FMP should be amended to replace the existing biomass reference points with the new biomass reference point recommendations, the Councils would need to do so through a future action. A change in determination of overfished status for both of the monkfish stocks cannot be made unless and until the biomass reference points contained in the FMP are changed. However, the new assessment did not recommend a change in the fishing mortality reference point (F_{max}), but did update the value associated with this reference point for each management area based upon the most recent information available. Thus, the determination can be made, based on the existing fishing mortality reference points, that overfishing is not occurring on either stock. Therefore, NMFS is approving Framework 4, under the rebuilding plan contained in the FMP, since the best available scientific information supports a determination that overfishing is no longer occurring on either stock, and because the target TACs contained in Framework 4 are appropriate for the management of the two monkfish stocks, given the considerable uncertainty that still remains. This action supercedes the interim rule, and the regulatory text in this interim final rule is written to

amend the regulations in 50 CFR part 648 as they appeared prior to implementation of the interim rule. In light of the integrated monkfish stock assessment results, which were not available during the public comment period, NMFS is seeking additional public comment on this action.

Approved Framework Measures

1. Target TACs for the NFMA and SFMA

In addition to changing the annual adjustment process (i.e., the removal of the Framework 2 control rule), this action would establish target TACs of 5,000 mt and 5,100 mt for the NFMA and SFMA, respectively, for the final 3 years of the rebuilding plan (FY 2007–FY 2009), unless otherwise modified by the MFMC during its annual review process. Essentially, this framework adjustment removes the Framework 2 control rule and replaces it with target TACs that were developed based upon an analysis conducted by the Monkfish Plan Development Team (PDT). The target TACs developed by the PDT incorporate a synthesis of nine different methods for calculating target TACs for the monkfish fishery. These target TACs represent the PDT's best estimate of target catch levels that could facilitate stock rebuilding but maintain a limited directed monkfish fishery, and are the basis for calculating DAS allocations and trip limits for each management area. The target TAC for the NFMA is 35 percent lower than the target TAC in effect for FY 2006, and 67 percent lower than the average of target TACs in effect since FY 2002. The target TAC for the SFMA is 39 percent higher than the target TAC in effect for FY 2006, but is 33 percent lower than the average of the target TACs in effect since FY 2002. Therefore, both target TACs represent a decrease in overall effort since the implementation of the FMP. A copy of the target TAC analysis conducted by the PDT is contained in Appendix I of the Framework 4 document (see **ADDRESSES**).

2. DAS Requirement for the NFMA

This interim final rule requires limited access monkfish vessels that are fishing in the NFMA to declare a monkfish DAS if the vessel exceeds, or is anticipating to exceed, the applicable monkfish incidental catch limit. Under this provision, if the vessel is equipped with a vessel monitoring system (VMS) unit and is fishing under a NE multispecies Category A DAS in the NFMA, it may declare a monkfish DAS any time prior to crossing the VMS demarcation line upon returning to port or leaving the NFMA if the applicable

monkfish incidental catch limit is exceeded during the course of the trip. In addition, this action revises the minimum mesh size applicable to limited access monkfish gillnet vessels fishing in the NFMA that change their DAS declaration from a NE multispecies Category A DAS to a monkfish DAS while at sea. Such vessels will be subject to the smaller NE multispecies gillnet minimum mesh size associated with the NE multispecies regulated mesh area in which the vessel is fishing versus the relatively larger monkfish gillnet minimum mesh size requirement.

The purpose of the at-sea declaration component of this management measure is to minimize discards and promote safety. For example, if a vessel fishing for NE multispecies under a Category A DAS in the NFMA exceeds the monkfish incidental catch limit, this provision enables the vessel to retain the additional monkfish by declaring a monkfish DAS. Otherwise, the vessel would be required to discard the additional monkfish or stay at sea long enough to account for the overage of the incidental limit, which is based on a NE multispecies DAS. The decision to apply this at-sea declaration provision only to vessels fishing in the NFMA is a recognition of the differences in how the monkfish fishery is prosecuted in each management area, particularly in the ability to target monkfish with minimal bycatch of NE multispecies. As such, vessels holding both limited access NE multispecies and limited access monkfish permits are far more likely to exceed the monkfish incidental limit while fishing for NE multispecies on a NE multispecies DAS in the NFMA than they are in the SFMA. For these reasons, the original FMP applied different gear requirements in the two areas, and placed no restrictions on the monkfish catch by monkfish limited access vessels fishing on a NE multispecies DAS in the NFMA. For the same reasons, the need to provide limited access monkfish vessels fishing in the NFMA with the flexibility provided by this at-sea declaration provision outweighs any potential abuse of this provision in that area, in contrast to the SFMA, where the need for such flexibility is much less, and does not outweigh the potential for abuse of this provision in that area.

3. Trip Limits and DAS Allocations for the NFMA

This action establishes an annual monkfish DAS allocation of 31 DAS for limited access monkfish vessels fishing in the NFMA. This action also establishes NFMA trip limits of 1,250 lb

(567 kg) tail weight per DAS for limited access monkfish Category A and C vessels, and 470 lb (213 kg) tail weight per DAS for limited access monkfish Category B and D vessels. The DAS allocations contained in this interim final rule are for the entire FY 2007, and, as such, are inclusive of the DAS allocated under the April 27, 2007, interim rule. Therefore, vessels previously allocated 31 DAS under the interim rule will not be granted any additional DAS under this interim final rule.

4. Trip limits and DAS Allocations for the SFMA

This action restricts limited access monkfish vessels fishing in the SFMA to 23 monkfish DAS annually. Due to the difference between the proposed DAS allocations for the NFMA and the SFMA contained in Framework 4, this action establishes an annual allocation of 31 monkfish DAS for all limited access monkfish vessels, but restricts vessels to using no more than 23 of their allocated 31 monkfish DAS in the SFMA. The DAS restrictions in this interim final rule are for the entire FY 2007, and, as such, are inclusive of the DAS restrictions contained in the April 27, 2007, interim rule. Therefore, vessels previously restricted to using 12 monkfish DAS in the SFMA under the interim rule will be authorized to use an additional 11 monkfish DAS, not counting any available carryover DAS, during FY 2007 through this interim final rule, for a total of 23 DAS during FY 2007.

This action also establishes SFMA trip limits of 550 lb (249 kg) tail weight for limited access monkfish Category A, C, and G vessels; and 450 lb (204 kg) tail weight per DAS for limited access monkfish Category B, D, and H vessels. These are the same trip limits in effect during FY 2006 and under the interim rule.

5. Monkfish Incidental Catch Limit for the NFMA

This action reduces the monkfish incidental catch limit applicable to limited access monkfish vessels (Categories A, B, C, D, F, G, and H) and open access monkfish vessels (Category E) fishing under a NE multispecies DAS in the NFMA from 400 lb (181 kg) tail weight per NE multispecies DAS, or 50 percent of the weight of fish on board, to 300 lb (136 kg) tail weight per DAS, or 25 percent of the weight of fish on board. The revised incidental catch limit for the NFMA is equivalent to that implemented in the original FMP.

6. Target TAC Overage Backstop Provision

The target TACs and associated management measures contained in this interim final rule are intended to remain in effect for the final 3 years of the FMP rebuilding program. The method that has been used to calculate trip limits and DAS allocations for the SFMA since FY 2002 has proven to be effective at keeping landings at or near the annual target TACs. However, there is no assurance that the success of this method will continue, or that similar results will occur for the NFMA, where there has been no monkfish trip limit since the implementation of the FMP. As a result, the Councils recommended a target TAC overage backstop provision in Framework 4 that enables the Regional Administrator to adjust the DAS available in either or both management areas for FY 2009 if the target TACs are exceeded by between 10 and 30 percent during FY 2007. If the target TACs are exceeded by more than 30 percent, the directed monkfish fishery would be closed in FY 2009 in the area in which this overage occurred.

7. Extension of Measures Beyond FY 2009

If a subsequent regulatory action is not in place prior to the end of FY 2009, Framework 4 contains a provision to extend management measures into FY 2010 and beyond. Under this interim final rule, the management measures in place for FY 2009 would remain in effect in FY 2010 and beyond unless the target TAC overage backstop provision (see item 6) results in the closure of the directed monkfish fishery during FY 2009. In this case, the management measures in effect for FY 2010 and beyond would be those in effect during FY 2008 in the area where the directed fishery had been closed.

8. Revision to Boundary Line for Category H Permit Holders

This action revises the northern boundary line applicable to limited access monkfish Category H permit holders. These vessels were allowed to enter the fishery through an extension to the monkfish limited access program established in Amendment 2 to the FMP. A total of seven vessels qualified for Category H permits under this program. Under the provisions of the program contained in Amendment 2, these vessels were restricted to fishing in the area south of 38°20'N lat. These vessels have a limited season when monkfish are available during the late spring. In addition, these vessels are constrained by sea turtle closures that

essentially restrict the fishery to an area that is 20 nautical miles (37 km) wide. As a result, Framework 4 shifts the northern boundary line applicable to limited access monkfish Category H vessels northward by 20 nautical miles (37 km) to 38°40' N lat. in order to increase the opportunity for the affected vessels to prosecute the monkfish fishery, and provide some additional area to move into, in the event that sea turtles appear in the area north of 38°00' N lat., which is the northern boundary of the sea turtle closure area.

9. Scallop Closed Area Access Program Monkfish Incidental Catch Limit

Prior to the final approval of Framework 4 by the Councils, representatives from the scallop fishing industry requested that the Councils clarify their intent with respect to the monkfish incidental catch limits applicable to scallop dredge vessels fishing in the Scallop Area Access Program, because changes to the program resulting from Scallop Framework 18 changed the monkfish incidental catch limit applicable to these areas. The final rule implementing Framework 18 to the Scallop FMP removed DAS counting for vessels fishing in the Scallop Area Access Program. As a result, the monkfish possession limit dropped from 300 lb (136 kg) tail weight per scallop DAS to 50 lb (23 kg) tail weight per day fished, up to a maximum of 150 lb (68 kg) tail weight in the access areas. Based on input from the scallop fishing industry, Framework 4 revises the monkfish possession limit applicable to limited access scallop vessels fishing in the Scallop Area Access Program to be 300 lb (136 kg) tail weight per day fished within the access area, not to include steaming time.

10. Re-establishment of Carryover DAS

The April 27, 2007, interim rule prohibited the use of carryover DAS. By default, since the Councils chose to take no action to change the DAS carryover provisions through Framework 4, this action re-establishes the Monkfish FMP provision allowing limited access monkfish vessels to carryover up to 10 unused monkfish DAS from one fishing year to the next.

11. Additional Changes

A section of the final rule implementing Joint NE Multispecies Framework 42/Monkfish Framework 3 (71 FR 62156; October 23, 2006) that pertained to the NE Multispecies Regular B DAS Program contained an error in a cross-reference to the monkfish possession limit regulations

under § 648.94. This action revises the incorrect cross-reference of § 648.94(b)(7) found under § 648.85(b)(6)(iv)(D) to be § 648.94(b)(3). This error was the result of an oversight in carrying forward regulatory changes from the April 13, 2006, emergency interim rule to the NE Multispecies FMP (71 FR 19348) that were also contained in this joint framework (i.e., the cross-reference was not updated in the final rule implementing this joint framework).

This action also makes two additional changes that appear to be oversights in the regulatory text implementing Amendment 2 to the Monkfish FMP (70 FR 21927; April 28, 2005). The first correction deletes a cross reference to § 648.93(b)(2) in the prohibition concerning the monkfish management area declaration requirement, found at § 648.14(y)(21), since it is no longer valid. Amendment 2 eliminated the need for an area declaration requirement associated with the monkfish minimum fish size provisions under § 648.93 since that action made the minimum fish size equivalent across both management areas. In addition, this interim final rule removes some duplicate regulatory text concerning the impact of the NE multispecies leasing program on monkfish DAS found at § 648.92(b)(2)(iii) that should have been deleted when that section was revised during the Amendment 2 rulemaking process.

Comments and Responses

The public comment period on the proposed rule for Framework 4 ended on April 19, 2007, with 24 comments received. All of the public comments, except one, supported the management measures contained in Framework 4. Only comments that were applicable to the proposed measures, including the analyses used to support these measures, are addressed in this preamble. In implementing inseason framework adjustment measures such as Framework 4, NMFS may only approve or disapprove measures, and may not select another alternative considered (and not rejected) by the Councils or unilaterally modify any measure in a substantive way pursuant to the monkfish inseason framework adjustment provisions found under § 648.96(c)(2), unless the framework action was initiated through the FMP annual review process as specified under § 648.96(c)(1).

Comment 1: One commenter stated that the monkfish quotas should be cut by 50 percent this year and by 10 percent each succeeding year.

Response: The target TACs being implemented in this interim final rule represent an average decrease of 50 percent in overall fishing effort (i.e., across both management areas) since FY 2002. Specifically, the target TAC for the NFMA is 35 percent lower than the target TAC in effect for FY 2006, and 67 percent lower than the average of the target TACs in effect since FY 2002. Similarly, although the target TAC for the SFMA is 39 percent higher than the target TAC in effect for FY 2006, it is 33 percent lower than the average of the target TACs in effect since FY 2002. The appropriateness of these target TACs is further confirmed by a recently completed integrated monkfish stock assessment.

Comment 2: Twelve of the commenters expressed support for the "Backstop" and "Extension" provisions contained in Framework 4. In addition to expressing general support for these provisions, one commenter noted that the "Backstop" provision should be linked to a clearly defined agency commitment to a dynamic monkfish-specific survey/assessment process. Otherwise, they noted, decisions affecting the monkfish fishery over the long term would not be based on relevant data.

Response: NMFS acknowledges the commenters' support of these measures and is fully aware of the data needs for this fishery. The Monkfish Research Set-Aside (RSA) Program is aimed at gathering this much needed information through cooperative research.

Comment 3: Eleven commenters supported the provision to revise the northern boundary line applicable to limited access monkfish Category H vessels by moving this boundary northward by 20 nautical miles (37 km).

Response: NMFS acknowledges the need for the boundary line change as conveyed by members of the fishing industry, as outlined in item 8 of the description of approved measures contained in the preamble to this interim final rule.

Comment 4: Twelve commenters expressed support for the revision to the incidental catch limit applicable to limited access scallop vessels that participate in the Scallop Area Access Program, with one commenter, a representative for the scallop industry, detailing the need for this measure.

Response: NMFS recognizes the need for this revision, which was triggered by a change in the Sea Scallop FMP (Framework Adjustment 18) that removed the DAS requirements for the Scallop Access Areas. The rationale for this management measure is provided in item 9 of the description of approved

measures contained in the preamble to this interim final rule, and is not repeated here.

Comment 5: Eleven commenters expressed support for the reduction in the incidental catch limit in the NFMA applicable to monkfish vessels (limited and open access) fishing under a NE multispecies DAS.

Response: NMFS acknowledges the industry's support for this measure being implemented in this interim final rule. The rationale for this measure is provided in item 5 of the description of approved measures contained in the preamble to this interim final rule, and is not repeated here.

Comment 6: Six commenters expressed support for the management measure requiring vessels that fish in the NFMA to use a monkfish DAS if the vessel intends to harvest monkfish in excess of the incidental catch limit. Five commenters specifically commented on the provision contained within this measure that would allow vessels fishing in the NFMA that start a trip under a NE multispecies Category A DAS to change their DAS declaration to a monkfish DAS through the vessel's VMS unit while at sea, and prior to crossing the VMS demarcation line its return to port.

Response: NMFS initially expressed concerns over the DAS change provision, since it is unclear how this provision will enable vessels to more efficiently utilize their monkfish DAS, which could lead to an overage in the target TAC. However, these initial concerns are outweighed by the benefit of requiring the use of monkfish DAS in the NFMA, to which this provision is tied in Framework 4. A full discussion of the rationale for this measure is provided in item 2 of the description of approved measures contained in the preamble to this interim final rule.

Comment 7: Twelve individuals commented on the proposed change to the DAS carryover provision contained in Framework 4. The Councils voted not to change the DAS carryover provision in Framework 4, and 11 of these commenters supported that decision. However, one individual expressed concern over the Councils decision, suggesting that a 10 DAS carryover is too high for a fishery allocated so few DAS.

Response: NMFS is also concerned by the Council's decision not to revise the DAS carryover provision in Framework 4, although its concerns are somewhat allayed based on the recently completed integrated monkfish stock assessment. In FY 2006, the target TAC for the SFMA was exceeded by over 60 percent, likely due to the use of carryover DAS.

NMFS intends to urge the Council to re-address the DAS carryover provision in its next action.

Comment 8: Eleven individuals supported maintaining the 40 monkfish DAS allocation, but reducing current DAS usage.

Response: None of the DAS alternatives considered by the Councils in Framework 4 included a provision that would maintain the annual monkfish DAS allocation at 40 DAS but reduce current DAS usage. What was proposed by the Councils, and is being implemented in this interim final rule, is the management measure allocating all limited access monkfish vessels a reduced annual monkfish DAS allocation of 31 DAS, but restricting DAS usage in the SFMA to 23 DAS.

Changes From the Proposed Rule

NMFS has made eight changes to the proposed rule, all of which are to ensure consistency with and effective implementation of Framework 4 as it relates to management measures in other FMPs. Two of these have been made to incorporate changes to the minimum mesh size requirement applicable to limited access monkfish gillnet vessels fishing in the NFMA that change their DAS declaration from a NE multispecies Category A DAS to a monkfish DAS while at sea, as provided in Framework 4, since these changes were left out of the proposed rule. The third change is a correction to the final rule implementing Joint NE Multispecies Framework 42/Monkfish Framework 3 to update an incorrect cross-reference concerning the NE Multispecies Regular B DAS Program. The fourth change has been made to update the cross-reference to the incidental catch restrictions for limited access monkfish vessels when not fishing under a DAS program to be inclusive of all the applicable incidental catch limit regulations. The fifth change makes a similar revision to the monkfish incidental catch restrictions applicable to general category and limited access scallop vessels to include a reference to limited access monkfish vessels not fishing under a scallop DAS. The sixth change deletes a cross-reference in the monkfish prohibitions that is no longer valid, and the seventh change deletes some duplicate regulatory text under the monkfish effort control regulations. The eighth change adds a sentence concerning a prohibition on the use of NE multispecies B Regular DAS in conjunction with a monkfish DAS to the monkfish effort control regulations that currently exist, but was left out of the proposed revision to § 648.92(b)(2)(i) contained in the proposed rule. These

eight changes are specifically identified as follows.

In § 648.14, paragraph (y)(21) has been revised to delete the cross-reference to § 648.93(b)(2).

In § 648.85, paragraph (b)(6)(iv)(D) has been revised to correct the cross-reference to the monkfish possession limits applicable to limited access monkfish vessels fishing under the NE Multispecies Regular B DAS Program from § 648.94(b)(7) to § 648.94(b)(3).

In § 648.91, paragraph (c)(1)(iii) has been revised to include a change to minimum mesh size restrictions applicable to limited access monkfish vessels fishing with gillnet gear in the NFMA that change their DAS declaration from a NE multispecies Category A DAS to a monkfish DAS while at sea. Under the DAS change provision contained in Framework 4, these vessels are subject to the NE multispecies gillnet minimum mesh size associated with the NE multispecies regulated mesh area in which the vessel is fishing, versus the monkfish gillnet minimum mesh size.

In § 648.92, paragraph (b)(1)(iii) has been revised to include a reference to the minimum mesh size requirement applicable to limited access monkfish gillnet vessels fishing in the NFMA that change their DAS declaration from a NE multispecies Category A DAS to a monkfish DAS while at sea. As noted above, under the DAS change provision contained in Framework 4, these vessels are subject to the NE multispecies minimum mesh size associated with the NE multispecies regulated mesh area in which the vessel is fishing. In addition, some additional wording was added to clarify that the NE multispecies DAS provisions referenced are those requiring the use of a NE multispecies Category A DAS with a monkfish DAS.

In § 648.92, paragraph (b)(2)(i) has been revised to include a sentence concerning the prohibition on the use of a NE multispecies B Regular DAS to satisfy the requirement to use a NE multispecies DAS in conjunction with a monkfish DAS that is applicable to monkfish limited access Category C, D, F, G, or H vessels that also possess a limited access NE multispecies DAS permit.

In § 648.92, paragraph (b)(2)(iii) has been removed.

In § 648.94, paragraph (b)(6) has been revised to update the cross-reference to the monkfish incidental catch regulations in order to clarify that all limited access monkfish vessels are subject to the same incidental catch restrictions as open access Category E vessels when not fishing under a DAS.

In § 648.94, paragraph (c)(8) has been revised to include the following phrase under paragraphs (c)(8)(A) and (B) “or a valid limited access Category C, D, F, G, or H permit, and also possessing” to clarify that all limited access monkfish vessels possessing scallop permits are subject to the same incidental catch restrictions as open access Category E vessels possessing scallop permits when not fishing under a DAS.

Pursuant to the Paperwork Reduction Act (PRA), 15 CFR part 902 lists control numbers assigned to NMFS information collection requirements by OMB. This part fulfills the requirements of section 3506(c)(1)(B)(i) of the PRA, which requires that agencies display a current control number, assigned by the Director of OMB, for each agency information collection requirement. This interim final rule codifies OMB Control Number 0648-0561 for § 648.92.

Under NOAA Administrative Order 205-11, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated authority to sign material for publication in the **Federal Register** to the Assistant Administrator for Fisheries, NOAA.

Classification

The Administrator, Northeast Region, NMFS, determined that Framework 4 is necessary for the conservation and management of the monkfish fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

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

NMFS, pursuant to section 604 of the Regulatory Flexibility Act (RFA), prepared this FRFA in support of the approved measures in Framework 4. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS responses to those comments, and a summary of the analyses completed to support the action. The preamble to the proposed rule included a detailed summary of the analyses contained in the IRFA, and that discussion is not repeated here. A copy of the EA/RIR/IRFA is available from the NEFMC (see **ADDRESSES**).

Final Regulatory Flexibility Analysis Statement of Objective and Need

A description of why this action was considered, the objectives of, and the legal basis for this interim final rule are contained in the preambles to the proposed rule and this interim final rule and are not repeated here.

Summary of Significant Issues Raised in Public Comments

Twenty-four public comments were submitted on the proposed rule. However, none of these comments were specific to the IRFA or the economic effects of the rule. NMFS has responded to these comments in the Comments and Responses section of the preamble to this interim final rule. No changes were made to this interim final rule as a result of the comments received.

Description and Estimate of Number of Small Entities to Which the Rule will Apply

The Small Business Administration (SBA) defines small businesses in the commercial fishing sector as firms with receipts (gross revenues) of up to \$4.0 million. All of the entities (fishing vessels) affected by this action are considered small entities under the SBA size standards for small fishing businesses. Therefore, there is no disproportionate impact on small entities compared to large entities. As of August 16, 2007, there were 724 limited access monkfish permit holders and 1,981 vessels holding an open access Category E monkfish permit. This action would affect all active limited access vessels, and any open access monkfish vessels that land monkfish from the NFMA.

Vessel activity reports for FY 2005 indicate that 627 limited access monkfish permit holders participated in the monkfish fishery. Of these vessels, 150 fished exclusively in the NFMA and 226 fished exclusively in the SFMA, with the remaining 251 fishing in both management areas. During the same time period, vessel activity reports indicate that 570 incidental permit holders reported landing monkfish. Of these vessels, 163 landed monkfish only from the NFMA, 344 landed monkfish only from the SFMA, and 63 landed monkfish from both management areas. Based upon this information, the management measures contained in Framework 4 will affect at least the 627 limited access monkfish vessels that fished for monkfish and the 226 incidental permit holders landing monkfish from the NFMA during FY 2005.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

The only approved Framework 4 measure that requires either new or revised reporting and recordkeeping requirements is the provision that enables limited access monkfish vessels that are fishing in the NFMA, that also

possess a limited access NE multispecies DAS permit, to change their DAS declaration through the vessel's VMS unit from a Category A NE multispecies DAS to a monkfish DAS while at sea and prior to crossing the VMS demarcation line on the vessel's return to port. Additional information regarding the projected reporting or recordkeeping costs associated with this action was made available for review in NMFS's PRA submission to OMB on March 20, 2007. There are no other compliance requirements associated with this interim final rule implementing Framework 4.

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

The management measures contained in Framework 4 represent a reduction in fishing opportunities for vessels fishing in the NFMA, in comparison to previous fishing years, resulting from implementation of the requirement that vessels fishing in the NFMA use monkfish DAS if they exceed, or intend to exceed, the incidental catch limit; a reduction in the total annual DAS allocations for limited access monkfish vessels; and establishment of trip limits for vessels fishing under a monkfish DAS in this management area. To minimize the impacts of these management measures on vessels fishing in the NFMA, the Councils included a provision in Framework 4 that allows limited access monkfish vessels that fish in the NFMA, if equipped with a VMS unit, to change the DAS declaration from a NE multispecies Category A DAS to a monkfish DAS while at sea, but prior to crossing the VMS demarcation line on the return to port. This provision provides these vessels with the flexibility of declaring a monkfish DAS during the course of a trip versus wasting a monkfish DAS if the vessel is unable to harvest monkfish in excess of the incidental catch limit. In addition, this provision promotes safety and prevents discards because it enables a vessel that exceeds the incidental catch limit to change its DAS declaration to a monkfish DAS versus discarding the extra monkfish or staying at sea long enough to cover the overage, as the incidental catch limit is based on pounds per NE multispecies DAS.

In addition, the Framework 4 management measure requiring vessels to declare a monkfish DAS in the NFMA if they exceed the incidental catch limit also includes a provision that enables gillnet vessels to fish with a smaller minimum mesh size, the NE multispecies minimum mesh size

applicable to the regulated mesh area in which the vessel is fishing, if that vessel changes its DAS declaration from a NE multispecies Category A DAS to a monkfish DAS while at sea. This provision enables gillnet vessels to fish with both their monkfish gillnet gear and their NE multispecies gear on the same trip, which they are currently prohibited from doing under the existing interim rule, which did not temporarily implement this DAS declaration change provision contained in Framework 4. This provision is important because it enables monkfish gillnet vessels that fish in the NFMA to operate in the same manner as they have historically, thereby minimizing the economic impacts associated with the reducing fishing opportunities resulting from the NFMA management measures contained in Framework 4.

The reduction in the incidental catch limit applicable to limited access and open access monkfish vessels fishing under only a NE multispecies DAS in the NFMA contained in Framework 4 is expected to have a minimal impact on monkfish vessels that fish in the NFMA because the majority of these vessels currently land fewer than the reduced incidental limit of 300 lb (136 kg) tail weight per NE multispecies DAS. In FY 2005, 78.2 percent of all trips by monkfish vessels fishing in the NFMA landed less than the revised 300-lb (136-kg) tail weight limit, while 82.4 percent of these trips landed less than the previous 400-lb (181-kg) tail weight limit. However, monkfish limited access Category A and C vessels had a larger percentage of trips in excess of the previous and revised incidental catch limits. During FY 2005, only 13.2 percent of trips by monkfish limited access Category A vessels were less than 400 lb (181 kg) tail weight and 5.3 percent of trips were less than 300 lb (136 kg) tail weight. For limited access Category C vessels, 48.8 percent of the FY 2005 trips were less than 400 lb (181 kg) tail weight and 42.2 percent of the trips were less than 300 lb (136 kg) tail weight. However, under Framework 4, these vessels will have monkfish DAS that they can utilize in the NFMA to land monkfish in excess of the revised incidental catch limit, minimizing the economic impact of this measure.

The target TAC overage backstop provision will either reduce the DAS allocation or close the fishery in a management area if the target TAC for that management area is exceeded by more than 10 percent during FY 2007. The Councils understood that, given the inability to precisely predict future fishing behavior, measures should be put in place in case the target TACs are

exceeded. Although this provision could lead to the closure of the fishery in FY 2009, the provision extending measures beyond FY 2009, contained in Framework 4, would reopen the fishery in FY 2010, and reinstate the management measures in effect during FY 2008. Therefore, the potential negative economic impacts associated with the target TAC overage provision are minimized by the provision to extend fishery management measures beyond FY 2009.

The remaining management measures being implemented through this interim final rule are less restrictive than those previously in effect, thereby minimizing the economic impacts of this action on small entities. These less restrictive measures include an increase in the monkfish DAS available for use in the SFMA (from 12 DAS to 23 DAS); a revision to the northern boundary line applicable to limited access Category H monkfish vessels that expands the area in which these vessels can operate by 20 nautical miles (37 km); and a revision to the incidental catch limit applicable to limited access scallop vessels that are participating in the Scallop Area Access Program that increases the amount of monkfish these vessels can land, which is roughly equivalent to the amount implemented in the original FMP.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide will be sent to all holders of Federal permits issued for the monkfish fishery. In addition, copies of this interim final rule and guide (i.e., permit holder letter) are available from NMFS (see **ADDRESSES**) and at the following website: <http://www.nero.noaa.gov/nero/nr/index.html>.

This interim final rule contains one new collection-of-information requirement subject to the PRA and which has been approved by OMB under control number 0648-0561. Public reporting burden for the DAS declaration change provision for limited access monkfish vessels fishing in the NFMA is estimated to average 5 minutes per response, including the time for reviewing instructions, searching

existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by e-mail to *David_Rostker@omb.eop.gov*, or fax to 202-395-7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

List of Subjects

15 CFR Part 902

Reporting and recordkeeping requirements.

50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: September 14, 2007.

Samuel D. Rauch III,

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

■ For the reasons set out in the preamble, 15 CFR part 902 and 50 CFR part 648 are amended as follows:

PART 902—NOAA INFORMATION COLLECTION REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT: OMB CONTROL NUMBERS

■ 1. The authority citation for part 902 continues to read as follows:

Authority: 44 U.S.C. 3501 *et seq.*

■ 2. In § 902.1, the table in paragraph (b) under “50 CFR” is amended by adding a new entry to read as follows:

§ 902.1 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) *Display.*

CFR part or section where the information collection requirement is located	Current OMB control number (all numbers begin with 0648-)
* * * *	*
50 CFR	*
648.92	-0561
* * * *	*

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

■ 4. In § 648.4, paragraphs (a)(9)(i)(A)(6) and (7) headings are revised to read as follows:

§ 648.4 Vessel permits.

* * * * *

(a) * * *

(9) * * *

(i) * * *

(A) * * *

(6) *Category G permit (vessels restricted to fishing south of 38°40' N. lat. As described in § 648.92(b) that do not qualify for a monkfish limited access Category A, B, C, or D permit).* * * *

(7) *Category H permit (vessels restricted to fishing south of 38°40' N. lat. As described in § 648.92(b) that do not qualify for a monkfish limited access Category A, B, C, D, or G permit).* * * *

■ 5. In § 648.14, paragraph (y)(21) is revised to read as follows:

§ 648.14 Prohibitions.

* * * * *

(y) * * *

(21) Fail to comply with the area declaration requirements specified at § 648.94(f) when fishing under a scallop, NE multispecies, or monkfish DAS exclusively in the NFMA under the less restrictive measures of that area.

* * * * *

■ 6. In § 648.85, paragraph (b)(6)(iv)(D) is revised to read as follows:

§ 648.85 Special management programs.

* * * * *

(b) * * *

(6) * * *

(iv) * * *

(D) *Landing limits.* Unless otherwise specified in this paragraph (b)(6)(iv)(D), a NE multispecies vessel fishing in the Regular B DAS Program described in this paragraph (b)(6), and fishing under a Regular B DAS, may not land more than 100 lb (45.5 kg) per DAS, or any part of a DAS, up to a maximum of 1,000 lb (454 kg) per trip, of any of the following species/stocks: Cod, American plaice, white hake, witch flounder, SNE/MA winter flounder, GB winter flounder, GB yellowtail flounder, southern windowpane flounder, and ocean pout; and may not land more than 25 lb (11.3 kg) per DAS, or any part of a DAS, up to a maximum of 250 lb (113 kg) per trip of CC/GOM or SNE/MA

yellowtail flounder. In addition, trawl vessels, which are required to fish with a haddock separator trawl as specified under paragraph (b)(6)(iv)(J) of this section, and other gear that may be required in order to reduce catches of stocks of concern as described under paragraph (b)(6)(iv)(J) of this section, are restricted to the following trip limits: 500 lb (227 kg) of all flatfish species (American plaice, witch flounder, winter flounder, windowpane flounder, and GB yellowtail flounder), combined; 500 lb (227 kg) of monkfish (whole weight); 500 lb (227 kg) of skates (whole weight); and zero possession of lobsters, unless otherwise restricted by § 648.94(b)(3).

* * * * *

■ 7. In § 648.91, paragraph (c)(1)(iii) is revised to read as follows:

§ 648.91 Monkfish regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(c) * * *

(1) * * *

(iii) *Gillnets while on a monkfish DAS.* The minimum mesh size for any gillnets used by a vessel fishing under a monkfish DAS is 10-inch (25.4-cm) diamond mesh, unless otherwise provided for under § 648.92(b)(1)(iii)(B).

* * * * *

■ 8. In § 648.92, paragraph (b)(2)(iii) is removed, and paragraphs (b)(1), (b)(2)(i), (b)(2)(ii)(B), and (b)(9)(i) are revised to read as follows:

§ 648.92 Effort-control program for monkfish limited access vessels.

* * * * *

(b) * * *

(1) *Limited access monkfish permit holders—*(i) *General provision.* Limited access monkfish permit holders shall be allocated 31 monkfish DAS each fishing year to be used in accordance with the restrictions of this paragraph (b), unless otherwise restricted by paragraph (b)(1)(ii) of this section or modified by § 648.96(b)(3), or unless the vessel is enrolled in the Offshore Fishery Program in the SFMA, as specified in paragraph (b)(1)(iv) of this section. The annual allocation of monkfish DAS shall be reduced by the amount calculated in paragraph (b)(1)(v) of this section for the research DAS set-aside. Limited access NE multispecies and limited access sea scallop permit holders who also possess a limited access monkfish permit must use a NE multispecies or sea scallop DAS concurrently with each monkfish DAS utilized, except as provided in paragraph (b)(2) of this section, unless otherwise specified under this subpart F.

(ii) *DAS restrictions for vessels fishing in the SFMA.* Limited access monkfish vessels may only use 23 of their 31 monkfish DAS allocation in the SFMA. All limited access monkfish vessels fishing in the SFMA must declare that they are fishing in this area through the vessel call-in system or VMS prior to the start of every trip. In addition, if a vessel does not possess a valid letter of authorization from the Regional Administrator to fish in the NFMA as described in § 648.94(f), NMFS shall presume that any monkfish DAS used were fished in the SFMA.

(iii) *DAS declaration provision for vessels fishing in the NFMA with a VMS unit.* Any limited access NE multispecies vessel fishing under a NE multispecies Category A DAS in the NFMA, and issued an LOA as specified in § 648.94(f), may change its DAS declaration to a monkfish DAS through the vessel's VMS unit during the course of the trip, but prior to crossing the VMS demarcation line upon its return to port or leaving the NFMA, if the vessel exceeds the incidental catch limit specified under § 648.94(c).

(A) Vessels that change their DAS declaration from a NE multispecies Category A DAS to a monkfish DAS during the course of a trip remain subject to the NE multispecies DAS usage requirements (i.e., use a NE multispecies Category A DAS in conjunction with the monkfish DAS) described in paragraph (b)(2)(i) of this section.

(B) Gillnet vessels that change their DAS declaration in accordance with this paragraph (b)(1)(iii) are not subject to the gillnet minimum mesh size restrictions found at § 648.91(c)(1)(iii), but are subject to the smaller NE multispecies minimum mesh requirements for gillnet vessels found under § 648.80 based upon the NE Multispecies Regulated Mesh Area in which the vessel is fishing.

(iv) *Offshore Fishery Program DAS allocation.* A vessel issued a Category F permit, as described in § 648.95, shall be allocated a prorated number of monkfish DAS as specified in § 648.95(g)(2).

(v) *Research DAS set-aside.* A total of 500 DAS shall be set aside and made available for cooperative research programs as described in paragraph (c) of this section. These DAS shall be deducted from the total number of DAS allocated to all monkfish limited access permit holders, as specified under paragraph (b)(1)(i) of this section. A per vessel deduction shall be determined as follows: Allocated DAS minus the quotient of 500 DAS divided by the total number of limited access permits issued

in the previous fishing year. For example, if the DAS allocation equals 31 DAS and there were 750 limited access monkfish permits issued during FY 2006, the number of DAS allocated to each vessel during FY 2007 would be 31 DAS minus 0.7 (500 DAS divided by 750 permits), or 30.3 DAS.

(2) * * *

(i) Unless otherwise specified in paragraph (b)(2)(ii) of this section, each monkfish DAS used by a limited access NE multispecies or scallop DAS vessel holding a Category C, D, F, G, or H limited access monkfish permit shall also be counted as a NE multispecies or scallop DAS, as applicable, except when a Category C, D, F, G, or H vessel with a limited access NE multispecies DAS permit has an allocation of NE multispecies Category A DAS, specified under § 648.82(d)(1), that is less than the number of monkfish DAS allocated for the fishing year May 1 through April 30. Under this circumstance, the vessel may fish under the monkfish limited access Category A or B provisions, as applicable, for the number of DAS that equal the difference between the number of its allocated monkfish DAS and the number of its allocated NE multispecies Category A DAS. For such vessels, when the total allocation of NE multispecies Category A DAS has been used, a monkfish DAS may be used without concurrent use of a NE multispecies DAS, provided that the vessel fishes under the regulations pertaining to a Category B vessel and does not retain any regulated NE multispecies. For example, if a monkfish Category D vessel's NE multispecies Category A DAS allocation is 20, and the vessel fished 20 of its 31 monkfish DAS, 20 NE multispecies Category A DAS would also be used. However, after all 20 NE multispecies Category A DAS are used, the vessel may utilize its remaining 11 monkfish DAS to fish for monkfish, without a NE multispecies DAS being used. A vessel holding a Category C, D, F, G, or H limited access monkfish permit may not use a NE multispecies Category B Regular DAS under the NE Multispecies Regular B DAS Program, as specified under § 648.85(b)(6), in order to satisfy the requirement of this paragraph (b)(2)(i) to use a NE multispecies DAS concurrently with a monkfish DAS.

(ii) * * *

(A) * * *

(B) A monkfish Category C, D, F, G, or H vessel that leases DAS to another vessel(s), pursuant to § 648.82(k), must forfeit a monkfish DAS for each NE multispecies DAS that the vessel leases, equal in number to the difference between the number of remaining NE

multispecies DAS and the number of unused monkfish DAS at the time of the lease. For example, if a lessor vessel, which had 31 unused monkfish DAS and 35 allocated NE multispecies DAS, leased 10 of its NE multispecies DAS to another vessel, the lessor would forfeit 6 of its monkfish DAS (10 - (35 NE multispecies DAS - 31 monkfish DAS) = 6).

* * * * *

(9) * * *

(i) Vessels issued monkfish limited access Category G or H permits may only fish under a monkfish DAS in the area south of 38°40' N. lat.

* * * * *

■ 9. In § 648.94, paragraphs (b)(1), (b)(2)(i), (b)(2)(ii), (b)(3)(i), (b)(3)(ii), (b)(6), (c)(1)(i), and (c)(8) are revised to read as follows:

§ 648.94 Monkfish possession and landing restrictions.

* * * * *

(b) * * *

(1) *Vessels fishing under the monkfish DAS program in the NFMA—(i) Category A and C vessels.* Limited access monkfish Category A and C vessels that fish under a monkfish DAS exclusively in the NFMA may land up to 1,250 lb (567 kg) tail weight or 4,150 lb (1,882 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 3.32).

(ii) *Category B and D vessels.* Limited access monkfish Category B and D vessels that fish under a monkfish DAS exclusively in the NFMA may land up to 470 lb (213 kg) tail weight or 1,560 lb (708 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 3.32).

(2) *Vessels fishing under the monkfish DAS program in the SFMA—(i) Category A, C, and G vessels.* Limited access monkfish Category A, C, and G vessels that fish under a monkfish DAS in the SFMA may land up to 550 lb (249 kg) tail weight or 1,826 lb (828 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based on the conversion factor for tail weight to whole weight of 3.32).

(ii) *Category B, D, and H vessels.* Limited access monkfish Category B, D, and H vessels that fish under a monkfish DAS in the SFMA may land up to 450 lb (204 kg) tail weight or 1,494 lb (678 kg) whole weight of monkfish per DAS (or any prorated combination of tail weight and whole weight based

on the conversion factor for tail weight to whole weight of 3.32).

* * * * *

(3) * * *

(i) *NFMA*. Limited access monkfish Category C, D, F, G, or H vessels that are fishing under a NE multispecies DAS, and not a monkfish DAS, exclusively in the NFMA are subject to the incidental catch limit specified in paragraph (c)(1)(i) of this section. Category C, D, F, G, and H vessels participating in the NE Multispecies Regular B DAS program, as specified under § 648.85(b)(6), are also subject to the incidental catch limit specified in paragraph (c)(1)(i) of this section.

(ii) *SFMA*—(A) *Category C, D, and F vessels*. Limited access monkfish Category C, D, or F vessels that fish any portion of a trip under a NE multispecies DAS in the SFMA, and not a monkfish DAS, may land up to 300 lb (136 kg) tail weight or 996 lb (452 kg) whole weight of monkfish per DAS if trawl gear is used exclusively during the trip, or 50 lb (23 kg) tail weight or 166 lb (75 kg) whole weight per DAS if gear other than trawl gear is used at any time during the trip. Category C, D, and F vessels participating in the NE Multispecies Regular B DAS program, as specified under § 648.85(b)(6), are also subject to the incidental catch limit specified in paragraph (c)(1)(ii) of this section.

(B) *Category G and H vessels*. Limited access monkfish Category G and H vessels that fish any portion of a trip under a NE multispecies DAS in the SFMA, and not under a monkfish DAS, are subject to the incidental catch limit specified in paragraph (c)(1)(ii) of this section. Category G and H vessels participating in the NE Multispecies Regular B DAS program, as specified under § 648.85(b)(6), are also subject to the incidental catch limit specified in paragraph (c)(1)(ii) of this section.

* * * * *

(6) *Vessels not fishing under a NE multispecies, scallop, or monkfish DAS*. The possession limits for all limited access monkfish vessels when not fishing under a NE multispecies, scallop, or monkfish DAS are the same as those possession limits applicable to a vessel issued a monkfish incidental catch permit specified under paragraphs (c)(3) through (c)(8) of this section.

* * * * *

(c) * * *

(1) * * *

(i) *NFMA*. Vessels issued a valid monkfish incidental catch (Category E) permit or a valid limited access Category C, D, F, G, or H permit, fishing under a NE multispecies DAS

exclusively in the NFMA may land up to 300 lb (136 kg) tail weight or 996 lb (452 kg) whole weight of monkfish per DAS, or 25 percent (where the weight of all monkfish is converted to tail weight) of the total weight of fish on board, whichever is less. For the purpose of converting whole weight to tail weight, the amount of whole weight possessed or landed is divided by 3.32.

* * * * *

(8) *Scallop vessels not fishing under a scallop DAS with dredge gear*—(i) *General provisions*. A vessel issued a valid monkfish incidental catch (Category E) permit or a valid limited access Category C, D, F, G, or H permit, and also possessing a valid General Category sea scallop permit or a limited access sea scallop vessel not fishing under a scallop DAS, while fishing exclusively with scallop dredge gear as specified in § 648.51(b), may possess, retain, and land up to 50 lb (23 kg) tail weight or 166 lb (75 kg) whole weight of monkfish per day or partial day, not to exceed 150 lb (68 kg) tail weight or 498 lb (226 kg) whole weight per trip, unless otherwise specified in paragraph (c)(8)(ii) of this section.

(ii) *Limited access scallop vessels fishing in Sea Scallop Access Areas*. A vessel issued a valid monkfish incidental catch (Category E) permit or a valid limited access Category C, D, F, G, or H permit, and also possessing a limited access sea scallop permit while fishing exclusively with scallop dredge gear as specified in § 648.51(b), and fishing in one of the established Sea Scallop Access Areas specified under § 648.59, may possess, retain, and land up to 300 lb (136 kg) tail weight or 996 lb (452 kg) whole weight of monkfish per day or partial day fished within the boundaries of the Sea Scallop Access Area. Time within the applicable access area, for purposes of determining the incidental catch limit, will be determined through the vessel's VMS unit.

* * * * *

■ 10. In § 648.96, the section heading is revised, paragraphs (a) heading, and (b)(1) through (b)(4) are revised, and paragraphs (b)(5) and (b)(6) are added to read as follows:

§ 648.96 Monkfish annual target TACs and framework specifications.

(a) *Annual review*. * * *

(b) * * *

(1) *Annual Target TACs for FY 2007 through FY 2009*—(i) *NFMA*. The annual target TAC for the NFMA is 5,000 mt for FY 2007 through FY 2009, unless otherwise recommended by the MFMC through its annual review

procedure specified in paragraph (a) of this section, and adopted through the procedures outlined in paragraph (b)(4) of this section.

(ii) *SFMA*. The annual target TAC for the SFMA is 5,100 mt for FY 2007 through FY 2009, unless otherwise recommended by the MFMC through its annual review procedure specified in paragraph (a) of this section, and adopted through the procedures outlined in paragraph (b)(4) of this section.

(2) *Annual Target TACS for FY 2010 and beyond*. If a regulatory action is not implemented to establish target TACs for the monkfish fishery for FY 2010 or subsequent years, either through the annual review procedure described in paragraph (a) of this section or another type of regulatory action, the target TACs in effect during FY 2007 - FY 2009 will remain in effect until new measures are implemented. The management measures for FY 2010 or subsequent years that would be associated with these target TACs are described in paragraph (b)(6) of this section.

(3) *Setting DAS allocations*—(i) The process of determining the appropriate DAS allocations for each management area involves first estimating incidental landings for each management area and then estimating the proportional catch for permit categories A and C, and permit categories B, D, and H based upon vessel trip reports for the most recently completed fishing year for which a complete set of landings data exists. The landings proportions generated for each permit category group (A and C versus B, D, and H) are then used to estimate the landings that would be associated with each permit category group under a given target TAC, less projected incidental landings. For example, a target TAC of 5,100 mt equates to 11,243,580 lb (5,100,000 kg). If incidental landings for the SFMA are projected to be 2,070,000 lb (938,936 kg) the total amount of the target TAC available to limited access vessels would be 9,173,580 lb (4,161,066 kg). If the proportion of landings for permit category A and C vessels is 37 percent, and the proportion for permit category B, C, and H vessels is 63 percent, then the landing levels associated with each permit category group under this target TAC would be 3,394,225 lb (1,539,595 kg) and 5,779,355 lb (2,621,471 kg), respectively.

(ii) Landings are assumed to be fixed at a constant rate per day for each vessel, equivalent to the average daily landings of each vessel in the reference year, of the last applicable full year of landings data (a year is applicable if the

TAC in that year was lower than the TAC in the year to be calculated).

(iii) To adjust for the ability of vessels to carryover up to 10 unused monkfish DAS from the previous fishing year to the current fishing year, adjustments to DAS usage shall be made by first reducing the landings for all permit holders who have used more than the annual DAS allocation specified in § 648.94(b)(1)(i) (e.g., 31 monkfish DAS) by the proportion of DAS exceeding that annual DAS allocation, and then resetting the upper limit of DAS usage at the annual DAS allocation.

(iv) Linear interpolation is then used to determine which DAS level would closest achieve the estimated landing levels for each permit category group under a given target TAC.

(4) *Council TAC Recommendations.* The Councils shall consider any target TAC(s) recommended by the MFMC as part of its annual review specified in paragraph (a) of this section, and then forward their target TAC recommendation to the Regional Administrator. If the Councils recommend target TAC(s) to the Regional Administrator, and the Regional Administrator concurs with this recommendation, the Regional Administrator shall promulgate the target TAC(s) and associated management measures through rulemaking consistent with the APA. If the Regional Administrator does not concur with the Councils' recommendation, then the Councils shall be notified in writing of the reasons for the non-concurrence.

(5) *Target TAC Overages*—(i) If monkfish landings exceed the annual target TAC for either management area by more than 10 percent but less than or equal to 30 percent during FY 2007, the Regional Administrator shall adjust the annual monkfish DAS allocation for the management area in which the overage occurred, through rulemaking consistent with the APA, for FY 2009 using catch and effort information for FY 2007 according to the procedures outlined in paragraph (b)(3) of this section.

(ii) If monkfish landings exceed the annual target TAC for either management area by more than 30 percent during FY 2007, the Regional Administrator shall reduce the annual monkfish DAS allocation to zero for FY 2009 for the management area in which the overage occurred, through rulemaking consistent with the APA.

(6) *Management measures for FY 2010 and beyond.* If a regulatory action is not implemented to establish management measures for the monkfish fishery for FY 2010 or subsequent years,

either through the annual review process or another type of regulatory action, the management measures in effect during FY 2009 (i.e., trip limits and DAS allocations) will remain in effect until new measures are implemented, with the following exception. If the monkfish DAS allocation is reduced to zero in either management area during FY 2009 as a result of the target TAC overage provision described in paragraph (b)(3) of this section, the annual DAS allocation and associated trip limits for that management area for FY 2010 and beyond will be equivalent to the annual monkfish DAS allocation and trip limits in effect during FY 2008, unless otherwise recommended by the MFMC through its annual review procedure specified in paragraph (a) of this section, or superceded by a subsequent regulatory action.

* * * * *

[FR Doc. 07-4667 Filed 9-17-07; 3:23 pm]

BILLING CODE 3510-22-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA-HQ-OAR-2003-0090; FRL-8469-8]

RIN 2060-AO05

Extension of the Deferred Effective Date for 8-Hour Ozone National Ambient Air Quality Standards for the Denver Early Action Compact

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is taking final action to extend the deferral of the effective date of the 8-hour ozone National Ambient Air Quality Standard (NAAQS) designation for the Denver Early Action Compact (EAC) from September 14, 2007 to November 20, 2007. The EAC areas have agreed to reduce ground-level ozone pollution earlier than the Clean Air Act (CAA) requires. On November 29, 2006, EPA extended the deferred effective date for the Denver EAC area from December 31, 2006, to July 1, 2007. In that final rulemaking, EPA noted that there was litigation regarding the deferral of the effective date for the Denver EAC and that the parties were discussing settlement. Thus, in the interest of maintaining the status quo while settlement discussion proceeded, EPA issued a brief further deferral of the effective date of the nonattainment designation until September 14, 2007. The parties are

continuing settlement discussions. EPA is issuing at this time a short further deferral of the effective date of Denver's designation for the 8-hour ozone standard from September 14, 2007 to November 20, 2007.

DATES: *Effective Date:* This final rule is effective on September 14, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-HQ-OAR-2003-0090. 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, e.g., 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 Docket, EPA/DC, EPA West Building, EPA Headquarters Library, Room 3334, located at 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room Hours of operation will be 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Office of Air and Radiation Docket is (202) 566-1742. The Air and Radiation Docket Information Center's e-mail address is a-and-r-Docket@epa.gov, and Web address is: <http://www.epa.gov/oar/docket.html>. In addition, we have placed a copy of the rule and a variety of materials relevant to EAC areas on EPA's Web site at <http://www.epa.gov/ttn/naaqs/ozone/eac/>.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Driscoll, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-04, Research Triangle Park, NC 27711, phone number (919) 541-1051 or by e-mail at: driscoll.barbara@epa.gov or Mr. David Cole, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C304-05, Research Triangle Park, NC 27711, phone number (919) 541-5565 or by e-mail at: cole.david@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This action applies only to the Denver EAC area.

B. How Is This Document Organized?

The information presented in this preamble is organized as follows:

Outline

- I. General Information
 - A. Does This Action Apply to Me?
 - B. How Is This Document Organized?
- II. What Is the Purpose of This document?
- III. What Action Has EPA Taken to Date for Early Action Compact Areas?
- IV. What Is the Final Action for the Denver Early Action Compact Area?
- V. Statutory and Executive Order Reviews
 - A. Executive Order 12866: Regulatory Planning and Review
 - B. Paperwork Reduction Act
 - C. Regulatory Flexibility Act
 - D. Unfunded Mandates Reform Act
 - E. Executive Order 13132: Federalism
 - F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
 - G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
 - H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
 - I. National Technology Transfer Advancement Act
 - J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
 - K. Congressional Review Act
 - L. Petitions for Judicial Review

II. What Is the Purpose of This Document?

The purpose of this document is to issue a short further deferral of the effective date of the 8-hour ozone nonattainment designation for the Denver EAC area from September 14, 2007 to November 20, 2007.

III. What Action Has EPA Taken to Date for Early Action Compact Areas?

For discussions on EPA's actions to date with respect to deferring the effective date of nonattainment designations for certain areas of the country that are participating in the EAC program and Denver specifically please refer to the **Federal Register** dated June 28, 2007 (72 FR 35356). In addition, EPA's April 30, 2004, air quality designation rule (69 FR 23858) provides a description of the compact approach, the requirements for areas participating in the compact and the impacts of the compact on those areas.

Since the June 28, 2007, rulemaking, all compact areas submitted their 6 month progress reports by June 30, 2007 as required. These reports were reviewed and approved by EPA. You may find copies of all progress reports at <http://www.epa.gov/ttn/naaqs/ozone/eac/index.htm#List>.

IV. What Is the Final Action for the Denver Early Action Compact Area?

Rocky Mountain Clean Air Action (RMCAA) challenged our action deferring the effective date of the nonattainment designation of the Denver EAC area until July 1, 2007. 71 FR 69022 (November 29, 2006). *Rocky Mountain Clean Air Action v. EPA*, D.C. Cir. No. 07-1012. We are currently in settlement discussions with RMCAA. In order to allow the settlement process to continue, we are taking final action at this time to issue a short further deferral of the effective date of designation for Denver until November 20, 2007. By November 20, 2007, EPA will: (i) Evaluate the 8-hour ozone air quality data for the Denver EAC area from 2005, 2006 and the first three quarters of 2007; and, (ii) if the data do not indicate a violation of the 8-hour ozone standard, issue a final rule further extending the deferral of the effective date of the nonattainment designation until April 15, 2008; and, (iii) if the data indicate a violation, take no further action and the nonattainment designation will become effective November 20, 2007.

We are taking this action pursuant to our March 1, 2007 proposed rule whereby we proposed to extend the effective date of the designation until April 15, 2008. We incorporate by reference our responses to the comments received on that proposal, which were included in our June 28, 2007 final rule extending the deferral of the effective date for the Denver EAC area until September 14, 2007.

This action will be effective September 14, 2007. Because this action will relieve a restriction by further deferring the effective date of the nonattainment designation for the Denver EAC area, the requirement of section 553(d) of the Administrative Procedure Act that a rule not take effect earlier than 30 days following publication does not apply.

V. Statutory and Executive Order Reviews**A. Executive Order 12866: Regulatory Planning and Review**

This action is not a "significant regulatory action" under the terms of Executive Order (E.O.) 12866 (58 FR 51735; October 4, 1993) and is therefore not subject to review under the E.O.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This final rule does not require the collection of any information.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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 Office of Management and Budget (OMB) control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an Agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedures Act or any other statute unless the Agency certifies the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this final rule on small entities, small entity is defined as: (1) A small business that is a small industrial entity as defined in the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this final rule on small entities, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any requirements on small entities. Rather, this rule would extend the deferred effective date of the nonattainment designation for the Denver area to implement control measures and

achieve emissions reductions earlier than otherwise required by the CAA in order to attain the 8-hour ozone NAAQS.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with “Federal mandates” that may result in expenditures to State, local, and Tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

This final rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any 1 year. In this final rule, EPA is deferring the effective date of nonattainment designation for the Denver EAC. Thus, this final rulemaking is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect

small governments because this rule does not contain Federal mandates.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the E.O. to include regulations that 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.”

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The CAA establishes the scheme whereby States take the lead in developing plans to meet the NAAQS. This final rule would not modify the relationship of the States and EPA for purposes of developing programs to implement the NAAQS. Thus, E.O. 13132 does not apply to this final rule.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” This final rule does not have “Tribal implications” as specified in E.O. 13175. It does not have a substantial direct effect on one or more Indian Tribes, since no Tribe has implemented a CAA program to attain the 8-hour ozone NAAQS at this time or has participated in a compact.

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

Executive Order 13045: “Protection of Children From Environmental Health and Safety Risks” (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be “economically significant” as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that

EPA has reason to believe may have disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to the Executive Order because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This final rule is not subject to E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355; May 22, 2001) because it is not a significant regulatory action under E.O. 12866.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer Advancement Act of 1995 (NTTAA), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

This final rule does not involve technical standards. Therefore, EPA is not considering the use of any VCS. The EPA will encourage States that have compact areas to consider the use of such standards, where appropriate, in the development of their SIPs.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629; Feb. 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing,

as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The health and environmental risks associated with ozone were considered in the establishment of the 8-hour, 0.08 ppm ozone NAAQS. The level is designed to be protective with an adequate margin of safety.

K. 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. The 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). This rule will be effective September 14, 2007.

L. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit by November 20, 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 must be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* CAA Section 307(b)(2).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control.

Authority: 42 U.S.C. 7408; 42 U.S.C. 7410; 42 U.S.C. 7501–7511f; 42 U.S.C. 7601(a)(1).

Dated: September 12, 2007.

Stephen L. Johnson,
Administrator.

■ For the reason set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

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

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

Subpart C—Section 107 Attainment Status Designations

■ 2. Section 81.300 is amended by revising the last sentence in paragraph (e)(3)(i) to read as follows:

§ 81.300 Scope.

* * * * *

(e) * * *

(3) * * *

(i) *General.* * * * The Administrator shall defer until November 20, 2007 the effective date of a nonattainment designation of the Denver area.

* * * * *

■ 3. In § 81.306, the table entitled "Colorado-Ozone (8-Hour Standard)" is amended by revising footnote 2 to read as follows:

§ 81.306 Colorado.

* * * * *

Colorado-Ozone (8-Hour Standard)

* * * * *

² Early Action Compact Area, effective date deferred until November 20, 2007.

* * * * *

[FR Doc. E7–18357 Filed 9–20–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Modified Base (1% annual-chance) Flood Elevations (BFEs) are finalized for the communities listed below. These modified BFEs will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective dates for these modified BFEs are indicated on the

following table and revise the Flood Insurance Rate Maps (FIRMs) in effect for the listed communities prior to this date.

ADDRESSES: The modified BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: William R. Blanton, Jr., Engineering Management Section, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–3151.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below of the modified BFEs for each community listed. These modified BFEs have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Mitigation Division Director of FEMA resolved any appeals resulting from this notification.

The modified BFEs are not listed for each community in this notice. However, this final rule includes the address of the Chief Executive Officer of the community where the modified BFEs determinations are available for inspection.

The modified BFEs are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified BFEs are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified BFEs are used to meet the floodplain management requirements of the NFIP and are also

used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings. The changes in BFEs are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601–612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132, Federalism.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

■ Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

■ 1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p.376.

§ 65.4 [Amended]

■ 2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama:					
Elmore (FEMA Docket No: B-7717).	Unincorporated areas of Elmore County (07-04-0063P).	March 21, 2007; March 28, 2007; <i>The Wetumpka Herald</i> .	The Honorable Joe Faulk, Chairman, Elmore County Board of Commissioners, 100 East Commerce Street, Wetumpka, AL 36092.	June 27, 2007	010406
Houston (FEMA Docket No: B-7717).	City of Ashford (07-04-1348P).	March 15, 2007; March 22, 2007; <i>The Dothan Eagle</i> .	The Honorable Bryan Alloway, Mayor, City of Ashford, P.O. Box 428, Ashford, AL 36312.	February 26, 2007	010099
Arizona:					
Cochise (FEMA Docket No: B-7719).	City of Sierra Vista 06-09-BA33P).	April 12, 2007; April 19, 2007; <i>Sierra Vista Herald</i> .	The Honorable Bob Strain, Mayor, City of Sierra Vista, City Hall, 1011 North Coronado Drive, Sierra Vista, AZ 85635.	March 30, 2007	040017
Cocconino (FEMA Docket No: B-7719).	City of Williams (07-09-0666P).	April 12, 2007; April 19, 2007; <i>Arizona Daily Sun</i> .	The Honorable Kenneth Edes, Mayor, City of Williams, 113 South First Street, Williams, AZ 86046.	March 29, 2007	040027
Maricopa (FEMA Docket No: B-7717).	City of Peoria (07-09-0452P).	March 29, 2007; April 5, 2007; <i>Arizona Business Gazette</i> .	The Honorable John C. Keegan, Mayor, City of Peoria, City of Peoria Municipal Complex, 8401 West Monroe Street, Peoria, AZ 85345.	March 9, 2007	040050
Mohave (FEMA Docket No: B-7717).	City of Bullhead City (06-09-B164P).	April 6, 2007; April 13, 2007; <i>Bullhead City Bee</i> .	The Honorable Norm Hicks, Mayor, City of Bullhead City, 1255 Marina Boulevard, Bullhead City, AZ 86442.	July 11, 2007	040125
Pima (FEMA Docket No: B-7717).	Town of Oro Valley (07-09-0603P).	April 5, 2007; April 12, 2007; <i>The Daily Territorial</i> .	The Honorable Paul H. Loomis, Town of Oro Valley, 11000 North La Canada Drive, Oro Valley, AZ 85737.	March 21, 2007	040109
Pima (FEMA Docket No: B-7716).	City of Tucson (07-09-0551P).	March 15, 2007; March 22, 2007; <i>The Daily Territorial</i> .	The Honorable Bob Walkup, Mayor, City of Tucson, City Hall, 255 West Alameda Street, Tucson, AZ 85701.	February 28, 2007	040076
Arkansas:					
Baxter (FEMA Docket No: B-7719).	City of Mountain Home (07-06-0816P).	April 19, 2007; April 26, 2007; <i>The Baxter Bulletin</i> .	The Honorable David Osmon, Mayor, City of Mountain Home, 720 South Hickory Street, Mountain Home, AR 72653.	July 26, 2007	050531
Benton (FEMA Docket No: B-7717).	City of Bentonville (06-06-B031P).	March 22, 2007; March 29, 2007; <i>Benton County Daily Record</i> .	The Honorable Bob McCaslin, Mayor, City of Bentonville, City Hall, 117 West Central, Bentonville, AR 72712.	June 28, 2007	050012
Benton (FEMA Docket No: B-7717).	City of Springdale (06-06-B115P).	March 22, 2007; March 29, 2007; <i>Benton County Daily Record</i> .	The Honorable Jerre M. Van Hoose, Mayor, City of Springdale, 201 Spring Street, Springdale, AR 72764.	June 28, 2007	050219
Benton (FEMA Docket No: B-7717).	Unincorporated areas of Benton County (06-06-B115P).	March 22, 2007; March 29, 2007; <i>Benton County Daily Record</i> .	The Honorable Gary D. Black, Benton County Judge, 215 East Central Avenue, Bentonville, AR 72712.	June 28, 2007	050419
Craighead (FEMA Docket No: B-7719).	City of Jonesboro (07-06-0264P).	April 27, 2007; May 4, 2007; <i>Jonesboro Sun</i> .	The Honorable Doug Formon, Mayor, City of Jonesboro, 515 West Washington, Jonesboro, AR 72401.	April 30, 2007	050048
California:					
Placer (FEMA Docket No: B-7719).	City of Roseville (06-09-BA39P).	April 11, 2007; April 18, 2007; <i>Roseville Press-Tribune</i> .	The Honorable Jim Gray, Mayor, City of Roseville, 311 Vernon Street, Suite 208, Roseville, CA 95678.	July 18, 2007	060243
Placer (FEMA Docket No: B-7719).	Unincorporated areas of Placer County (06-09-BA39P).	April 11, 2007; April 18, 2007; <i>Roseville Press-Tribune</i> .	The Honorable Bruce Kranz, Chairman, Placer County Board of Supervisors, 175 Fulweiler Avenue, Auburn, CA 95603.	July 18, 2007	060239

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Riverside (FEMA Docket No: B-7722).	City of Palm Springs (07-09-0588P).	May 3, 2007; May 10, 2007; <i>The Press-Enterprise</i> .	The Honorable Ron Oden, Mayor, City of Palm Springs, 3200 East Tahquitz Canyon Way, Palm Springs, CA 92262.	August 9, 2007	060257
Sacramento (FEMA Docket No: B-7719).	Unincorporated areas of Sacramento County (07-09-0205P).	April 19, 2007; April 26, 2007; <i>The Daily Recorder</i> .	The Honorable Don Nottoli, Chairman, Board of Supervisors Sacramento County, 700 H Street, Suite 2450, Sacramento, CA 95814.	July 26, 2007	060262
Shasta (FEMA Docket No: B-7717).	City of Redding (05-09-0728P).	March 22, 2007; March 29, 2007; <i>Record Searchlight</i> .	The Honorable Ken Murray, Mayor, City of Redding, 777 Cypress Avenue, Redding, CA 96001.	June 28, 2007	060360
Shasta (FEMA Docket No: B-7717).	Unincorporated areas of Shasta County (05-09-0728P).	March 22, 2007; March 29, 2007; <i>Record Searchlight</i> .	The Honorable Trish Clarke, Chairman, Shasta County Board of Supervisors, 1450 Court Street, Redding, CA 96001.	June 28, 2007	060358
Ventura (FEMA Docket No: B-7730 & B-7729).	City of Simi Valley (06-09-B562P).	March 22, 2007; March 29, 2007; <i>Ventura County Star</i> .	The Honorable Paul Miller, Mayor, City of Simi Valley, 2929 Tapo Canyon Road, Simi Valley, CA 93063.	June 28, 2007	060421
Colorado:					
Adams (FEMA Docket No: B-7719).	City of Aurora (07-08-0252P).	April 20, 2007; April 27, 2007; <i>Eastern Colorado News</i> .	The Honorable Ed Tauer, Mayor, City of Aurora, 15151 East Alameda Parkway, Aurora, CO 80012.	July 27, 2007	080002
Adams (FEMA Docket No: B-7719).	Unincorporated areas of Adams County (07-08-0252P).	April 20, 2007; April 27, 2007; <i>Eastern Colorado News</i> .	The Honorable Alice J. Nichol, Chairman, Adams County Board of Commissioners, 450 South Fourth Avenue, Brighton, CO 80601.	July 27, 2007	080001
Arapahoe (FEMA Docket No: B-7719).	City of Englewood (06-08-B392P).	April 6, 2007; April 13, 2007; <i>The Englewood Herald</i> .	The Honorable Olga Wolosyn, Mayor, City of Englewood, 1000 Englewood Parkway, Englewood, CO 80110-2373.	July 13, 2007	085074
Arapahoe (FEMA Docket No: B-7719).	City of Littleton (06-08-B392P).	April 6, 2007; April 13, 2007; <i>The Englewood Herald</i> .	The Honorable Jim Taylor, Mayor, City of Littleton, 2255 West Barry Avenue, Littleton, CO 80165.	July 13, 2007	080017
El Paso (FEMA Docket No: B-7719).	City of Colorado Springs (05-08-0368P).	February 14, 2007; February 21, 2007; <i>El Paso County Advertiser and News</i> .	The Honorable Lionel Rivera, Mayor, City of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	May 23, 2007	080060
El Paso (FEMA Docket No: B-7719).	Unincorporated areas of El Paso County (05-08-0368P).	February 14, 2007; February 21, 2007; <i>El Paso County Advertiser and News</i> .	The Honorable Sallie Clark, Chair, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, CO 80903.	May 23, 2007	080059
El Paso (FEMA Docket No: B-7722).	Unincorporated areas of El Paso County (07-08-0044P).	May 16, 2007; May 23, 2007; <i>El Paso County Advertiser and News</i> .	The Honorable Dennis Hisey, Chairman, El Paso County Board of Commissioners, 27 East Vermijo Avenue, Colorado Springs, CO 80903.	August 22, 2007	080059
Jefferson (FEMA Docket No: B-7716).	Unincorporated areas of Jefferson County (07-08-0130P).	March 15, 2007; March 22, 2007; <i>The Golden Transcript</i> .	The Honorable J. Kevin McCasky, Chairman, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419-5550.	January 22, 2007	080087
Delaware: New Castle (FEMA Docket No: B-7722).	Unincorporated areas of New Castle County (07-03-0213P).	May 18, 2007; May 25, 2007; <i>Newark Post</i> .	Mr. Christopher Koons, County Executive, New Castle County, 87 Read's Way, New Castle, DE 19720.	August 24, 2007	105085
Florida:					
Charlotte (FEMA Docket No: B-7722).	Unincorporated areas of Charlotte County (07-04-0469P).	May 24, 2007; May 31, 2007; <i>Charlotte Sun</i> .	The Honorable Thomas G. Moore, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	April 27, 2007	120061
Charlotte (FEMA Docket No: B-7716).	Unincorporated areas of Charlotte County (07-04-1701P).	March 15, 2007; March 22, 2007; <i>Charlotte Sun</i> .	The Honorable Bruce Loucks, County Administrator, Charlotte County, 18500 Murdock Circle, Port Charlotte, FL 33948.	February 21, 2007	120061
Collier (FEMA Docket No: B-7722).	City of Naples (07-04-2297P).	May 24, 2007; May 31, 2007; <i>Naples Daily News</i> .	The Honorable Bill Barnett, Mayor, City of Naples, 735 Eighth Street South, Naples, FL 34102.	April 27, 2007	125130
Lake (FEMA Docket No: B-7717).	Unincorporated areas of Lake County (07-04-0194P).	March 16, 2007; March 23, 2007; <i>The Daily Commercial</i> .	The Honorable Welton G. Cadwell, Chairman, Lake County Board of Commissioners, P.O. Box 7800, Tavares, FL 32778-7800.	June 22, 2007	120421
Manatee (FEMA Docket No: B-7722).	Unincorporated areas of Manatee County (06-04-C664P).	May 24, 2007; May 31, 2007; <i>Bradenton Herald</i> .	The Honorable Amy E. Stein, Chairman, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	August 30, 2007	120153
Polk (FEMA Docket No: B-7717).	City of Lakeland (06-04-C505P).	March 19, 2007; March 26, 2007; <i>The Polk County Democrat</i> .	The Honorable Ralph L. Fletcher, Mayor, City of Lakeland, 228 South Massachusetts Avenue, Lakeland, FL 33801.	February 26, 2007	120267
Polk (FEMA Docket No: B-7717).	Unincorporated areas of Polk County (07-04-1702P).	March 19, 2007; March 26, 2007; <i>The Polk County Democrat</i> .	Mr. Michael Herr, County Manager, Polk County, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	February 28, 2007	120261

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Walton (FEMA Docket No: B-7722).	City of Freeport (07-04-3565X).	May 17, 2007; May 24, 2007; <i>Northwest Florida Daily News</i> .	The Honorable J. Mickey Marse, Mayor, City of Freeport, P.O. Box 339, Freeport, FL 32439.	April 30, 2007	120319
Georgia:					
Columbia (FEMA Docket No: B-7717).	Unincorporated areas of Columbia County (07-04-1276P).	March 21, 2007; March 28, 2007; <i>Columbia County News-Times</i> .	The Honorable Ron C. Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	June 27, 2007	130059
Forsyth (FEMA Docket No: B-7719).	Unincorporated areas of Forsyth County (06-04-C359P).	March 21, 2007; March 28, 2007; <i>Forsyth County News</i> .	The Honorable Jack Conway, Chairman, Forsyth County Board of Commissioners, 110 East Main Street, Cumming, GA 30040.	June 27, 2007	130312
Gwinnett (FEMA Docket No: B-7719).	Unincorporated areas of Gwinnett County (06-04-B747P).	April 19, 2007; April 26, 2007; <i>Gwinnett Daily Post</i> .	The Honorable Charles Bannister, Chairman, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, GA 30045.	July 26, 2007	130322
Jackson (FEMA Docket No: B-7717).	Unincorporated areas of Jackson County (06-04-BY83P).	March 21, 2007; March 28, 2007; <i>The Jackson Herald</i> .	The Honorable Pat Bell, Chairman, Jackson County Board of Commissioners, 67 Athens Street, Jefferson, GA 30549.	June 27, 2007	130345
Idaho: Blaine (FEMA Docket No: B-7717).	Unincorporated areas of Blaine County (06-10-B204P).	March 21, 2007; March 28, 2007; <i>Wood River Journal</i> .	The Honorable Tom Bowman, Chairman, Blaine County Board of Commissioners, 206 First Avenue South, Hailey, ID 83333.	March 27, 2007	165167
Illinois:					
Cook (FEMA Docket No: B-7719).	Village of Matteson (06-05-B267P).	April 12, 2007; April 19, 2007; <i>Daily Herald</i> .	The Honorable Mark W. Stricker, Village President, Village of Matteson, 4900 Village Commons, Matteson, IL 60443.	July 19, 2007	170123
Du Page (FEMA Docket No: B-7719).	Village of Lisle (07-05-1672P).	April 27, 2007; May 4, 2007; <i>Lisle Sun</i> .	The Honorable Joseph Broda, Mayor, Village of Lisle, 925 Burlington Avenue, Lisle, IL 60532.	March 30, 2007	170211
Kane (FEMA Docket No: B-7722).	City of St. Charles (07-05-0398P).	May 24, 2007; May 31, 2007; <i>Press Republican</i> .	The Honorable Donald P. DeWitte, Mayor, City of St. Charles, Two East Main Street, St. Charles, IL 60174.	August 30, 2007	170330
Lake (FEMA Docket No: B-7722).	Village of Hawthorn Woods (07-05-2482P).	May 24, 2007; May 31, 2007; <i>Lake County News Sun</i> .	The Honorable Keith Hunt, Mayor, Village of Hawthorn Woods, Two Lagoon Drive, Hawthorn Woods, IL 60047.	May 30, 2007	170366
McHenry (FEMA Docket No: B-7719).	Village of Hebron (07-05-0618P).	April 19, 2007; April 26, 2007; <i>The Northwest Herald</i> .	The Honorable Frank Beatty, President, Village of Hebron, P.O. Box 372, Hebron, IL 60034.	July 26, 2007	170086
McHenry (FEMA Docket No: B-7719).	Unincorporated areas of McHenry County (07-05-0618P).	April 19, 2007; April 26, 2007; <i>The Northwest Herald</i> .	The Honorable Kenneth D. Koehler, County Board Chairman, McHenry County, 2200 North Seminary Avenue, Woodstock, IL 60098.	July 26, 2007	170732
Peoria (FEMA Docket No: B-7717).	City of Peoria (06-05-BA71P).	March 22, 2007; March 29, 2007; <i>Peoria Journal Star</i> .	The Honorable Jim Ardis, Mayor, City of Peoria, 6141 North Evergreen Circle, Peoria, IL 61614.	February 28, 2007	170536
Peoria (FEMA Docket No: B-7717).	Unincorporated areas of Peoria County (06-05-BA71P).	March 22, 2007; March 29, 2007; <i>Peoria Journal Star</i> .	The Honorable David Williams, Chairman, Peoria County Board, County Courthouse, 324 Main Street, Peoria, IL 61602.	February 28, 2007	170533
Indiana: Allen (FEMA Docket No: B-7719).	City of New Haven (07-05-1901P).	April 19, 2007; April 26, 2007; <i>Journal Gazette</i> .	The Honorable Terry E. McDonald, Mayor, City of New Haven, 815 Lincoln Highway East, New Haven, IN 46774.	July 26, 2007	180004
Kansas:					
Butler (FEMA Docket No: B-7722).	City of Andover (07-07-0419P).	May 24, 2007; May 31, 2007; <i>The El Dorado Times</i> .	The Honorable Ben Lawrence, Mayor, City of Andover, 909 North Andover Road, Andover, KS 67002.	April 27, 2007	200383
Sedgwick (FEMA Docket No: B-7719).	City of Wichita (07-07-0461P).	April 19, 2007; April 26, 2007; <i>The Wichita Eagle</i> .	The Honorable Carlos Mayans, Mayor, City of Wichita, City Hall, First Floor, 455 North Main, Wichita, KS 67202.	March 30, 2007	200328
Sedgwick (FEMA Docket No: B-7719).	Unincorporated areas of Sedgwick County (07-07-0461P).	April 19, 2007; April 26, 2007; <i>The Wichita Eagle</i> .	The Honorable Dave Unruh, Chairman, Sedgwick County, Board of Commissioners, 525 North Main, Suite 320, Wichita, KS 67203.	March 30, 2007	200321
Louisiana: Livingston (FEMA Docket No: B-7719).	Unincorporated areas of Livingston Parish (06-06-BJ93P).	April 5, 2007; April 12, 2007; <i>The Livingston Parish News</i> .	The Honorable Mike Grimmer, President, Livingston Parish, P.O. Box 427, Livingston, LA 70754.	July 12, 2007	220113
Maine:					
Cumberland (FEMA Docket No: B-7719).	Town of Harpswell (07-01-0567P).	April 12, 2007; April 19, 2007; <i>Portland Press Herald</i> .	The Honorable Samuel W. Alexander, Chair, Board of Selectmen, Town of Harpswell, P.O. Box 39, Harpswell, ME 04079.	April 2, 2007	230169
Knox (FEMA Docket No: B-7719).	Town of Rockport (07-01-0131P).	April 19, 2007; April 26, 2007; <i>The Courier Gazette</i> .	The Honorable Robert H. Nichols, Chairman, Board of Selectmen, Town of Rockport, P.O. Box 10, Rockport, ME 04856.	April 2, 2007	230077

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Massachusetts: Norfolk (FEMA Docket No: B-7719).	Town of Westwood (07-01-0169P).	April 19, 2007; April 26, 2007; <i>Westwood Press</i> .	The Honorable Anthony Antonellis, Chairman, Board of Selectmen, Town of Westwood, 580 High Street, Westwood, MA 02090.	March 30, 2007	255225
Michigan:					
Oakland (FEMA Docket No: B-7719).	City of Troy (06-05-BZ47P).	April 13, 2007; April 20, 2007; <i>Oakland County Legal News</i> .	The Honorable Louise E. Schilling, Mayor, City of Troy, 500 West Big Beaver Road, Troy, MI 48084.	April 19, 2007	260180
Wayne (FEMA Docket No: B-7717).	City of Taylor (07-05-0263P).	March 21, 2007; March 28, 2007; <i>The News Herald</i> .	The Honorable Cameron G. Priebe, Mayor, City of Taylor, Taylor City Hall, 23555 Goddard Road, Taylor, MI 48180.	March 28, 2007	260728
Minnesota:					
Dakota (FEMA Docket No: B-7722).	City of Burnsville (07-05-0873P).	May 24, 2007; May 31, 2007; <i>Burnsville Sun-Current</i> .	The Honorable Elizabeth Kautz, Mayor, City of Burnsville, 100 Civic Center Parkway, Burnsville, MN 55337.	August 30, 2007	270102
Hennepin (FEMA Docket No: B-7719).	City of Golden Valley (06-05-BK37P).	April 18, 2007; April 25, 2007; <i>Star Tribune</i> .	The Honorable Linda Loomis, Mayor, City of Golden Valley, 6677 Olson Memorial Highway, Golden Valley, MN 55427.	July 25, 2007	270162
Missouri: St. Louis (FEMA Docket No: B-7717).	City of Sunset Hills (06-07-BB03P).	March 22, 2007; March 29, 2007; <i>The St. Louis Daily Record</i> .	The Honorable Kenneth Vogel, Mayor, City of Sunset Hills, 3939 South Lindbergh Boulevard, Sunset Hills, MO 63127.	June 28, 2007	290387
Nebraska: Lancaster (FEMA Docket No: B-7719).	Village of Firth (06-07-B874P).	April 26, 2007; May 3, 2007; <i>Lincoln Journal Star</i> .	The Honorable David Hobelman, Chairman, Village of Firth Board, P.O. Box 38, Firth, NE 68358.	August 2, 2007	310135
Nevada: Washoe (FEMA Docket No: B-7717).	Unincorporated areas of Washoe County (06-09-BG15P).	March 22, 2007; March 29, 2007; <i>Reno Gazette-Journal</i> .	The Honorable Robert Larkin, Chair, Washoe County Board of Commissioners, P.O. Box 11130, Reno, NV 89520.	June 28, 2007	320019
New Mexico: Bernalillo (FEMA Docket No: B-7717).	City of Albuquerque (06-06-BG87P).	April 5, 2007; April 12, 2007; <i>The Albuquerque Journal</i> .	The Honorable Martin J. Chavez, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	March 21, 2007	350002
North Dakota: Grand Forks (FEMA Docket No: B-7719).	City of Grand Forks (07-08-0331P).	April 26, 2007; May 3, 2007; <i>Grand Forks Herald</i> .	The Honorable Michael R. Brown, Mayor, City of Grand Forks, P.O. Box 5200, Grand Forks, ND 58206.	August 2, 2007	385365
Ohio:					
Fairfield (FEMA Docket No: B-7722).	City of Lancaster (07-05-1581P).	April 26, 2007; May 3, 2007; <i>Lancaster Eagle-Gazette</i> .	The Honorable David S. Smith, Mayor, City of Lancaster, 104 East Main Street, Lancaster, OH 43130.	August 2, 2007	390161
Fairfield (FEMA Docket No: B-7722).	Unincorporated areas of Fairfield County (07-05-1581P).	April 26, 2007; May 3, 2007; <i>Lancaster Eagle-Gazette</i> .	The Honorable Judy Shupe, Chairman, Fairfield County Board of Commissioners, 210 East Main Street, Room 301, Lancaster, OH 43130.	August 2, 2007	390158
Franklin (FEMA Docket No: B-7719).	City of Columbus (06-05-B004P).	April 12, 2007; April 19, 2007; <i>The Columbus Dispatch</i> .	The Honorable Michael B. Coleman, Mayor, City of Columbus, City Hall, 2nd Floor, 90 West Broad Street, Columbus, OH 43215.	March 26, 2007	390170
Franklin (FEMA Docket No: B-7719).	Unincorporated areas of Franklin County (06-05-B004P).	April 12, 2007; April 19, 2007; <i>The Columbus Dispatch</i> .	Mr. Don L. Brown, Franklin County Administrator, 373 South High Street, 26th Floor, Columbus, OH 43215-6314.	March 26, 2007	390167
Hamilton (FEMA Docket No: B-7730 and B-7729).	Village of Fairfax (07-05-0437P).	February 7, 2007; February 14, 2007; <i>The Community Press</i> .	The Honorable Theodore Shannon, Mayor, Village of Fairfax, 5903 Hawthorne Avenue, Fairfax, OH 45227.	February 22, 2007	390215
Hamilton (FEMA Docket No: B-7730 and B-7729).	City of Cincinnati (07-05-0437P).	February 7, 2007; February 14, 2007; <i>The Community Press</i> .	The Honorable Mark Mallory, Mayor, City of Cincinnati, 801 Plum Street, Room 150, Cincinnati, OH 45202.	February 22, 2007	390210
Warren (FEMA Docket No: B-7722).	City of Springboro (07-05-0652P).	April 19, 2007; April 26, 2007; <i>The Pulse-Journal</i> .	The Honorable John Agenbroad, Mayor, City of Springboro, 1255 South Main Street, Springboro, OH 45066.	July 26, 2007	390564
Warren (FEMA Docket No: B-7722).	Unincorporated areas of Warren County (07-05-0652P).	April 19, 2007; April 26, 2007; <i>The Pulse-Journal</i> .	The Honorable C. Michael Kilburn, President, Warren County, Board of Commissioners, 406 Justice Drive, Lebanon, OH 45036.	July 26, 2007	390757
Warren (FEMA Docket No: B-7719).	Unincorporated areas of Warren County (07-05-0021P).	April 12, 2007; April 19, 2007; <i>The Pulse-Journal</i> .	The Honorable C. Michael Kilburn, President, Warren County, Board of Commissioners, 406 Justice Drive, Lebanon, OH 45036.	July 19, 2007	390757
Oklahoma:					
Cleveland (FEMA Docket No: B-7722).	City of Moore (07-06-1131P).	May 3, 2007; May 10, 2007; <i>The Norman Transcript</i> .	The Honorable Glenn Lewis, Mayor, City of Moore, 301 North Broadway, Moore, OK 73160.	May 18, 2007	400044

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Muskogee (FEMA Docket No: B-7717).	City of Muskogee (07-06-0707P).	March 22, 2007; March 29, 2007; <i>Muskogee Phoenix</i> .	The Honorable Wren Stratton, Mayor, City of Muskogee, P.O. Box 1927, Muskogee, OK 74401.	June 28, 2007	400125
Muskogee (FEMA Docket No: B-7717).	Unincorporated areas of Muskogee County (07-06-0707P).	March 22, 2007; March 29, 2007; <i>Muskogee Phoenix</i> .	The Honorable Gene Wallace, Chair, Muskogee County, Board of Commissioners, 124 South Fourth Street, Muskogee, OK 74401.	June 28, 2007	400491
Oklahoma (FEMA Docket No: B-7719).	City of Midwest City (06-06-B113P).	April 18, 2007; April 25, 2007; <i>The Sun</i> .	The Honorable Russell Smith, Mayor, City of Midwest City, 100 North Midwest Boulevard, Midwest City, OK 73110.	April 30, 2007	400405
Osage (FEMA Docket No: B-7717).	City of Bartlesville (07-06-0393P).	April 5, 2007; April 12, 2007; <i>Examiner-Enterprise</i> .	The Honorable Julie Daniels, Mayor, City of Bartlesville, 401 South Johnstone Avenue, Bartlesville, OK 74003.	July 12, 2007	400220
Osage (FEMA Docket No: B-7717).	Unincorporated areas of Osage County (07-06-0393P).	April 5, 2007; April 12, 2007; <i>Examiner-Enterprise</i> .	The Honorable Scott Hilton, Osage County Commissioner, P.O. Box 87, Pawhuska, OK 74056-0087.	July 12, 2007	400146
Pottawatomie (FEMA Docket No: B-7719).	Citizen Potawatomi Nation (06-06-B458P).	April 26, 2007; May 3, 2007; <i>The Shawnee News-Star</i> .	The Honorable John A. Barrett, Chairman, Citizen Potawatomi Nation, 1601 South Gordon Cooper Drive, Shawnee, OK 74801.	April 6, 2007	400553
Pottawatomie (FEMA Docket No: B-7719).	City of Shawnee (06-06-B458P).	April 26, 2007; May 3, 2007; <i>The Shawnee News-Star</i> .	The Honorable Pierre Taron, Mayor, City of Shawnee, P.O. Box 1448, Shawnee, OK 74802.	April 6, 2007	400178
Pottawatomie (FEMA Docket No: B-7719).	Unincorporated areas of Pottawatomie County (06-06-B458P).	April 26, 2007; May 3, 2007; <i>The Shawnee News-Star</i> .	Mr. Bob Guinn, Pottawatomie County Commissioner, 14101 Acme Road, County Courthouse, Shawnee, OK 74804.	April 6, 2007	400496
Tulsa (FEMA Docket No: B-7719).	City of Broken Arrow (05-06-0076P).	April 19, 2007; April 26, 2007; <i>The Tulsa World</i> .	The Honorable Richard Carter, Mayor, City of Broken Arrow, 220 South First Street, Broken Arrow, OK 74012.	July 26, 2007	400236
Tulsa and Wagoner (FEMA Docket No: B-7722).	City of Broken Arrow (06-06-BH69P).	May 10, 2007; May 17, 2007; <i>The Tulsa World</i> .	The Honorable Richard Carter, Mayor, City of Broken Arrow, P.O. Box 610, Broken Arrow, OK 74013.	August 16, 2007	400236
Pennsylvania: Centre (FEMA Docket No: B-7722).	Township of Ferguson (07-03-0218P).	May 3, 2007; May 10, 2007; <i>Centre Daily Times</i> .	The Honorable Richard Mascolo, Chairman, Board of Supervisors, Township of Ferguson, 3147 Research Drive, State College, PA 16801.	August 9, 2007	420260
Chester (FEMA Docket No: B-7719).	Borough of South Coatesville (07-03-0540P).	April 19, 2007; April 26, 2007; <i>The Daily Local</i> .	The Honorable Gregory V. Hines, Council President, Borough of South Coatesville, 136 Modena Road, South Coatesville, PA 19320.	March 30, 2007	420288
Montgomery (FEMA Docket No: B-7719).	Township of East Norriton (07-03-0101P).	April 12, 2007; April 19, 2007; <i>The Times Herald</i> .	The Honorable Donald J. Gracia, Chairman, Board of Supervisors, East Norriton Township, 2501 Stanbridge Street, East Norriton, PA 19401.	March 23, 2007	420950
Puerto Rico: Puerto Rico (FEMA Docket No: B-7719).	Commonwealth of Puerto Rico (06-02-B737P).	April 5, 2007; April 12, 2007; <i>The San Juan Star</i> .	The Honorable Anibal Acevedo-Vila, Governor of the Commonwealth of Puerto Rico, P.O. Box 82, La Fortaleza, San Juan, PR 00901.	July 12, 2007	720000
South Carolina: Jasper (FEMA Docket No: B-7719).	City of Hardeeville (06-04-C661P).	April 19, 2007; April 26, 2007; <i>The Beaufort Gazette</i> .	The Honorable Rodney Cannon, Mayor, City of Hardeeville, 205 East Main Street, Hardeeville, SC 29927.	July 26, 2007	450113
South Dakota: Lawrence (FEMA Docket No: B-7717).	City of Spearfish (07-08-0282P).	March 22, 2007; March 29, 2007; <i>Black Hills Pioneer</i> .	The Honorable Jerry Krambeck, Mayor, City of Spearfish, 625 Fifth Street, Spearfish, SD 57783.	February 28, 2007	460046
South Carolina: Richland (FEMA Docket No: B-7719).	Unincorporated areas of Richland County (07-04-1972P).	April 27, 2007; May 4, 2007; <i>The Columbia Star</i> .	The Honorable Joseph McEachern, Chairman, Richland County Council, Richland County Administration Building, 2020 Hampton Street, Second Floor, Columbia, SC 29202.	April 12, 2007	450170
Tennessee: Rutherford (FEMA Docket No: B-7719).	City of Murfreesboro (07-04-2511P).	April 19, 2007; April 26, 2007; <i>Daily News Journal</i> .	The Honorable Tommy Bragg, Mayor, City of Murfreesboro, 111 West Vine Street, Murfreesboro, TN 37130.	July 26, 2007	470168
Rutherford (FEMA Docket No: B-7719).	Unincorporated areas of Rutherford County (07-04-2511P).	April 19, 2007; April 26, 2007; <i>Daily News Journal</i> .	The Honorable Ernest Burgess, Mayor, Rutherford County, County Courthouse, Room 101, Murfreesboro, TN 37130.	July 26, 2007	470165
Texas: Collin (FEMA Docket No: B-7717).	City of Frisco (07-06-0542P).	March 16, 2007; March 23, 2007; <i>Frisco Enterprise</i> .	The Honorable Michael Simpson, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	June 22, 2007	480134

State and county	Location and case No.	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Collin (FEMA Docket No: B-7719).	City of Plano (07-06-0426P).	April 12, 2007; April 19, 2007; <i>Plano Star Courier</i> .	The Honorable Pat Evans, Mayor, City of Plano, 1520 Avenue K, Plano, TX 75074.	July 19, 2007	480140
Denton (FEMA Docket No: B-7717).	City of Lewisville (07-06-0243P).	March 21, 2007; March 28, 2007; <i>Lewisville Leader</i> .	The Honorable Gene Carey, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, TX 75029.	June 27, 2007	480195
Montgomery (FEMA Docket No: B-7717).	City of Montgomery (06-06-B395P).	March 14, 2007; March 21, 2007; <i>Montgomery County News</i> .	The Honorable Edith Moore, Mayor, City of Montgomery, P.O. Box 708, Montgomery, TX 77256.	June 20, 2007	481483
Montgomery (FEMA Docket No: B-7717).	Unincorporated areas of Montgomery County (06-06-B395P).	March 14, 2007; March 21, 2007; <i>Montgomery County News</i> .	The Honorable Alan B. Sadler, Montgomery County Judge, 301 North Thompson, Suite 210, Conroe, TX 77301.	June 20, 2007	480483
Tarrant (FEMA Docket No: B-7719).	City of Fort Worth (07-06-0368P).	April 12, 2007; April 19, 2007; <i>Fort Worth Star-Telegram</i> .	The Honorable Mike J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	July 19, 2007	480596
Tarrant (FEMA Docket No: B-7717).	City of Fort Worth (07-06-0585P).	March 15, 2007; March 22, 2007; <i>Fort Worth Star-Telegram</i> .	The Honorable Michael J. Moncrief, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	June 21, 2007	480596
Virginia:					
Fauquier (FEMA Docket No: B-7717).	Unincorporated areas of Fauquier County (06-03-B824P).	March 28, 2007; April 4, 2007; <i>Fauquier Times-Democrat</i> .	The Honorable Harry Atherton, Chairman, Fauquier County Board of Supervisors, Warren Green Building, 10 Hotel Street, Suite 208, Warrenton, VA 20186.	July 5, 2007	510055
Independent City (FEMA Docket No: B-7719).	City of Norton (06-03-B601P).	April 12, 2007; April 19, 2007; <i>The Coalfield Progress</i> .	The Honorable B. Robert Raines, Mayor, City of Norton, Municipal Building, P.O. Box 618, Norton, VA 24273.	July 19, 2007	510108
Independent City (FEMA Docket No: B-7717).	City of Virginia Beach (06-03-B810P).	March 22, 2007; March 29, 2007; <i>The Virginian-Pilot</i> .	The Honorable Meyera E. Oberndorf, Mayor, City of Virginia Beach, City Hall, Suite 1, 2401 Courthouse Drive, Virginia Beach, VA 23456.	February 28, 2007	515531
Washington:					
King (FEMA Docket No: B-7717).	City of Issaquah (06-10-B407P).	March 14, 2007; March 21, 2007; <i>The Issaquah Press</i> .	The Honorable Ava Frisinger, Mayor, City of Issaquah, P.O. Box 1307, Issaquah, WA 98027.	March 26, 2007	530079
Kitsap (FEMA Docket No: B-7717).	Unincorporated areas of Kitsap County (06-10-B516P).	March 21, 2007; March 28, 2007; <i>Port Orchard Independent</i> .	The Honorable Chris Endresen, Chairman, Kitsap County Board of Commissioners, Commissioners' Office, MS-4, 614 Division Street, Port Orchard, WA 98366.	March 27, 2007	530092
Wisconsin: Iowa (FEMA Docket No: B-7730 and B-7729).	Unincorporated areas of Iowa County (07-05-0219P).	January 18, 2007; January 25, 2007; <i>The Dodgeville Chronicle</i> .	The Honorable Mark Masters, Chairman, Iowa County Board, 222 North Iowa Street, Dodgeville, WI 53533.	December 20, 2006	550522

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: September 12, 2007.

David I. Maurstad,

Federal Insurance Administrator of the National Flood Insurance Program, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. E7-18625 Filed 9-20-07; 8:45 am]

BILLING CODE 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 10, 14, 15, 25, 31, 39, 44, 50, 54, 63, 69, 71, 91, 107, 110, 116, 125, 127, 134, 151, 153, 154, 161, 162, 170, 171, 172, 175, 177, and 189

[USCG-2007-29018]

RIN 1625-ZA14

Shipping; Technical, Organizational, and Conforming Amendments

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: This rule makes non-substantive changes throughout Title 46 of the Code of Federal Regulations. The purpose of this rule is to make conforming amendments and technical corrections to Coast Guard shipping regulations. This rule will have no

substantive effect on the regulated public.

DATES: This final rule is effective September 21, 2007.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG-2007-29018 and are available for inspection or copying at the Docket Management Facility (M-30), U.S. Department of Transportation, 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. You may also find this docket on the Internet by going to <http://dms.dot.gov> at any time, clicking on "Simple Search," entering the last five digits of the docket number for this rulemaking, and clicking on "Search."

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call

LCDR Reed Kohberger, Coast Guard, telephone 202–372–1471. If you have questions on viewing or submitting material to the docket, call Ms. Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory History

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under both 5 U.S.C. 553(b)(A) and (b)(B), the Coast Guard finds this rule is exempt from notice and comment rulemaking requirements because these changes involve agency organization and practices, and good cause exists for not publishing an NPRM for all revisions in the rule because they are all non-substantive changes. This rule consists only of corrections and editorial, organizational, and conforming amendments. These changes will have no substantive effect on the public; therefore, it is unnecessary to publish an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard also finds that, for the same reasons, good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

Each year Title 46 of the Code of Federal Regulations is updated on October 1. This rule, which becomes effective September 21, 2007, makes technical and editorial corrections throughout Title 46. This rule does not create any substantive requirements.

Discussion of Rule

This rule updates addresses for the Marine Safety Center in 26 sections, for the International Cargo Gear Bureau in five sections, and for the National Cargo Bureau in two sections. Internal Coast Guard office designators are updated in four sections, and typos are corrected in §§ 10.205, 54.15, 134.140, and 171.080. Additionally, § 10.805(e) and the formulas in § 54.15, are revised to improve clarity, but not substantively changed, and obsolete references in §§ 25.26–1 and 170.160 are updated.

Additional amendments to parts 10, 14, 15, 125, and 151 are:

46 CFR 10.205(g)(3). This provision, which requires applicants for certain licenses to present a certificate showing completion of an approved firefighting course, is reworded to improve clarity. The new provision does not exempt apprentice mates (steersmen) of towing vessels by name from this requirement. By limiting the requirement to certain personnel in ocean service, however, apprentice mates (steersmen) of towing vessels continue to be effectively

exempt because they serve only on inland waters.

46 CFR 10.219. A list of Regional Examination Centers (RECs) where Officers in Charge, Marine Inspection (OCMIs) are located is no longer included in § 10.105, so the reference in this section has been revised accordingly to “any Regional Examination Center.” Additionally, replacing “Commandant” with “National Maritime Center” (NMC) as a source of a license or certificate brings the section into alignment with the previous delegation of certain mariner credentialing functions from the Commandant to the Commanding Officer of the NMC.

46 CFR 14.311. The words “via modem” are removed from paragraph (a) because they are unnecessary, outdated, and may be confusing to the public.

46 CFR 15.850. A citation to the International Regulations for Preventing Collisions at Sea is added for the public’s convenience.

46 CFR 125.160. The existing section erroneously includes the definition of “Coastwise” as part of the definition of “Coast Guard District Commander or District Commander.” This error is corrected by separating the two definitions.

46 CFR 151.04. The requirement that every tank barge subject to regulation under Subchapter O be inspected biennially is changed to every five years. This amendment conforms the section to the provisions of 46 U.S.C. 3307 and a final rule published in 2000, which revised CFR Title 46 to establish a five year requirement, but inadvertently omitted the change to § 151 (65 FR 6494, February 9, 2000).

Regulatory Evaluation

This rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866 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. As this rule involves internal agency practices and procedures and non-substantive changes, it will not impose any costs on the public.

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. This rule does not require a general NPRM and, therefore, is exempt from the requirements of the Regulatory Flexibility Act. Although this rule is exempt, we have reviewed it for potential economic impact on small entities.

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 M16475.1D and Department of Homeland Security Management Directive M16475.1D, 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, paragraphs (34)(a) and (b), of the Instruction from further environmental documentation because this rule involves editorial, procedural, and internal agency functions. A final "Environmental Analysis Check List" and a final "Categorical Exclusion Determination" are available in the docket where indicated under

ADDRESSES.

List of Subjects

46 CFR Part 10

Penalties, Reporting and recordkeeping requirements, Schools, Seamen.

46 CFR Part 14

Oceanographic research vessels, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 15

Reporting and recordkeeping requirements, Seamen, Vessels.

46 CFR Part 25

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 31

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 39

Cargo vessels, Fire prevention, Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements.

46 CFR Part 44

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 50

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 54

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 63

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 69

Measurement standards, Penalties, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 71

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 107

Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 110

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 116

Fire prevention, Marine safety, Passenger vessels, Seamen.

46 CFR Part 125

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Marine safety, Seamen.

46 CFR Part 127

Cargo vessels, Fire prevention, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 134

Cargo vessels, Hazardous materials transportation, Marine safety, Occupational safety and health, Reporting and recordkeeping requirements, Seamen.

46 CFR Part 151

Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 153

Administrative practice and procedure, Cargo vessels, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

46 CFR Part 154

Cargo vessels, Gases, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 161

Fire prevention, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 162

Fire prevention, Marine safety, Oil pollution, Reporting and recordkeeping requirements.

46 CFR Part 170

Marine safety, Reporting and recordkeeping requirements, Vessels.

46 CFR Part 171

Marine safety, Passenger vessels.

46 CFR Part 172

Cargo vessels, Hazardous materials transportation, Marine safety.

46 CFR Part 175

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 177

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 189

Marine safety, Oceanographic research vessels, Reporting and recordkeeping requirements.

■ For the reasons discussed in the preamble, the Coast Guard amends 46 CFR Parts 10, 14, 15, 25, 31, 39, 44, 50, 54, 63, 69, 71, 91, 107, 110, 116, 125, 127, 134, 151, 153, 154, 161, 162, 170, 171, 172, 175, 177, and 189 as set forth below:

TITLE 46—SHIPPING

PART 10—LICENSING OF MARITIME PERSONNEL

■ 1. The authority citation for part 10 continues to read as follows:

Authority: 14 U.S.C. 633; 31 U.S.C. 9701; 46 U.S.C. 2101, 2103, and 2110; 46 U.S.C. chapter 71; 46 U.S.C. 7502, 7505, 7701, and 8906; Executive Order 10173; Department of Homeland Security Delegation No. 0170.1. Section 10.107 is also issued under the authority of 44 U.S.C. 3507.

■ 2. Amend § 10.205 by revising paragraphs (g)(3) and (h) introductory text as follows:

§ 10.205 Requirements for original licenses, certificates of registry, and STCW certificates and endorsements.

* * * * *

(g) * * *

(3) All licenses for master or mate of towing vessels for ocean service.

* * * * *

(h) *First aid and cardiopulmonary resuscitation (CPR) course certificates.* All applicants for an original license or certificate of registry, except as provided in §§ 10.429, 10.456, and 10.467 of this part, must present to the OCMI:

* * * * *

§ 10.209 [Amended]

■ 3. In § 10.209(e)(3)(i), remove the reference “10.205” and add, in its place, the reference “10.105.”

§ 10.219 [Amended]

■ 4. Amend § 10.219(a) as follows:

■ a. In the second sentence, remove the words “an OCMI listed in the note following § 1.05(b) of this part” and add, in their place, the words “any Regional Examination Center”; and,

■ b. In the second sentence, remove the word “Commandant” and add, in its place, the words “National Maritime Center”.

§ 10.304 [Amended]

■ 5. In § 10.304(a), remove the term “NMC-4B” and add, in its place, the term “NMC-2”.

§ 10.307 [Amended]

■ 6. In § 10.307, remove the term “NMC-4B” and add, in its place, the term “NMC-2”.

§ 10.309 [Amended]

■ 7. In § 10.309(a)(11), remove the term “NMC-4B” and add, in its place, the term “NMC-2.”

§ 10.805 [Amended]

■ 8. In § 10.805(e), remove the words “by the Officer in Charge, Marine Inspection. (See § 10.219.)” and add, in their place, the words “in accordance with § 10.219 of this part.”

PART 14—SHIPMENT AND DISCHARGE OF MERCHANT MARINERS

■ 9. The authority citation for part 14 continues to read as follows:

Authority: 5 U.S.C. 552; 46 U.S.C. Chapters 103 and 104.

§ 14.311 [Amended]

■ 10. In § 14.311(a), remove the words “via modem”.

PART 15—MANNING REQUIREMENTS

■ 11. The authority citation for part 15 continues to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 8906, 9102, and 8103; and Department of Homeland Security Delegation No. 0170.1.

■ 12. Revise § 15.850 to read as follows:

§ 15.850 Lookouts.

The requirements for the maintenance of a proper lookout are specified in Rule 5 of the International Regulations for Preventing Collisions at Sea, 1972 (33

U.S.C. 1602(c)), and Rule 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2005). Lookout is a function to be performed by a member of a navigational watch.

PART 25—REQUIREMENTS

■ 13. The authority citation for part 25 continues to read as follows:

Authority: 33 U.S.C. 1903(b); 46 U.S.C. 3306, 4102, 4302; Department of Homeland Security Delegation No. 0170.1.

§ 25.26–1 [Amended]

■ 14. In § 25.26–1, in the definition of “High seas”, remove the reference “33 CFR 2.05–10”, and add, in its place, the reference “33 CFR 2.20.”

PART 31—INSPECTION AND CERTIFICATION

■ 15. The authority citation for part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3205, 3306, 3307, 3703; 46 U.S.C. Chapter 701; 49 U.S.C. 5103, 5106; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1. Section 31.10–21 also issued under the authority of Sect. 4109, Pub. L. 101–380, 104 Stat. 515.

§ 31.10–5 [Amended]

■ 16. Amend § 31.10–5 as follows:

■ a. In paragraph (a) introductory text, remove the words “400 7th Street, SW., Washington, DC 20590–0001” and add, in their place, the words “1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024,”.

■ b. In paragraph (a)(1), remove the words “90 West Street, Suite 1612, New York, NY 10006” and add, in their place, the words “321 West 44th Street, New York, NY 10036”.

§ 31.10–16 [Amended]

■ 17. Amend § 31.10–16(e) as follows:

■ a. In the first and second sentences, remove the term “(G–MOC)” and add, in its place, the term “(CG–3PCV)”;

■ b. Remove the words “90 West Street, Suite 1612, New York, New York 10006” and add, in their place, the words “321 West 44th Street, New York, NY 10036”.

PART 39—VAPOR CONTROL SYSTEMS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. 3306, 3703, 3715(b); 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 39.10-3 [Amended]

■ 19. In § 39.10-3, in the definition of "Marine Safety Center," remove the words "400 Seventh Street, SW., Washington, DC 20590-0001" and add, in their place, the words "1900 Half Street, SW, Suite 1000, Room 525, Washington, DC 20024 for visitors. Send all mail to Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>."

PART 44—SPECIAL SERVICE LIMITED DOMESTIC VOYAGES

■ 20. The authority citation for part 44 continues to read as follows:

Authority: 46 U.S.C. 5101-5116; Department of Homeland Security Delegation No. 0170.1.

§ 44.320 [Amended]

■ 21. In § 44.320(a) remove the words "(G-MS), 400 Seventh Street, SW., Washington, DC 20590-0001" and add, in their place, the words "1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024 by visitors, or transmitted by mail to Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>".

PART 50—GENERAL PROVISIONS

■ 22. The authority citation for part 50 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; Section 50.01-20 also issued under the authority of 44 U.S.C. 3507.

■ 23. Revise § 50.10-23 to read as follows:

§ 50.10-23 Marine Safety Center.

The term *Marine Safety Center* refers to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024 for visitors. Send all mail to Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

PART 54—PRESSURE VESSELS

■ 24. The authority citation for part 54 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 54.15-25 [Amended]

■ 25. Amend § 54.15-25(c) as follows:
■ a. Remove the term "F=0/2" and add, in its place, the term "F=0.2;" and,
■ b. Remove the formula

$$G = \frac{177}{LC} \sqrt{\frac{ZT}{M}} \left(G = \frac{633,000}{LC} \sqrt{\frac{ZT}{M}} \right)$$

and add, in its place, the formula

$$G = [(177/LC) (\sqrt{ZT/M})] \text{ SI units}$$

$$G = [(633,000/LC) (\sqrt{ZT/M})] \text{ English units}$$

PART 63—AUTOMATIC AUXILIARY BOILERS

■ 26. The authority citation for part 63 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 27. In § 63.10-1, revise the introductory text to read as follows:

§ 63.10-1 Test procedures and certification report.

Two (2) copies of the following items must be submitted. Visitors may deliver them to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or they may be transmitted by mail to Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

PART 69—MEASUREMENT OF VESSELS

■ 28. The authority citation for part 69 continues to read as follows:

Authority: 46 U.S.C. 2301, 14103; Department of Homeland Security Delegation No. 0170.1.

■ 29. In § 69.9, revise the definition of "Commandant" to read as follows:

§ 69.9 Definitions.

* * * * *

Commandant means Commandant of the Coast Guard at the following addresses: Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024 for visitors. Send all mail to Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

■ 30. In § 69.15, revise paragraph (a) to read as follows:

§ 69.15 Authorized measurement organizations.

(a) Except as provided under paragraphs (c) and (d) of this section, all U.S. vessels to be measured or remeasured under the Convention, Standard, or Dual Measurement Systems must be measured by an authorized measurement organization meeting the requirements of § 69.27 of this subpart. A current listing of authorized measurement organizations can be obtained by visitors from the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or by writing to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593.

* * * * *

PART 71—INSPECTION AND CERTIFICATION

■ 31. The authority citation for part 71 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3205, 3306, 3307; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

■ 32. In § 71.65-15, revise paragraph (a)(2) to read as follows:

§ 71.65-15 Procedure for submittal of plans.

(a) * * *

(2) The plans may be submitted by visitors directly to Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>. In this case, the plans will be

returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

* * * * *

PART 91—INSPECTION AND CERTIFICATION

- 33. The authority citation for part 91 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3205, 3306, 3307; 46 U.S.C. Chapter 701; Executive Order 12234; 45 FR 58801; 3 CFR, 1980 Comp., p. 277; Executive Order 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

- 34. In § 91.55–15, revise paragraph (a)(3) to read as follows:

§ 91.55–15 Procedure for submittal of plans.

(a) * * *

(3) The plans may be submitted by visitors directly to Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

* * * * *

PART 107—INSPECTION AND CERTIFICATION

- 35. The authority citation for part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306, 3307; 46 U.S.C. 3316; Department of Homeland Security Delegation No. 0170.1; § 107.05 also issued under the authority of 44 U.S.C. 3507.

§ 107.115 [Amended]

- 36. In § 107.115(b)(4), remove the words “90 West Street—Suite 1612, New York, New York 10004” and add, in their place, the words “321 West 44th Street, New York, New York 10036”.

§ 107.258 [Amended]

- 37. In § 107.258(a)(2), remove the words “90 West Street, Suite 1612, New York, NY 10006” and add, in their place, the words “321 West 44th Street, New York, NY 10036.”

- 38. In § 107.317, revise paragraphs (b) and (d) as follows:

§ 107.317 Addresses for submittal of plans, specifications, and calculations.

* * * * *

(b) By visitors to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

(d) International Cargo Gear Bureau, Inc., 321 West 44th Street, New York, New York 10036.

PART 110—GENERAL PROVISIONS

- 39. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 1509; 43 U.S.C. 1333; 46 U.S.C. 3306, 3307, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1; § 110.01–2 also issued under 44 U.S.C. 3507.

- 40. In § 110.25–3, revise paragraph (a) (1) to read as follows:

§ 110.25–3 Procedure for submitting plans.

(a) * * *

(1) By visitors to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

PART 116—CONSTRUCTION AND ARRANGEMENT

- 41. The authority citation for part 116 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277, Department of Homeland Security Delegation No. 0170.1.

- 42. In § 116.202, revise paragraph (a) introductory text to read as follows:

§ 116.202 Plans and information required.

(a) Except as provided in § 116.210 of this part, the owner of a vessel requesting initial inspection for certification must, prior to the start of construction, submit for approval three copies of the following plans. The plans may be delivered by visitors to

Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

PART 125—GENERAL

- 43. The authority citation for part 125 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3307; 49 U.S.C. App. 1804; Department of Homeland Security Delegation No. 0170.1.

- 44. In § 125.160, revise the definition of “Coast Guard District Commander or District Commander” and add a definition for “Coastwise” to read as follows:

§ 125.160 Definitions.

* * * * *

Coast Guard District Commander or District Commander means an officer of the Coast Guard designated by the Commandant to command activities of the Coast Guard within a Coast Guard district described by 33 CFR part 3, whose duties include the inspection, enforcement, and administration of laws for the safety and navigation of vessels.

Coastwise refers to a route not more than 20 nautical miles offshore on any of the following waters:

- (1) Any ocean.
- (2) The Gulf of Mexico.
- (3) The Caribbean Sea.
- (4) The Gulf of Alaska.
- (5) The Bering Sea.
- (6) Such other, similar waters as may

be designated by the District Commander.

* * * * *

PART 127—CONSTRUCTION AND ARRANGEMENTS

- 45. The authority citation for part 127 continues to read as follows:

Authority: 46 U.S.C. 3306; Department of Homeland Security Delegation No. 0170.1.

- 46. Revise § 127.120 to read as follows:

§ 127.120 Procedure for submittal of plans.

If a vessel is to be constructed, altered, or repaired, the plans, information, and calculations required by this part must be submitted—

(a) To the OCMI in the zone where the vessel is to be constructed, altered, or repaired; or

(b) By visitors to the U.S. Coast Guard Marine Safety Center, 1900 Half Street,

SW., Suite 1000, Room 525, Washington, DC 20024, or by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

PART 134—ADDED PROVISIONS FOR LIFTBOATS

■ 47. The authority citation for part 134 continues to read as follows:

Authority: 46 U.S.C. 3306, 3307; Department of Homeland Security Delegation No. 0170.1.

§ 134.140 [Amended]

■ 48. In § 134.140(d), remove the term “etailed” and add, in its place, the term “detailed”.

PART 151—BARGES CARRYING BULK LIQUID HAZARDOUS MATERIAL CARGO

■ 49. The authority citation for part 151 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3703; Department of Homeland Security Delegation No. 0170.1.

§ 151.04-2 [Amended]

■ 50. In § 151.04-2(a), remove the word “biennially” and add, in its place, the words “every five years”.

PART 153—SHIPS CARRYING BULK LIQUID, LIQUEFIED GAS, OR COMPRESSED GAS HAZARDOUS MATERIALS

■ 51. The authority citation for part 153 continues to read as follows:

Authority: 46 U.S.C. 3703; Department of Homeland Security Delegation No. 0170.1. Section 153.40 issued under 49 U.S.C. 5103. Sections 153.470 through 153.491, 153.1100 through 153.1132, and 153.1600 through 153.1608 also issued under 33 U.S.C. 1903 (b).

■ 52. In § 153.9, revise paragraph (b) introductory text and paragraph (c)(1) to read as follows:

§ 153.9 Foreign flag vessel endorsement application.

* * * * *

(b) *Application for a vessel whose flag administration does not issue IMO Certificates.* A person who desires a Certificate of Compliance endorsed with the name of a cargo in Table 1 of this part, as described in § 153.900, must submit an application, in a written or electronic format, to Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street,

SW., Washington, DC 20593, that includes the following information:

* * * * *

(c) Conditions applying to all Certificate of Compliance applications.

(1) If requested by the Commanding Officer, U.S. Coast Guard Marine Safety Center, a person desiring a Certificate of Compliance for a vessel must furnish any other vessel information such as plans, design calculations, test results, certificates, and manufacturer's data, that the Coast Guard needs to determine that the vessel meets the standards of this part.

* * * * *

PART 154—SAFETY STANDARDS FOR SELF-PROPELLED VESSELS CARRYING BULK LIQUEFIED GASES

■ 53. The authority citation for part 154 continues to read as follows:

Authority: 46 U.S.C. 3703, 9101; Department of Homeland Security Delegation No. 0170.1.

■ 54. In § 154.22, revise paragraph (a) introductory text to read as follows:

§ 154.22 Foreign flag vessel: Certificate of Compliance endorsement application.

(a) A person who desires an endorsed Certificate of Compliance to meet § 154.1802(a) of this part for a foreign flag vessel, whose flag administration issues IMO Certificates, must submit to the Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format, an application that includes the following:

* * * * *

PART 161—ELECTRICAL EQUIPMENT

■ 55. The authority citation for part 161 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 161.010-1 [Amended]

■ 56. In § 161.010-1(a), remove the words “400 Seventh Street SW., Washington, DC 20590-0001,” and add, in their place, the words “1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024,”.

■ 57. In § 161.010-4, revise paragraph (a) to read as follows:

§ 161.010-4 Procedure for approval.

(a) A request for approval of an automatic floating electric watertight must be submitted by visitors to the Commanding Officer, USCG Marine Safety Center, 1900 Half Street, SW.,

Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

PART 162—ENGINEERING EQUIPMENT

■ 58. The authority citation for part 162 continues to read as follows:

Authority: 33 U.S.C. 1321(j), 1903; 46 U.S.C. 3306, 3703, 4104, 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp., p. 793; Department of Homeland Security Delegation No. 0170.1.

■ 59. In § 162.017-6, revise paragraph (a) to read as follows:

§ 162.017-6 Procedure for approval.

(a) *General.* Pressure-vacuum relief valves intended for use on tank vessels must be approved for such use by the Commanding Officer, U.S. Coast Guard Marine Safety Center. Applications for approval may be delivered by visitors to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

■ 60. In § 162.018-8, revise paragraph (a) to read as follows:

§ 162.018-8 Procedure for approval.

(a) *General.* Safety relief valves for use on pressure vessels containing liquefied compressed gases must be approved by the Commanding Officer, U.S. Coast Guard Marine Safety Center. Applications for approval may be delivered by visitors to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10-0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

■ 61. In § 162.050-7, revise paragraph (a) to read as follows:

§ 162.050–7 Approval procedures.

(a) An application for approval of equipment under this subpart must either be delivered by visitors to the Commanding Officer, U.S. Coast Guard Marine Safety Center, Engineering Division, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

■ 62. In § 162.050–15, revise paragraphs (a), (e), and (h) to read as follows:

§ 162.050–15 Designation of facilities.

(a) Each request for designation as a facility authorized to perform approval tests must either be delivered by visitors to the Commanding Officer, U.S. Coast Guard Marine Safety Center, Engineering Division, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

(e) The facility must measure the oil content of each sample using the method described in § 162.050–39 of this subpart and report the value of each of the 12 measurements to the Commanding Officer, U.S. Coast Guard Marine Safety Center, Engineering Division, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593.

* * * * *

(h) A facility may not subcontract for approval testing unless previously authorized by the Coast Guard. A request for authorization to subcontract must be sent to the Commanding Officer, U.S. Coast Guard Marine Safety Center, Engineering Division, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593.

PART 170—STABILITY REQUIREMENTS FOR ALL INSPECTED VESSELS

■ 63. The authority citation for part 170 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 2103, 3306, 3703; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 64. Revise § 170.010 to read as follows:

§ 170.010 Equivalents.

Substitutions for fittings, equipment, arrangements, calculations, information, or tests required in this subchapter may be approved by the Commandant, the Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, or the Officer in Charge, Marine Inspection, if the substitution provides an equivalent level of safety.

■ 65. In § 170.100, revise paragraph (b) to read as follows:

§ 170.100 Addresses for submittal of plans and calculations.

* * * * *

(b) By visitors to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

§ 170.160 [Amended]

■ 66. In § 170.160(c)(3), remove the words “§ 171.030(c) of this subchapter” and add, in their place, the words “§ 178.330 of this chapter”.

PART 171—SPECIAL RULES PERTAINING TO VESSELS CARRYING PASSENGERS

■ 67. The authority citation for part 171 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 171.080 [Amended]

■ 68. In § 171.080(h)(3), remove the words “angle mf” and add, in their place, the words “angle of.”

PART 172—SPECIAL RULES PERTAINING TO BULK CARGOES

■ 69. The authority citation for part 172 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 5115; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

§ 172.015 [Amended]

■ 70. In § 172.015(b), remove the words “30 Vesey Street, New York, NY 10007–2914” and add, in their place, the words “17 Battery Place, Suite 1232, New York, New York 10004–1110”.

§ 172.040 [Amended]

■ 71. In § 172.040(b), remove the words “30 Vesey Street, New York, NY 10007–2914” and add, in their place, the words “17 Battery Place, Suite 1232, New York, New York 10004–1110”.

PART 175—GENERAL PROVISIONS

■ 72. The authority citation for part 175 continues to read as follows:

Authority: 46 U.S.C. 2103, 3205, 3306, 3703; Pub. L. 103–206, 107 Stat. 2439; 49 U.S.C. App. 1804; Department of Homeland Security Delegation No. 0170.1; 175.900 also issued under authority of 44 U.S.C. 3507.

§ 175.400 [Amended]

■ 73. Amend § 175.400, in the definition of “Length,” paragraph (3), by removing the words “in subchapter S” and adding, in their place, the words “of this subchapter.”

PART 177—CONSTRUCTION AND ARRANGEMENT

■ 74. The authority citation for part 177 continues to read as follows:

Authority: 46 U.S.C. 2103, 3306; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

■ 75. In § 177.202, revise paragraph (d) to read as follows:

§ 177.202 Plans and information required.

* * * * *

(d) An owner may submit any plans, manuals, or calculations, required to be submitted to the OCMI under this part, to the Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW, Washington, DC 20593. Three copies of all documents are required to be submitted for Marine Safety Center plan approval.

* * * * *

■ 76. In § 177.410, amend paragraph (b)(5) by removing the second sentence and adding two sentences in its place to read as follows:

§ 177.410 Structural fire protection.

* * * * *

(b) * * *

(5) * * * Requests for qualifying a specific laminate schedule as fire retardant for use in a particular vessel may be submitted for consideration by visitors to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for

submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>.

* * * * *

PART 189—INSPECTION AND CERTIFICATION

■ 77. The authority citation for part 189 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2113, 3306, 3307; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; Department of Homeland Security Delegation No. 0170.1.

■ 78. In § 189.55–15, revise paragraph (a)(2) to read as follows:

§ 189.55–15 Procedure for submittal of plans.

(a) * * *

(2) The plans may be submitted by visitors directly to the Commanding Officer, U.S. Coast Guard Marine Safety Center, 1900 Half Street, SW., Suite 1000, Room 525, Washington, DC 20024, or transmitted by mail to: Commanding Officer, U.S. Coast Guard Marine Safety Center, JR10–0525, 2100 2nd Street, SW., Washington, DC 20593, in a written or electronic format. Information for submitting the VSP electronically can be found at <http://www.uscg.mil/HQ/MSC>. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

* * * * *

Dated: September 13, 2007.

Stefan G. Venckus,

Chief, Office of Regulations and Administrative Law, United States Coast Guard.

[FR Doc. E7–18433 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 061020273–6321–02]

RIN 0648–XC70

Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2007 Summer Period

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces the closure of the scup commercial coastwide fishery from Maine through North Carolina for the Summer Period. Regulations governing the scup fishery require publication of this notification to advise the coastal states from Maine through North Carolina that this quota has been harvested and to advise Federal vessel permit holders and Federal dealer permit holders that no commercial quota is available for landing scup in these states. Federally permitted commercial vessels may not land scup in these states for the remainder of the 2007 Summer quota period (through October 31, 2007).

DATES: Effective 0001 hours, September 21, 2007, through October 31, 2007.

FOR FURTHER INFORMATION CONTACT: Emily Bryant, Fishery Management Specialist, (978) 281–9244.

SUPPLEMENTARY INFORMATION:

Regulations governing the scup fishery are found at 50 CFR part 648. The regulations at 50 CFR 648.121 require the Regional Administrator to monitor the commercial scup quota for each quota period and, based upon dealer reports, state data, and other available information, to determine when the commercial quota for a period has been harvested. NMFS is required to publish a notification in the **Federal Register**

advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the scup commercial quota has been harvested and no commercial quota is available for landing scup for the remainder of the Summer Period. Based upon recent projections, the Regional Administrator anticipates that the Federal commercial quota of 3,464,914 lb (1,572 mt) for the 2007 Summer Period will be fully harvested by or before October 31, 2007. To maintain the integrity of the 2008 Summer Period quota by avoiding or minimizing quota overages, the commercial scup fishery will close for the remainder of the Summer Period (through October 31, 2007) in Federal waters.

In 50 CFR 648.4(b) provides that Federal scup moratorium permit holders agree as a condition of the permit not to land scup in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for scup is available. Therefore, effective 0001 hours, September 21, 2007, further landings of scup by vessels holding Federal scup moratorium permits are prohibited through October 31, 2007. Effective 0001 hours, September 21, 2007, federally permitted dealers are also advised that they may not purchase scup from federally permitted vessels that land in coastal states from Maine through North Carolina for the remainder of the Summer Period (through October 31, 2007). The Winter II Period for commercial scup harvest will open on November 1, 2007.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: September 17, 2007.

Alan D. Risenhoover,

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

[FR Doc. 07–4698 Filed 9–18–07; 2:26 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register

Vol. 72, No. 183

Friday, September 21, 2007

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

[Docket No. 070301044-7045-01]

RIN 0691-AA64

Direct Investment Surveys: BE-12, 2007 Benchmark Survey of Foreign Direct Investment in the United States

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend regulations concerning the reporting requirements for the BE-12, Benchmark Survey of Foreign Direct Investment in the United States. The BE-12 survey is conducted once every 5 years and covers virtually the entire universe of foreign direct investment in the United States in terms of value. The benchmark survey will be conducted for 2007. To address the current needs of data users while at the same time keeping the respondent burden as low as possible, BEA proposes modification, addition, or deletion of several items on the survey forms and changes in the reporting criteria.

Changes proposed by BEA in the reporting requirements in this proposed rule are: (a) Increasing the exemption level for reporting on the BE-12(LF) long form from \$125 million to \$175 million; (b) increasing the exemption level for reporting on the BE-12(SF) short form from \$10 million to \$40 million; and (c) increasing the exemption level for reporting on the BE-12 Bank form from \$10 million to \$15 million. In addition, BEA proposes to amend Form BE-12(X) by: (1) re-naming it the Form BE-12 Claim for Not Filing and (2) deleting several questions, which will be moved to a new Form BE-12 Mini. The Claim for Not Filing would be completed only by persons that are not subject to the reporting requirements of the BE-12 survey but have been contacted by BEA concerning

their reporting status. The BE-12 Mini is an abbreviated form for reporting U.S. affiliates with total assets, sales or gross operating revenues, and net income (loss) less than or equal to \$40 million.

DATES: Comments on the proposed rules will receive consideration if submitted in writing on or before 5 p.m. November 20, 2007.

ADDRESSES: You may submit comments, identified by RIN 0691-AA64, and referencing the agency name (Bureau of Economic Analysis), by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments. For agency, select "Commerce Department—all."
- *E-mail:* David.Galler@bea.gov.
- *Fax:* Office of the Chief, Direct Investment Division, (202) 606-5318.
- *Mail:* Office of the Chief, Direct Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE-50, Washington, DC 20230.
- *Hand Delivery/Courier:* Office of the Chief, Direct Investment Division, U.S. Department of Commerce, Bureau of Economic Analysis, BE-50, Shipping and Receiving, Section M100, 1441 L Street NW., Washington, DC 20005.

Public Inspection: Comments may be inspected at BEA's offices, 1441 L Street, NW., Room 7005, between 8:30 a.m. and 5 p.m., Eastern Time Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

David H. Galler, Chief, Direct Investment Division (BE-50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606-9835.

SUPPLEMENTARY INFORMATION: This proposed rule would amend 15 CFR 806.17 to set forth the reporting requirements for the BE-12, 2007 Benchmark Survey of Foreign Direct Investment in the United States, and 15 CFR 806.18 to list the OMB control number for this survey. 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 comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

Description of Changes

The BE-12 benchmark survey is a mandatory survey and is conducted once every five years by BEA under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108), hereinafter, "the Act." BEA will send the survey to potential respondents in March 2008; responses will be due by May 31, 2008.

BEA maintains a continuing dialogue with respondents and with data users, including its own internal users, to ensure that, as much as possible, the required data serve their intended purposes and are available from existing records, that instructions are clear, and that unreasonable burdens are not imposed. In reaching decisions on what questions to include in the survey, BEA considered the Government's need for the data, the burden imposed on respondents, the quality of the likely responses (e.g., whether the data are readily available on respondents' books), and BEA's experience in previous benchmark and related annual surveys.

To reduce respondent burden, particularly for small companies, BEA proposes the following changes to the Code of Federal Regulations: (1) Increase the exemption level for reporting on the BE-12(LF) long form from \$125 million to \$175 million; (2) increase the exemption level for reporting on the BE-12(SF) short form from \$10 million to \$40 million; and (3) increase the exemption level for reporting on the BE-12 Bank form from \$10 million to \$15 million. In addition, BEA proposes to amend Form BE-12(X) by: (1) Re-naming it the Form BE-12 Claim for Not Filing and (2) deleting several questions, which will be moved to a new Form BE-12 Mini. The Claim for Not Filing would be completed only by persons that are not subject to the reporting requirements of the BE-12 survey but have been contacted by BEA concerning their reporting status. The BE-12 Mini is a new abbreviated form for reporting U.S. affiliates with total assets, sales or gross operating revenues, and net income (loss) less than or equal to \$40 million. U.S. affiliates with assets, sales, and net income (loss) less than or equal to \$15 million would be required to report only selected items on the BE-12 Mini.

In addition to these changes in the reporting criteria, BEA proposes several additions and subtractions of questions in order to respond to current needs of data users, while keeping the respondent burden roughly constant. Among the additions, BEA proposes to add questions to the BE-12(LF) long form, BE-12(SF) short form, and BE-12 Bank form to: (1) Collect detail on the broad occupational structure of employment, (2) identify companies that engage in cross-border services transactions, and (3) identify the financial reporting standards used to compile and report the survey. For the BE-12(LF) long form, BEA proposes to add questions to collect additional detail on the composition of external finances, trade, and research and development. For the BE-12(SF) short form, BEA proposes to add questions to collect sales of goods, sales of services, and investment income for majority-owned U.S. affiliates, including sales of services to U.S. persons and to foreign persons. For the BE-12 Bank form, BEA proposes to add questions to make it easier to integrate data collected for banks with data collected for nonbank U.S. affiliates. The items proposed to be collected on this form include those needed to calculate value added as well as expenditures for property, plant, and equipment; sales of goods; and sales of services to the foreign parent group(s), to foreign affiliates owned by the U.S. affiliate, and to other foreign persons.

To offset the burden imposed by these additional questions, BEA proposes to discontinue collecting information on U.S. trade in goods by product, which had been collected on the BE-12(LF) long form, and to reduce the amount of detail collected for minority-owned U.S. affiliates on the BE-12(SF) short form and BE-12 Bank form. In addition, questions on services transactions between U.S. affiliates and their foreign parent group(s) would be dropped from the BE-12 survey because collection of this information has been shifted to BEA's surveys of cross-border transactions in services and intangible assets (the BE-120, BE-125, and BE-185).

Survey Background

The Bureau of Economic Analysis (BEA), U.S. Department of Commerce, will conduct the survey under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108), hereinafter, "the Act." Section 4(b) of the Act provides that with respect to foreign direct investment in the United States, the President shall conduct a benchmark survey covering year 1980, a

benchmark survey covering year 1987, and benchmark surveys covering every fifth year thereafter. In conducting surveys pursuant to this subsection, the President shall, among other things and to the extent he determines necessary and feasible—

(1) Identify the location, nature, and magnitude of, and changes in the total investment by any parent in each of its affiliates and the financial transactions between any parent and each of its affiliates;

(2) Obtain (A) Information on the balance sheet of parents and affiliates and related financial data, (B) income statements, including the gross sales by primary line of business (with as much product line detail as is necessary and feasible) of parents and affiliates in each country in which they have significant operations, and (C) related information regarding trade, including trade in both goods and services, between a parent and each of its affiliates and between each parent or affiliate and any other person;

(3) Collect employment data showing both the number of United States and foreign employees of each parent and affiliate and the levels of compensation, by country, industry, and skill level;

(4) Obtain information on tax payments by parents and affiliates by country; and

(5) Determine, by industry and country, the total dollar amount of research and development expenditures by each parent and affiliate, payments or other compensation for the transfer of technology between parents and their affiliates, and payments or other compensation received by parents or affiliates from the transfer of technology to other persons.

In Section 3 of Executive Order 11961, as amended by Executive Orders 12318 and 12518, the President delegated the responsibility for performing functions under the Act concerning direct investment to the Secretary of Commerce, who has redelegated it to BEA.

The benchmark surveys are BEA's censuses, intended to cover the universe of foreign direct investment in the United States in terms of value, and are BEA's most comprehensive surveys of such investment in terms of subject matter. Foreign direct investment in the United States is defined as the ownership or control, directly or indirectly, by one foreign person (foreign parent) of 10 percent or more of the voting securities of an incorporated U.S. business enterprise or an equivalent interest in an unincorporated U.S. business enterprise, including a branch.

The purpose of the benchmark survey is to obtain universe data on the financial and operating characteristics of U.S. affiliates, and on positions and transactions between U.S. affiliates and their foreign parent groups (which are defined to include all foreign parents and foreign affiliates of foreign parents). These data are needed to measure the size and economic significance of foreign direct investment in the United States, measure changes in such investment, and assess its impact on the U.S. economy. Such data are generally found in enterprise-level accounting records of respondent companies. These data are used to derive current universe estimates of direct investment from sample data collected in other BEA surveys in nonbenchmark years. In particular, they would serve as benchmarks for the quarterly direct investment estimates included in the U.S. international transactions and national income and product accounts, and for annual estimates of the foreign direct investment position in the United States and of the operations of the U.S. affiliates of foreign companies.

As proposed, the survey would consist of a number of report forms and a claim for not filing. The amount and type of data required to be reported will vary according to the size of the U.S. affiliate, whether it is a bank or a nonbank, and whether or not it is majority-owned by foreign direct investors. The report forms that would be used in the survey consist of the following:

1. Form BE-12(LF) long form—Report for a majority-owned nonbank U.S. affiliate (a majority-owned U.S. affiliate is one in which the combined direct and indirect ownership interest of all foreign parents of the U.S. affiliate exceeds 50 percent) with total assets, sales or gross operating revenues, or net income greater than \$175 million (positive or negative);

2. Form BE-12(SF) short form—Report for (1) a majority-owned nonbank U.S. affiliate with total assets, sales or gross operating revenues, or net income greater than \$40 million (positive or negative), but not greater than \$175 million (positive or negative), and (2) a minority-owned nonbank U.S. affiliate (owned 50 percent or less) with total assets, sales or gross operating revenues, or net income greater than \$40 million (positive or negative);

3. Form BE-12 Bank—Report for a U.S. affiliate that is a bank; and

4. Form BE-12 Mini—Report for a nonbank U.S. affiliate with total assets, sales or gross operating revenues, and net income (positive or negative) less than or equal to \$40 million.

The Form BE-12 Claim for Not Filing will be provided for response by persons that are not subject to the reporting requirements of the BE-12 survey but have been contacted by BEA concerning their reporting status.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

Executive Order 13132

This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 13132.

Paperwork Reduction Act

This proposed rule contains a new collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). The requirement has been submitted to OMB for approval as a reinstatement, with change, of a previously approved collection for which approval has expired under OMB control number 0608-0042. BEA proposes to amend Form BE-12(X) by: (1) Re-naming it the Form BE-12 Claim for Not Filing and (2) deleting several questions, which will be moved to a new Form BE-12 Mini. The Claim for Not Filing would be completed only by persons that are not subject to the reporting requirements of the BE-12 survey but have been contacted by BEA concerning their reporting status. The BE-12 Mini is an abbreviated form for reporting U.S. affiliates with total assets, sales or gross operating revenues, and net income (loss) less than or equal to \$40 million. U.S. affiliates with assets, sales, and net income (loss) less than or equal to \$15 million would be required to report only selected items on the BE-12 Mini.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection-of-information subject to the requirements of the Paperwork Reduction Act unless that collection displays a currently valid OMB control number.

The BE-12 survey, as proposed, is expected to result in the filing of reports from approximately 18,550 respondents. The respondent burden for this collection of information is estimated to vary from 20 minutes to 715 hours per response, with an average of 11.3 hours per response, including time for reviewing instructions, searching existing data sources, gathering and

maintaining the data needed, and completing and reviewing the collection of information. Thus, the total respondent burden for the survey is estimated at 209,650 hours (18,550 times 11.3 hours average burden).

Comments are requested concerning: (a) 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; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Comments should be addressed to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; FAX: 202-606-5311; and to the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608-0042, Attention PRA Desk Officer for BEA, via e-mail at pbugg@omb.eop.gov, or by FAX at 202-395-7245.

Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. The changes proposed in this rule are discussed in the preamble and are not repeated here.

A BE-12 report is required of any U.S. company in which a foreign person owned or controlled, directly or indirectly, 10 percent or more of the voting securities if an incorporated U.S. business enterprise, or an equivalent interest if an unincorporated U.S. business enterprise. Most small business are not foreign owned and therefore would not be required to submit a BE-12 survey. However, for those small business that are foreign owned, the reporting burden is estimated to be small.

To minimize the reporting burden on smaller U.S. companies that are foreign owned and are required to report, BEA would increase the exemption level for reporting on the BE-12(SF) short form from \$10 million to \$40 million and would implement a new abbreviated form, Form BE-12 Mini for those companies with total assets, sales or gross operating revenues, and net income less than or equal to \$40 million

(positive or negative). To further reduce reporting burden for smaller companies, for those respondents who are majority-owned nonbank U.S. companies with total assets, sales, and net income between \$40 million and \$175 million (positive or negative), BEA would require these companies to report on the BE-12(SF) short form.

Because few small businesses are impacted by this rule, and because those small businesses that are impacted are subject to only minimal recordkeeping burdens, the Chief Counsel for Regulation certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 806

International transactions, Economic statistics, Foreign investment in the United States, Penalties, Reporting and recordkeeping requirements.

Dated: September 17, 2007.

J. Steven Landefeld,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR part 806 as follows:

PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR part 806 continues to read as follows:

Authority: 5 U.S.C. 301; 22 U.S.C. 3101—3108; and E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

2. Sections 806.17 and 806.18 are revised to read as follows:

§ 806.17 Rules and regulations for BE-12, 2007 Benchmark Survey of Foreign Direct Investment in the United States.

A BE-12, Benchmark Survey of Foreign Direct Investment in the United States will be conducted covering 2007. All legal authorities, provisions, definitions, and requirements contained in § 806.1 through § 806.13 and § 806.15(a) through (g) are applicable to this survey. Specific additional rules and regulations for the BE-12 survey are given in this section.

(a) *Response required.* A response is required from persons subject to the reporting requirements of the BE-12, 2007 Benchmark Survey of Foreign Direct Investment in the United States, contained in this section, whether or not they are contacted by BEA. Also, a person, or their agent, contacted by BEA about reporting in this survey, either by sending them a report form or by written inquiry, must respond pursuant

to § 806.4. This may be accomplished by:

(1) Filing the properly completed BE-12 report—Form BE-12(LF), Form BE-12(SF), Form BE-12 Mini, or Form BE-12 Bank, by May 31, 2008, as required;

(2) Completing and returning the Form BE-12 Claim for Not Filing by the due date of the survey; or

(3) Certifying in writing, by the due date of the survey, to the fact that the person is not a U.S. affiliate of a foreign person and not subject to the reporting requirements of the BE-12 survey.

(b) *Who must report.* A BE-12 report is required for each U.S. affiliate, that is, for each U.S. business enterprise in which a foreign person (foreign parent) owned or controlled, directly or indirectly, 10 percent or more of the voting securities in an incorporated U.S. business enterprise, or an equivalent interest in an unincorporated U.S. business enterprise, at the end of the business enterprise's fiscal year that ended in calendar year 2007. A BE-12 report is required even if the foreign person's ownership interest in the U.S. business enterprise was established or acquired during the 2007 reporting year. Beneficial, not record, ownership is the basis of the reporting criteria.

(c) *Forms to be filed.* (1)—Form BE-12(LF) long form must be completed by a U.S. affiliate that was majority-owned by one or more foreign parents (for purposes of this survey, a "majority-owned" U.S. affiliate is one in which the combined direct and indirect ownership interest of all foreign parents of the U.S. affiliate exceeds 50 percent), if:

(i) It is not a bank and is not owned directly or indirectly by a U.S. bank holding company or financial holding company, and

(ii) On a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, any one of the following three items for the U.S. affiliate (not just the foreign parent's share), was greater than \$175 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2007:

(A) Total assets (do not net out liabilities);

(B) Sales or gross operating revenues, excluding sales taxes; or

(C) Net income after provision for U.S. income taxes.

(2) Form BE-12(SF) short form must be completed by a U.S. affiliate if:

(i) It is not a bank and is not owned directly or indirectly by a U.S. bank holding company or financial holding company, and

(ii) On a fully consolidated basis, or, in the case of real estate investment, on

an aggregated basis, any one of the three items listed in paragraph (c)(1)(ii) of this section for a majority-owned U.S.

affiliate (not just the foreign parent's share), was greater than \$40 million (positive or negative) but none of these items was greater than \$175 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2007.

(iii) On a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, any one of the three items listed in paragraph (c)(1)(ii) of this section for a minority-owned U.S.

affiliate (not just the foreign parent's share), was greater than \$40 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2007. (A "minority-owned" U.S. affiliate is one in which the combined direct and indirect ownership interest of all foreign parents of the U.S. affiliate is 50 percent or less.)

(3) Form BE-12 Mini must be completed by a U.S. affiliate if:

(i) It is not a bank, and is not owned directly or indirectly by a U.S. bank holding company or financial holding company, and

(ii) On a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, none of the three items listed in paragraph (c)(1)(ii) of this section for a U.S. affiliate (not just the foreign parent's share), was greater than \$40 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2007.

(4) Form BE-12 Bank must be completed by a U.S. affiliate if:

(i) The U.S. affiliate is a bank. For purposes of the BE-12 survey, a "bank" is a business entity engaged in deposit banking or closely related functions, including commercial banks, Edge Act corporations engaged in international or foreign banking, U.S. branches and agencies of foreign banks whether or not they accept domestic deposits, savings and loans, savings banks, bank holding companies and financial holding companies under the Gramm-Leach-Bliley Act, including all subsidiaries or units of a bank holding company or financial holding company, and

(ii) On a fully consolidated basis any one of the three items listed in paragraph (c)(1)(ii) of this section for a U.S. affiliate (not just the foreign parent's share), was greater than \$15 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2007.

(5) Form BE-12 Claim for Not Filing will be provided for response by persons that are not subject to the reporting requirements of the BE-12

survey but have been contacted by BEA concerning their reporting status.

(d) *Aggregation of real estate investments.* All real estate investments of a foreign person must be aggregated for the purpose of applying the reporting criteria. A single report form must be filed to report the aggregate holdings, unless written permission has been received from BEA to do otherwise. Those holdings not aggregated must be reported separately on the same type of report that would have been required if the real estate holdings were aggregated.

(e) *Due date.* A fully completed and certified Form BE-12(LF), BE-12(SF), BE-12 Mini, BE-12 BANK, or Form BE-12 Claim for Not Filing is due to be filed with BEA not later than May 31, 2008.

§ 806.18 OMB control numbers assigned to the Paperwork Reduction Act.

(a) *Purpose.* This section will comply with the requirements of section 3507(f) of the Paperwork Reduction Act (PRA) which requires agencies to display a current control number assigned by the Director of OMB for each agency information collection requirement.

(b) *Display.*

15 CFR section where identified and described	Current OMB control No.
806.1 through 806.17	0608-0020
	0024
	0032
	0004
	0035
	0030
	0009
	0023
	0034
	0042
	0053

[FR Doc. E7-18592 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[Docket No. DEA-302P]

RIN 1117-AB14

Record Requirements for Chemical Distributors

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: In March 2006, Congress enacted the Combat Methamphetamine Epidemic Act of 2005, which mandates

that regulated sellers of scheduled listed chemical products self-certify with DEA before they are allowed to sell these products at retail. DEA is proposing to revise its recordkeeping requirements to include a requirement that manufacturers, distributors, and importers obtain and maintain the certification number issued by DEA to regulated sellers in their records of sales. This change will ensure that registrants verify that the regulated sellers to whom they distribute have successfully completed the mandatory self-certification process imposed by the CMEA for sales of scheduled listed chemical products.

DATES: Written comments must be postmarked, and electronic comments must be sent, on or before November 20, 2007.

ADDRESSES: To ensure proper handling of comments, please reference "Docket No. DEA-302" on all written and electronic correspondence. Written comments being sent via regular mail should be sent to the Deputy Assistant Administrator, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/ODL. Written comments sent via express mail should be sent to DEA Headquarters, Attention: DEA Federal Register Representative/ODL, 2401 Jefferson-Davis Highway, Alexandria, VA 22301. Comments may be directly sent to DEA electronically by sending an electronic message to dea.diversion.policy@usdoj.gov. Comments may also be sent electronically through <http://www.regulations.gov> using the electronic comment form provided on that site. An electronic copy of this document is also available at the <http://www.regulations.gov> Web site. DEA will accept attachments to electronic comments in Microsoft word, WordPerfect, Adobe PDF, or Excel file formats only. DEA will not accept any file format other than those specifically listed here.

Posting of Public Comments: Please note that all comments received are considered part of the public record and made available for public inspection online at <http://www.regulations.gov> and in the Drug Enforcement Administration's public docket. Such information includes personal identifying information (such as your name, address, etc.) voluntarily submitted by the commenter.

If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online or made available in the

public docket, you must include the phrase "PERSONAL IDENTIFYING INFORMATION" in the first paragraph of your comment. You must also place all the personal identifying information you do not want posted online or made available in the public docket in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase "CONFIDENTIAL BUSINESS INFORMATION" in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted online or made available in the public docket.

Personal identifying information and confidential business information identified and located as set forth above will be redacted and posted online and placed in the Drug Enforcement Administration's public docket file. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph.

FOR FURTHER INFORMATION CONTACT: Mark W. Caverly, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537; telephone: (202) 307-7297.

SUPPLEMENTARY INFORMATION:

DEA's Legal Authority

DEA implements the Comprehensive Drug Abuse Prevention and Control Act of 1970, often referred to as the Controlled Substances Act (CSA) and the Controlled Substances Import and Export Act (21 U.S.C. 801-971), as amended. DEA publishes the implementing regulations for these statutes in Title 21 of the Code of Federal Regulations (CFR), parts 1300 to 1399. These regulations are designed to ensure that there is a sufficient supply of controlled substances for medical, scientific, and other legitimate purposes and to deter the diversion of controlled substances to illegal purposes. The CSA mandates that DEA establish a closed system of control for manufacturing, distributing, and dispensing controlled substances. Any person who manufactures, distributes, dispenses, imports, exports, or conducts research or chemical analysis with controlled substances must register with DEA

(unless exempt) and comply with the applicable requirements for the activity. The CSA as amended also requires DEA to regulate the manufacture, distribution, retail sale, import, and export of chemicals that may be used to manufacture controlled substances illegally. Listed chemicals that are classified as List I chemicals are important to the manufacture of controlled substances. Those classified as List II chemicals may be used to manufacture controlled substances.

On March 9, 2006, the President signed the Combat Methamphetamine Epidemic Act of 2005 (CMEA), which is Title VII of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Pub. L. 109-177). CMEA amends the CSA by adding new provisions related to the importation, production, and sale of ephedrine, pseudoephedrine, and phenylpropanolamine, their salts, optical isomers, and salts of optical isomers, and products that contain any of the three chemicals. Products that contain any of the three chemicals and which may be marketed or distributed lawfully in the United States under the Federal Food, Drug, and Cosmetic Act as a nonprescription drug (an "over-the-counter" drug) are defined as scheduled listed chemical products (21 U.S.C. 802(45)). Ephedrine, pseudoephedrine, and phenylpropanolamine are List I chemicals because they are used in, and important to, the illegal manufacture of methamphetamine, a Schedule II controlled substance. Products containing these List I chemicals also have legitimate medical uses. Ephedrine is used in some products for treating asthma. Pseudoephedrine, a decongestant, is a common ingredient in cold and allergy medications. In November 2000, the Food and Drug Administration (FDA) issued a public health advisory concerning phenylpropanolamine and requested that all drug companies discontinue marketing products containing phenylpropanolamine due to risk of hemorrhagic stroke. In response, many companies voluntarily reformulated their products to exclude phenylpropanolamine. Subsequently, on December 22, 2005, FDA published a Notice of Proposed Rulemaking (70 FR 75988) proposing to categorize all over-the-counter nasal decongestants and weight control drug products containing phenylpropanolamine preparations as Category II, nonmonograph, i.e., not generally recognized as being safe for human consumption. Most products containing phenylpropanolamine intended for humans have been

withdrawn from the market, but phenylpropanolamine is still sold by prescription for veterinary uses.

CMEA Requirements

CMEA regulates the sale of scheduled listed chemical products at retail, including the sale of those products by regulated sellers. CMEA defines regulated seller to mean a retail distributor (including a pharmacy or a mobile retail vendor) (21 U.S.C. 802(46)). Retail distributor means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to drug products containing pseudoephedrine or phenylpropanolamine are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales (21 U.S.C. 802(49)). Mobile retail vendor means a person or entity that makes sales at retail from a stand that is intended to be temporary, or is capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility (such as a kiosk at a shopping center or an airport) or whether the stand is located on unimproved real estate (such as a lot or field leased for retail purposes) (21 U.S.C. 802(47)). [Note that mail order distributors are not regulated sellers.]

As of September 30, 2006, regulated sellers that wish to sell scheduled listed chemical products at retail must comply with the requirements in CMEA for product placement and packaging, recordkeeping, sales limits, and employee training and must self-certify to DEA that they are in compliance prior to selling the products. When a regulated seller self-certifies, DEA issues a self-certification certificate (DEA Form 598) which includes a certification number. The expiration date of the self-certification is printed on the self-certification certificate. Self-certifications must be renewed annually if the regulated seller continues to sell scheduled listed chemical products. Regulated sellers are not required to register with DEA although many regulated sellers may be DEA registrants because they also handle controlled substances. Note that self-certification is independent of DEA registration; the fact that an entity is a DEA registrant does not negate the requirement that the entity self-certify with DEA and receive a self-certification certificate.

Proposed Rule

DEA is proposing to revise 21 CFR 1310.06(a) to require that those DEA

registrants who distribute scheduled listed chemical products to regulated sellers verify that the regulated seller to whom they are distributing the products has certified to DEA that the regulated seller is in compliance with the requirements for retail sales of scheduled listed chemical products. The registrant who distributes the products must also maintain the certification number as part of the sales record. This proposal is consistent with the current rule, which requires registrants to ensure that their customers are eligible to purchase listed chemicals and to record their DEA numbers, where applicable. Collecting DEA and certification numbers assists registrants to know their customers and to be certain that the customers are purchasing the products for legitimate purposes.

This requirement will primarily affect distributors, although some manufacturers and importers may sell directly to regulated sellers. Under current § 1310.06, registrants are required to include the following in their sales records:

- The name, address, and if applicable, the DEA number of each party to the transaction.
- The date of the transaction.
- The name, quantity, and form of packaging of the listed chemical.
- The method of transfer.
- The type of identification used by the purchaser and any unique number on that identification.

DEA is proposing to add the certification number of the purchaser to the list of information that must be maintained in sales records. Normal business records can be used to meet this requirement if they include the required information. Because mail order distributors are not subject to self-certification, DEA is not requiring registrants to collect any additional information from these firms. Under the existing rule, if the mail order distributor is a DEA registrant, the DEA number must be collected as part of the sales record.

Regulatory Certifications

Regulatory Flexibility Act

The Deputy Assistant Administrator hereby certifies that this rulemaking has been drafted in accordance with the Regulatory Flexibility Act (5 U.S.C. 601–612). The Regulatory Flexibility Act requires agencies to determine whether proposed rules would have a significant economic impact on a substantial number of small entities. DEA expects that some of the distributors subject to this rule will be

small entities. The burden associated with the rule, however, is de minimis. Registrants will simply have to ask their purchasers for their DEA certification number and keep that number in their records. For firms that receive orders electronically and maintain electronic records, as many do, the certification number can simply be added to the customer's master record that is associated with individual orders. If the same customer orders multiple times during a year, the information could be collected only once a year because certifications will generally be valid for a year; initial certifications may have longer validity periods. Because the time required to collect the information and maintain the record is minimal, the Deputy Assistant Administrator has determined that this action does not require a regulatory flexibility analysis.

Executive Order 12866

The Deputy Assistant Administrator further certifies that this rulemaking has been drafted in accordance with the principles in Executive Order 12866 § 1(b). It has been determined that this rulemaking is a significant regulatory action and, therefore, has been reviewed by the Office of Management and Budget.

Paperwork Reduction Act

The Paperwork Reduction Act requires agencies to estimate the burden imposed by recordkeeping and reporting. The records required under this proposed rule are standard business records. While many DEA-registered distributors may maintain the self-certification number of regulated sellers which purchase scheduled listed chemical products from them, some may not. DEA believes that the additional information that registrants would be required to collect once a year imposes a minimal burden that can be met by simply adding the item to the order form. DEA invites comment regarding whether the inclusion in distributors' records of the self-certification numbers of regulated sellers purchasing scheduled listed chemical products imposes a burden which should be quantified.

The Department of Justice, Drug Enforcement Administration, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mark W. Caverly, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments regarding the information-collection aspects of this rule should address one or more of the following four points:

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

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

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

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

Overview of this information collection:

(1) *Type of Information Collection:* New collection.

(2) *Title of the Form/Collection:* [Insert title same as above and on OMB 83-I].

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:*

Form Number: None.

Office of Diversion Control, Drug Enforcement Administration. U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: Title 21, United States Code, Section 830, and Title 21, Code of Federal Regulations, part 1314 require that any person who is a regulated seller of scheduled listed chemical products to self-certify to DEA that it has trained its staff in the requirements for selling scheduled listed chemical products and

is in compliance with DEA regulations. To ensure that persons distributing scheduled listed chemical products sell only to regulated sellers who are eligible to sell them, DEA is requiring distributors to collect and retain the certification number DEA issues to regulated sellers when they self-certify.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:

DEA estimates that 38,926 persons will respond to this collection annually, with each response taking an estimated 2 minutes. DEA estimated the number of responses as follows.

As of August 6, 2007, 75,721 regulated sellers had self-certified to DEA. Of those, 39,917 certifications were filed by 103 chains. There were, therefore, 36,804 regulated sellers who filed as individual regulated sellers. For regulated sellers that belonged to chains that filed certifications for their stores, DEA assumed that the chain held the master list and would provide the self-certification numbers of each self-certified location to distributors from whom the chain orders scheduled listed chemical products. Thirty of the self-certified chains are also registered as chemical or controlled substance distributors; these chains, therefore, do not need to take any additional action to provide information to the distributor. The number of regulated sellers who would need to provide the self-certification number to a distributor is the 36,804 individual regulated sellers plus the 73 chains that do not serve as their owner distributors. In addition, DEA assumes that 2,049 controlled substance and chemical distributors would have to collect the information. This estimate is conservative because not all of these distributors handle scheduled listed chemical products.

(6) An estimate of the total public burden (in hours) associated with the collection: DEA estimates that this collection will take 1,298 hours annually.

If additional information is required contact: Lynn Bryant, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Executive Order 12988

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

Executive Order 13132

This rulemaking does not preempt or modify any provision of State law; nor does it impose enforcement responsibilities on any State; nor does it diminish the power of any State to

enforce its own laws. Accordingly, this rulemaking does not have federalism implications warranting the application of Executive Order 13132.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$120,000,000 or more (adjusted for inflation) in any one year, and will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act). This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 21 CFR Part 1310

Drug traffic control, Exports, Imports, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1310 is proposed to be amended as follows:

PART 1310—RECORDS AND REPORTS OF LISTED CHEMICALS AND CERTAIN MACHINES

1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 827(h), 830, 871(b), 890.

2. Section 1310.06 is proposed to be amended by revising paragraph (a) introductory text and by adding (a)(6) to read as follows:

§ 1310.06 Content of records and reports.

(a) Each record required by § 1310.03 shall include all of the following:

* * * * *

(6) For distributions of scheduled listed chemical products to regulated sellers, the regulated seller's (i.e., the purchaser's) DEA certification number issued in accordance with section 1314.40(b) of this chapter.

* * * * *

Dated: September 12, 2007.

Joseph T. Rannazzisi,

*Deputy Assistant Administrator, Office of
Diversion Control.*

[FR Doc. E7-18530 Filed 9-20-07; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-142695-05]

RIN 1545-BF00

Employee Benefits—Cafeteria Plans; Correction

AGENCY: Internal Revenue Service (IRS),
Treasury.

ACTION: Correction to notice of proposed
rulemaking.

SUMMARY: This document contains a
correction to a notice of proposed
rulemaking (REG-142695-05) that was
published in the **Federal Register** on
Monday, August 6, 2007 (72 FR 43938)
providing guidance on cafeteria plans.

FOR FURTHER INFORMATION CONTACT:
Mireille T. Khoury at (202) 622-6080
(not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The correction notice that is the
subject of this document is under
section 125 of the Internal Revenue
Code.

Need for Correction

As published, the notice of proposed
rulemaking (REG-142695-05) contains
an error that may prove to be misleading
and is in need of clarification.

Correction of Publication

Accordingly, the publication of
proposed rulemaking (REG-142695-05),
which was the subject of FR Doc. E7-
14827, is corrected as follows:

On page 43942, column 1, in the
preamble, under the paragraph heading
“*Nonqualified Benefits*”, line 10, the
language “Sess. 29, reprinted in 1996
U.S.C.C.A.N.” is corrected to read “Sess.
296, reprinted in 1996 U.S.C.C.A.N.”.

LaNita Van Dyke,

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

[FR Doc. E7-18608 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-128224-06]

RIN 1545-BF80

Section 67 Limitations on Estates or Trusts; Hearing

AGENCY: Internal Revenue Service (IRS),
Treasury.

ACTION: Change of location for public
hearing.

SUMMARY: This document provides a
change of location for a public hearing
on proposed regulations providing
guidance on which costs incurred by
estates or non-grantor trusts are subject
to the 2-percent floor for miscellaneous
itemized deductions under section
67(a).

DATES: The public hearing is being held
on Wednesday, November 14, 2007, at
10 a.m.

ADDRESSES: The public hearing was
originally being held in the IRS
Auditorium, Internal Revenue Building,
1111 Constitution Avenue, NW.,
Washington, DC. The hearing location
has changed. The public hearing will be
held in room 2615, Internal Revenue
Building, 1111 Constitution Avenue,
NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:
LaNita Van Dyke, (202) 622-3215 or
Richard Hurst at
Richard.A.Hurst@irs.counsel.treas.gov.

SUPPLEMENTARY INFORMATION: The
subject of the public hearing is a notice
of proposed rulemaking (REG-128224-
06) that was published in the **Federal
Register** on Friday, July 27, 2007 (72 FR
41243).

The rules of 26 CFR 601.601(a)(3)
apply to the hearing. Persons, who
submit outlines and written comments
by October 24 and 25, 2007 respectively,
may present oral comments at the
hearing.

A period of 10 minutes is allotted to
each person for presenting oral
comments. The IRS will prepare an
agenda containing the schedule of
speakers. Copies of the agenda will be
made available, free of charge, at the
hearing.

LaNita Van Dyke,

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

[FR Doc. E7-18607 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-142695-05]

RIN 1545-BF00

Employee Benefits—Cafeteria Plans; Hearing

AGENCY: Internal Revenue Service (IRS),
Treasury.

ACTION: Change of location for public
hearing.

SUMMARY: This document provides a
change of location for a public hearing
on proposed regulations providing
guidance on cafeteria plans.

DATES: The public hearing is being held
on Thursday, November 15, 2007, at 10
a.m.

ADDRESSES: The public hearing was
originally being held in the IRS
Auditorium, Internal Revenue Building,
1111 Constitution Avenue, NW.,
Washington, DC. The hearing location
has changed. The public hearing will be
held in room 2615, Internal Revenue
Building, 1111 Constitution Avenue,
NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:
LaNita Van Dyke, (202) 622-3215 or
Oluwafunmilayo Taylor, (202) 622-7180
(not toll-free numbers).

SUPPLEMENTARY INFORMATION: The
subject of the public hearing is a notice
of proposed rulemaking (REG-142695-
05) that was published in the **Federal
Register** on Monday, August 6, 2007 (72
FR 43938).

The rules of 26 CFR 601.601(a)(3)
apply to the hearing. Persons, who
submit outlines and written comments
by October 25 and November 5, 2007
respectively, may present oral
comments at the hearing.

A period of 10 minutes is allotted to
each person for presenting oral
comments. The IRS will prepare an
agenda containing the schedule of
speakers. Copies of the agenda will be
made available, free of charge, at the
hearing.

LaNita Van Dyke,

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

[FR Doc. E7-18606 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 697****[Docket No. 070717357-7399-01]****RIN 0648-AV77****Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery**

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

ACTION: Advance notice of proposed rulemaking (ANPR).

SUMMARY: NMFS announces that it is considering and seeking public comment on the potential implementation of management measures in the Federal American lobster (*Homarus americanus*) fishery compatible with recommendations for Federal action as specified in the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan for American Lobster (ISFMP). These management measures may include: 100 percent mandatory dealer reporting requirements for Federal American lobster dealers; implementation of an American lobster maximum size limit (maximum carapace length restriction) in several Lobster Management Areas (LMA); and, revision to the definition of a V-notch for protection of egg-bearing female American lobsters in several LMAs in the Federal American lobster fishery. NMFS is considering implementation of these management measures based on ISFMP actions taken by the Commission in response to recommendations provided in the most recent peer-reviewed lobster stock assessment, completed by the Commission in December 2005.

DATES: Comments must be received by October 22, 2007.

ADDRESSES: Written comments should be sent to Harold Mears, State, Federal and Constituent Programs Office, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930. Comments may also be sent via e-mail to LobsterJuly07@noaa.gov, via fax (978) 281-9117 or via the Federal e-Rulemaking portal at www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Robert Ross, Fishery Management Specialist, (978) 281-9234, fax (978) 281-9117, e-mail bob.ross@noaa.gov.

SUPPLEMENTARY INFORMATION: American lobsters are managed within the framework of the Commission. In 1999, NMFS transferred its Federal lobster fishery regulations from the New England Fishery Management Council (Council) to the Commission (64 FR 68228, dated December 6, 1999). The logic was straightforward, since 80 percent of the lobster fishery occurs in state waters, Federal action alone could no longer ensure that the Council process could prevent overfishing. The Commission is a deliberative body comprised of representatives both from the Atlantic coastal states and the Federal Government. The Commission serves to develop fishery conservation and management strategies for certain coastal species and coordinates the efforts of the states and Federal Government toward concerted sustainable ends. The Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act) 16 U.S.C. 5101 *et seq.*, directs the Federal Government to support the management efforts of the Commission. Additionally, to the extent the Federal Government seeks to regulate a Commission species, the regulations must be (1) compatible with the effective implementation of an ISFMP developed by the Commission, and (2) consistent with the national standards set forth in section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*). These Federal regulations are promulgated pursuant to the Atlantic Coastal Act and are codified at 50 CFR part 697.

The Commission set forth the foundation of its American Lobster ISFMP in Amendment 3 to the ISFMP (Amendment 3), approved in December 1997. However, the Commission's American lobster management strategy is neither predicated upon a single measure nor is it contained within a single document. Rather, the structure is based on facilitating ongoing adaptive management with necessary elements implemented over time. The intent of Amendment 3 is to achieve a healthy American lobster resource and to develop a management regime that provides for sustained harvest, maintains opportunities for participation, and provides for the cooperative development of conservation measures by all stakeholders. In short, Amendment 3 was envisioned to provide much of the framework upon which future lobster management to be set forth in later addenda would be based. In particular, Amendment 3 employed a participatory management approach by creating the

seven lobster management areas, each with its own lobster conservation management team (LCMT) comprised of industry members. Amendment 3 tasked the LCMTs with providing recommendations for area-specific management measures to the Board to meet the lobster egg production and effort reduction goals of the ISFMP. Eleven addenda to Amendment 3 have been approved since 1999, including Addendum X to Amendment 3 (Addendum X), approved in February 2007, and Addendum XI to Amendment 3 (Addendum XI), approved in May 2007. The measures proposed in this ANPR, and the recommendation by the Commission for the Federal Government to implement complementary regulations to those measures, are contained in Addenda X and XI.

The purpose of Addenda I through IX to Amendment 3 was summarized in a previous ANPR published in the **Federal Register** on December 18, 2006 (71 FR75705). The actions specified in this document are based on actions taken by the Commission as a result of information contained in the most recent peer-reviewed lobster stock assessment completed by the Commission in December 2005. The 2005 lobster stock assessment reported that the American lobster resource presents a mixed picture for the three stocks of American lobster. The assessment indicated that there is stable abundance for the offshore Georges Bank (GBK) stock, and much of the Gulf of Maine (GOM) stock, and decreased abundance and recruitment, yet continued high fishing mortality rates, for the SNE stock and in Statistical Area 514 (Massachusetts Bay and Stellwagen Bank) in the GOM stock. In addition, echoing recommendations from the 2000 stock assessment, the 2005 assessment report stated that the scientific and statistical data available for lobster assessments are woefully inadequate for the management needs of the fishery, and that the primary limitation on the ability to manage lobster is limited data. One of the key recommendations of the 2005 assessment report was the need for implementation of a standardized mandatory reporting system for American lobster.

Based on the 2005 stock assessment recommendations, a standardized mandatory reporting system for American lobster was incorporated in Addendum X. Addendum X establishes a coast-wide reporting and data collection program that includes both dealer and harvester reporting requirements. Specifically, the addendum requires states to implement,

by January 1, 2008, 100 percent mandatory dealer reporting consistent with protocols under the Atlantic Coastal Cooperative Statistics Program (ACCSP) found at <http://www.accsp.org/cfstandards.htm>, and a reporting requirement for at least 10 percent of harvesters. Addendum X also includes recommendations for complementary Federal action. A review of 3,217 American lobster vessel permits indicates that an estimated 2,000 Federal lobster permit holders (62 percent of all Federal lobster fishing vessels) are subject to mandatory reporting requirements by virtue of regulations pertinent to other Federally managed fisheries. Thus, NMFS is already achieving the 10 percent target for the harvesting sector specified in Addendum X, and intends no further requirements for vessel reporting at this time. Conversely, review of reporting requirements for 505 Federally permitted lobster dealers indicates that of these, 356 Federal lobster dealers or approximately 70 percent, are currently obligated to report lobster sales by virtue of regulations for other Federally managed fisheries. Therefore, NMFS announces that it is considering and seeking public comment on implementation of Federal regulations that would extend full mandatory reporting coverage to the remaining 30 percent of Federal lobster dealer permit holders not already encompassed by existing Federal regulations.

Of particular concern in the 2005 assessment report is the SNE stock,

where depleted stock abundance and poor recruitment of juvenile lobsters, coupled with high fishing mortality rates, led the stock assessment and peer review panel to recommend additional harvest restrictions for SNE. The SNE stock extends from the waters south of Cape Cod, Massachusetts to the waters off North Carolina, and encompasses all of Lobster Conservation Management Areas (Area) 4, 5, and 6, and part of Area 2 and 3. According to the assessment, in SNE, 61–72 percent of the fishable stock is made up of new entrants into the legal fishery, and the 2005 stock assessment report noted concern that the fishery is too dependent on these new recruits. Based on recommendations in the 2005 assessment report, the Commission, in May 2007, approved Addendum XI that specifies additional lobster management measures for the SNE stock. Addendum XI also includes recommendations for complementary Federal action. Specific to this regulatory action, Addendum XI requires impacted states to implement a maximum legal carapace size limit of 5–1/4 inches (13.34 centimeters (cm)) in all SNE nearshore Areas (Area 2, 4, 5, and 6) by July 1, 2008, and implement a maximum legal carapace size limit of 7 inches (17.78 cm) in the offshore Area 3, and subsequently decreasing over a two year period to 6–3/4 inches (17.15 cm) by July 1, 2010. In addition to the maximum size limit, Addendum XI modifies the current V-notch definition in SNE. Current Federal regulations

prohibit possession of a female lobster bearing a V-shaped notch on its tail. The current Federal standard V-notch definition in SNE is defined to be any female lobster that bears a straight sided triangular cut, without setal hairs, a least 1/4 inch (0.64 cm) deep, and tapering to a point. This standard V-notch definition is likely to protect notched lobsters until they molt or shed their exoskeleton for the first time after notching. Addendum XI modifies the V-notch definition to be any female lobster that bears a notch or indentation at least 1/8th inch (0.32 cm) deep, with or without setal hairs. This modified V-notch definition may protect notched lobsters for up to two molt cycles, a period that may span three or more years. This Notice announces and seeks public comment on NMFS' intention to implement a lobster maximum legal carapace size limits and modified V-notch definition compatible with those specified in Addendum XI.

Classification

This ANPR has been determined to be not significant for the purposes of Executive Order 12866.

Authority: 16 U.S.C. 5101 *et seq.*

Dated: September 14, 2007.

Samuel D. Rauch III,

*Deputy Assistant Administrator For
Regulatory Programs, National Marine
Fisheries Service.*

[FR Doc. E7–18589 Filed 9–20–07; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 72, No. 183

Friday, September 21, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 17, 2007.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), OIRA_Submission@OMB.EOP.GOV or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Foreign Agricultural Service

Title: CCC's Facility Guarantee Program (FGP).

OMB Control Number: 0551–0032.

Summary of Collection: Under the authority of 7 CFR Part 1493, Subpart C, the Facility Guarantee Program (FGP) offers credit guarantees to facilitate the financing of U.S. manufactured goods and services to improve or establish agriculture infrastructure in emerging markets. Sales under FGP are considered normal commercial sales. The FGP makes available export credit guarantees to encourage U.S. private sector financing of foreign purchase of U.S. goods and services on credit terms. The Foreign Agricultural Service (FAS) will collect information in a letter format via mail or facsimile.

Need and Use of the Information: FAS will collect information to determine eligibility for FGP benefits and to ensure CCC that all participants have a business office in the U.S. and are not debarred or suspended from participating in government programs. FAS will use the application to determine a project's eligibility for FGP coverage and to determine the impact on U.S. agricultural trade. The information requested will provide CCC with adequate information to meet statutory requirements. If the information were not collected, CCC would be unable to determine if export sales under the FGP would be eligible for coverage or if coverage conformed to program requirements.

Description of Respondents: Business or Other For-Profit.

Number of Respondents: 5.

Frequency of Responses:

Recordkeeping; Reporting; On Occasion.

Total Burden Hours: 329.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–18610 Filed 9–20–07; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 17, 2007.

The Department of Agriculture has submitted the following information

collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), OIRA_Submission@OMB.EOP.GOV or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Nahms Beef 2007–08 Study.

OMB Control Number: 0579–New.

Summary of Collection: Collection and dissemination of animal health and poultry data and information is mandated by 7 U.S.C. 391, the Animal Industry Act of 1884, which established the precursor of the Animal and Plant Health Inspection Service (APHIS), Veterinary Services, the Bureau of Animal Industry. Collection, analysis, and dissemination of livestock and poultry health information on a national

basis are consistent with the APHIS mission of protecting and improving American agriculture's productivity and competitiveness. The National Animal Health Monitoring System (NAHMS) national studies have evolved into a collaborative industry and government initiative to help determine the most effective means of preventing and controlling diseases of livestock.

Need and Use of the Information: APHIS plans to conduct the Beef 2007–08 Study as part of an ongoing series of NAHMS studies on the U.S. livestock population. The purpose of this third beef study is to collect information, through questionnaires and biologic sampling, to: (1) Describe trends in beef cow-calf health and management practices, (2) evaluate management factors related to beef quality assurance, (3) describe recordkeeping practices on cow-calf operations, (4) determine producer awareness of bovine viral diarrhea (BVD) and management practices used for BVD control, (5) describe current biosecurity practices and producer motivation for implementing or not implementing biosecurity practices, and (6) determine the prevalence and antimicrobial resistance patterns of potential food-safety pathogens.

This information will help the United States detect trends in the management, production, and health status of the Nation's beef industry over time.

Description of Respondents: Business or Other For-Profit.

Number of Respondents: 4,000.

Frequency of Responses: Reporting: On Occasion.

Total Burden Hours: 12,742.

On July 13, 2007, the 60-day notice was published as 0579–0079 the agency has decided to submit this as a new collection under 0579–New.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–18611 Filed 9–20–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 18, 2007.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB),

OIRA_Submission@OMB.EOP.GOV or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Generic Fruit Crops, Marketing Order Administration Branch.

OMB Control Number: 0581–0189.

Summary of Collection: Industries enter into a marketing order program under the Agricultural Marketing Agreement Act (AMAA) of 1937, as amended by U.S.C. 601–674. Marketing Order programs provide an opportunity for producers of fresh fruits in specified production areas, to work together to solve marketing problems that cannot be solved individually. Order regulations help ensure adequate supplies of high quality product and adequate returns to producers. Under the market orders, producers and handlers are nominated by their respective peers and serve as representatives on their respective committees/boards.

Need and Use of the Information: The information collected is essential to provide the respondents the type of service they request. The committees and boards have developed forms as a means for persons to file required information relating to supplies,

shipments, and dispositions of their respective commodities. The information is used only by the authorized committees employees and representatives of USDA including AMS, Fruit and Vegetable Programs' regional and headquarters' staff to administer the marketing order programs.

Description of Respondents: Business or Other For-Profit; Farms.

Number of Respondents: 16,043.

Frequency of Responses: Recordkeeping; Reporting; On Occasion, Quarterly; Biennially; Weekly; Semi-Annually; Monthly; Annually.

Total Burden Hours: 8,460.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–18659 Filed 9–20–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 18, 2007.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Foreign Agricultural Service

Title: Export Sales Of U.S. Agricultural Commodities.

OMB Control Number: 0551-0007.

Summary of Collection: The export sales reporting system provides commodity market participants with information about commodity export commitments, and is one means by which USDA seeks to insure fairness and soundness in commodity marketing. U.S. exports are required to report to the Foreign Agricultural Service (FAS) information on: (1) The quantity of a reportable commodity to be sold to a foreign buyer; (2) the country of destination; and (3) the marketing year of shipment. The authority to collect this information is found at 7 CFR Part 20 and the Agricultural Trade Act of 1978 (7 U.S.C. 5712).

Need and Use of the Information: The collected information is needed because it provides up-to-date market data for making rational export policy decisions to prevent market disruptions. FAS reports the information to the public so that all market participants can be aware of such sales and can evaluate the effects of exports on supply and demand estimates of production, prices, and sales. If the information is not collected, the Department would not be in compliance with the statutes and not fulfilling the objectives of the export sales reporting program.

Description of Respondents: Business or Other For-Profit.

Number of Respondents: 340.

Frequency of Responses: Reporting: Quarterly; Weekly.

Total Burden Hours: 42,947.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E7-18660 Filed 9-20-07; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 18, 2007.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Importation Of Animal & Poultry, Animal/Poultry Products, Certain Animal Embryos, Semen, And Zoological Animals.

OMB Control Number: 0579-0040.

Summary of Collection: Title 21 U.S.C. 117, Animal Industry Act of 1884, authorizes the Secretary to prevent, control and eliminate domestic diseases such as brucellosis and tuberculosis, as well as to take actions

to prevent and to manage exotic diseases such as foot-and-mouth disease and rinderpest. To fulfill this mission the Animal and Plant Health Inspection Service (APHIS) collects pertinent information from those individuals who import animals and poultry, animal and poultry products, zoological animals, or animal germplasm into the United States. APHIS will collect information using several forms.

Need and Use of the Information: APHIS will collect information on the origin of the animal or product to be imported, the health status of the animal to be imported and whether the animal or product was temporarily offloaded in another country during its journey to the United States. This vital information helps APHIS to ensure that these imports do not introduce exotic animal diseases into the United States. If the information was not collected it would cripple or destroy APHIS ability to protect the United States from exotic animal disease incursions.

Description of Respondents: Business or other for-profit; Farms; Individuals or households; Federal Government; State, Local or Tribal Government.

Number of Respondents: 77,976.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 326,125.

Animal and Plant Health Inspection Service

Title: Communicable Diseases in Horses.

OMB Control Number: 0579-0127.

Summary of Collection: Title 21, U.S.C. 117 Animal Industry Act of 1884 authorizes the Secretary to prevent, control and eliminate domestic diseases such as equine infectious anemia, as well as to take action to prevent and to manage exotic diseases such as contagious equine metritis and other foreign animal diseases. The Animal and Plant Health Inspection Service (APHIS) regulates the importation and interstate movement of animals and animal products, and conducts various other activities to protect the health of the nation's livestock and poultry. The regulations in 9 CFR 75.4 govern the interstate movement of equines that have tested positive to an official test for EIA and provide for the approval of laboratories, diagnostic facilities, and research facilities.

Need and Use of the Information: The information collected from forms, APHIS VS 10-11, Equine Infectious Anemia Laboratory Test, 10-12, Equine Infectious Anemia Supplemental Investigation and 1-27, Permit for the Movement of Restricted Animals, will be used to prevent the spread of equine

infectious anemia. Regulations require the use of an official EIA test, a certificate for the interstate movement of an EIA reactor, and proper identification of the reactor, as well as recordkeeping by accredited and State veterinarians; laboratory, diagnostic, and research facility personnel; and stockyard personnel. Without the information it would be impossible for APHIS to effectively regulate the interstate movement of horses infected with EIA.

Description of Respondents: Farms; Business Or Other For-Profit; State, Local And Tribal Government.

Number of Respondents: 10,000.

Frequency of Responses:

Recordkeeping; Reporting: On Occasion.

Total Burden Hours: 174,330.

Ruth Brown,

Departmental Information Collection
Clearance Officer.

[FR Doc. E7-18662 Filed 9-20-07; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—WIC Breastfeeding Peer Counseling Study

AGENCY: Food and Nutrition Service,
USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed collection of data for the WIC Breastfeeding Peer Counseling Study. This study will assess the implementation of the Loving Support peer counseling program in State and local WIC agencies across the country.

DATES: Written comments must be received on or before November 20, 2007.

ADDRESSES: 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, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to Steven Carlson, Director, Office of Analysis, Nutrition and Evaluation, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Steven Carlson at 703-305-2576 or via email to Steve.Carlson@fns.usda.gov.

All written comments will be open for public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at Room 1014, 3101 Park Center Drive, Alexandria, Virginia 22302.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of this information collection should be directed to Steven Carlson at 703-305-2017.

SUPPLEMENTARY INFORMATION:

Title: WIC Breastfeeding Peer Counseling Study.

OMB Number: Not yet assigned.

Form Number: N/A.

Expiration Date: Not yet determined.

Type of Request: New collection of information.

Abstract: Beginning in Fiscal Year 2004 and continuing through to the present, Congress appropriated about \$15 million per year for States to support breastfeeding peer counseling in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Prior research has suggested that peer counseling may increase breastfeeding duration rates, and is associated with positive outcomes in minority groups that have proven difficult for WIC to support in

the initiation and continuation of breastfeeding. A primary objective of the WIC Breastfeeding Peer Counseling Study is to assess the implementation of the Loving Support peer counseling program, specifically developed for WIC, in the 86 States and Indian Tribal Organizations that have accepted peer counseling funds, and in a sample of 40 local WIC agencies and organizations that collaborate with these agencies, and in 20 local WIC clinics.

Affected Public: Multiple respondents may be required to complete each data collection instrument. At the State level, respondents include State WIC directors, State WIC breastfeeding and peer counseling coordinators, and State budget officers. At the local level, respondents will include staff at the local WIC agency, including the local WIC director, local breastfeeding and peer counselor coordinators, budget officer, peer counselors, and the person that manages the local WIC agency database; local WIC clinic director or supervisor, local WIC clinic peer counseling coordinator or supervisor, and peer counselors; and the contact person for an agency or organization that collaborates on the local WIC Loving Support peer counseling program.

Estimated Number of Respondents: 618 total. This includes directors of 86 State WIC agencies who will complete a web-based survey, likely with the aid of 86 State breastfeeding or peer counseling coordinators and 86 State WIC budget officers. Interviews at the local WIC agency will include 40 local WIC directors, 40 local WIC breastfeeding or peer counselor coordinators, 40 local WIC budget officers, 40 local WIC agency database managers; and an average of two peer counselors per local WIC agency (80 peer counselors). Forty individuals representing organizations that collaborate with local WIC agencies (e.g., hospitals) will also be interviewed. Interviews at 20 local clinics will be held with 20 local WIC clinic directors or supervisors, 20 local WIC clinic peer counselor coordinators or supervisors, and an average of two peer counselors per local WIC clinic (40 peer counselors).

ESTIMATED TIME PER RESPONSE

Respondent	Number	Number of responses per respondent	Minutes	Total minutes
State WIC Director	86	1	60	5,160
State Breastfeeding or Peer Counselor Coordinator	86	1	60	5,160
State budget officer	86	1	30	2,580
Local WIC Agency Director	40	1	60	2,400
Local WIC Breastfeeding or Peer Counselor Coordinator	40	1	90	3,600
Local budget officer	40	1	30	1,200
Local WIC Agency Database Manager	40	1	30	1,200
Peer Counselors	80	1	30	2,400
Local WIC Clinic Director or Supervisor	20	1	60	1,200
Local WIC Clinic Peer Counselor Coordinator or Supervisor	20	1	60	1,200
Peer Counselors	40	1	30	1,200
Liaison/contact person in an organization collaborating with WIC local agencies on peer counseling	40	1	60	2,400
Total Respondent Burden				29,700

Number of Responses per Respondent: Each instrument will be administered once to each respondent.

Estimated Total Annual Burden on Respondents: 495 hours

Estimated Time per Response: 0.80 of an hour or 48 minutes

Dated: September 11, 2007.

Roberto Salazar,

Administrator, Food and Nutrition Service.

[FR Doc. E7-18700 Filed 9-20-07; 8:45 am]

BILLING CODE 3410-30-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2007-0031]

Codex Alimentarius Commission: Meeting of the Codex Committee on Nutrition and Foods for Special Dietary Uses

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The Office of the Under Secretary for Food Safety, U.S. Department of Agriculture (USDA) and the Food and Drug Administration (FDA), U.S. Department of Health and Human Services (HHS) are sponsoring a public meeting on September 25, 2007. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States positions that will be discussed at the 29th Session of the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) of the Codex Alimentarius Commission (Codex), which will be held in Bad Neuenahr-Ahrweiler, Germany on November 12–November

16, 2007. In addition, an *Ad Hoc* Working Group on the Revision of the Standard for Gluten-Free Foods will meet on November 10, 2007. The Under Secretary for Food Safety and FDA recognize the importance of providing interested parties the opportunity to obtain background information on the 29th Session of CCNFSDU and to address items on the agenda.

DATES: The public meeting is scheduled for Tuesday, September 25, 2007, from 1 p.m. to 4 p.m.

ADDRESSES: The public meeting will be held in the Auditorium (1A003), Food and Drug Administration, Harvey Wiley Federal Building, 5100 Paint Branch Parkway, College Park, MD. Parking is adjacent to this building and will be available at no charge to individuals who pre-register by the date below (See Pre-Registration). In addition, the College Park metro station is across the street. Codex documents related to the 29th Session of the CCNFSDU will be accessible via the World Wide Web at the following address: <http://www.codexalimentarius.net/current.asp>.

Pre-Registration: To gain admittance to this meeting, individuals must present a photo ID for identification and also are required to pre-register. In addition, no cameras or videotaping equipment will be permitted in the meeting room. To pre-register, please send the following information to this e-mail address (nancy.crane@fda.hhs.gov) by September 20, 2007:

- Your Name.
- Organization.
- Mailing Address.
- Phone number.
- E-mail address.

For Further Information About the 29th Session of the CCNFSDU Contact: Nancy Crane, Assistant to the U.S.

Delegate to the CCNFSDU, Office of Nutritional Products, Labeling and Dietary Supplements, Center for Food Safety and Applied Nutrition, FDA, 5100 Paint Branch Parkway (HFS-800), College Park, MD 20740, Phone: (301) 436-1450, Fax: (301) 436-2636, E-mail: nancy.crane@fda.hhs.gov.

For Further Information About the Public Meeting Contact: Edith Kennard, Staff Officer, U.S. Codex Office, Food Safety and Inspection Service (FSIS), Room 4861, South Building, 1400 Independence Avenue SW., Washington, DC 20250, Phone: (202) 720-5261, Fax: (202) 720-3157, E-mail: edith.kennard@fsis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius (Codex) was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in trade.

The Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU) was established to study specific nutritional problems assigned to it by the Commission and advise the Commission on general nutritional issues; to draft general provisions as appropriate, concerning the nutritional aspects of all foods; to develop standards, guidelines, or related texts for foods for special dietary uses, in cooperation with other committees when necessary; and to consider, amend if necessary, and endorse provisions on nutritional aspects proposed for

inclusion in Codex standards, guidelines, and related texts. The Committee is hosted by the Federal Republic of Germany.

Issues to be Discussed at the Public Meeting

The following items on the Agenda for the 29th Session of the Committee will be discussed during the public meeting:

- Matters Referred to the Committee from Other Codex Bodies.
- Guidelines for Use of Nutrition Claims: Draft Table of Conditions for Nutrient Contents: (Part B, containing provisions on Dietary Fibre).
- Draft Revised Standard for Gluten-Free Foods.
- Proposed Draft Revision of the Advisory List of Nutrient Compounds for Use in Foods for Special Dietary Uses Intended for Use by Infants and Young Children.
- Proposed Draft Recommendations on the Scientific Basis of Health Claims.
- Application of Risk Analysis Principles by the Committee on Nutrition and Foods for Special Dietary Uses.
- Discussion Paper on the Proposals for Additional or Revised Nutrient Reference Values for Labelling Purposes.
- Discussion Paper on the Production and Processing Standards Regarding the Nutritional Quality and Safety of Foods.
- Discussion Paper on the Proposal for New Work to Amend the Codex General Principles for the Addition of Essential Nutrients.

Each issue listed will be fully described in documents distributed, or to be distributed, by the German Secretariat prior to the Meeting. Members of the public may access copies of these documents at <http://www.codexalimentarius.net/current.asp>.

Public Meeting

At the September 25, 2007, public meeting, draft U.S. positions on these agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate for the 29th session of CCNFSDU, Dr. Barbara Schneeman, at CCNFSDU@fda.hhs.gov. Written comments should state that they relate to activities of the 29th Session of the CCNFSDU.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to

ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at http://www.fsis.usda.gov/regulations/2007_Notices_Index/. FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through the Listserv and Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at http://www.fsis.usda.gov/news_and_events/email_subscription/. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their account.

Done at Washington, DC on: September 18, 2007.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. E7-18718 Filed 9-20-07; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2007-0034]

Codex Alimentarius Commission: First Session of the Codex Ad Hoc Intergovernmental Task Force on Antimicrobial Resistance

AGENCY: Office of the Under Secretary for Food Safety, USDA.

ACTION: Notice of public meeting.

SUMMARY: The Office of the Under Secretary for Food Safety, United States Department of Agriculture (USDA), and the Food and Drug Administration (FDA) are sponsoring a public meeting on September 24, 2007, to discuss the agenda items coming before the First Session of the Codex *Ad Hoc*

Intergovernmental Task Force on Antimicrobial Resistance (AMR) and to present draft U.S. positions on the agenda items. The First Session on AMR will be held in Seoul, Korea, October 23-26, 2007. The Under Secretary and FDA recognize the importance of providing interested parties the opportunity to comment on the agenda items that will be discussed at this forthcoming session on AMR.

DATES: The public meeting is scheduled for Monday, September 24, 2007, from 2 p.m. to 4 p.m.

ADDRESSES: The public meeting will be held in Room 107A Whitten Building, 1400 Independence Avenue, SW., Washington, DC (Please enter USDA at the Whitten Building Entrance. If taking Metro, exit on the Mall side of the Smithsonian stop).

Documents related to the First Session of the AMR Task Force will be accessible via the World Wide Web at the following address: <http://www.codexalimentarius.net/current.asp>.

For Further Information About the First Session on AMR Contact: U.S. Delegate, Dr. David White, Director, National Antimicrobial Resistance Monitoring System (NARMS), FDA, Center for Veterinary Medicine, Office of Research, 8401 Muirkirk Rd., Laurel, MD 20798, Tel: (301) 210-4181, E-mail: david.white@fda.hhs.gov.

For Further Information About the Public Meeting Contact: Edith Kennard, Staff Officer, U.S. Codex Office, Food Safety and Inspection Service (FSIS), Room 4861, South Building, 1400 Independence Avenue, SW., Washington, DC 20250, Phone: (202) 720-5261, Fax: (202) 720-3157, E-mail: edith.kennard@fsis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Codex Alimentarius (Codex) was established in 1963 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure that fair practices are used in trade.

The Codex *Ad Hoc* Intergovernmental Task Force on Antimicrobial Resistance was established by the 29th Session of the Codex Alimentarius Commission in 2006. The Task Force is to develop science-based guidance to assess the risks to human health associated with

the presence in food and feed (including aquaculture) of antimicrobial resistant microorganisms and antimicrobial resistance genes and the transmission through food and feed of antimicrobial resistant microorganisms and antimicrobial resistance genes. The Task Force is also to develop appropriate risk management advice based on that assessment to reduce such risk. The Task Force, which is hosted by the Republic of Korea, is to complete its work within four sessions.

Issues To Be Discussed at the Public Meeting

The following items on the agenda for the First Session on AMR will be discussed during the September 24, 2007, public meeting:

- Matters Referred to the Committee from Other Codex Bodies.
- Review of the Work by FAO, WHO and the World Organisation for Animal Health (OIE) on Antimicrobial Resistance.
- Consideration of the Elaboration of Standards, Guidelines or Other Texts on Antimicrobial Resistance (comments submitted in response to Circular Letter 2006/38-AMR).

Each issue listed will be fully described in documents distributed, or to be distributed, by the Korean Secretariat to the Meeting. Members of the public may access copies of these documents at <http://www.codexalimentarius.net/current.asp>.

Public Meeting

At the September 24, 2007, public meeting, draft U.S. positions on these agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to the U.S. Delegate on AMR, Dr. David White, at david.white@fda.hhs.gov. Written comments should state that they relate to activities of the First Session of the Task Force on AMR.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at http://www.fsis.usda.gov/regulations/2007_Notices_Index/. FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations,

Federal Register notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader and more diverse audience. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at http://www.fsis.usda.gov/news_and_events/email_subscription. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their account.

Done at Washington, DC on: September 17, 2007.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarius.

[FR Doc. E7-18719 Filed 9-20-07; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2007-0035]

National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This notice announces that the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will hold public meetings of the full Committee and subcommittees on September 24-28, 2007. The Committee will discuss: (1) Assessment of the food safety importance of *Mycobacterium avium subspecies paratuberculosis*, (2) Determination of the most appropriate technologies for the Food Safety and Inspection Service (FSIS) to adopt in performing routine and baseline microbiological analyses, and (3) Parameters for inoculated-pack challenge study protocols.

DATES: The full Committee will hold an open meeting on Friday, September 28, from 9 a.m. to 12:45 p.m. The Subcommittee on Assessment of the

Food Safety Importance of *Mycobacterium avium subspecies paratuberculosis* will hold an open meeting on Monday, September 24, 2007, from 8:30 a.m. to 5 p.m. The Subcommittee on Determination of the Most Appropriate Technologies for the FSIS to Adopt in Performing Routine and Baseline Microbiological Analyses will hold open meetings on Monday, September 24, 2007, from 1:30 p.m. to 5 p.m., and on Tuesday, September 25 and Wednesday, September 26 from 8:30 a.m. to 5 p.m. The Subcommittee on parameters for Inoculated-Pack Challenge Study Protocols will hold open meetings on Wednesday, September 26 and Thursday, September 27, from 8:30 a.m. to 5 p.m.

ADDRESSES: The September 24-27, 2007, subcommittee meetings will be held at the Aerospace Center, 901 D. Street, SW., Rooms 369-371, Washington, DC 20024. The September 28, 2007, full Committee meeting will be held in the conference room at the south end of the U.S. Department of Agriculture (USDA) cafeteria located in the South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All documents related to the full Committee meeting will be available for public inspection in the FSIS Docket Room, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2534 South Building, Washington, DC 20250, between 8:30 a.m. and 4:30 p.m., Monday through Friday, as soon as they become available. The NACMCF documents will also be available on the Internet at http://www.fsis.usda.gov/regulations/2007_Notices_Index/.

FSIS will finalize an agenda on or before the meeting dates and post it on the FSIS Web page at http://www.fsis.usda.gov/News/Meetings_&Events/. Please note that the meeting agenda is subject to change due to the time required for Committee discussions; thus, sessions could start or end earlier or later than anticipated. Please plan accordingly if you would like to attend a particular session or participate in a public comment period.

Also, the official transcript of the September 28, 2007, full Committee meeting, when it becomes available, will be kept in the FSIS Docket Room at the above address and will also be posted on http://www.fsis.usda.gov/About/NACMCF_Meetings/.

The mailing address for the contact person is: Karen Thomas-Sharp, U.S. Department of Agriculture, FSIS, Office of Public Health Science, 1400 Independence Avenue, SW., 333 Aerospace Center, Washington, DC 20250-3766.

FOR FURTHER INFORMATION CONTACT:

Persons interested in making a presentation, submitting technical papers, or providing comments at the September 28, plenary session should contact Karen Thomas-Sharp, phone (202) 690-6620, fax (202) 690-6334, e-mail: Karen.thomas-sharp@fsis.usda.gov or at the mailing address above. Persons requiring a sign language interpreter or other special accommodations should notify Mrs. Thomas-Sharp by September 17, 2007.

SUPPLEMENTARY INFORMATION:**Background**

The NACMCF was established in 1988, in response to a recommendation of the National Academy of Sciences for an interagency approach to microbiological criteria for foods, and in response to a recommendation of the U.S. House of Representatives Committee on Appropriations, as expressed in the Rural Development, Agriculture, and Related Agencies Appropriation Bill for fiscal year 1988. The charter for the NACMCF is available for viewing on the FSIS Internet Web page at http://www.fsis.usda.gov/About/NACMCF_Charter/.

The NACMCF provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S. food supply, including development of microbiological criteria and review and evaluation of epidemiological and risk assessment data and methodologies for assessing microbiological hazards in foods. The Committee also provides scientific advice and recommendations to the Centers for Disease Control and Prevention and the Departments of Commerce and Defense.

Dr. Richard Raymond, Under Secretary for Food Safety, U. S. Department of Agriculture, is the Committee Chair; Dr. Robert E. Brackett, Director of the Food and Drug Administration's Center for Food Safety and Applied Nutrition (CFSAN), is the Vice-Chair; and Gerri Ransom, FSIS, is the Executive Secretary.

At the subcommittee meetings the week of September 24-27, 2007 the groups will discuss:

- Assessment of the food safety importance of *Mycobacterium avium subspecies paratuberculosis*,
- The determination of the most appropriate technologies for the FSIS adopt in performing routine and baseline microbiological analyses, and
- Parameters for inoculated pack challenge study protocols.

Documents Reviewed by NACMCF

FSIS intends to make available to the public all materials that are reviewed and considered by NACMCF regarding its deliberations. Generally, these materials will be made available as soon as possible after the full Committee meeting. Further, FSIS intends to make these materials available in electronic format on the FSIS Web page, as well as in hard copy format in the FSIS Docket Room. Often, an attempt is made to make the materials available at the start of the full Committee meeting when sufficient time is allowed in advance to do so.

Disclaimer: NACMCF documents and comments posted on the FSIS Web site are electronic conversions from a variety of source formats. In some cases, document conversion may result in character translation or formatting errors. The original document is the official, legal copy.

In order to meet the electronic and information technology accessibility standards in section 508 of the Rehabilitation Act, NACMCF may add alternate text descriptors for non-text elements (graphs, charts, tables, multimedia, etc.). These modifications only affect the online copies of the documents.

Copyrighted documents will not be posted on the FSIS Web site, but will be available for inspection in the FSIS Docket Room.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it online through the FSIS Web page located at http://www.fsis.usda.gov/regulations/2007_Notices_Index/.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. Through Listserv and the Web page, FSIS is able to provide information to a much broader and more diverse

audience. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at http://www.fsis.usda.gov/news_and_events/email_subscription/.

Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves and have the option to password protect their account.

Done at Washington, DC on: September 18, 2007.

Alfred V. Almanza,
Administrator.

[FR Doc. E7-18699 Filed 9-20-07; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE**Forest Service****Plumas County Resource Advisory Committee (RAC)**

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Plumas County Resource Advisory Committee (RAC) will hold a meeting on September 21, 2007, in Quincy, CA. The purpose of the meeting is to review applications for Cycle 7 funding and select projects to be recommended to the Plumas or Lassen National Forest Supervisor for calendar year 2008 funding consideration. The funding is available under the Title II provisions of the Secure Rural Schools and Community Self-Determination Act of 2000.

Date & Address: The meeting will take place from 9-4 at the Mineral Building-Plumas/Sierra County Fairgrounds, 208 Fairgrounds Road, Quincy, CA.

FOR FURTHER INFORMATION CONTACT: Or for special Lee Anne Schramel Taylor, Forest Coordinator, USDA, Plumas National Forest, P.O. Box 11500/159 Lawrence Street, Quincy, CA 95971; (530) 283-7850; or by e-mail eataylor@fs.fed.us.

SUPPLEMENTARY INFORMATION: Agenda items for the September 21 meeting include: (1) Forest Service Update; (2) Future Legislation Potential; and (3) Recommendations for funding distribution, potentially including current Cycle 6 projects not yet approved. The meetings are open to the public and individuals may address the Committee after being recognized by the Chair. Other RAC information including previous meeting agendas and minutes

may be obtained at <http://www.fs.fed.us/payments>.

Dated: September 13, 2007.

Fred J. Krueger,

Public Services Staff Officer.

[FR Doc. 07-4661 Filed 9-20-07; 8:45 am]

BILLING CODE 3410-11-M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List products and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* October 21, 2007.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202-3259.

FOR FURTHER INFORMATION CONTACT: Kimberly M. Zeich, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail CMTEFedReg@jwod.gov.

SUPPLEMENTARY INFORMATION: On June 15 and July 20, 2007, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (72 FR 33200; 39786) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and service and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and service to the Government.

2. The action will result in authorizing small entities to furnish the products and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the products and services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following products and service are added to the Procurement List:

Products

Glow Plug

NSN: 2920-01-456-6985.

NPA: Shares Inc., Shelbyville, IN.

Contracting Activity: Defense Supply Center Columbus, Columbus, OH.

Coverage: C-List for the requirements of the Defense Supply Center Columbus, Columbus, OH.

Portfolio, Writing, CAMO (ACU Digitized)

NSN: 7510-00-NIB-0753—Memo size w/ pad.

NSN: 7510-00-NIB-0764—Letter Size w/ pad.

NSN: 7510-00-NIB-0765—Memo Size w/ brass clip and pad.

NSN: 7510-00-NIB-0766—Letter Size w/ brass clip and pad.

NSN: 7510-00-NIB-0805—US Army Logo. Memo Size w/ pad.

NSN: 7510-00-NIB-0808—Pocket Size w/ pad.

NPA: New York City Industries for the Blind, Inc., Brooklyn, NY.

Coverage: A-List for the total Government requirements as specified by the General Services Administration.

Portfolio, Writing, Custom Color and logo

NSN: 7510-00-NIB-0806—Memo Size w/ pad.

NPA: New York City Industries for the Blind, Inc., Brooklyn, NY.

Coverage: B-List for the broad Government requirements of the General Services Administration.

Contracting Activity: General Services Administration, Office Supplies & Paper Products Acquisition Ctr, New York, NY.

Service

Service Type/Location: Commissary

Warehousing, Warehouse Building 3335, 3335 Central Avenue, Suite 100, Eielson AFB, AK.

NPA: Fairbanks Resource Agency, Fairbanks, AK.

Contracting Activity: Defense Commissary Agency, Fort Lee, VA.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Louis R. Bartalot,

Director, Program Analysis and Evaluation.

[FR Doc. E7-18630 Filed 9-20-07; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

ACTION: Proposed Additions to and Deletions from the Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete a product and a service previously furnished by such agencies.

Comments Must be Received on or Before: October 21, 2007.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202-3259.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Kimberly M. Zeich, Telephone: (703) 603-7740, Fax: (703) 603-0655, or e-mail CMTEFedReg@jwod.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each product or service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the

statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following services are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Services

- Service Type/Location: Grounds Maintenance, Naval Support Activity, 2300 General Meyers Avenue, Algiers, LA.
- NPA: Goodworks, Inc., Metairie, LA.
- Contracting Activity: Naval Facilities Engineering Command (NAVFAC)—SE, New Orleans, LA.
- Service Type/Location: Janitorial/Grounds Maintenance, Customs and Border Protection, New Sector Headquarters, 211 Aten Road, Imperial, CA.
- NPA: ARC-Imperial Valley, El Centro, CA.
- Contracting Activity: Department of Homeland Security, Customs and Border Protection, Washington, DC.
- Service Type/Location: Tele-Services—Tier 1 & Other Support Services, Centers for Medicare and Medicaid Services, Beneficiary Contact Center Facility (BCC), 2400 Oakdale Boulevard, Coralville, IA.
- NPA: Peckham Vocational Industries, Inc., Lansing, MI.
- Contracting Activity: Department of Health & Human Services, Centers for Medicare and Medicaid Services, Baltimore, MD.

Deletions

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action may result in additional reporting, recordkeeping or other compliance requirements for small entities.
 2. If approved, the action may result in authorizing small entities to furnish the product and service to the Government.
 3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the product and service proposed for deletion from the Procurement List.
- Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

End of Certification

The following product and service are proposed for deletion from the Procurement List:

Product

Diaper, Infant's
NSN: 6532–01–127–2213—Diaper, Infants.
NPA: Lions Industries for the Blind, Inc., Kinston, NC.
Contracting Activity: Defense Supply Center Philadelphia, Philadelphia, PA.

Service

Service Type/Location: Duplicating Service, (GPO Program C285–S), Federal Bureau of Investigation, Criminal Justice Information Services Complex, Clarksburg, WV.
NPA: Job Squad, Inc., Bridgeport, WV.
Contracting Activity: Government Printing Office, Washington, DC.

Louis R. Bartalot,

Director, Program Analysis and Evaluation.
[FR Doc. E7–18631 Filed 9–20–07; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

(Docket 4–2007)

MPM Silicones, LLC - Application for Subzone Status

Reopening of Comment Period

On September 11, 2007, MPM Silicones, LLC (Momentive) submitted to the FTZ Board a supplement to its application which contains new substantive factual information on which there has not been an opportunity for public comment. As a result, the comment period for the case referenced above is being reopened to October 22, 2007, to allow interested parties time in which to comment. Rebuttal comments may be submitted during the subsequent 15-day period, until November 5, 2007. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at: 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: September 12, 2007.

Andrew McGilvray,

Executive Secretary.
[FR Doc. E7–18713 Filed 9–20–07; 8:45 am]
BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 46–2007]

Request for Comments on Uniform Treatment (and Related Issues) in Local Access to Foreign–Trade Zone Procedures

Pursuant to the Foreign–Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u), many local (primarily public) entities have been granted the privilege of establishing foreign–trade zones (FTZs) within or adjacent to U.S. Customs and Border Protection ports of entry. Section 81n of the FTZ Act states, in part, that each such “grantee” of a local FTZ shall operate the zone “as a public utility, and all rates and charges for all services or privileges within the zone shall be fair and reasonable. . . .” In addition, the FTZ Act states that “the grantee shall afford to all who may apply to use the zone . . . uniform treatment under like conditions . . .” (19 U.S.C. 81n).

Concerns have been raised to the FTZ Board related to uniform treatment in local access (including possible conflicts of interest) where a third-party agent of the grantee(s) may effectively control access to FTZ procedures in a particular community or region. Potential conflicts of interest may be linked to the non-grantee entity also engaging in business -- in competition with other private firms -- to provide various FTZ-related services to potential users of the zone. In this context, we believe that it is appropriate for the FTZ Board to gather information and various parties' views related to potential conflicts of interest in local access to FTZ procedures, including regarding practices that parties believe may be inconsistent with the FTZ Act or the FTZ Board's regulations.

Comment is invited from interested parties. To enable the FTZ Board to gain a full understanding of the range of potential issues, parties may present both current and historical information. Submissions in response to this notice should be marked with “Docket 46–2007.” Business confidential documents may be submitted, if necessary. Any business confidential document should be clearly marked “BUSINESS CONFIDENTIAL” in the upper right-hand corner of each page of the document.

Submissions may be faxed to (202) 482–0002. Physical submission of comments should be directed to the Office of the Executive Secretary, Foreign–Trade Zones Board, Room 2111, U.S. Department of Commerce,

1401 Constitution Avenue, NW., Washington, DC 20230.

While interested parties are always encouraged to provide comments on the operation of the FTZ program, we are requesting comments on this matter by November 30, 2007, so that the Board may proceed with its examination. Questions relating to the submission of comments should be directed to Pierre Duy or Andrew McGilvray at (202) 482-2862.

Dated: September 18, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7-18697 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

A-351-828

Certain Hot-Rolled, Flat-Rolled Carbon Quality Steel Products from Brazil: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from Nucor Corporation, a domestic interested party ("Nucor"), the Department of Commerce ("the Department") initiated an administrative review of the antidumping duty order on certain hot-rolled, flat-rolled carbon quality steel products ("hot rolled steel") from Brazil. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 72 FR 20986 (April 27, 2007). This administrative review covered the period March 1, 2006, through February 28, 2007. We are now rescinding this review due to a request by Nucor to rescind the review.

EFFECTIVE DATE: September 21, 2007.

FOR FURTHER INFORMATION CONTACT: John Drury or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Room 7866, Washington, DC 20230; telephone: (202) 482-0195 or (202) 482-3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department published an antidumping duty order on hot rolled steel from Brazil on March 12, 2002. *See Notice of Antidumping Duty Order and of Sales at Less Than Fair Value: Certain Hot-Rolled Flat-Rolled Carbon*

Quality Steel Products from Brazil, 67 FR 11093 (March 12, 2002). The Department published a notice of "Opportunity to Request an Administrative Review" of the antidumping duty order for the period March 1, 2006, through February 28, 2007, on March 2, 2007. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 72 FR 9505 (March 2, 2007). Nucor requested that the Department conduct an administrative review of sales of merchandise covered by the order by Companhia Siderúrgica Nacional ("CSN") and Companhia Siderúrgica de Tubarão ("CST") on March 30, 2007. In response to the request from Nucor, the Department published the initiation of the antidumping duty administrative review on hot rolled steel from Brazil on April 27, 2007. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 72 FR 20986 (April 27, 2007).

The Department issued questionnaires to both CSN and CST on May 2, 2007, and issued a second questionnaire to CST on July 5, 2007. The Department received responses from CST on June 6, 2007, June 25, 2007, and July 9, 2007.

On May 3, 2007, CSN submitted a letter to the Department stating that it had no shipments of hot rolled steel to the United States during the period of review. The Department issued a "No Shipment Inquiry" to U.S. Customs and Border Protection ("CBP") on May 31, 2007, to confirm that there were no shipments or entries of hot rolled steel from Brazil exported by CSN during the period of review ("POR") of the instant administrative review. CBP only responds to the Department's inquiry when CBP finds that there have been shipments. CBP did not respond to the Department's inquiry, and no party submitted comments. Based on this information, on July 12, 2007, the Department determined that CSN did not have any shipments or entries of hot rolled steel from Brazil during the review period. *See Memorandum to the File*, through Angelica Mendoza, Program Manager, from John Drury, Senior Case Analyst: Companhia Siderúrgica Nacional - No Shipments of Certain Hot-Rolled Flat-Rolled Carbon Quality Steel Products from Brazil Pursuant to U.S. Customs and Border Protection Inquiry.

Nucor withdrew its request for review with respect to both CST and CSN on August 14, 2007. On August 15, 2007, Department officials contacted counsel for CST and inquired as to whether CST wished to continue the administrative

review. Counsel for CST indicated that CST had no objection to rescinding the review. *See Memorandum to the File*, from John Drury, Senior Case Analyst: Telephone conversation with counsel for Companhia Siderúrgica de Tubarão, dated August 16, 2007.

Rescission of the Administrative Review

Pursuant to 19 CFR § 351.213(d)(1), the Secretary will rescind an administrative review under this section, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The Secretary may extend this time limit if the Secretary decides that it is reasonable to do so. *See* 19 CFR § 351.213(d)(1). Nucor's request is past the 90-day time limit; however, we find that it is reasonable to extend this deadline for the following reasons: (1) with respect to CSN, the Department determined that there were no shipments during the POR, and (2) with respect to both CST and CSN, all parties that requested reviews have withdrawn their requests and no party has objected to the termination of the review. Therefore, the Department determines that the continuation of the administrative review is not necessary.

In response to Nucor's withdrawal of its request for administrative reviews pursuant to 19 CFR § 351.213(d)(1), the Department hereby rescinds the administrative review of the antidumping duty order on hot rolled steel from Brazil for the period March 1, 2006, through February 28, 2007 for both CST and CSN. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of this rescission of administrative review.

This notice serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR § 351.305(a)(3). Timely written notification of the return or 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 sanctionable violation.

This notice is published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR § 351.213(d)(4).

Dated: September 13, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7-18707 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-818]

Suspension of Antidumping Duty Investigation: Lemon Juice From Argentina

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce ("the Department") has suspended the antidumping duty investigation involving lemon juice from Argentina. The basis for this action is an agreement between the Department and S.A. San Miguel A.G.I.C. y F. ("San Miguel") and Citrusvil, S.A. ("Citrusvil") to revise their prices to eliminate completely sales of this merchandise to the United States at less than fair value.

DATES: *Effective Date:* September 10, 2007.

FOR FURTHER INFORMATION CONTACT: Sally Gannon or James Kemp at (202) 482-0162 and (202) 482-5346, respectively, Bilateral Agreements Unit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 11, 2006, the Department initiated an antidumping duty investigation under section 732 of the Tariff Act of 1930, as amended, ("the Act") to determine whether imports of lemon juice from Argentina are being, or are likely to be sold in the United States at less than fair value (71 FR 61710 (October 19, 2006)). On November 3, 2007, the United States International Trade Commission ("ITC") notified the Department of its affirmative preliminary injury determination in this case *See Lemon Juice from Argentina and Mexico*, Inv. Nos. 731-TA-1105-1106 (Preliminary), USITC Pub. No. 3891 (November 2006). On April 19, 2007, the Department preliminarily determined that lemon juice is being, or is likely to be sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Act (*Lemon Juice from Argentina*:

Preliminary Determination of Sales at Less than Fair Value and Affirmative Preliminary Determination of Critical Circumstances, 72 FR 20820 (April 26, 2007) ("Preliminary Determination"). On May 17, 2007, the Department postponed the final determination in this investigation until no later than September 10, 2007 (*Lemon Juice from Argentina and Mexico: Postponement of Final Antidumping Duty Determinations and Extension of Provisional Measures*, 72 FR 28953 (May 23, 2007)).

The Department, San Miguel, and Citrusvil, initialed a proposed agreement suspending this investigation on August 10, 2007. On August 13, 2007, we invited interested parties to provide written comments on the proposed suspension agreement. On August 24, 2007, the Department also invited interested parties to provide written comments on an issue related to the draft suspension agreement with respect to purchase orders and/or long-term contracts entered into prior to September 10, 2007. In response to our requests for comment, on August 30, 2007, we received comments from the petitioner Sunkist Growers Inc., and respondents San Miguel, and Citrusvil. We have taken these comments into consideration for the final version of the suspension agreement.

The Department, San Miguel, and Citrusvil signed the suspension agreement on September 10, 2007.

Scope of Investigation

For a complete description of the scope of the investigation, *see, Agreement Suspending the Antidumping Investigation on Lemon Juice from Argentina*, Appendix A, signed September 10, 2007, attached hereto in Annex 1.

Suspension of Investigation

The Department consulted with the parties to the proceeding and has considered the comments submitted with respect to the proposed suspension agreement. In accordance with sections 734(b) and (d) of the Act, we have determined that the agreement will completely eliminate sales at less than fair value, that the agreement is in the public interest, and that the agreement can be monitored effectively. *See, Public Interest and Effective Monitoring Memorandum*, dated September 10, 2007. *See also, Percentage of Exports Memorandum*, dated September 10, 2007. We find, therefore, that the criteria for suspension of an investigation pursuant to sections 734(b) and (d) of the Act have been met. The terms and conditions of this agreement,

signed September 10, 2007, are set forth in Annex 1 to this notice.

Pursuant to section 734(f)(2)(A) of the Act, the suspension of liquidation of all entries of lemon juice from Argentina entered, or withdrawn from warehouse, for consumption, as directed in the *Preliminary Determination* is hereby terminated. Any cash deposits on entries of lemon juice from Argentina pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

This notice is published pursuant to section 734(f)(1)(A) of the Act.

Dated: September 10, 2007.

Michelle O'Neill,

Deputy Under Secretary for International Trade.

Annex 1—Agreement Suspending the Antidumping Investigation on Lemon Juice from Argentina

Pursuant to section 734(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673c(b)) (the "Act"), and 19 CFR 351.208 (the "Regulations"), the U.S. Department of Commerce (the "Department") and the signatory producers/exporters of Lemon Juice from Argentina (the "Signatories") enter into this suspension agreement (the "Agreement"). On the basis of this Agreement, on the effective date of this Agreement, the Department shall suspend its antidumping investigation initiated on October 19, 2006 (17 FR 61710) with respect to Lemon Juice from Argentina, subject to the terms and provisions set forth below.

(A) Product Coverage:

For purposes of this Agreement, the merchandise covered is Lemon Juice, as described in Appendix A.

(B) U.S. Import Coverage:

The signatory producers/exporters collectively are the producers and exporters in Argentina that accounted for substantially all (not less than 85 percent) of the subject merchandise imported into the United States, as provided in the Department's regulations at 19 CFR 351.208(c). The Department may, at anytime during the period of the Agreement, require additional producers/exporters in Argentina to sign the Agreement in order to ensure that not less than substantially all imports into the United States are covered by the Agreement.

In reviewing the operation of the Agreement for the purpose of determining whether this Agreement has been violated or is no longer in the public interest, the Department will consider imports into the United States from all sources of the merchandise described in Section A of the

Agreement. For this purpose, the Department will consider factors including, but not limited to, the following: Volume of trade, pattern of trade, whether or not the reseller is an original equipment manufacturer, and the reseller's export price (EP).

(C) Basis of the Agreement:

On and after the effective date of the Agreement, each signatory producer/exporter individually agrees to make any necessary price revisions to eliminate completely any amount by which the normal value (NV) of this merchandise exceeds the U.S. price of its merchandise subject to the Agreement. For this purpose, the Department will determine the NV in accordance with section 773(e) of the Act and U.S. price in accordance with section 772 of the Act. For details of the Department's calculation methodology under this Agreement, *see* Appendix B.

(1) For the period from the effective date of this Agreement through the release of the first NVs, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement in the United States.

However, during this period and subsequent periods, as relevant, a signatory producer/exporter may proceed with deliveries of subject merchandise made pursuant to purchase orders or long-term contracts entered into prior to September 10, 2007, if the Department determines, in accordance with its regulations, that the signatory producer's/exporter's appropriate date of sale is the date of the purchase order or long-term contract (*see* Section I(4) below). At any time, should the Department determine that the purchase order or long-term contract date was not the appropriate date of sale for a signatory producer/exporter making such deliveries, the Department may consider such deliveries to be in violation of this Agreement (*see* Section F below). Any signatory producer/exporter making such deliveries under this Agreement must provide a one-time report to the Department, within 30 days of these deliveries having been completed, which contains a listing of the contract or purchase order dates, the delivery quantities, the dates of delivery, the entry dates, and the prices at which the subject merchandise was sold. This information will be subject to verification in accordance with Section D(4) of this Agreement.

(2) For all sales occurring on or after the date of issuance of the first NVs, through April 30, 2008 ("First Interim Period"), each signatory producer/exporter issued NVs by the Department agrees not to sell its merchandise subject to this Agreement to any

purchaser in the United States at prices that are less than the NVs of the merchandise, as determined by the Department on the basis of the sales and cost information submitted by the signatory producer/exporter in the course of the underlying antidumping duty investigation. The Department will issue the final NVs to a signatory producer/exporter for the First Interim Period within 14 days after the preliminary NVs are issued pursuant to Section E(2) of this Agreement.¹ The NVs shall be valid for these particular signatory producer/exporters during both the First Interim Period and the Second Interim Period (as defined in Section C(3) below), *i.e.*, those signatory producer/exporters issued NVs for the First Interim Period will only be eligible to request new NVs for periods subsequent to the Second Interim Period in accordance with Section D of this Agreement.

(3) For all sales occurring from May 1, 2008 through December 31, 2008 ("Second Interim Period"), each signatory producer/exporter issued NVs by the Department agrees not to sell its merchandise subject to this Agreement to any purchaser in the United States at prices that are less than the NVs of the merchandise, as determined by the Department on the basis of information submitted to the Department not later than the dates specified in Section D of this Agreement. The final NVs for a signatory producer/exporter during the Second Interim Period shall be issued no later than April 1, 2008, and, at the Department's discretion, may become effective prior to May 1, 2008.

(4) For all sales occurring after the Second Interim Period, each signatory producer/exporter issued NVs by the Department agrees not to sell its merchandise subject to this Agreement to any purchaser in the United States at prices that are less than the NVs of the

¹ The issuance of the NVs for any given signatory may be delayed depending on the following: (1) Issues related to the underlying antidumping duty investigation; (2) to allow sufficient time for signatories to respond to the Department's request for sales and cost data; and/or (3) to resolve issues raised in comments from interested parties or by the Department. In accordance with section 773(f) of the Act, the Department will examine relevant prices and costs and, for any sales period, may disregard particular prices or costs when the prices are not in the ordinary course of trade, the costs are not in accordance with the generally accepted accounting principles, the costs do not reasonably reflect the costs associated with the production and sale of the merchandise, or in other situations provided for in the Act or the Department's regulations. Examples of possible areas in which adjustments may be necessary include, but are not limited to, costs related to energy, depreciation, transactions among affiliates, barter transactions, as well as items that are not recognized by the home country's generally accepted accounting principles.

merchandise, as determined by the Department on the basis of information submitted to the Department not later than the dates specified in Section D of this Agreement and provided to the signatory producer/exporter no later than December 2 of the previous year.² These NVs shall apply to sales occurring during the annual period (*i.e.*, January through December) beginning 30 days following the date on which the Department provides the NVs, as stated in this paragraph.

(D) Monitoring:

Each signatory producer/exporter will supply to the Department all information that the Department decides is necessary to ensure that the producer/exporter is in full compliance with the terms of the Agreement. As explained below, the Department will provide each signatory producer/exporter a detailed request for information and prescribe a required format and method of data compilation, not later than the beginning of each reporting period.³

(1) Sales Information:

The Department will require each producer/exporter to report, in electronic form in the prescribed format and using the prescribed method of data compilation, each sale of the merchandise subject to the Agreement, either directly or indirectly to unaffiliated purchasers in the United States, as well as sales in the comparison market (home or third country market, as appropriate), including each adjustment applicable to each sale, as specified by the Department.

The first report of sales data, for the Second Interim Period pursuant to Section C(3) of this Agreement, shall be submitted to the Department, in electronic form (*e.g.*, on diskette, zip disk, or CD ROM) in the prescribed format and using the prescribed method of data compilation, not later than October 1, 2007, and shall contain the specified sales information covering the period January 1, 2006, through December 31, 2006. Subsequent reports of sales data shall be submitted to the Department not later than May 1 of each

² For example, on December 2, 2008, the Department will provide to each producer/exporter being issued NVs the final calculated NVs for the first ensuing annual sales period, from January 1, 2009, through December 31, 2009.

³ As noted in Section C(2) of this Agreement, the first NVs issued for certain signatory producer/exporters may be based on sales and cost information submitted by those signatories in the underlying antidumping duty investigation, and the resulting NVs issued will apply to sales occurring between the issuance date of the NVs and December 31, 2008 (*i.e.*, during both the First Interim Period and the Second Interim Period, as provided for in Section C(2) of this Agreement).

year, and each report shall contain the specified sales information for the annual period ending on December 31 of the previous year,⁴ except that if the Department receives information that a possible violation of the Agreement may have occurred, the Department may request sales data on a more frequent basis.

(2) Cost Information:

Producers/exporters must request NVs for all subject merchandise that will be sold in the United States. For those products which the producer/exporter is requesting NVs, the Department will require each producer/exporter to report, in the prescribed format and using the prescribed method of data compilation, the following: Its actual cost of manufacturing; selling, general and administrative (SG&A) expenses; and profit data on an annual basis. As indicated in Appendix B to this Agreement, profit will be reported by the producers/exporters on an annual basis. Each such producer/exporter also must report anticipated increases in production costs in the annual period in which the information is submitted resulting from factors such as anticipated changes in production yield, changes in production process, changes in production quantities or changes in production facilities.

The first report of cost data, for the Second Interim Period pursuant to Section C(3) of this Agreement, shall be submitted to the Department not later than October 15, 2007, and shall contain the specified cost data covering the period January 1, 2006, through December 31, 2006. Each subsequent report shall be submitted to the Department not later than May 15 of each year, and each report shall contain the specified information for the annual period ending on December 31 of the previous year.⁵

(3) Special Adjustment of Normal Value:

If the Department determines that the NV it determined for a previous annual period was erroneous because the reported costs for that period were inaccurate or incomplete, or for any other reason, the Department may adjust NV in a subsequent period or periods, unless the Department determines that Section F of the Agreement applies.

(4) Verification:

Each producer/exporter agrees to permit full verification of all cost and sales information annually, or more

frequently, as the Department deems necessary.

(5) Bundling or Other Arrangements:

Producers/exporters agree not to circumvent the Agreement. In accordance with the dates set forth in Section D(1) of this Agreement, producers/exporters will submit a written statement to the Department certifying that the sales reported herein were not, or are not part of or related to, any bundling arrangement, on-site processing arrangement, discounts/free goods/financing package, swap or other exchange where such arrangement is designed to circumvent the basis of the Agreement.

Where there is reason to believe that such an arrangement does circumvent the basis of the Agreement, the Department will request producers/exporters to provide within 15 days all particulars regarding any such arrangement, including, but not limited to, sales information pertaining to covered and non-covered merchandise that is manufactured or sold by producers/exporters. The Department will accept written comments, not to exceed 30 pages, from all parties no later than 15 days after the date of receipt of such producer/exporter information.

If the Department, after reviewing all submissions, determines that such an arrangement circumvents the basis of the Agreement, it may, as it deems most appropriate, utilize one of two options: (1) The amount of the effective price discount resulting from such arrangement shall be reflected in the NV in accordance with Section D(3) of this Agreement, or (2) the Department shall determine that the Agreement has been violated and take action according to the provisions under Section F of this Agreement.

(6) Rejection of Submissions:

The Department may reject any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction. If information is not submitted in a complete and timely fashion, or is not fully verifiable, the Department may calculate the NV, and/or U.S. price, based on facts otherwise available, as it determines appropriate, unless the Department determines that Section F of this Agreement applies.

(E) Disclosure and Comment:

(1) The Department may make available to representatives of each interested party to the proceeding, under appropriately drawn administrative protective orders, business proprietary information submitted to the Department during the

reporting period as well as the results of its analysis under section 777 of the Act.

(2) For sales during the First Interim Period, the Department will disclose to each producer/exporter being issued NVs the preliminary results and methodology of the Department's calculations of the NVs on or after the effective date of this Agreement.⁶ At that time, the Department may also make available such information to the interested parties to the proceeding in accordance with this section.

(3) For sales during the Second Interim Period, the Department will disclose to each producer/exporter being issued NVs the preliminary results and methodology of the Department's calculations of the NVs no later than March 2, 2008. At that time, the Department may also make available such information to the interested parties to the proceeding in accordance with this section.

(4) Not later than November 2 of the year prior to each ensuing annual sales period, the Department will disclose to each producer/exporter being issued NVs the preliminary results and methodology of the Department's calculations of the NVs.⁷ At that time, the Department may also make available such information to the interested parties to the proceeding, in accordance with this section.

(5) Not later than 7 days after the dates of disclosure under Sections E(2), E(3), and E(4), respectively, of this Agreement, the parties to the proceeding may submit written comments to the Department, not to exceed 15 pages. After reviewing these submissions, the Department will provide to each producer/exporter its final NVs, as provided in Sections C(2), C(3), and C(4), respectively, of this Agreement. In addition, the Department may provide such information to interested parties, as specified in this section.

(F) Violations of the Agreement:

If the Department determines that the Agreement is being or has been violated or no longer meets the requirements of sections 734(b) or (d) of the Act, the Department shall take action it determines appropriate under section 734(i) of the Act and the regulations.

(G) Other Provisions:

⁶ The Department will endeavor to issue the preliminary NVs for the First Interim Period within 30 days after the effective date of this Agreement, subject to the possible constraints noted in footnote #1 of Section C(2) of this Agreement.

⁷ For example, on November 2, 2008, the Department will disclose to each producer/exporter being issued NVs the preliminary results and methodology of the Department's calculations of the NVs for the first ensuing annual sales period, from January 1, 2008, through December 31, 2009.

⁴ For example, on May 1, 2008, sales data for the period January 1, 2007, through December 31, 2007, shall be submitted to the Department.

⁵ For example, on May 15, 2008, cost data for the period January 1, 2007, through December 31, 2007, shall be submitted to the Department.

In entering into the Agreement, the signatory producers/exporters do not admit that any sales of merchandise subject to the Agreement have been made at less than fair value.

(H) Termination or Withdrawal: Termination of the suspended investigation will be considered in accordance with the five-year review provisions of section 351.218 of the Department's regulations.

Any producer/exporter may withdraw from the Agreement at any time upon notice to the Department. Withdrawal shall be effective 60 days after such notice is given to the Department. Upon withdrawal, the Department shall follow the procedures outlined in section 734(i)(1) of the Act.

(I) Definitions:

For purposes of the Agreement, the following definitions apply:

(1) "U.S. price" means the export price or constructed export price at which merchandise is sold by the producer or exporter to the first unaffiliated person in the United States, including the amount of any discounts, rebates, price protection or ship and debit adjustments, and other adjustments affecting the net amount paid or to be paid by the unaffiliated purchaser, as determined by the Department under section 772 of the Act.

(2) "Normal value" means the constructed value (CV) of the merchandise, as determined by the Department under section 773 of the Act and the corresponding sections of the Department's regulations, and as adjusted in accordance with Appendix B to this Agreement.

(3) "Producer/Exporter" means (1) the foreign manufacturer or producer, (2) the foreign producer or reseller which also exports, and (3) the affiliated person by whom or for whose account the merchandise is imported into the United States, as defined in section 771(28) of the Act.

(4) "Date of sale" means the date of the invoice as recorded in the exporter's or producer's records kept in the ordinary course of business, unless the Department determines that a different date better reflects the date on which the exporter or producer establishes the material terms of sale, as determined by the Department under its regulations.

The effective date of this Agreement is September 10, 2007.

For Argentine Producers/Exporters

Dated: September 10, 2007.

Gregory J. Spak, S.A. San Miguel A.G.I.C. y F.

Dated: September 10, 2007.

Lizbeth R. Levinson, Citrusvil, S.A.

For U.S. Department of Commerce

Dated: September 10, 2007.

Joseph A. Spetrini,
Acting Assistant Secretary for Import Administration.

Dated: September 10, 2007.

Michelle O'Neill, Deputy Under Secretary for International Trade.

Appendix A: Product Coverage

For purposes of this Agreement, the merchandise covered includes certain lemon juice for further manufacture, with or without addition of preservatives, sugar, or other sweeteners, regardless of the GPL (grams per liter of citric acid) level of concentration, brix level, brix/acid ratio, pulp content, clarity, grade, horticulture method (e.g., organic or not), processed form (e.g., frozen or not-from-concentrate), FDA standard of identity, the size of the container in which packed, or the method of packing.

Excluded from the scope are: (1) Lemon juice at any level of concentration packed in retail-sized containers ready for sale to consumers, typically at a level of concentration of 48 GPL; and (2) beverage products such as lemonade that typically contain 20% or less lemon juice as an ingredient.

Lemon juice is classifiable under subheadings 2009.39.6020, 2009.31.6020, 2009.31.4000, 2009.31.6040, and 2009.39.6040 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this Agreement is dispositive.

Appendix B: Principles of Cost

General Framework

The cost information reported to the Department that will form the basis of the NV calculations for purposes of the Agreement must be:⁸

- Comprehensive in nature and based on a reliable accounting system (*i.e.*, a system based on well-established standards that can be tied to the audited financial statements);
- Calculated on an annual weighted-average basis of the plants or cost centers manufacturing the product;
- Based on fully-absorbed costs of production, including any downtime;
- Valued in accordance with generally accepted accounting principles;
- Reflective of appropriately allocated common costs so that the costs necessary for the manufacturing of the product are not absorbed by other products;
- If the signatory grows and/or harvests its own lemons and sells them, the Department will normally allocate the agricultural and/or harvesting costs between fresh lemons and lemons for processing in accordance with the company's normal books and records, as historically kept in the normal course of business; and
- If the signatory produces multiple products from the processed lemon, the

Department will normally allocate the lemon and common processing costs using ratios/methods consistent with those historically used by the company in its normal books and records, and such allocation ratios/methods will be recalculated for each cost reporting period.

Additionally, a separate figure should be reported for each major cost component making up the cost of production.

Cost of Manufacturing (COM)

Costs of manufacturing are reported by major cost category and for major stages of production. Weighted-average costs are used for a product that is produced at more than one facility, based on the product's cost at each facility and relative production quantities.

Direct materials costs include the acquisition costs of all materials that are identified as part of the finished product and may be traced to the finished product in an economically feasible way. In contrast to indirect materials, direct materials are applied and assigned directly to a finished product. Direct materials costs should include transportation charges, import duties, and other expenses normally associated with obtaining the materials that become an integral part of the finished product.

Direct labor costs are the labor costs identified with a specific product. These costs are not allocated among products except when two or more products are produced at the same cost center. Direct labor costs should include salary, bonus and overtime pay, training expenses, and all fringe benefits. Any contracted-labor expense should reflect the actual billed cost.

Variable manufacturing overhead costs include those production costs, other than direct materials or direct labor, that generally vary in total with changes in the volume of merchandise produced at a given level of operations. Variable manufacturing overhead costs may include indirect materials (*e.g.*, supplies used in the manufacturing process), indirect labor (*e.g.* supervisory labor paid on an hourly basis), utilities (*e.g.*, energy), and other variable overhead costs. Because variable overhead costs are typically incurred for an entire production line or factory, the costs must be allocated to the products produced using a reasonable basis.

Fixed manufacturing overhead costs include those production costs that generally do not vary in total with changes in the volume of merchandise produced at a given level of operations. Fixed manufacturing overhead costs may include the costs incurred for building or equipment rental, depreciation, supervisory labor paid on a salary basis, plant property taxes, and factory administrative costs. In addition, fixed manufacturing overhead costs include research and development (R&D) costs which relate specifically to the subject merchandise.

Cost of Production (COP)

COP is equal to the sum of direct materials, direct labor, variable manufacturing overhead, and fixed manufacturing overhead (*i.e.* COM) plus SG&A expenses in the home market (HM).

⁸ See footnote #1 in Section C(2) of this Agreement.

SG&A expenses are those expenses incurred for the operation of the corporation as a whole and not directly related to the manufacture of a particular product. They include corporate general and administrative expenses, financing expenses, and general research and development expenses. Additionally, direct and indirect selling expenses incurred in the HM for sales of the product under investigation are included. Such expenses are allocated to COM using a ratio of SG&A costs.

Constructed Value (CV)

Constructed value is equal to the sum of materials, labor and overhead (COM) and SG&A expenses plus profit in the comparison market and the cost of packing for exportation to the United States.

Calculation of Suspension Agreement Normal Values

Normal values (for purposes of the Agreement) are calculated by adjusting the CV and are provided for both EP and CEP transactions. In effect, any expenses uniquely associated with the covered products sold in the HM are subtracted from the CV, and any such expenses which are uniquely associated with the covered products sold in the United States are added to the CV to calculate the NV.

“Export Price”—Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States. In cases where the foreign manufacturer knows or has reason to believe that the merchandise is ultimately destined for the United States, the manufacturer's sale is the sale subject to review. If, on the other hand, the manufacturer sold the merchandise to a foreign trader without knowledge of the trader's intention to export the merchandise to the United States, then the trader's first sale to an unaffiliated person is the sale subject to review. For EP NVs, the CV is adjusted for movement costs and differences in direct selling expenses such as commissions, credit, warranties, technical services, advertising, and sales promotion.

“Constructed Export Price”—Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to an unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation, unless the U.S. affiliate performs only clerical functions in connection with the sale. For CEP NVs, the CV is adjusted similar to EP sales, with differences for adjustment to U.S. and HM indirect selling expenses.

Home market direct selling expenses are expenses that are incurred as a direct result of a sale. These include such expenses as commissions, advertising, discounts and rebates, credit, warranty expenses, freight costs, etc. Certain direct selling expenses are treated individually, including:

- Commission expenses, *i.e.*, payments to unaffiliated parties for sales in the HM.
- Credit expenses, *i.e.*, expenses incurred for the extension of credit to HM customers.

- Movement expenses, *e.g.*, foreign inland freight and insurance expenses, warehousing, and foreign brokerage, handling and port charges.

U.S. direct selling expenses are the same as HM direct selling expenses except that they are incurred for sales in the United States. Movement expenses are additional expenses associated with importation into the United States, which typically include: U.S. inland freight and insurance expenses; U.S. brokerage, handling and port charges; U.S. Customs duties, U.S. warehousing; and international freight and insurance.

U.S. indirect selling expenses include general fixed expenses incurred by the U.S. sales subsidiary or affiliated exporter for sales to the United States and may also include a portion of indirect expenses incurred in the HM for export sales.

The EP and CEP NVs are calculated as follows:

For EP Transactions

- + Direct Materials.
- + Direct Labor.
- + Factory Overhead.
- = Cost of Manufacturing (COM).
- + Home Market SG&A.
- = Cost of Production (COP).
- + U.S. Packing.
- + Profit.
- = Constructed Value.
- + U.S. Direct Selling Expense.
- + U.S. Commission Expense.
- + U.S. Movement Expense.
- + U.S. Credit Expense.
- HM Direct Selling Expense.
- HM Commission Expense.¹
- HM Credit Expense.
- = NV for EP Sales.

¹ If the company does not have HM commissions, HM indirect expenses are subtracted only up to the amount of the U.S. commissions.

For CEP Transactions

- + Direct Materials.
- + Direct Labor.
- + Factory Overhead.
- = Cost of Manufacturing (COM).
- + Home Market SG&A.
- = Cost of Production (COP).
- + U.S. Packing.
- + Profit.
- = Constructed Value.
- + U.S. Direct Selling Expense.
- + U.S. Indirect Selling Expense.
- + U.S. Commission Expense.
- + U.S. Movement Expense.
- + U.S. Credit Expense.
- + U.S. Further-Manufacturing Expenses (if any).¹
- + CEP Profit.
- HM Direct Selling Expense.
- HM Commission Expense.²
- HM Credit Expense.

For CEP Transactions

= NV for CEP Sales.

¹ The Department will examine any further-manufacturing expenses on value-added products sold to the first unaffiliated purchaser in the United States by a person affiliated with the foreign producer/exporter, and produced from subject merchandise purchased directly from that foreign producer/exporter, on a case-by-case basis and reserves the right to make adjustments to its reporting requirements and calculation methodology for these expenses. For example, in cases where a producer/exporter's affiliate makes sales of products with significant value added to unaffiliated purchasers in the United States, or the range of such products is significant, the Department may adjust its reporting requirements and calculation methodology for the further manufacturing costs associated with the value-added products. Additionally, if the ratio of a producer/exporter's reported sales to unaffiliated purchasers versus its sales to affiliated persons shifts over time, the Department may make further adjustments in its reporting requirements and calculation methodology for the further-manufacturing expenses associated with the value-added products.

² If the company does not have HM commissions, HM indirect expenses are subtracted only up to the amount of the U.S. commissions.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–835]

Suspension of Antidumping Duty Investigation: Lemon Juice From Mexico

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (“the Department”) has suspended the antidumping duty investigation involving lemon juice from Mexico. The basis for this action is an agreement between the Department and The Coca-Cola Company and The Coca-Cola Export Corporation, Mexico Branch (collectively “Coca-Cola”) to revise their prices to eliminate completely sales of this merchandise to the United States at less than fair value.

DATES: *Effective Date:* September 10, 2007.

FOR FURTHER INFORMATION CONTACT: Sally Gannon or James Kemp at (202) 482–0162 and (202) 482–5346, respectively, Bilateral Agreements Unit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 11, 2006, the Department initiated an antidumping duty investigation under section 732 of the Tariff Act of 1930, as amended ("the Act") to determine whether imports of lemon juice from Mexico are being, or are likely to be sold in the United States at less than fair value (71 FR 61710 (October 19, 2006)). On November 3, 2007, the United States International Trade Commission ("ITC") notified the Department of its affirmative preliminary injury determination in this case. See *Lemon Juice from Argentina and Mexico*, Inv. Nos. 731-TA-1105-1106 (Preliminary) USITC Pub. No. 3891 (November 2006). On April 19, 2007, the Department preliminarily determined that lemon juice is being, or is likely to be sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Act (*Notice of Preliminary Determinations of Sales at Less than Fair Value and of Critical Circumstances in Part: Lemon Juice from Mexico*, 72 FR 20830 (April 26, 2007) ("Preliminary Determination")). On May 17, 2007, the Department postponed the final determination in this investigation until no later than September 10, 2007 (*Lemon Juice from Argentina and Mexico: Postponement of Final Antidumping Duty Determinations and Extension of Provisional Measures*, 72 FR 28953 (May 23, 2007)).

The Department and Coca-Cola initialed a proposed agreement suspending this investigation on August 10, 2007. On August 13, 2007, we invited interested parties to provide written comments on the proposed suspension agreement. On August 24, 2007, the Department also invited interested parties to provide written comments on an issue related to the draft suspension agreement with respect to purchase orders and/or long-term contracts entered into prior to September 10, 2007. In response to our requests for comment, on August 30, 2007, we received comments from petitioner Sunkist Growers Inc. and respondent Coca-Cola. We received further comments from petitioner and respondent on September 6, 2007, and again from petitioner on September 7 and 10, 2007. We have taken these comments into consideration for the final version of the suspension agreement.

The Department and Coca-Cola signed the suspension agreement on September 10, 2007.

Scope of Investigation

For a complete description of the scope of the investigation, see *Agreement Suspending the Antidumping Investigation on Lemon Juice from Mexico*, Appendix A, signed September 10, 2007, attached hereto in Annex 1.

Suspension of Investigation

The Department consulted with the parties to the proceeding and has considered the comments submitted with respect to the proposed suspension agreement. In accordance with sections 734(b) and (d) of the Act, we have determined that the agreement will completely eliminate sales at less than fair value, that the agreement is in the public interest, and that the agreement can be monitored effectively. See, *Public Interest and Effective Monitoring Memorandum*, dated September 10, 2007. See also, *Percentage of Exports Memorandum*, dated September 10, 2007. We find, therefore, that the criteria for suspension of an investigation pursuant to sections 734(b) and (d) of the Act have been met. The terms and conditions of this agreement, signed September 10, 2007, are set forth in Annex 1 to this notice.

Pursuant to section 734(f)(2)(A) of the Act, the suspension of liquidation of all entries of lemon juice from Mexico entered, or withdrawn from warehouse, for consumption, as directed in the *Preliminary Determination* is hereby terminated. Any cash deposits on entries of lemon juice from Mexico pursuant to that suspension of liquidation shall be refunded and any bonds shall be released.

This notice is published pursuant to section 734(f)(1)(A) of the Act.

Dated: September 10, 2007.

Michelle O'Neill,

Deputy Under Secretary for International Trade.

Annex 1—Agreement Suspending the Antidumping Investigation on Lemon Juice From Mexico

Pursuant to section 734(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673c(b)) (the "Act"), and 19 CFR 351.208 (the "Regulations"), the U.S. Department of Commerce (the "Department") and the signatory producers/exporters of Lemon Juice from Mexico (the "Signatories") enter into this suspension agreement (the "Agreement"). On the basis of this Agreement, on the effective date of this Agreement, the Department shall suspend its antidumping investigation initiated on October 19, 2006 (17 FR 61710) with respect to Lemon Juice from Mexico, subject to the terms and provisions set forth below.

(A) Product Coverage:

For purposes of this Agreement, the merchandise covered is Lemon Juice, as described in Appendix A.

(B) U.S. Import Coverage:

The signatory producers/exporters collectively are the producers and exporters in Mexico that accounted for substantially all (not less than 85 percent) of the subject merchandise imported into the United States, as provided in the Department's regulations at 19 CFR 351.208(c). The Department may, at anytime during the period of the Agreement, require additional producers/exporters in Mexico to sign the Agreement in order to ensure that not less than substantially all imports into the United States are covered by the Agreement.

In reviewing the operation of the Agreement for the purpose of determining whether this Agreement has been violated or is no longer in the public interest, the Department will consider imports into the United States from all sources of the merchandise described in Section A of the Agreement. For this purpose, the Department will consider factors including, but not limited to, the following: volume of trade, pattern of trade, whether or not the reseller is an original equipment manufacturer, and the reseller's export price (EP).

(C) Basis of the Agreement:

On and after the effective date of the Agreement, each signatory producer/exporter individually agrees to make any necessary price revisions to eliminate completely any amount by which the normal value (NV) of this merchandise exceeds the U.S. price of its merchandise subject to the Agreement. For this purpose, the Department will determine the NV in accordance with section 773(e) of the Act and U.S. price in accordance with section 772 of the Act. For details of the Department's calculation methodology under this Agreement, see Appendices B and C.

(1) For the period from the effective date of this Agreement through the release of the first NVs, each signatory producer/exporter agrees not to sell its merchandise subject to this Agreement in the United States.

However, during this period and subsequent periods, as relevant, a signatory producer/exporter may proceed with deliveries of subject merchandise made pursuant to purchase orders or long-term contracts entered into prior to September 10, 2007, if the Department determines, in accordance with its regulations, that the signatory producer's/exporter's appropriate date of sale is the date of the purchase order or long-term contract (see Section I(4) below). At any time, should the Department determine that the purchase order or long-term contract date was not the appropriate date of sale for a signatory producer/exporter making such deliveries, the Department may consider such deliveries to be in violation of this Agreement (see Section F below). Any signatory producer/exporter making such deliveries under this Agreement must provide a one-time report to the Department, within 30 days of these deliveries having been completed, which contains a listing of the contract or purchase order dates, the delivery quantities, the dates of delivery, the entry dates, and the prices at which the subject merchandise was sold. This

information will be subject to verification in accordance with Section D(4) of this Agreement.

(2) For all sales occurring on or after the date of issuance of the first NVs, through June 30, 2008 ("Interim Period"), each signatory producer/exporter issued NVs by the Department agrees not to sell its merchandise subject to this Agreement to any purchaser in the United States at prices that are less than the NVs of the merchandise, as determined by the Department on the basis of the sales and cost information submitted by the signatory producer/exporter in the course of the underlying antidumping duty investigation. The final NVs for a signatory producer/exporter during this Interim Period shall be issued within 14 days after the preliminary NVs are issued pursuant to Section E(2) of this Agreement.¹

(3) For all sales occurring after the Interim Period, each signatory producer/exporter issued NVs by the Department agrees not to sell its merchandise subject to this Agreement to any purchaser in the United States at prices that are less than the NVs of the merchandise, as determined by the Department on the basis of information submitted to the Department not later than the dates specified in Section D of this Agreement and provided to the signatory producer/exporter no later than June 1 of each year. These NVs shall apply to sales occurring during the annual period (*i.e.*, July through June) beginning 30 days following the date on which the Department provides the NVs, as stated in this paragraph.

(D) Monitoring:

Each signatory producer/exporter will supply to the Department all information that the Department decides is necessary to ensure that the producer/exporter is in full compliance with the terms of the Agreement. As explained below, the Department will provide each signatory producer/exporter a detailed request for information and prescribe a required format and method of data compilation, not later than the beginning of each reporting period.²

¹ The issuance of the NVs for any given signatory may be delayed depending on the following: (1) Issues related to the underlying antidumping duty investigation; (2) to allow sufficient time for signatories to respond to the Department's request for sales and cost data; and/or (3) to resolve issues raised in comments from interested parties or by the Department. In accordance with section 773(f) of the Act, the Department will examine relevant prices and costs and, for any sales period, may disregard particular prices or costs when the prices are not in the ordinary course of trade, the costs are not in accordance with the generally accepted accounting principles, the costs do not reasonably reflect the costs associated with the production and sale of the merchandise, or in other situations provided for in the Act or the Department's regulations. Examples of possible areas in which adjustments may be necessary include, but are not limited to, costs related to energy, depreciation, transactions among affiliates, barter transactions, as well as items that are not recognized by the home country's generally accepted accounting principles.

² As noted in Section C(2) of this Agreement, the first NVs issued for certain signatory producer/exporters may be based on sales and cost information submitted by those signatories in the underlying antidumping duty investigation, and the resulting NVs issued will apply to sales occurring

(1) Sales Information:

The Department will require each producer/exporter to report, in electronic form in the prescribed format and using the prescribed method of data compilation, each sale of the merchandise subject to the Agreement, either directly or indirectly to unaffiliated purchasers in the United States, as well as sales in the comparison market (home or third country market, as appropriate), including each adjustment applicable to each sale, as specified by the Department.

The first report of sales data, pursuant to Section C(3) of this Agreement, shall be submitted to the Department, in electronic form (*e.g.*, on diskette, zip disk, or CD ROM) in the prescribed format and using the prescribed method of data compilation, not later than October 1, 2007, and shall contain the specified sales information covering the period July 1, 2006, through June 30, 2007. Subsequent reports of sales data shall be submitted to the Department not later than October 1 of each year, and each report shall contain the specified sales information for the annual period ending on June 30 of that year, except that if the Department receives information that a possible violation of the Agreement may have occurred, the Department may request sales data on a more frequent basis.

(2) Cost Information:

Producers/exporters must request NVs for all subject merchandise that will be sold in the United States. For those products which the producer/exporter is requesting NVs, the Department will require each producer/exporter to report, in the prescribed format and using the prescribed method of data compilation, the following: Its actual cost of manufacturing; selling, general and administrative (SG&A) expenses; and profit data on an annual basis. As indicated in Appendix B to this Agreement, profit will be reported by the producers/exporters on an annual basis. Each such producer/exporter also must report anticipated increases in production costs in the annual period in which the information is submitted resulting from factors such as anticipated changes in production yield, changes in production process, changes in production quantities or changes in production facilities.

The first report of cost data, pursuant to Section C(3) of this Agreement, shall be submitted to the Department not later than October 15, 2007, and shall contain the specified cost data covering the period July 1, 2006, through June 30, 2007. Each subsequent report shall be submitted to the Department not later than October 15 of each year, and each report shall contain the specified information for the annual period ending on June 30 of that year.

(3) Special Adjustment of Normal Value:

If the Department determines that the NV it determined for a previous annual period was erroneous because the reported costs for that period were inaccurate or incomplete, or for any other reason, the Department may adjust NV in a subsequent period or periods, unless the Department determines that Section F of the Agreement applies.

between the issuance date of the NVs and June 30, 2008 (Interim Period).

(4) Verification:

Each producer/exporter agrees to permit full verification of all cost and sales information annually, or more frequently, as the Department deems necessary.

(5) Bundling or Other Arrangements:

Producers/exporters agree not to circumvent the Agreement. In accordance with the dates set forth in Section D(1) of this Agreement, producers/exporters will submit a written statement to the Department certifying that the sales reported herein were not, or are not part of or related to, any bundling arrangement, on-site processing arrangement, discounts/free goods/financing package, swap or other exchange where such arrangement is designed to circumvent the basis of the Agreement.

Where there is reason to believe that such an arrangement does circumvent the basis of the Agreement, the Department will request producers/exporters to provide within 15 days all particulars regarding any such arrangement, including, but not limited to, sales information pertaining to covered and non-covered merchandise that is manufactured or sold by producers/exporters. The Department will accept written comments, not to exceed 30 pages, from all parties no later than 15 days after the date of receipt of such producer/exporter information.

If the Department, after reviewing all submissions, determines that such an arrangement circumvents the basis of the Agreement, it may, as it deems most appropriate, utilize one of two options: (1) The amount of the effective price discount resulting from such arrangement shall be reflected in the NV in accordance with Section D(3) of this Agreement, or (2) the Department shall determine that the Agreement has been violated and take action according to the provisions under Section F of this Agreement.

(6) Rejection of Submissions:

The Department may reject any information submitted after the deadlines set forth in this section or any information which it is unable to verify to its satisfaction. If information is not submitted in a complete and timely fashion, or is not fully verifiable, the Department may calculate the NV, and/or U.S. price, based on facts otherwise available, as it determines appropriate, unless the Department determines that Section F of this Agreement applies.

(E) Disclosure and Comment:

(1) The Department may make available to representatives of each interested party to the proceeding, under appropriately drawn administrative protective orders, business proprietary information submitted to the Department during the reporting period as well as the results of its analysis under section 777 of the Act.

(2) For sales during the Interim Period, the Department will disclose to each producer/exporter being issued NVs the preliminary results and methodology of the Department's calculations of the NVs on or after the effective date of this Agreement.³ At that

³ The Department will endeavor to issue the preliminary NVs for the Interim Period within five

time, the Department may also make available such information to the interested parties to the proceeding in accordance with this section.

(3) Not later than May 2 of each ensuing annual sales period, the Department will disclose to each producer/exporter being issued NVs the preliminary results and methodology of the Department's calculations of the NVs. At that time, the Department may also make available such information to the interested parties to the proceeding, in accordance with this section.

(4) Not later than 7 days after the dates of disclosure under Sections E(2) and E(3), respectively, of this Agreement, the parties to the proceeding may submit written comments to the Department, not to exceed 15 pages. After reviewing these submissions, the Department will provide to each producer/exporter its final NVs, as provided in Sections C(2) and C(3), respectively, of this Agreement. In addition, the Department may provide such information to interested parties, as specified in this section.

(F) Violations of the Agreement:

If the Department determines that the Agreement is being or has been violated or no longer meets the requirements of sections 734(b) or (d) of the Act, the Department shall take action it determines appropriate under section 734(i) of the Act and the regulations.

(G) Other Provisions:

In entering into the Agreement, the signatory producers/exporters do not admit that any sales of merchandise subject to the Agreement have been made at less than fair value.

(H) Termination or Withdrawal:

Termination of the suspended investigation will be considered in accordance with the five-year review provisions of section 351.218 of the Department's regulations.

Any producer/exporter may withdraw from the Agreement at any time upon notice to the Department. Withdrawal shall be effective 60 days after such notice is given to the Department. Upon withdrawal, the Department shall follow the procedures outlined in section 734(i)(1) of the Act.

(I) Definitions:

For purposes of the Agreement, the following definitions apply:

(1) "*U.S. price*" means the export price or constructed export price at which merchandise is sold by the producer or exporter to the first unaffiliated person in the United States, including the amount of any discounts, rebates, price protection or ship and debit adjustments, and other adjustments affecting the net amount paid or to be paid by the unaffiliated purchaser, as determined by the Department under section 772 of the Act.

(2) "*Normal value*" means the constructed value (CV) of the merchandise, as determined by the Department under section 773 of the Act and the corresponding sections of the Department's regulations, and as adjusted in accordance with Appendix B to this Agreement.

(3) "*Producer/Exporter*" means (1) the foreign manufacturer or producer, (2) the foreign producer or reseller which also exports, and (3) the affiliated person by whom or for whose account the merchandise is imported into the United States, as defined in section 771(28) of the Act.

(4) "*Date of sale*" means the date of the invoice as recorded in the exporter's or producer's records kept in the ordinary course of business, unless the Department determines that a different date better reflects the date on which the exporter or producer establishes the material terms of sale, as determined by the Department under its regulations.

The effective date of this Agreement is September 10, 2007.

For Mexican Producers/Exporters:

Dated: September 10, 2007.

Mark P. Lunn,

The Coca-Cola Company and The Coca-Cola Export Corporation, Mexico Branch.

For U.S. Department of Commerce:

Dated: September 10, 2007.

Michelle O'Neill,

Deputy Under Secretary for Import Administration.

Appendix A: Product Coverage

For purposes of this Agreement, the merchandise covered includes certain lemon juice for further manufacture, with or without addition of preservatives, sugar, or other sweeteners, regardless of the GPL (grams per liter of citric acid) level of concentration, brix level, brix/acid ratio, pulp content, clarity, grade, horticulture method (e.g., organic or not), processed form (e.g., frozen or not-from-concentrate), FDA standard of identity, the size of the container in which packed, or the method of packing.

Excluded from the scope are: (1) Lemon juice at any level of concentration packed in retail-sized containers ready for sale to consumers, typically at a level of concentration of 48 GPL; and (2) beverage products such as lemonade that typically contain 20% or less lemon juice as an ingredient.

Lemon juice is classifiable under subheadings 2009.39.6020, 2009.31.6020, 2009.31.4000, 2009.31.6040, and 2009.39.6040 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this Agreement is dispositive.

Appendix B: Principles of Cost

General Framework

The cost information reported to the Department that will form the basis of the NV calculations for purposes of the Agreement must be:⁴

- Comprehensive in nature and based on a reliable accounting system (i.e., a system based on well-established standards that can be tied to the audited financial statements);

- Calculated on an annual weighted-average basis of the plants or cost centers manufacturing the product;

- Based on fully-absorbed costs of production, including any downtime;

- Valued in accordance with generally accepted accounting principles; and

- Reflective of appropriately allocated common costs so that the costs necessary for the manufacturing of the product are not absorbed by other products.

Additionally, a separate figure should be reported for each major cost component making up the cost of production.

Cost of Manufacturing (COM)

Costs of manufacturing are reported by major cost category and for major stages of production. Weighted-average costs are used for a product that is produced at more than one facility, based on the product's cost at each facility and relative production quantities.

Direct materials costs include the acquisition costs of all materials that are identified as part of the finished product and may be traced to the finished product in an economically feasible way. In contrast to indirect materials, direct materials are applied and assigned directly to a finished product. Direct materials costs should include transportation charges, import duties, and other expenses normally associated with obtaining the materials that become an integral part of the finished product.

Direct labor costs are the labor costs identified with a specific product. These costs are not allocated among products except when two or more products are produced at the same cost center. Direct labor costs should include salary, bonus and overtime pay, training expenses, and all fringe benefits. Any contracted-labor expense should reflect the actual billed cost.

Variable manufacturing overhead costs include those production costs, other than direct materials or direct labor, that generally vary in total with changes in the volume of merchandise produced at a given level of operations. Variable manufacturing overhead costs may include indirect materials (e.g., supplies used in the manufacturing process), indirect labor (e.g. supervisory labor paid on an hourly basis), utilities (e.g., energy), and other variable overhead costs. Because variable overhead costs are typically incurred for an entire production line or factory, the costs must be allocated to the products produced using a reasonable basis.

Fixed manufacturing overhead costs include those production costs that generally do not vary in total with changes in the volume of merchandise produced at a given level of operations. Fixed manufacturing overhead costs may include the costs incurred for building or equipment rental, depreciation, supervisory labor paid on a salary basis, plant property taxes, and factory administrative costs. In addition, fixed manufacturing overhead costs include research and development (R&D) costs which relate specifically to the subject merchandise.

Cost of Production (COP)

COP is equal to the sum of direct materials, direct labor, variable manufacturing

days after the effective date of this Agreement, subject to the possible constraints noted in footnote #1 of Section C(2) of this Agreement.

⁴ See footnote #1 in Section C(2) of this Agreement.

overhead, and fixed manufacturing overhead (*i.e.* COM) plus SG&A expenses in the home market (HM).

SG&A expenses are those expenses incurred for the operation of the corporation as a whole and not directly related to the manufacture of a particular product. They include corporate general and administrative expenses, financing expenses, and general research and development expenses. Additionally, direct and indirect selling expenses incurred in the HM for sales of the product under investigation are included. Such expenses are allocated to COM using a ratio of SG&A costs.

Constructed Value (CV)

Constructed value is equal to the sum of materials, labor and overhead (COM) and SG&A expenses plus profit in the comparison market and the cost of packing for exportation to the United States.

Calculation of Suspension Agreement Normal Values

Normal values (for purposes of the Agreement) are calculated by adjusting the CV and are provided for both EP and CEP transactions. In effect, any expenses uniquely associated with the covered products sold in the HM are subtracted from the CV, and any such expenses which are uniquely associated with the covered products sold in the United States are added to the CV to calculate the NV.

"Export Price"—Generally, a U.S. sale is classified as an export price sale when the first sale to an unaffiliated person occurs before the goods are imported into the United States. In cases where the foreign manufacturer knows or has reason to believe that the merchandise is ultimately destined for the United States, the manufacturer's sale is the sale subject to review. If, on the other hand, the manufacturer sold the merchandise to a foreign trader without knowledge of the trader's intention to export the merchandise to the United States, then the trader's first sale to an unaffiliated person is the sale subject to review. For EP NVs, the CV is adjusted for movement costs and differences in direct selling expenses such as commissions, credit, warranties, technical services, advertising, and sales promotion.

"Constructed Export Price"—Generally, a U.S. sale is classified as a constructed export price sale when the first sale to an unaffiliated person occurs after importation. However, if the first sale to an unaffiliated person is made by a person in the United States affiliated with the foreign exporter, constructed export price applies even if the sale occurs prior to importation, unless the U.S. affiliate performs only clerical functions in connection with the sale. For CEP NVs, the CV is adjusted similar to EP sales, with differences for adjustment to U.S. and HM indirect selling expenses.

Home market direct selling expenses are expenses that are incurred as a direct result of a sale. These include such expenses as commissions, advertising, discounts and rebates, credit, warranty expenses, freight costs, etc. Certain direct selling expenses are treated individually, including:

—Commission expenses, *i.e.*, payments to unaffiliated parties for sales in the HM.

—Credit expenses, *i.e.*, expenses incurred for the extension of credit to HM customers.

—Movement expenses, *e.g.*, foreign inland freight and insurance expenses, warehousing, and foreign brokerage, handling and port charges.

U.S. direct selling expenses are the same as HM direct selling expenses except that they are incurred for sales in the United States. Movement expenses are additional expenses associated with importation into the United States, which typically include: U.S. inland freight and insurance expenses; U.S. brokerage, handling and port charges; U.S. Customs duties, U.S. warehousing; and international freight and insurance.

U.S. indirect selling expenses include general fixed expenses incurred by the U.S. sales subsidiary or affiliated exporter for sales to the United States and may also include a portion of indirect expenses incurred in the HM for export sales.

The EP and CEP NVs are calculated as follows:

For EP transactions

- + Direct Materials.
- + Direct Labor.
- + Factory Overhead.
- = Cost of Manufacturing (COM).
- + Home Market SG&A.
- = Cost of Production (COP).
- + U.S. Packing.
- + Profit.
- = Constructed Value.
- + U.S. Direct Selling Expense.
- + U.S. Commission Expense.
- + U.S. Movement Expense.
- + U.S. Credit Expense.
- HM Direct Selling Expense.
- HM Commission Expense.¹
- HM Credit Expense.
- = NV for EP Sales.

¹ If the company does not have HM commissions, HM indirect expenses are subtracted only up to the amount of the U.S. commissions.

For CEP transactions

- + Direct Materials.
- + Direct Labor.
- + Factory Overhead.
- = Cost of Manufacturing (COM).
- + Home Market SG&A.
- = Cost of Production (COP).
- + U.S. Packing.
- + Profit.
- = Constructed Value.
- + U.S. Direct Selling Expense.
- + U.S. Indirect Selling Expense.
- + U.S. Commission Expense.
- + U.S. Movement Expense.
- + U.S. Credit Expense.
- + U.S. Further-Manufacturing Expense (if any).¹
- + CEP Profit.
- HM Direct Selling Expense.
- HM Commission Expense.²
- HM Credit Expense.

For CEP transactions

= NV for CEP Sales.

¹ The Department will examine any further-manufacturing expenses on value-added products sold to the first unaffiliated purchaser in the United States by a person affiliated with the foreign producer/exporter, and produced from subject merchandise purchased directly from that foreign producer/exporter, on a case-by-case basis and reserves the right to make adjustments to its reporting requirements and calculation methodology for these expenses. For example, in cases where a producer/exporter's affiliate makes sales of products with significant value added to unaffiliated purchasers in the United States, or the range of such products is significant, the Department may adjust its reporting requirements and calculation methodology for the further manufacturing costs associated with the value-added products. Additionally, if the ratio of a producer/exporter's reported sales to unaffiliated purchasers versus its sales to affiliated persons shifts over time, the Department may make further adjustments in its reporting requirements and calculation methodology for the further-manufacturing expenses associated with the value-added products.

² If the company does not have HM commissions, HM indirect expenses are subtracted only up to the amount of the U.S. commissions.

Appendix C: Cost Allocation and NV Methodology

The following provides clarification regarding the methodologies the Department will use in calculating normal values under this Agreement:

(A) For The Coca-Cola Company and The Coca-Cola Export Corporation, Mexico Branch (collectively, "Coexport"):

(1) Cost Allocation for Life of Agreement:

Throughout the life of this Agreement, to allocate common costs, the Department will allocate 8.5 percent of the reported lemon fruit costs and common lemon processing costs to lemon juice and 91.5 percent of these same costs to lemon oil for purposes of calculating Coexport's NVs, as detailed in Appendix B to this Agreement.

(2) All Other Costs and Sales Expenses for Interim Period NVs:

For the Interim Period only of this Agreement, the Department will use all other reported costs and sales expenses, as adjusted by the Department, where appropriate, for the preliminary determination in the underlying antidumping duty investigation, for purposes of calculating Coexport's NVs, as detailed in Appendix B to this Agreement.

(3) Monitoring of Value-Added Products after the Interim Period:

In addition to the stipulations noted in footnote #1 to the calculation for CEP transactions in Appendix B to this Agreement, the Department shall normally choose between two to three products with significant value added, as reported by Coexport pursuant to Section D(1) during each NV cycle, for examination and monitoring of the related costs and sales expenses. For such value-added products, the Department shall set CEP profit to equal CV profit for purposes of the NV calculation.

(4) Invoice Offsets:

The Department and signatory producers/exporters agree that an arrangement wherein Coexport bases its lemon oil sales price on its cost which includes an offset for the sales value of lemon juice, and later issues a credit or additional invoice to its customer to take into account the final cost of lemon oil, as offset by the lemon juice revenue, is a normal business practice which would not normally be considered in circumvention of this Agreement as defined in Section D(5) of this Agreement. However, such an arrangement will be subject to the reporting and verification requirements of this Agreement and to consideration by the Department during each NV cycle.

(B) For All Other Signatories to the Agreement:

Throughout the life of this Agreement, the Department will use the signatories' reported costs and sales expenses, as adjusted by the Department, where appropriate, for purposes of calculating the signatories' NVs, as detailed in Appendix B to this Agreement.

[FR Doc. E7-18298 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

A-533-810

Stainless Steel Bar from India: Notice of Rescission of Antidumping Duty New Shipper Review of Sunflag Iron & Steel Co. Ltd.

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 21, 2007.

FOR FURTHER INFORMATION CONTACT: Devta Ohri, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3853.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, the Department published in the **Federal Register** the antidumping duty order on stainless steel bar (SSB) from India. See *Antidumping Duty Orders: Stainless Steel Bar from Brazil, India and Japan*, 60 FR 9661 (February 21, 1995). On February 28, 2007, the Department received a timely request from Sunflag for a new shipper review of the antidumping duty order on SSB from India, in accordance with 19 CFR 351.214(c). On March 23, 2007, the Department initiated a new shipper review of Sunflag. See *Stainless Steel Bar from India: Notice of Initiation of Antidumping Duty New Shipper Review*, 72 FR 15110 (March 30, 2007). On April

16, 2007, Sunflag withdrew its request for a new shipper review.

Scope of the Order

Imports covered by the order are shipments of SSB. SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut-to-length flat-rolled products (i.e., cut-to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (i.e., cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes, and sections.

The SSB subject to these reviews is currently classifiable under subheadings 7222.11.00.05, 7222.11.00.50, 7222.19.00.05, 7222.19.00.50, 7222.20.00.05, 7222.20.00.45, 7222.20.00.75, and 7222.30.00.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

On May 23, 2005, the Department issued a final scope ruling that SSB manufactured in the United Arab Emirates out of stainless steel wire rod from India is not subject to the scope of this order. See Memorandum from Team to Barbara E. Tillman, "Antidumping Duty Orders on Stainless Steel Bar from India and Stainless Steel Wire Rod from India: Final Scope Ruling," dated May 23, 2005, which is on file in the CRU in room B-099 of the main Department building. See also *Notice of Scope Rulings*, 70 FR 55110 (September 20, 2005).

Rescission of Review

The Department's regulations at 19 CFR 351.214(f)(1) provide that the Department will rescind a new shipper review if the party that requested the review withdraws the request within 60 days of the date of publication of the notice of initiation of the requested review. Sunflag withdrew its request for a new shipper review on April 16, 2007, which is within the 60-day deadline. Therefore, the Department is rescinding this new shipper review of Sunflag.

We note that Sunflag is currently participating in the 2006-2007 antidumping duty administrative review of SSB from India, which has the exact same period of review as this new shipper review, i.e., February 1, 2006, through January 31, 2007. Therefore, we will not issue any liquidation instructions to U.S. Customs and Border Protection until after the final results are issued for the 2006-2007 antidumping duty administrative review.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or 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.

This notice is published in accordance with section 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: September 12, 2007.

Gary Taverman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E7-18710 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review, Application No. 84-18A12.

SUMMARY: On September 17, 2007, The U.S. Department of Commerce issued an amended Export Trade Certificate of Review to Northwest Fruit Exporters ("NFE").

FOR FURTHER INFORMATION CONTACT:

Jeffrey C. Anspacher, Director, Export Trading Company Affairs, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (2004).

Export Trading Company Affairs ("ETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the U.S. Department of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

The original NFE Certificate (No. 84-00012) was issued on June 11, 1984 (49 FR 24581, June 14, 1984), and last amended on September 28, 2006 (71 FR 58785, October 5, 2006).

NFE's Export Trade Certificate of Review has been amended to:

1. Add each of the following companies as a new "Member" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): K-K Packing & Storage, L.L.C., Zillah, Washington; Manzaneros Mexicanos De Washington, Yakima, Washington; and Valicoff Fruit Co., Inc., Wapato, Washington;

2. Delete the following companies as "Members" of the Certificate: Cascade Fresh Fruits, L.L.C., Manson, Washington; John's Farm L.L.C., Brewster, Washington; Lloyd Garretson Co., Yakima, Washington; Obert Cold Storage, Inc., Zillah, Washington; PAC Marketing International, L.L.C., Yakima, Washington; Rowe Farms, Inc., Naches, Washington; and Voelker Fruit and Cold Storage, Yakima, Washington; and

3. Change the listing of the following "Member": Sage Processing L.L.C., Wapato and Zillah, Washington to the new listing Pacific Coast Cherry Packers, L.L.C., Yakima, Washington.

The effective date of the amended certificate is June 19, 2007. A copy of the amended certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4100, U.S. Department of Commerce, 14th Street

and Constitution Avenue, NW., Washington, DC 20230.

Dated: September 17, 2007.

Jeffrey Anspacher,

Director, Export Trading Company Affairs.

[FR Doc. E7-18609 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN 0648-XC72

Marine Mammals; File No. 881-1758

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

ACTION: Notice; receipt of application for amendment.

SUMMARY: Notice is hereby given that Alaska SeaLife Center (ASLC), 301 Railway Avenue, Seward, AK 99664 (Tylan Schrock, Responsible Party) has requested an amendment to scientific research Permit No. 881-1758.

DATES: Written, telefaxed, or e-mail comments must be received on or before October 22, 2007.

ADDRESSES: The amendment request and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907)586-7221; fax (907)586-7249.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is NMFS.Pr1Comments@noaa.gov. Include in the subject line of the e-mail comment the following document identifier: File No. 881-1758.

FOR FURTHER INFORMATION CONTACT:

Amy Sloan or Jennifer Skidmore, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 881-1745, issued on May 10, 2005 (70 FR 28910), is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 881-1758 authorizes the permit holder to study growth, development, and health of harbor seals (*Phoca vitulina*) in the ASLC Rehabilitation Program. In addition to conducting standard rehabilitation practices, researchers collect blood, fecal, and urine samples; collect body composition measurements using bioelectrical impedance and deuterium oxide, sodium bromide, Evan's blue dye, and nitrogen administration followed by post-administration blood samples; conduct assimilation efficiency experiments to study metabolic development; and collect blubber biopsies to study fatty acid composition and contaminant loads. The permit expires on May 31, 2010.

The permit holder requests authorization to add ringed (*Phoca hispida*), spotted (*Phoca largha*), ribbon (*Phoca fasciata*), and bearded (*Erignathus barbatus*) seals undergoing rehabilitation at the ASLC to the permit for the same studies currently permitted on harbor seals. Up to 25 individuals of each species requested may have the above procedures performed through the duration of the permit. The applicant also proposes changes to protocols including removing bioelectrical impedance measurements and adding blubber ultrasound measurements for body condition assessment; and adding resting metabolic measurements to aid in the understanding of metabolic changes associated with health, growth, and dietary transitions.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: September 14, 2007

P. Michael Payne,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7-18593 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN: 0648-XC81

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Ad Hoc Review Panel for Red Drum (AHRD).

DATES: The meeting will convene at 1 p.m. on Tuesday, October 9, 2007 and conclude no later than 3:30 p.m. on Wednesday, October 10, 2007.

ADDRESSES: The meeting will be held at the Hilton New Orleans Airport, 901 Airline Drive, Kenner, LA 70062; telephone: (504) 469-5000.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT:

Wayne Swingle, Executive Director, telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico Fishery Management Council (Council) has scheduled a meeting of the Ad Hoc Review Panel for Red Drum. The AHRD is charged with developing a long-term research program to collect age structure information on Red Drum. Such programs will set-aside part of TAC for research to compensate harvesters for collecting that information. The AHRD will hear reports on structure of TAC set-aside programs for two council areas and a similar gulf program for goliath grouper. Existing NMFS, MARFIN and Cooperative Research Program (CRP) will be reviewed. The AHRP is charged with determining which data sets should be collected by each program and the frequency of such collection.

Although other non-emergency issues not on the agenda may come before the Ad Hoc Review Panel for Red Drum for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions of the Ad Hoc Review Panel for Red Drum will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under

Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Copies of the agenda can be obtained by calling (813) 348-1630.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: September 18, 2007.

Tracey L. Thompson,

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

[FR Doc. E7-18680 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN: 0648-XC82

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Research Steering Committee (Committee), in October, 2007, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will be held on Thursday, October 11, 2007, at 9:30 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn, One Newbury Street, Peabody, MA 01960; telephone: (508) 535-4600; fax: (508) 535-8238.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION: The Committee will review Northeast Cooperative Research Partners Program Activities, including a review of cooperative research funding for long-term programs and stand-alone projects

(study fleet, cod tagging, etc.). The committee will also discuss and review status of the Council's research set-aside programs, including standardization of programs, committee involvement, review processes, priority-setting and related issues. The committee will begin discussion of Council Research priorities for 2008 as well as receive an update on processes and policies concerning data-sharing and discuss any next steps for the Council and its Plan Development Teams. The Committee may consider other topics at their discretion.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard, Executive Director, at (978) 465-0492, at least 5 days prior to the meeting date.

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

Dated: September 18, 2007.

Tracey L. Thompson,

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

[FR Doc. E7-18681 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

RIN: 0648-XC80

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council will hold a meeting of its Limited Access Privilege (LAP) Program Exploratory Workgroup in North Charleston, SC.

DATES: The meeting will take place October 16–17, 2007. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meeting will be held at the Hilton Garden Inn, Charleston Airport, 5265 International Boulevard, North Charleston, SC 29418; telephone: (877) 782-9444 or (843) 308-9330; fax: (843) 308-9331.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; telephone: (843) 571-4366 or toll free (866) SAFMC-10; fax: (843) 769-4520; email: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: Members of the LAP Program Exploratory Workgroup will meet from 1 p.m. - 5 p.m. on October 16, 2007, and from 8:30 a.m. - 3 p.m. on October 17, 2007.

The meeting is being convened to address issues relevant to the Council's consideration of implementing a LAP Program for the commercial snapper grouper fishery in the South Atlantic region.

Items for discussion by the Workgroup include: (1) development of options on LAP eligibility, (2) initial allocation methods, (3) initial allocation appeals process, and (4) regionalization

of LAPs. The Workgroup will also receive also receive a presentation on British Columbia LAPs.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **FOR FURTHER INFORMATION CONTACT**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Dated: September 18, 2007.

Tracey L. Thompson,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. E7-18679 Filed 9-20-07; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 07-19]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 07-19 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 13, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-06-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

SEP 12 2007

In reply refer to:
I-07/003386

The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 07-19, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Taipei Economic and Cultural Representative Office in the United States for defense articles and services estimated to cost \$272 million in accordance with the Taiwan Relations Act, P. L. 96-8. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

A handwritten signature in cursive script, reading "Richard J. Millies", is positioned below the word "Sincerely,".

Richard J. Millies
Deputy Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Same ltr to:

House

Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations

Senate

Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations

Transmittal No. 07-19

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act (U)

- (i) Prospective Purchaser: Taipei Economic and Cultural Representative Office in the United States pursuant to P.L. 96-8
- (ii) Total Estimated Value:
- | | |
|--------------------------|---------------|
| Major Defense Equipment* | \$212 million |
| Other | \$ 60 million |
| TOTAL | \$272 million |
- (iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 144 SM-2 Block IIIA STANDARD missiles, 16 Telemetry missiles, canisters, containers, spare and repair parts, supply support, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related elements of logistics support.
- (iv) Military Department: Navy (LGQ)
- (v) Prior Related Cases, if any:
FMS case LGM - \$196 million - 26Jun03
- (vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none
- (vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached
- (viii) Date Report Delivered to Congress: SEP 12 2007

*as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Taipei Economic and Cultural Representative Office in the United States - SM-2 Block IIIA STANDARD Missiles

The Taipei Economic and Cultural Representative Office in the United States has requested a possible sale of 144 SM-2 Block IIIA STANDARD missiles, 16 Telemetry missiles, canisters, containers, spare and repair parts, supply support, personnel training and training equipment, publications and technical data, U.S. Government and contractor technical assistance and other related elements of logistics support.

This proposed sale serves our national economic and security interests by supporting the recipient's continuing efforts to modernize its armed forces and enhance its defensive ability to counter air and ground threats. The proposed sale will help improve the security of the recipient and assist in maintaining political stability, military balance, and economic progress in the region. The U.S. is committed to providing military assistance under the terms of the Taiwan Relations Act.

This sale is consistent with United States law and policy as expressed in Public Law 96-8.

The proposed sale will provide the recipient continued anti-aircraft defense capabilities for its Navy. The recipient intends to use the SM-2 missiles on its destroyer class surface ships for self-defense against air and cruise missile threats. Recipient, which already has SM-2 STANDARD missiles in its inventory, will have no difficulty absorbing these additional SM-2 STANDARD missiles.

Implementation of this sale will not require the assignment of any U.S. Government representatives; however, it is estimated that approximately six months of contractor technical support and training will be required on the island following delivery of the missiles.

The prime contractor will be Raytheon Missile Systems Corporation, Tucson, Arizona. Although the purchaser generally requires offsets, at this time, there are no known offset agreements proposed in connection with this potential sale.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 07-19

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act**

**Annex
Item No. vii**

(vii) Sensitivity of Technology:

1. The SM-2 Block IIIA STANDARD missile is a U.S. Navy surface-launched guided missile and is classified Secret. It is operationally deployed on cruisers, destroyers, and frigates for use against air and anti-ship cruise missile threats and for area defense. The guidance system employs a continuous-wave or interrupted continuous-wave radar link for homing in on a target. Steering and roll commands from the adaptive auto-pilot system provide flight stability via four aft-mounted control surfaces. Propulsion is provided by a solid-propellant, dual-thrust rocket motor that is an integral part of the missile airframe. The target detecting device (TDD) is a complex fuze with dual radar systems to optimize warhead lethality against a spectrum of target sizes and speeds.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 07-4656 Filed 9-20-07; 8:45 am]
BILLING CODE 5001-06-C

DEPARTMENT OF DEFENSE**Office of the Secretary****[Transmittal No. 07-48]****36(b)(1) Arms Sales Notification****AGENCY:** Department of Defense, Defense Security Cooperation Agency.**ACTION:** Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104-164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601-3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 07-48 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: September 13, 2007.

C.R. Choate,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-06-M



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

SEP 18 2007

**In reply refer to:
I-07/010407-CFM**

**The Honorable Nancy Pelosi
Speaker of the House of Representatives
Washington, DC 20515-6501**

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 07-48, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Singapore for defense articles and services estimated to cost \$330 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

A handwritten signature in black ink, reading "Jeffrey A. Wieringa", is positioned above the printed name and title.

**Jeffrey A. Wieringa
Vice Admiral, USN
Director**

Enclosures:

- 1. Transmittal**
- 2. Policy Justification**
- 3. Sensitivity of Technology**

Same ltr to:

House

**Committee on Foreign Affairs
Committee on Armed Services
Committee on Appropriations**

Senate

**Committee on Foreign Relations
Committee on Armed Services
Committee on Appropriations**

Transmittal No. 07-48

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Singapore

(ii) Total Estimated Value:

Major Defense Equipment*	\$159 million
Other	<u>\$171 million</u>
TOTAL	\$330 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE)

18 M142 High Mobility Artillery Rocket Systems (HIMARS) Launchers
32 XM31 Unitary High Explosive GMLRS Pods
30 M28A1 Multiple Launcher Rocket Systems (MLRS) Practice Rocket
Pods
35 VRC-92E Single Channel Ground and Airborne Radios Systems
(SINGARS)
45 VRC-90E SINGARS
35 VRC-990 Vehicular Radio Communications Sets
45 VRC-950 Vehicular Radio Communications Sets
9 M1084A1 Family of Medium Tactical Vehicles (FMTV) 5-Ton Trucks
1 M1089A1 Wrecker

Also included are support equipment, communications equipment, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, facility design, personnel training and equipment, systems integration support, support services of a Quality Assurance Team and a Technical Assistance Fielding Team, United States (U.S.) Government and contractor engineering and logistics personnel services, and other related elements of logistics support.

* as defined in Section 47(6) of the Arms Export Control Act.

- (iv) **Military Department:** Army (VDO)
- (v) **Prior Related Cases, if any:** none
- (vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none
- (vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached.
- (viii) **Date Report Delivered to Congress:** SEP 12 2007

POLICY JUSTIFICATION**Singapore - High Mobility Artillery Rocket Systems**

The Government of Singapore has requested a possible sale of

Major Defense Equipment (MDE)

**18 M142 High Mobility Artillery Rocket Systems (HIMARS) Launchers
32 XM31 Unitary High Explosive GMLRS Pods
30 M28A1 Multiple Launcher Rocket Systems (MLRS) Practice Rocket Pods
35 VRC-92E Single Channel Ground and Airborne Radios Systems
(SINGARS)
45 VRC-90E SINGARS
35 VRC-990 Vehicular Radio Communications Sets
45 VRC-950 Vehicular Radio Communications Sets
9 M1084A1 Family of Medium Tactical Vehicles (FMTV) 5-Ton Trucks
1 M1089A1 Wrecker**

Also included are support equipment, communications equipment, spare and repair parts, test sets, batteries, laptop computers, publications and technical data, personnel training and equipment, systems integration support, support services of a Quality Assurance Team and a Technical Assistance Fielding Team, United States (U.S.) Government and contractor engineering and logistics personnel services, and other related elements of logistics support. The estimated cost is \$330 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been, and continues to be, an important force for economic progress in Southeast Asia.

The HIMARS will enhance Singapore's military capability by providing a highly effective indirect area fire artillery system that is critical to successful deterrence and national defense. HIMARS supplements traditional cannon artillery by delivering high volume firepower in a short time against time-sensitive targets. At shorter ranges, HIMARS complements tube artillery with heavy barrages against assaulting forces, counter-fire and defense suppression. Singapore military will have no difficulty absorbing and integrating this system into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be: Lockheed Martin Missile and Fire Control at Dallas, Texas and Stewart & Stevenson at Sealy, Texas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this sale will require the assignment of a U.S. Government Quality Assurance Team of up to five contractor representatives to Singapore for two weeks to assist in the delivery and deployment of the HIMARS and sequential deliveries. There will be a three-man Technical Assistance Fielding Team for training mission for up to two years. A U.S. Government representative will remain in country for a minimum of two years in order to assist in the security assistance aspects of the proposed sale.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 07-48

**Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended**

**Annex
Item No. vii**

(vii) Sensitivity of Technology:

1. The High Mobility Artillery Rocket System (HIMARS) is a highly mobile, all-weather indirect area fire artillery system. The HIMARS mission is to supplement cannon artillery to deliver a large volume of firepower within a short time against critical time-sensitive targets. At shorter ranges, HIMARS complements tube artillery with heavy barrages against assaulting forces as well as in the counter-fire, or defense suppression roles.

2. The Global Positioning System Precise Positioning Service (GPS PPS) component of the HIMARS munitions XM31 GMLRS Unitary Rockets), also contained in the Fire Direction System, is classified Secret, and is considered sensitive. To that end, no GPS PPS design information, including GPS software algorithms, will be disclosed in the course of this proposed sale to Singapore. Susceptibility of GMLRS to diversion or exploitation is considered low risk. The GMLRS employs an inertial navigational system that is aided by a Selective Availability Anti-Spoofing Module (SAASM) equipped GPS receiver.

3. Susceptibility of Single Channel Ground and Airborne Radios Systems (SINCGARS) Radios, and XM31 GMLRS Unitary Rockets to diversion or exploitation is considered low risk. Components of the systems are also considered highly resistant to reverse engineering. Detailed knowledge of the technical capabilities of the system could enable an enemy to tailor defenses and adjust tactics and procedures to minimize the effectiveness of the system.

[FR Doc. 07-4657 Filed 9-20-07; 8:45 am]

BILLING CODE 5001-06-C

DEPARTMENT OF DEFENSE**Office of the Secretary****Meeting of the Defense Department Advisory Committee on Women in the Services (DACOWITS)****AGENCY:** Department of Defense.**ACTION:** Notice.

SUMMARY: Pursuant to Section 10(a), Public Law 92-463, as amended, notice is hereby given of a forthcoming meeting of the Defense Department Advisory Committee on Women in the Services (DACOWITS). The purpose of the Committee meeting is to review the first draft of the 2007 report. This year's topic consist of military women's health care in the theater of operations and spouses' employment opportunities. The meeting is open to the public, subject to the availability of space.

Interested person may submit a written statement for consideration by the Defense Department Advisory Committee on Women in the Services. Individuals submitting a written statement must submit their statement to the Point of Contact listed below at the address detailed below, NLT 5 p.m. October 3, 2007. If a written statement is not received by October 3, 2007 prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Department Advisory Committee on Women in the Services until its next open meeting. The Designated Federal Officer will review all timely submissions with the Defense Department Advisory Committee on Women in the Services Chairperson and ensure they are provided to the members of the Defense Department Advisory Committee on Women in the Services. If members of the public are interested in making an oral statement, a written statement must be submitted as above. After reviewing the written comments, the Chairperson and the Designated Federal Officer will determine who of the requesting persons will be able to make an oral presentation of their issue during an open portion of this meeting or at a future meeting. Determination of who will be making an oral presentation will depend on time available and if the topics are relevant to the Committee's activities. Two minutes will be allotted to persons desiring to make an oral presentation. Oral presentations by members of the public will be permitted only on Tuesday, 9 October from 4:30

p.m. to 5 p.m. before the full Committee. Number of oral presentations to be made will depend on the number of requests received from members of the public.

DATES: 9 October 2007, 8:30 a.m.-5 p.m.; 10 October 2007, 8:30 a.m.-5 p.m.; 11 October 2007, 8:30 a.m.-5 p.m.

Location: Double Tree Hotel Crystal City National Airport, 300 Army Navy Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT:

MSgt Robert Bowling, USAF, DACOWITS, 4000 Defense Pentagon, Room 2C548A, Washington, DC 20301-4000. *Robert.bowling@osd.mil* Telephone (703) 697-2122. Fax (703) 614-6233.

SUPPLEMENTARY INFORMATION: Meeting agenda.

Tuesday, 9 October 2007 8:30 a.m.-5 p.m.

Welcome & Administrative Remarks; 2007 Report briefings on military women's health care in the theater of operations and Service members' spouses' employment opportunities. Edit first draft of the report. Public Forum.

Wednesday, 10 October 2007 8:30 a.m.-5 p.m.

Edit first draft of the report.

Thursday 11 October 2007 8:30 a.m.-12 p.m.

Welcome & Administrative Remarks. Begin work on findings and recommendations of 1st Draft 2007 Report.

Note: Exact order may vary.

Dated: September 17, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 07-4690 Filed 9-20-07; 8:45 am]

BILLING CODE 5001-06-M

DEPARTMENT OF DEFENSE**Department of the Air Force****Air University Board of Visitors; Notice of Meeting**

ACTION: Notice of Meeting of Air University Board of Visitors.

SUMMARY: The purpose of the meeting is to give the board an opportunity to review Air University educational programs and to present a report of their findings and recommendations concerning these programs.

DATES: The Air University Board of Visitors will hold an open meeting on November 5-6, 2007, 8-4:30 CDT, Maxwell Air Force Base, Alabama.

FOR FURTHER INFORMATION CONTACT: Dr. Dorothy Reed, Chief of Academic Affairs, Air University Headquarters, Maxwell Air Force Base, Alabama 36112-6335, at (334) 953-5159.

Bao-Anh Trinh,

Air Force Federal Register Liaison Officer.

[FR Doc. E7-18635 Filed 9-20-07; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF DEFENSE**Department of the Army****Notice of Availability of the Final Environmental Impact Statement (FEIS) for Base Realignment and Closure (BRAC) and Enhanced Use Lease (EUL) Actions at Fort Meade, MD**

AGENCY: Department of the Army, DoD.

ACTION: Notice of Availability (NOA).

SUMMARY: The Department of the Army announces the availability of the FEIS which evaluates the potential environmental impacts associated with realignment actions directed by the Base Realignment and Closure (BRAC) Commission and Army Enhanced Use Lease (EUL) Actions at Fort Meade, Maryland.

DATES: The waiting period for the FEIS will end 30 days after publication of an NOA in the **Federal Register** by the U.S. Environmental Protection Agency.

ADDRESSES: To obtain a copy of the FEIS contact the Public Affairs Office, Fort George G. Meade, 4550 Pershing Hall, Room 120, Fort Meade, MD 20755-5025. Send e-mails to *meade.pao@conus.army.mil*.

FOR FURTHER INFORMATION CONTACT: Ms. Melanie Moore at (301) 677-1361 during normal business hours Monday through Friday.

SUPPLEMENTARY INFORMATION: The Proposed Action, and subject of the FEIS, covers the movement of personnel associated with the BRAC realignment activities and associated construction activities. The FEIS also covers the impacts from the proposed federal real estate lease which would result in development to Army lands at Fort Meade under the Army's EUL program.

To implement the BRAC Commission recommended initiatives, Fort Meade will be receiving personnel, equipment, and missions from various realignment and closure actions within the U.S. Department of Defense. The Army will provide the necessary facilities/buildings and infrastructure to support the changes as recommended. Permanent facilities will be constructed to house the Defense Information

Systems Agency (DISA), the DoD Media Activities (DMA), and the Adjudication and Office of Hearing and Appeals Offices, which are currently located in a mix of leased facilities and at government installations.

Additionally, Fort Meade plans to issue a real estate lease that allows the development of certain parcels through the Army's EUL program to help support mission-oriented uses on post, to derive value from underutilized property, to build future land value, and to enhance the installation's ability to implement its comprehensive master plan. Fort Meade proposes to lease to a private developer about 173 acres in two parcels for a term of 50 years and receive in-kind development of a 367-acre parcel. Because the development of these three parcels would have potential impacts in the same region as the BRAC realignment actions, it is considered in this FEIS. The two parcels that will be leased are located on installation property outside the fence line. The third parcel proposed for in-kind development is located within the fence line along the perimeter of the installation.

The FEIS addresses alternatives that include: (1) a No Action Alternative, (2) BRAC-Directed Realignment and EUL Actions, and (3) BRAC-Directed Actions. The Preferred Alternative is Alternative 2 which includes construction and operation of proposed facilities to accommodate incoming military missions at Fort Meade as mandated by the 2005 BRAC Commission recommendations and Army's EUL actions. Alternative sites on Fort Meade for placement of proposed BRAC facilities have also been evaluated. Alternative siting variations would provide similar impacts and benefits as compared to the Preferred Alternative. The No Action Alternative provides the baseline conditions for comparison to the Preferred Alternative.

As stated in the FEIS, implementation of the BRAC-Directed Realignment and EUL Actions, which is the Preferred Alternative, will result in long-term environmental impacts on transportation, land uses, socioeconomic areas (demographics, schools, and law enforcement), visual and aesthetic resources, biological (vegetation and wildlife), and utilities (wastewater and storm water drainage). Implementation of the Preferred Alternative would have short-term environmental impacts to visual and aesthetic resources, noise, energy sources, and solid waste disposal; and potential short-term indirect effects to surface water during construction activities. Implementation of the

Preferred Alternative would have no significant impacts to air quality, geology and soils; water resources (groundwater, floodplains, and coastal zones); biological (rare, threatened, and endangered species and aquatic species); socioeconomic areas (economic development and housing); utilities (potable water, energy sources operations, solid waste operations); and hazardous and toxic substances. There would be no adverse impacts to surrounding land uses, cultural resources, socioeconomic areas (environmental justice, recreation, or protection of children), utilities (communications), and hazardous waste disposal from implementation of the BRAC and EUL Actions Alternative.

An electronic version of the FEIS can be viewed or downloaded from the following URL: http://www.hqda.army.mil/accsim/brac/nepa_eis_docs.htm.

Dated: September 11, 2007.

Addison D. Davis, IV,

*Deputy Assistant Secretary of the Army,
(Environment, Safety and Occupational Health).*

[FR Doc. 07-4665 Filed 9-20-07; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Department of Defense Historical Advisory Committee; Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with Section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting.

Name of Committee: Department of the Army Historical Advisory Committee.

Date: October 25, 2007.

Time: 9 a.m. to 4:30 p.m.

Place: U.S. Army Center of Military History Collins Hall, Building 35, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058.

Proposed Agenda: Review and discussion of the status of historical activities in the United States Army.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Stewart, U.S. Army Center of Military History, ATTN: DAMH-ZC, 103 Third Avenue, Fort McNair, Washington, DC 20319-5058; telephone number (202) 685-2709.

SUPPLEMENTARY INFORMATION: The committee will review the Army's historical activities for FY 1007 and

those projected for FY 2008 based upon reports and manuscript received throughout the period. And the committee will formulate recommendations through the Chief of Military History to the Chief of Staff, Army and the Secretary of the Army for advancing the use of history in the U.S. Army.

The meeting of the Advisory Committee is open to the public. Because of the restricted meeting space, however, attendance may be limited to those persons who have notified the Advisory Committee Management Office in writing at least five days prior to the meeting of their intention to attend the October 25, 2007 meeting. Notifications should be addressed to the Executive Secretary of the committee, Dr. William Stivers, at the U.S. Army Center of Military History, 103 Third Avenue, Fort Lesley J. McNair, Washington, DC 20-319-5058.

Any member of the public may file a written statement with the committee before, during, or after the meeting. Such statements may be sent to the Executive Secretary of the Committee at the Address shown in the paragraph above. To the extent that time permits, the committee chairman may allow public presentations or oral statements at the meeting.

Dated: September 5, 2007.

Richard W. Stewart,

Chief Historian, Center of Military History.

[FR Doc. 07-4694 Filed 9-20-07; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant a Partially Exclusive License for a U.S. Army Owned Invention to Savit Corporation

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Department of the Army announces that, unless there is an objection, after 15 days it intends to grant a partially exclusive license to Savit Corporation, a corporation having a place of business in Parsippany, New Jersey, on "Combat Ammunition Pack", U.S. patent number 6,675,693. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

DATES: File written objections by October 9, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy S. Ryan, Technology Transfer Program Manager, AMSRD-AAR-EMB, U.S. Army ARDEC, Picatinny Arsenal, NY 07806-5000, e-mail

timothy.s.ryan@us.army.mil, (973) 724-7953.

SUPPLEMENTARY INFORMATION: Written objections must be filed within 15 days from publication date of this notice in the **Federal Register**. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07-4693 Filed 9-20-07; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant a Partially Exclusive License for a U.S. Army Owned Invention to Machining Technologies, Inc.

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The Department of the Army announces that, unless there is an objection, after 15 days it intends to grant a partially exclusive license to Machining Technologies, Inc., a corporation having a place of business in Hebron, Maryland, on "Semi Permanent backup Iron Sight", U.S. patent number 6,779,290. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

DATES: File written objections by October 9, 2007.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy S. Ryan, Technology Transfer Program Manager, AMSRD-AAR-EMB, U.S. Army ARDEC, Picatinny Arsenal, NJ 07806-5000, e-mail: *timothy.s.ryan@us.army.mil*, (973) 724-7953.

SUPPLEMENTARY INFORMATION: Written objections must be filed within 15 days from publication date of this notice in the **Federal Register**. Any license granted shall comply with 35 U.S.C. 209 and 37 CFR part 404.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 07-4695 Filed 9-20-07; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF DEFENSE

Department of the Navy

Revised Notice of Intent To Prepare an Environmental Impact Statement/Overseas Environmental Impact Statement for the Undersea Warfare Training Range and Notice of Request for Public Scoping Comments

AGENCY: Department of the Navy, DoD.

ACTION: Revised Notice of Intent.

SUMMARY: This notice is issued to advise the public that the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) for the Undersea Warfare Training Range (USWTR) will be revised, and to invite the public to provide comments for consideration during preparation of the revised EIS/OEIS.

In compliance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and Executive Order 12114, the Department of Navy (Navy) announced the preparation of an EIS for the then "East Coast Shallow Water Training Range EIS/OEIS" on May 13, 1996 (FR 22028) and invited the public to comment on the scope of the EIS/OEIS. Subsequently, a Draft EIS/OEIS was released on October 28, 2005 (FR 62107) to evaluate the potential environmental consequences associated with constructing and operating an Undersea Warfare Training Range (USWTR). In response to comments received from federal agencies, state agencies, and members of the public, Navy determined that the DEIS should be revised and a new DEIS issued, incorporating suggestions received during the public review and comment period. The changes contemplated involve the addition of an alternative and a modification of the methodology used to analyze impacts on marine mammals. Given the nature of these changes, the Navy has decided to reopen the scoping process and invites the public to submit any comments relevant to the scope of issues to be addressed in the revised EIS/OEIS.

Scoping comments previously submitted following publication of the 1996 NOI are still valid and will be considered.

All comments received during the Oct 2005 DEIS public review and comment period will be considered during the course of this scoping process and need not be resubmitted.

The proposed action is to instrument an approximate 500-square-nautical-

mile area of the ocean with undersea cables and sensor nodes, creating a USWTR, and to use the USWTR for anti-submarine warfare (ASW) training. The purpose of the proposed action is to enable the Navy to train effectively in an ocean environment encompassing required water depths (e.g., 120 to 900 feet depth) at a suitable location for Navy Atlantic Fleet units. Training typically would involve an individual unit or up to three vessels and two aircraft using the range at any one time.

The Navy anticipates analyzing four alternative sites. The candidate sites are located in the Atlantic Ocean approximately 30 to 50 nautical miles offshore, within existing Navy Operating Areas (OPAREAs). The three candidate sites previously identified as alternatives would continue to be considered: Offshore of northeastern Virginia, offshore of southeastern North Carolina, and offshore of northeastern Florida. A site offshore of central South Carolina will be added as a fourth alternative.

FOR FURTHER INFORMATION CONTACT:

USWTR EIS/OEIS Project Manager, Facilities Engineering Command Atlantic, 6506 Hampton Boulevard, Norfolk, Virginia 23508-1278; telephone: 757-322-4398; facsimile: 757-322-4894. Additional background information on the USWTR, including the prior DEIS and the public comments received, will remain available during this re-opened scoping process via the Web site <http://projects.earthtech.com/USWTR/>.

SUPPLEMENTARY INFORMATION: The Navy requires an undersea warfare training range off the east coast of the U.S. to support training in safe and controlled locations while providing an ocean environment that is consistent with real-world threat conditions. Range instrumentation is required to provide real-time feedback to Navy participants. The offshore instrumented area would be connected to shore via a trunk cable, which allows data gathered during exercises to be transferred for participant feedback.

The Navy's mission is to maintain, train, and equip combat-ready naval forces capable of winning wars, deterring aggression and maintaining freedom of the seas. For that reason, 10 U.S.C. 5062 directs the Chief of Naval Operations to train all naval forces for combat. Therefore, naval forces must have access to training areas where they can develop and maintain skills for wartime missions. ASW is a Navy core capability and is critical to the Navy's mission. The Navy must be trained and capable with active sonars in littoral

waters to provide assured access for the U.S. to strategic areas worldwide. Surface ships, aircraft, and submarines conduct ASW and would be the principal users of the USWTR. The proposed action also would require logistical support for ASW training, for example, the handling (launch and recovery) of non-explosive exercise torpedoes.

The EIS/OEIS will evaluate the potential environmental effects associated with: Physical environment; water resources; sound in the water; biological resources, including marine mammals, fish, and threatened and endangered species; coastal uses and resources; socioeconomic resources; and cultural resources. The analysis will include an evaluation of direct and indirect impacts, and will account for cumulative impacts from other actions. No decision will be made to implement any alternative until the EIS/OEIS process is completed and a Record of Decision is signed by the Assistant Secretary of the Navy (Installations and Environment).

The Navy is re-opening a scoping period to identify new community concerns and local issues to be addressed in the EIS/OEIS. Federal agencies, state agencies, local agencies, and interested persons are encouraged to provide written comments to the Navy to identify specific issues or topics of environmental concern that should be addressed in the EIS/OEIS. Comments previously submitted in response to the October 2005 draft EIS will be considered as scoping comments, and need not be resubmitted. Written comments must be postmarked by October 22, 2007, and should be mailed to: Naval Facilities Engineering Command, Atlantic, 6506 Hampton Boulevard, Norfolk, Virginia 23508-1278, Attention: USWTR EIS/OEIS Project Manager, telephone: 757-322-4398, facsimile: 757-322-4894.

Dated: September 18, 2007.

T.M. Cruz,

*Lieutenant, Judge Advocate General's Corps,
U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. E7-18701 Filed 9-20-07; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting Leader, 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 November 20, 2007.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Leader, 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: September 14, 2007.

James Hyler,

Acting Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of Management.

Office of Postsecondary Education

Type of Review: Revision.

Title: Targeted Teacher Shortage Areas.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 57.

Burden Hours: 4,560.

Abstract: This request is for approval of record-keeping and reporting requirements that are contained in the Federal Family Education Loan Program (FFELP) regulations which address the targeted teacher deferment provision of the Higher Education Act of 1965, as amended. The information collected is necessary for a state to support its annual request for designation of teacher shortage areas within the state. The collection of certification documentation by the borrower/scholar is necessary to support his/her request for a deferment/reduction in teaching obligation or cancellation of their loan debt.

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 3460. 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. E7-18595 Filed 9-20-07; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Correction notice.

SUMMARY: On September 12, 2007, the Department of Education published a notice in the **Federal Register** (Page 52090, Column 2) for the information collection, "Early Childhood Longitudinal Study Birth Cohort, Kindergarten Year Delayed Entry and Repeaters." This notice hereby corrects the burden hours to 2,408 and the annual responses to 8,787.

The IC Clearance Official, Regulatory Information Management Services,

Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: September 17, 2007.

James Hyler,

Acting Leader, Information Management Case Services Team, Regulatory Information Management Services, Office of Management.
[FR Doc. E7-18594 Filed 9-20-07; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act (Pub. L. No. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, October 10, 2007, 6 p.m.

ADDRESSES: DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, TN.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831. Phone (865) 576-4025; Fax (865) 576-2347 or e-mail: halseypj@oro.doe.gov or check the Web site at <http://www.oakridge.doe.gov/em/ssab>.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: The presentation topic will be an "EM Program Update."

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals

wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Pat Halsey at the address and phone number listed above. Minutes will also be available at the following Web site <http://www.oakridge.doe.gov/em/ssab/minutes.htm>.

Issued at Washington, DC on September 14, 2007.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. E7-18547 Filed 9-20-07; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Agency Information Collection Extension

AGENCY: Office of Energy and Renewable Energy, Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy (DOE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years, an information collection request (ICR) with the Office of Management and Budget. Comments are invited on: (a) Whether the extended 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, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before November 20, 2007. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to Mr. Dan Beckley, Energy Efficiency and Renewable Energy, EE-2K, Forrestal Building, U.S. Department of Energy, 1000 Independence Ave, SW., Washington, DC 20585-1290 or by

fax, 202-586-1628 or by e-mail dan.beckley@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to the person in **ADDRESSES**.

Authority and Background: Statutory Authority: Energy Policy Act of 1992 (P.L. 102-486) and as amended in the Energy Policy Act of 2005 (Pub. L. 109-058)—42 U.S.C. 13317.

SUPPLEMENTARY INFORMATION: This ICR contains: (1) OMB No. 1910-0068, (2) ICR Title: Renewable Energy Production Incentive, (3) Purpose: To provide required information to receive consideration for payment for qualified renewable energy electricity produced in the prior fiscal year, (4) Estimated Number of Respondents: 75, (5) Estimated Total Burden Hours: 450, and (6) Number of Collections: The ICR contains 75 (one per grantee annually) information and/or recordkeeping requirements.

Issued in Washington, DC, on September 12, 2007.

Alexander A. Karsner,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. E7-18645 Filed 9-20-07; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[IC07-555-001, FERC 555]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

September 6, 2007.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review and extension of this information collection requirement. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission did not receive any comments in response to an earlier **Federal Register** notice of May 7, 2007

(72 FR 26086–87) and has made this notification in its submission to OMB.

DATES: Comments on the collection of information are due by October 12, 2007.

ADDRESSES: Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer. Comments to OMB should be filed electronically, c/o oir_submission@omb.eop.gov and include the OMB Control No. as a point of reference. The Desk Officer may be reached by telephone at 202–395–7345. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Executive Director, ED–34, Attention: Michael Miller, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those persons filing electronically do not need to make a paper filing. For paper filings an original and 14 copies, of such comments should be submitted to the Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. IC07–555–001.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at <http://www.ferc.gov> and click on "Make an E-Filing," and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments. User assistance for electronic filings is available at 202–502–8258 or by e-mail to efiling@ferc.gov. Comments should not be submitted to this e-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For user assistance, contact FERCOnlineSupport@ferc.gov or toll-free at (866) 208–3676 or for TTY, contact (202) 502–8659.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202) 502–8415, by fax at (202) 273–0873, and by e-mail at michael.miller@ferc.gov.

SUPPLEMENTARY INFORMATION:

Description

The information collection submitted for OMB review contains the following:

1. *Collection of Information:* FERC 555 "Records Retention Requirements".
2. *Sponsor:* Federal Energy Regulatory Commission.
3. *Control No.:* 1902–0098.

The Commission is now requesting that OMB approve and extend the expiration date for an additional three years with no changes to the existing collection. The records retained by jurisdictional companies as directed by the Commission are the result of a mandatory requirement.

4. *Necessity of the Collection of Information:* Submission of the information is necessary for the Commission to carry out its responsibilities in implementing the statutory provisions of the sections 301, 304 and 309 of the Federal Power Act (FPA) and sections 8, 10 and 16 of the Natural Gas Act, and section 20 of the Interstate Commerce Act.

The regulations for preservation of records establish retention periods, necessary guidelines and requirements to sustain retention of applicable records for the regulated public utilities, natural gas and oil pipeline companies subject to the Commission's jurisdiction. These records are used by the regulated companies as the basis of their required rate filings and reports for the Commission. In addition, the records will be used by the Commission's audit staff during compliance reviews, by enforcement staff during investigations and for special analyses as deemed necessary by the Commission. The Commission implements these records retention requirements in the Code of Federal Regulations (CFR) under 18 CFR Parts 125, 225 and 356.

5. *Respondent Description:* The respondent universe currently comprises 515 companies (on average) subject to the Commission's jurisdiction.

6. *Estimated Burden:* 1,237,030 total hours, 515 respondents (average), 1 response per respondent, and 2,402 hours per response (rounded off and average time).

7. *Estimated Cost Burden to Respondents:* 1,237,030 hours/2080 hours per year x \$122,137 per year = \$72,638,045. The cost per respondent is equal to \$141,045.

Statutory Authority: Statutory provisions of sections 8, 10 and 16 of the NGA (15 U.S.C. 717–717w); sections 301, 304 and 309

of the Federal Power Act; and section 20 of the ICA, 49 U.S.C. 20.

Kimberly D. Bose,
Secretary.

[FR Doc. E7–18650 Filed 9–20–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[IC07–542–001, FERC 542]

Commission Information Collection Activities, Proposed Collection; Comment Request; Extension

September 14, 2007.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review and extension of this information collection requirement. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission did not receive any comments in response to an earlier **Federal Register** notice of June 1, 2007 (72 FR 30574–30575) and has made this notification in its submission to OMB. Copies of the submission were also submitted to the commenters.

DATES: Comments on the collection of information are due by October 19, 2007.

ADDRESSES: Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer. Comments to OMB should be filed electronically, c/o oir_submission@omb.eop.gov and include the OMB Control No. as a point of reference. The Desk Officer may be reached by telephone at 202–395–7345. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Executive Director, ED–34, Attention: Michael Miller, 888 First Street, NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those persons filing electronically do not need to make a paper filing. For paper filings an

original and 14 copies, of such comments should be submitted to the Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and should refer to Docket No. IC07-542-001.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's Web site at <http://www.ferc.gov> and click on "Make an E-Filing," and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgement to the sender's e-mail address upon receipt of comments. User assistance for electronic filings is available at 202-502-8258 or by e-mail to efiling@ferc.gov. Comments should not be submitted to this e-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For user assistance, contact FERCOnlineSupport@ferc.gov or toll-free at 1-866-208-3676 or 202-502-6652 (e-mail at FERCOnlineSupport@FERC.gov), or the Public Reference Room at 202-502-8371, TTY 202-502-8659 (e-mail at public.referenceroom@ferc.gov).

FOR FURTHER INFORMATION CONTACT:

Michael Miller may be reached by telephone at (202) 502-8415, by fax at (202) 273-0873, and by e-mail at michael.miller@ferc.gov.

SUPPLEMENTARY INFORMATION:

Description

The information collection submitted for OMB review contains the following:

1. *Collection of Information:* FERC 542 "Gas Pipeline Rates: Rate Tracking".
2. *Sponsor:* Federal Energy Regulatory Commission.
3. *Control No.:* 1902-0070.

The Commission is now requesting that OMB approve and extend the expiration date for an additional three years with no changes to the existing collection. The information filed with the Commission is mandatory.

4. *Necessity of the Collection of Information:* Submission of the information is necessary for the Commission to carry out its responsibilities in implementing the statutory provisions of the sections 4, 5 and 16 of the Natural Gas Act (NGA) (15

U.S.C. 717-717w). These statutes empower the Commission to collect natural gas transmission cost information from interstate natural gas transporters for the purpose of verifying that these costs, which are passed on to pipeline customers, are just and reasonable.

Interstate natural gas pipeline companies are required by the Commission to track their transportation associated costs to allow for the Commission's review and where appropriate, approval of the pass-through of these costs to pipeline customers. Most of these FERC-542 tracking filings are monthly accountings of the cost of fuel or electric power necessary to operate compressor stations. Others track the costs of (1) annual charges of various types and (2) other types of rate adjustments.

Tracking filings may be submitted at any time or on a regularly scheduled basis in accordance with the pipeline company's tariff. Filings may be either: (1) Accepted; (2) suspended and set for hearing; (3) suspended, but not set for hearing; or (4) suspended for further review, such as technical conference or another type of Commission action.

The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR part 154, §§ 154.4, 154.7, 154.101, 154.201, 154.207-.209, 154.307 and 154.401-.403.

5. *Respondent Description:* The respondent universe currently comprises 95 companies (on average) subject to the Commission's jurisdiction.

6. *Estimated Burden:* 13,300 total hours, 95 respondents (average), 3.5 responses per respondent, and 40 hours per response (rounded off and average time).

7. *Estimated Cost Burden to Respondents:* 13,300 hours/2080 hours per year × \$122,137 per year = \$ 780,972. The cost per respondent is equal to \$8,221.

Statutory Authority: Statutory provisions of sections 4, 5 and 16 of the Natural Gas Act (NGA) (15 U.S.C. 717-717w).

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18671 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL07-96-000]

Babcock & Brown Holdings Inc.; Notice of Filing

September 17, 2007.

Take notice that on September 12, 2007, Babcock & Brown Holdings Inc., (BBH) pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, tendered for filing a petition for a declaratory order in which it asks the Commission to find that a subsidiary of BBH, TransBay Cable LLC, has not yet commenced commercial operations, is not currently a public utility under the Public Utility holding Company Act of 2005 (PUHCA 2005), and will not become a public utility for purposes of PUHCA 2005 until such time as it commences providing transmission services.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 12, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18657 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR07-16-000]

Bridgeline Holdings, L.P.; Notice of Petition for Rate Approval

September 14, 2007.

Take notice that on August 31, 2007, Bridgeline Holdings, L.P. (Bridgeline), filed a petition for rate approval pursuant to section 284.123(b)(2) of the Commission's regulations. Bridgeline requests that the Commission approve market-based rates for firm and interruptible storage services provided at its Sorrento, Louisiana storage facilities, commencing September 1, 2007.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC.

There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time September 28, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18666 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR07-17-000]

Bridgeline Holdings, L.P.; Notice of Application for Justification of Rates and Charges for Section 311 (A)(2) Services

September 14, 2007.

Take notice that on August 31, 2007, Bridgeline Holdings, L.P. (Bridgeline), filed pursuant to section 284.123(b)(2) of the Commission's regulations, an application to justify the system-wide rate it proposes to charge for transporting natural gas, pursuant to section 311 of the Natural Gas Policy Act, commencing September 1, 2007. Bridgeline seeks a maximum interruptible rate of \$0.1787 per MMBtu, a maximum firm usage charge of \$0.0987 per MMBtu with a monthly reservation charge of \$2.4333 per MMBtu and a fuel retention maximum cap of 1.2% for section 311(a)(2) transportation service.

Any person desiring to participate in this rate proceeding must file a motion to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene

or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time September 28, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18672 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL07-97-000, QF99-95-002, QF07-129-001]

Chugach Electric Association, Inc., Marlow Power & Steam, Inc., Tiquin Energy, Inc.; Notice of Filing

September 17, 2007.

Take notice that on September 12, 2007, Chugach Electric Association, Inc., Marlow Power & Steam, Inc. and Tiquin Energy, Inc. filed a Motion for Revocation of Qualifying Facility Status and Petition for Declaratory Order seeks the revocation of the qualifying facility status of KAPP and Pioneer.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the

comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 12, 2007.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-18656 Filed 9-20-07; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RC07-4-000]

Direct Energy Services, LLC; Notice of Filing

September 17, 2007.

Take notice that on September 11, 2007, Direct Energy Services, LLC (DES), filed an appeal from the August 21, 2007 decision of the North American Electric Reliability Corporation (NERC) to include DES on the NERC Compliance Registry as a load serving entity. DES states that it does not meet the stated definition of a load serving entity set forth in the Statement of Compliance Registry Criteria.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of

intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 11, 2007.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-18654 Filed 9-20-07; 8:45 am]
BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07-447-000]

Northern Natural Gas Company; Notice of Application

September 17, 2007.

Take notice that on September 6, 2007, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP07-447-000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) for (1) Permission and approval to abandon in place certain compression facilities at Northern's Ogden compressor station in Boone County, Iowa; and (2) construct, modify, and operate certain compression facilities at Northern's Redfield compressor station in Dallas County, Iowa, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web 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, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Northern proposes to abandon in place two horizontal compressor units with a total of 3,200 Horsepower (HP) installed at the Ogden compressor station in 1951. Northern states that it also would install a newer 1,400 HP compressor unit¹ at the Redfield compressor station to replace the abandoned compressor units at the Ogden compressor station. Northern asserts that its proposed abandonment and replacement of compressor units would provide cost savings by reusing an existing unit rather than acquiring a new unit; potential fuel savings; increase operating effectiveness; increase operational reliability; and decrease environmental impact by using lower horsepower, as well as the differences between the Ogden horizontal units and the Sublette compressor unit. Northern estimates that it would spend \$4,332,286 for this proposal with internally generated funds. Northern states that its proposed facilities would enable it to continue to meet existing customers' requirements.

Any questions regarding this application should be directed to Michael T. Loeffler, Senior Director of Certificates and External Affairs for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, at (402) 398-7103 or Bret Fritch, Senior Regulatory Analyst, at (402) 398-7140.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the

¹ Northern would use a previously abandoned 1,400 HP compressor unit from its Sublette compressor station rather than acquiring a new compressor unit to install at the Redfield compressor station.

Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

Comment Date: 5 p.m. Eastern Time on October 9, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18658 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RC07-5-000]

Palm Beach County Solid Waste Authority; Notice of Filing

September 17, 2007.

Take notice that on September 11, 2007, Palm Beach County Solid Waste Authority (SWA) filed an appeal from the August 22, 2007 decision of the North American Electric Reliability Corporation (NERC) regarding the inclusion of the SWA on the NERC Compliance Registry as determined by the Florida Reliability Coordinating Council.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 11, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18653 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RC07-6-000]

Sempra Energy Solutions LLC; Notice of Filing

September 17, 2007.

Take notice that on September 11, 2007, Sempra Energy Solutions LLC (SES), filed an appeal on the decision of the NERC Board of Trustee Compliance Committee affirming a determination by ReliabilityFirst Corporation that SES be included in the Compliance Registry for the function of load-serving entity.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on October 11, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18652 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. EL07-98-000]

Duquesne Light Company, Complainant v. PJM Interconnection, LLC., Respondent; Notice of Complaint

September 14, 2007.

Take notice that on September 13, 2007, pursuant to sections 206 and 212 of the Commission's Rules and Practice and Procedure, 18 CFR 385.206 and 385.212 and section 205 of the Federal Power Act, 16 U.S.C. 824(e), Duquesne Light Company (Complainant) filed a formal complaint against PJM Interconnection, LLC. (Respondent) alleging that the Respondent should be ordered to exclude load in the Duquesne Zone from upcoming Base Residual Auctions that will establish future Delivery Year capacity obligations under the Respondent's Reliability Pricing Model after the date of the Complainant's proposed withdrawal from PJM.

The Complainant has requested a shortened answer period.

The Complainant states that a copy of the complaint has been served on the Respondent and all of the Respondent's transmission owners, load-serving entities in the Duquesne Zone, generators located in the Duquesne Zone, and on the Pennsylvania Public Utility Commission.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the

"eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5 p.m. Eastern Time on September 21, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18665 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Combined Notice of Filings**

September 14, 2007.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP06-200-035.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits its Twenty-Eighth Revised Sheet 22 *et al.* to its FERC Gas Tariff, First Revised Volume 1, effective 9/1/07.

Filed Date: 08/31/2007.

Accession Number: 20070831-0086.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 19, 2007.

Docket Numbers: RP07-690-000.

Applicants: Southern Natural Gas Company.

Description: Southern Natural Gas Company submits Fifth Revised Sheet 123 *et al.* to FERC Gas Tariff, Seventh Revised Volume 1, to become effective 11/1/07.

Filed Date: 09/12/2007.

Accession Number: 20070912-0143.

Comment Date: 5 p.m. Eastern Time on Monday, September 24, 2007.

Docket Numbers: RP07-691-000.

Applicants: Sempra Energy Trading Corp.

Description: Sempra Energy Trading Corp, Sempra Energy Solutions & Sempra Energy Trading (Calgary) Ltd. *et al.* request a temporary waiver of Commission policies and regulations for a transmission period in order to allow for the orderly transfer of their agreements etc.

Filed Date: 09/11/2007.

Accession Number: 20070913-0036.

Comment Date: 5 p.m. Eastern Time on Monday, September 24, 2007.

Docket Numbers: RP07-692-000.

Applicants: Vector Pipeline L.P.

Description: Vector Pipeline, LP submits Sixth Revised Sheet 3 *et al.* to FERC Gas Tariff, Volume 1 to make modifications to certain tariff language required to clarify meaning and intent etc., effective 10/15/07 under RP07-692.

Filed Date: 09/13/2007.

Accession Number: 20070914-0136.

Comment Date: 5 p.m. Eastern Time on Tuesday, September 25, 2007.

Any person desiring to intervene or to protest in any of the above proceedings 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) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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 email 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.

Nathaniel J. Davis, Sr.,

Acting Deputy Secretary.

[FR Doc. E7-18536 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

September 14, 2007.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG07-82-000.

Applicants: Hackberry Wind, LLC.

Description: Exempt Wholesale Generator Notice of Self-Certification of Hackberry Wind, LLC under EG07-82.

Filed Date: 09/14/2007.

Accession Number: 20070913-5074.

Comment Date: 5 p.m. Eastern Time on Friday, October 5, 2007.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER01-205-022; ER98-2640-020; ER98-4590-018 ER99-1610-026.

Applicants: Xcel Energy Services Inc.; Northern States Power Company; Public Service Company of Colorado; New Century PUB SVC Co. of Co.

Description: Change in Status Report Compliance Filing of Xcel Energy Services Inc. *et al.*

Filed Date: 09/14/2007.

Accession Number: 20070914-5112.

Comment Date: 5 p.m. Eastern Time on Friday, October 5, 2007.

Docket Numbers: ER02-973-004.

Applicants: UBS AG.

Description: UBS AG submits a Notice of Non-Material Change in Status pursuant to Order 652 in connection with the acquisition by UBS Americas of 100% of interests in AIG Highstar.

Filed Date: 09/12/2007.

Accession Number: 20070914-0124.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER02-1330-009; ER03-358-004.

Applicants: Pacific Gas and Electric Company.

Description: Pacific Gas and Electric Co. submits the Generator Special Facilities Agreements, Supplemental Letter Agreements, Amendments, and Generator Interconnection Agreements.

Filed Date: 09/12/2007.

Accession Number: 20070914-0148.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER02-2085-005.

Applicants: Northern Iowa

Windpower LLC.

Description: Northern Iowa Windpower II, LLC submits an updated market power analysis.

Filed Date: 09/11/2007.

Accession Number: 20070913-0009.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: ER05-925-001.

Applicants: Westar Energy, Inc.

Description: Electric Refund Report and Request for Waiver of Westar Energy, Inc.

Filed Date: 09/14/2007.

Accession Number: 20070914-5016.

Comment Date: 5 p.m. Eastern Time on Friday, October 5, 2007.

Docket Numbers: ER06-819-005.

Applicants: Consolidated Edison Energy MA, Inc.

Description: Compliance filing of refund report of Consolidated Edison Energy, Inc.

Filed Date: 09/12/2007

Accession Number: 20070912-5092.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER07-1077-002; ER07-613-005.

Applicants: California Independent System Operator Corporation

Description: The California Independent System Operator submits an instant filing in compliance with the Commission's August 28, 2007 Order.

Filed Date: 09/12/2007.

Accession Number: 20070914-0119.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER07-1156-001.

Applicants: PacifiCorp.

Description: PacifiCorp submits agreements reflecting the revised effective dates and notice of termination for the Weyerhaeuser Agreement etc.

Filed Date: 09/12/2007.

Accession Number: 20070914-0122.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER07-1200-000.

Applicants: Allegheny Power.

Description: Motion of Allegheny Power to withdraw its notice of cancellation.

Filed Date: 09/04/2007.

Accession Number: 20070904-5021.

Comment Date: 5 p.m. Eastern Time on Tuesday, September 25, 2007.

Docket Numbers: ER07-1229-001.

Applicants: American Electric Power Service Corp.

Description: American Electric Power Service Corp on behalf of the AEP

Operating Companies submits an amendment to the Fourth Revised Service Agreement 1252.

Filed Date: 09/12/2007.

Accession Number: 20070914-0123.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER07-1236-001.

Applicants: Yuma Cogeneration Associates.

Description: Yuma Cogeneration Associates submits a redline showing changes from the market-based rate tariff for filing and granting waivers submitted on 8/2/07.

Filed Date: 09/11/2007.

Accession Number: 20070913-0012.

Comment Date: 5 p.m. Eastern Time on Tuesday, September 18, 2007.

Docket Numbers: ER07-1364-000.

Applicants: American Electric Power Service Corp.

Description: American Electric Power Service Corp submits fully executed generation interconnection agreements between AEP Texas Central Company and Texas Gulf Wind LLC.

Filed Date: 09/11/2007.

Accession Number: 20070912-0068.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: ER07-1365-000.

Applicants: The Midwest Independent Transmission System Operator Inc.

Description: The Midwest Independent Transmission System Operator Inc submits its Small Generation Interconnection Agreement among Ewington Energy Systems LLC.

Filed Date: 09/12/2007.

Accession Number: 20070913-0010.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER07-1366-000

Applicants: Central Maine Power Company.

Description: Central Maine Power Co submits an executed amendment to the Maine Satellite Agreement with Bangor Hydro-Electric Co.

Filed Date: 09/12/2007.

Accession Number: 20070914-0118.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER07-1367-000.

Applicants: American Electric Power Service Corp.

Description: American Electric Power Service Corp on behalf of the AEP Operating Companies submits Second Revised Attachment 1 of the current interconnection and local delivery service agreement.

Filed Date: 09/12/2007.

Accession Number: 20070914-0120.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER07–282–002.
Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc submits Exhibit I to correct the 6/27/07 filing of the Firm Point-to-Point Transmission Service with Kansas Municipal Energy Agency.

Filed Date: 09/12/2007.

Accession Number: 20070914–0121.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER07–478–001.

Applicants: Midwest Independent Transmission System.

Description: Midwest Independent Transmission System Operator, Inc submits proposed amendments to clarify & correct the recently submitted 6/18/07 compliance revisions to the Emergency Markets Tariff re the ARR.

Filed Date: 09/12/2007.

Accession Number: 20070913–0083.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: ER07–613–005.

Applicants: California Independent System Operator Corporation.

Description: The California Independent System Operator submits an instant filing in compliance with the Commission's August 28, 2007 Order.

Filed Date: 09/12/2007.

Accession Number: 20070914–0119.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Any person desiring to intervene or to protest in any of the above proceedings 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) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an

eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Nathaniel J. Davis, Sr.,

Acting Deputy Director.

[FR Doc. E7–18548 Filed 9–20–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

September 14, 2007.

Take notice that the Commission received the following open access transmission tariff filings:

Docket Numbers: OA07–82–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Attachment C Compliance Filing of Duke Energy Carolinas, LLC.

Filed Date: 09/10/2007.

Accession Number: 20070910–5003.

Comment Date: 5 p.m. Eastern Time on Monday, October 1, 2007.

Docket Numbers: OA07–83–000.

Applicants: Avista Corporation.

Description: Avista Corporation Compliance pursuant to Order No. 890 OATT Re Attachment C.

Filed Date: 09/10/2007.

Accession Number: 20070910–5021.

Comment Date: 5 p.m. Eastern Time on Monday, October 1, 2007.

Docket Numbers: OA07–84–000.

Applicants: NorthWestern Corporation (Montana).

Description: NorthWestern Corporation (Montana) submits Order No. 890, Attachment C, methodology to Assess Available Transfer Capability.

Filed Date: 09/10/2007.

Accession Number: 20070910–5040.

Comment Date: 5 p.m. Eastern Time on Monday, October 1, 2007.

Docket Numbers: OA07–85–000.

Applicants: Ohio Valley Electric Corporation.

Description: Order No. 890 OATT—Revised Attachment C (Methodology to Assess Available Transfer Capability) of Ohio Valley Electric Corporation.

Filed Date: 09/11/2007.

Accession Number: 20070911–5005.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07–86–000.

Applicants: Cleco Power, LLC.

Description: Attachment C Compliance Filing of Cleco Power, LLC.

Filed Date: 09/11/2007.

Accession Number: 20070911–5015.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07–87–000.

Applicants: Tampa Electric Company.

Description: Attachment C Compliance Filing of Tampa Electric Company.

Filed Date: 09/11/2007.

Accession Number: 20070911–5016.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07–88–000.

Applicants: Florida Power Corporation; Carolina Power & Light Company.

Description: Order No. 890 Compliance filing for Joint OATT of Florida Power Corporation and Carolina Power & Light Company (Progress Energy).

Filed Date: 09/11/2007.

Accession Number: 20070911–5017.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07–89–000.

Applicants: Florida Power & Light Company.

Description: Florida Power & Light Co submits revised OATT Attachment C.

Filed Date: 09/11/2007.

Accession Number: 20070912–0063.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07–90–000.

Applicants: MidAmerican Energy Company.

Description: MidAmerican Energy Company submits revised tariff sheets to conform its OATT Attachment C to the Order No. 890 requirements.

Filed Date: 09/11/2007.

Accession Number: 20070911–5036.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07–91–000.

Applicants: Xcel Energy Services, Inc.

Description: Order No. 890 OATT, Attachment C of Xcel Energy Services Inc.

Filed Date: 09/11/2007.

Accession Number: 20070911-5044.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-91-000.

Applicants: Xcel Energy Services, Inc.

Description: Errata to Filing correcting sheet designation for tariff sheet no. 110.

Filed Date: 09/12/2007.

Accession Number: 20070912-5078.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-92-000.

Applicants: Southern Company Services, Inc.

Description: Order No. 890, Attachment C to the pro forma OATT of Southern Company Services, Inc.

Filed Date: 09/11/2007.

Accession Number: 20070911-5055.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-93-000.

Applicants: Louisville Gas & Electric Company/KU; E.ON U.S., LLC.

Description: Attachment C Compliance Filing of E.ON U.S., LLC. on behalf of Louisville Gas/Kentucky Utilities, et al.

Filed Date: 09/11/2007.

Accession Number: 20070911-5051.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-94-000.

Applicants: Aquila, Inc.

Description: Attachment C Compliance Filing of Aquila, Inc. of Aquila, Inc.

Filed Date: 09/11/2007.

Accession Number: 20070911-5052.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-95-000.

Applicants: Sierra Pacific Resources Operating Company.

Description: Filing of a proposed OATT Attachment C-Methodology To Assess Available Transfer Capability pursuant to Order No. 890 for the Sierra Pacific Resources Operating Companies OATT.

Filed Date: 09/11/2007.

Accession Number: 20070911-5056.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-96-000.

Applicants: Idaho Power Company.

Description: Order No. 890 OATT Attachment C Compliance Filing of Idaho Power Company.

Filed Date: 09/11/2007.

Accession Number: 20070911-5061.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-97-000.

Applicants: El Paso Electric Company.

Description: El Paso Electric

Company's Order No. 890 Oatt. C

Compliance Filing Service Letter.

Filed Date: 09/11/2007.

Accession Number: 20070911-5066.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-98-000.

Applicants: Kansas City Power & Light Company.

Description: Kansas City Power & Light Compliance with Order No. 890.

Filed Date: 09/11/2007.

Accession Number: 20070911-5067.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-99-000.

Applicants: Maine Electric Power Company, Inc.

Description: Request for Temporary Waiver of Order No. 890 of Maine Electric Power Company, Inc.

Filed Date: 09/11/2007.

Accession Number: 20070911-5039.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-100-000.

Applicants: POWDER RIVER ENERGY CORP.; Black Hills Power, Inc.; Basin Electric Power Cooperative, Inc.

Description: Order No. 890 Attachment C compliance filing of Black Hills Power, Inc., et al.

Filed Date: 09/11/2007.

Accession Number: 20070911-5069.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-101-000.

Applicants: El Paso Electric Company.

Description: El Paso Electric Company's Order No. 890 Oatt Attachment C Compliance Filing.

Filed Date: 09/10/2007.

Accession Number: 20070910-5051.

Comment Date: 5 p.m. Eastern Time on Monday, October 1, 2007.

Docket Numbers: OA07-102-000.

Applicants: Mid-Continent Area Power Pool.

Description: Order No. 890 OATT Attachment C of Mid-Continent Area Power Pool.

Filed Date: 09/11/2007.

Accession Number: 20070911-5070.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-103-000.

Applicants: Portland General Electric Company.

Description: Order No. 890 OATT of Portland General Electric Company Attachment C.

Filed Date: 09/11/2007.

Accession Number: 20070911-5072.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-104-000.

Applicants: Maine Public Service Company.

Description: Order No. 890 OATT of Maine Public Service Company.

Filed Date: 09/11/2007.

Accession Number: 20070911-5068.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-105-000.

Applicants: Puget Sound Energy, Inc.

Description: Order No. 890 Attachment C Compliance Filing of Puget Sound Energy, Inc.

Filed Date: 09/12/2007.

Accession Number: 20070911-5079.

Comment Date: 5 p.m. Eastern Time on Wednesday, October 3, 2007.

Docket Numbers: OA07-106-000.

Applicants: NewCorp Resources Electric Cooperative, Inc.

Description: NewCorp Resources Electric Cooperative, Inc. submits a request for a waiver of the requirement to develop and include as Attachment C to its Open Access Transmission Tariff revised provision for the calculation of ATC.

Filed Date: 09/11/2007.

Accession Number: 20070913-0059.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-107-000.

Applicants: Tucson Electric Power Company; UNS Electric, Inc.

Description: Revised Attachment C, Order No. 890 Compliance Filing of Tucson Electric Power Company and UNS Electric, Inc.

Filed Date: 09/11/2007.

Accession Number: 20070911-5043.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-108-000.

Applicants: Tucson Electric Power Company; UNS Electric, Inc.

Description: Revised Attachment C, Order No. 890 Compliance Filing of Tucson Electric Power Company and UNS Electric, Inc.

Filed Date: 09/11/2007.

Accession Number: 20070911-5043.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-109-000.

Applicants: Arizona Public Service Company.

Description: Attachment C Compliance filing of Arizona Public Service Company.

Filed Date: 09/11/2007.

Accession Number: 20070911-5046.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-110-000.

Applicants: NorthWestern Corporation.

Description: NorthWestern Corporation requests a temporary waiver of the remaining Order No. 890 compliance requirements.

Filed Date: 09/11/2007.

Accession Number: 20070911-5071.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-111-000.

Applicants: South Carolina Electric & Gas Company.

Description: South Carolina Electric & Gas Company submits its revised Attachment C to its Open Access Transmission Tariff.

Filed Date: 09/11/2007.

Accession Number: 20070911-5075.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-113-000.

Applicants: Public Service Company of New Mexico.

Description: Order No. 890 OATT Attachment C filing of Public Service Company of New Mexico.

Filed Date: 09/11/2007.

Accession Number: 20070911-5029.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-114-000.

Applicants: PacifiCorp.

Description: Order No. 890 OATT Attachment C Filing of Pacificorp.

Filed Date: 09/11/2007.

Accession Number: 20070911-5060.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Docket Numbers: OA07-115-000.

Applicants: Alcoa Power Generating, Inc.—Yadkin.

Description: Yadkin Division of Alcoa Power Generating, Inc. submits Attachment C Methodology to Assess Available Transfer Capability in Order 890.

Filed Date: 09/11/2007.

Accession Number: 20070913-0014.

Comment Date: 5 p.m. Eastern Time on Tuesday, October 2, 2007.

Nathaniel J. Davis, Sr.,

Acting Deputy Director.

[FR Doc. E7-18549 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

September 17, 2007.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP01-205-015.

Applicants: Southern Natural Gas Company.

Description: Southern Natural Gas Co submits its Seventh Revised Sheet 23A et al to FERC Gas Tariff, Seventh Revised Volume 1.

Filed Date: 09/14/2007.

Accession Number: 20070917-0199.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Docket Numbers: RP07-552-001.

Applicants: Texas Eastern Transmission LP.

Description: Texas Eastern Transmission, LP submits Sub Original Sheet 537A to its FERC Gas Tariff, Seventh Revised Volume 1.

Filed Date: 09/14/2007.

Accession Number: 20070917-0197.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Docket Numbers: RP07-563-001.

Applicants: Pine Prairie Energy Center, LLC.

Description: Pine Prairie Energy Center, LLC submits Substitute Original Sheet 11 et al to FERC Gas Tariff, Original Volume 1.

Filed Date: 09/14/2007.

Accession Number: 20070917-0200.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Docket Numbers: RP07-693-000.

Applicants: Texas Eastern Transmission LP.

Description: Texas Eastern Transmission, LP submits its First Revised Sheet 537A and Fourth Revised Sheet 538 to FERC Gas Tariff, Seventh Revised Volume 1.

Filed Date: 09/14/2007.

Accession Number: 20070917-0198.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Docket Numbers: RP07-694-000.

Applicants: Vitol Inc. and Natural Gas Pipeline Comp.

Description: Vitol Inc and Natural Gas Pipeline Company of America submits a Joint Petition for Limited Waivers and Request for Expedited Action.

Filed Date: 09/14/2007.

Accession Number: 20070917-0205.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Docket Numbers: RP07-695-000.

Applicants: CenterPoint Energy-Mississippi River Transmission.

Description: CenterPoint Energy-Mississippi River Transmission Corporation submits Sixty-Second Revised Sheet 5 et al to its FERC Gas Tariff, Third Revised Volume 1, to become effective 11/1/07.

Filed Date: 09/14/2007.

Accession Number: 20070917-0206.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Docket Numbers: RP07-696-000.

Applicants: Interstate Natural Gas Assn. of America.

Description: Panhandle Eastern Pipe Line Company LP et al submits a list of organizations to which the refunds were made along with the amounts and date of the donations re the Gas Research Institute.

Filed Date: 09/14/2007.

Accession Number: 20070917-0207.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Docket Numbers: RP07-697-000.

Applicants: Transwestern Pipeline Company, LLC.

Description: Transwestern Pipeline Company LLC submits a non-conforming amended Operator Balancing Agreement and its Third Revised Sheet 15 to FERC Gas Tariff, Third Revised Volume 1, etc.

Filed Date: 09/14/2007.

Accession Number: 20070917-0208.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Docket Numbers: RP96-312-168.

Applicants: Tennessee Gas Pipeline Company.

Description: Tennessee Gas Pipeline Co submits its Ninth Revised Sheet 413A to its FERC Gas Tariff, Fifth Revised Volume 1, in compliance with FERC's 2/15/07 Order.

Filed Date: 09/14/2007.

Accession Number: 20070917-0196.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Docket Numbers: RP99-301-163.

Applicants: ANR Pipeline Company.

Description: ANR Pipeline Co submits amendments to Rate Schedule FTS-1 negotiated rate agreements with Madison Gas & Electric Co.

Filed Date: 09/14/2007.

Accession Number: 20070917-0201.

Comment Date: 5 p.m. Eastern Time on Wednesday, September 26, 2007.

Any person desiring to intervene or to protest in any of the above proceedings 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) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need

not be served on persons other than the Applicant.

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Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

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Nathaniel J. Davis, Sr.,

Acting Deputy Secretary.

[FR Doc. E7-18649 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No: 6461-025]

City of Port Angeles, Washington; Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests

September 14, 2007.

Take notice that the following application has been filed with the Commission and is available for public inspection:

- a. *Application Type*: Request for Amendment of License.
- b. *Project No*: 6461-025.
- c. *Date Filed*: August 13, 2007.
- d. *Applicant*: City of Port Angeles, Washington.
- e. *Name of Project*: Morse Creek Hydroelectric Project.

f. *Location*: The project is located on Morse Creek in Clallam County, Washington.

g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791a-825r.

h. *Applicant Contact*: Scott McLain, City of Port Angeles, 321 East Fifth Street, P.O. Box 1150, Port Angeles, WA 98362-0217, (360) 417-4703.

i. *FERC Contact*: Any questions on this notice should be addressed to Mr. Erich Gaedeke at (503) 552-2716, or e-mail address: erich.gaedeke@ferc.gov.

j. *Deadline for filing comments and or motions*: October 15, 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 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.

k. *Description of Request*: The Applicant is proposing to stipulate minimum flows in all months of the year for the protection of Chinook salmon and bull trout, both listed as threatened species under the Endangered Species Act, whereas the current FERC license stipulates minimum flows for only 5 months of the year. The proposed amendment would maintain higher stream flows in Morse Creek during all months of the year in order to provide a greater assurance that flow-related habitat is protected for the listed species as well as other salmonids and steelhead that inhabit Morse Creek.

l. *Locations of the Application*: A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208-1371. This filing may also be viewed on the web 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. 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, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *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, .211, .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.

o. Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers.

p. *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.

q. *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. E7-18667 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 362–015]

Ford Motor Company; Twin Cities Hydro LLC; Notice of Application for Transfer of License and Soliciting Comments, Motions to Intervene, and Protests

September 14, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Application Type*: Transfer of License.
- b. *Project No.*: 362–015.
- c. *Date Filed*: August 31, 2007.
- d. *Applicants*: Ford Motor Company (Transferor) and Twin Cities Hydro LLC (Transferee).
- e. *Name and Location of Project*: The Ford Project is located on the Mississippi River, in Ramsey County, Minnesota.
- f. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)–825(r).
- g. *Applicant Contacts: For Transferor*: Amy S. Koch, Patton Boggs LLP, 2550 M Street, NW., Washington, DC 20037, (202) 457-6000. *For Transferee*: James M. Costan, McGuireWoods LLP, 1050 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 857-1754.
- h. *FERC Contact*: Etta L. Foster (202) 502-8769.
- i. *Deadline for filing comments, protests, and motions to intervene*: October 3, 2007.

All documents (original and eight copies) should be filed with Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper, see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings. Please include the project number (P-362–015) on any comments, protests, or motions filed. The Commission's Rules of Practice and Procedure require all intervenors filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the documents on that resource agency.

j. *Description of Application*: Applicants request approval, under section 8 of the Federal Power Act, of a transfer of license for the Ford Project No. 362 from Ford Motor Company to Twin Cities Hydro LLC.

k. This filing 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 "e-Library" link. Enter the project number excluding the last three digits (P-362) in the docket number field to access the document. For online assistance, contact FERCOnlineSupport@ferc.gov or call toll-free (866) 208-3676, for TTY, call (202) 502-8659. A copy is also available for inspection and reproduction at the addresses in item g.

l. Individual desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. *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, .211, .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.

n. *Filing and Service of Responsive Documents*: Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. *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 assumed to have no comments. One copy of an

agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,
Secretary.

[FR Doc. E7–18668 Filed 9–20–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12638–001]

Green Energy Today, LLC; Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, Protests, Recommendations, and Terms and Conditions

September 14, 2007.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application*: Conduit Exemption.
- b. *Project No.*: 12638–001.
- c. *Date filed*: May 30, 2007.
- d. *Applicant*: Green Energy Today, LLC.
- e. *Name of Project*: Esquatzel Project.
- f. *Location*: The Esquatzel Project would be located at the confluence of the Esquatzel Canal and the Columbia River, near Pasco, Franklin County, Washington. The land in which all the project structures are located is owned by the applicant.
- g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791a–825r.
- h. *Applicant Contact*: Mr. Jerry L. Straalsund, Green Energy Today, LLC, 1305 Mansfield, STE 5, Richland, WA 99352, (509) 308-2730.
- i. *FERC Contact*: Robert Bell, (202) 502-6062.
- j. *Status of Environmental Analysis*: This application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

k. *Deadline for filing responsive documents*: The Commission directs, pursuant to section 4.34(b) of the Regulations (see Order No. 533, issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions concerning the application be filed with the Commission by October 29, 2007. All reply comments must be filed with the Commission by November 12, 2007.

Comments, protests, and interventions may be filed electronically

via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

l. *Description of Project:* The proposed project would utilize water being discharged from the Esquatzel Irrigation Canal and would consist of: (1) An existing measurement weir; (2) a proposed 1700-foot-long, 42-inch diameter, steel penstock, buried under 4-feet of cover; (3) proposed steel powerhouse containing one generating unit with a rated capacity of 900 kW; (4) an existing concrete discharge chute; (5) a proposed 3-phase, 480-volt transmission line constructed and owned by Big Bend Electric Cooperative; and (6) appurtenant facilities.

The project would have an estimated annual generation of 5,140,000 kWh (kilowatt-hours). The applicant plans to sell the generated energy to a local utility.

m. This filing is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street, NE., Washington, DC 20426. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number, here P-12624, 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 review and reproduction at the address in item h. above.

n. *Development Application*—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for

preliminary permits will not be accepted in response to this notice.

o. *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 a competing development application. A notice of intent must be served on the applicant(s) named in this public notice.

p. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

q. All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "COMMENTS", "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and eight copies to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Office of Energy Projects, Federal Energy Regulatory Commission, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in

accordance with 18 CFR 4.34(b) and 385.2010.

Kimberly D. Bose,
Secretary.

[FR Doc. E7-18669 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12576-001]

CRD Hydroelectric LLC; Notice of Intent to File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

September 14, 2007.

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 12576-001.

c. *Dated Filed:* July 30, 2007.

d. *Submitted By:* CRD Hydroelectric LLC (CRD Hydro).

e. *Name of Project:* Red Rock Hydroelectric Project.

f. *Location:* The project would be located at the existing Red Rock Dam on the Des Moines River in Marion County, Iowa. The project would occupy federal land administered by the U.S. Corps of Engineers.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations

h. *Applicant Contact:* Mr. Douglas Spaulding, 8441 Wayzata Blvd., Suite 101, Golden Valley, MN 55426 (952) 544-8133.

i. *FERC Contact:* Tim Konnert, (202) 502-6359, or timothy.konnert@ferc.gov.

j. CRD Hydro filed its request to use the Traditional Licensing Process on July 30, 2007. CRD Hydro filed public notice of its request on August 16, 2007. In a letter dated September 13, 2007, the Director of the Office of Energy Projects approved CRD Hydro's request to use the Traditional Licensing Process.

k. *With this notice, we are initiating informal consultation with:* (a) the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act; and (b) the Iowa State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. CRD Hydro filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

m. A copy of the PAD is available for review at the Commission in the Public

Reference Room or may be viewed on the Commission's Web site (<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, contact FERC Online Support at FERCONlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. A copy is also available

for inspection and reproduction at the address in paragraph h.

Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18670 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Technical Conference

September 17, 2007.

Pinnacle West Capital Corporation	Docket Nos. ER00-2268-017, ER00-2268-022, EL05-10-000, EL05-10-008.
Arizona Public Service Company	Docket Nos. ER99-4124-014, ER99-4124-018, EL05-11-000, EL05-11-007.
Pinnacle West Energy Corporation	Docket Nos. ER00-3312-015, ER00-3312-018, EL05-12-000, EL05-12-007.
APS Energy Services Company, Inc	Docket Nos. ER99-4122-017, ER99-4122-022, EL05-13-000, EL05-13-007, EL07-82-000.

Take notice that a technical conference will be held in the above-referenced proceedings on Friday, September 21, 2007 at 11 a.m. (EST), in Room 10A-07, at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The conference will address mitigation in the Phoenix Valley.

All interested parties and staff are permitted to attend the technical conference.

FERC 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 (866) 208-3372 (voice) or 202-502-8659 (TTY), or send a fax to 202-208-2106 with the required accommodations.

For further information please contact Marie Tansioco at (202) 502-8846 or e-mail marie.tansioco@ferc.gov.

Kimberly D. Bose,

Secretary.

[FR Doc. E7-18655 Filed 9-20-07; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2003-0064; FRL-8471-5]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Questionnaire for Nominees for the Annual National Clean Water Act Recognition Awards Program, EPA ICR 1287.09, OMB Control Number 2040-0101

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before October 22, 2007.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA-HQ-OW-2003-0064, to (1) EPA online using www.regulations.gov (our preferred method), by e-mail to ow-docket@epa.gov, or by mail to: Water Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Gajinder Singh, Municipal Support Division, Office of Wastewater Management, OWM Mail Code: 4204M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-0634; fax number: (202) 501-2396; e-mail address: singh.gajinder@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On July 3, 2007 (72 FR 36449), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received one comment during the comment period, which is addressed in the ICR. Any

additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OW-2003-0064, which is available for online viewing at <http://www.regulations.gov>, or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Water Docket is 202-566-2426.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at <http://www.regulations.gov> as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to <http://www.regulations.gov>.

Title: Questionnaire for Nominees for the Annual National Clean Water Act Recognition Awards Program.

ICR Numbers: EPA ICR No. 1287.09, OMB Control No. 2040-0101.

ICR Status: This ICR is currently scheduled to expire on September 30, 2007. Under OMB regulations, the

Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR requests continuing approval to collect data from EPA's National Clean Water Act Recognition Awards nominees in order to provide a positive incentive for compliance with the Clean Water Act. The awards are for the following program categories: Operations and Maintenance (O&M) Excellence, Biosolids (Biosolids) Management Excellence, Combined Sewer Overflow Control (CSO) Program Excellence and Storm Water (SW) Management Excellence.

The questionnaire covered by this ICR provides the mechanism for the applicant to demonstrate outstanding and innovative wastewater management practices. A framework to implement the awards recognition program is at 40 CFR part 105.

The information collection will be used by the respective awards program in the Office of Water, Office of Wastewater Management to evaluate and determine which pollution abatement achievements should be recognized. Based on the collection, national panels will evaluate the nominee's efforts and recommend finalists. The National Clean Water Act Recognition Awards are presented annually at an EPA ceremony.

Submission of information on behalf of the respondents is voluntary. No confidential information is requested.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 7 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and

maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Public wastewater treatment plants, municipalities, States and manufacturing sites.

Estimated Number of Respondents: 195 (145 applicants respondents and 50 states).

Frequency of Response: Annually.

Estimated Total Annual Hour Burden: 2,030 hours.

Estimated Total Annual Cost: \$85,738 includes \$0 annualized capital or O&M costs.

Changes in the Estimates: There is no change in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB.

Dated: September 13, 2007.

Sara Hisel-McCoy,
Acting Director, Collection Strategies Division.

[FR Doc. E7-18664 Filed 9-20-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2007-0043; FRL-8471-7]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; NSPS for Electric Utility Steam Generating Units (Renewal); EPA ICR Number 1053.09, OMB Control Number 2060-0023

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR which is abstracted below describes the nature of the collection and the estimated burden and cost.

DATES: Additional comments may be submitted on or before October 22, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA-HQ-OECA-2007-0043, to (1) EPA online using www.regulations.gov (our preferred method), or by e-mail to docket.oeca@epa.gov, or by mail to: EPA Docket Center (EPA/DC), Environmental Protection Agency, Enforcement and Compliance Docket and Information Center, mail code 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

Learia Williams, Compliance Assessment and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564-4113; fax number: (202) 564-0050; e-mail address: williams.learia@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On March 9, 2007 (72 FR 10735), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under docket ID number EPA-HQ-OECA-2007-0043, which is available for public viewing online at <http://www.regulations.gov>, or in person viewing at the Enforcement and Compliance Docket in the EPA Docket and Information Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Enforcement and Compliance Docket and Information Center is (202) 566-1752.

Use EPA's electronic docket and comment system at <http://www.regulations.gov>, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "docket search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper,

will be made available for public viewing at <http://www.regulations.gov>, as EPA receives them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI,) or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to www.regulations.gov.

Title: NSPS for Electric Utility Steam Generating Units (Renewal).

ICR Numbers: EPA ICR Number 1053.09, OMB Control Number 2060-0023.

ICR Status: This ICR is scheduled to expire on October 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: The respondents to this information collection are owners or operators of electric utility steam generating units subject to the New Source Performance Standards (NSPS) subpart Da. These regulations apply to electric utility steam generating units which are capable of combusting more than 73 megawatts (MW) heat input of fossil fuel commencing construction, modification, or reconstruction after the date of proposal. This information will be used by enforcement agencies to verify that sources subject to the standard are meeting the emission reductions mandated by the Clean Air Act.

Owners/operators of electric utility steam generating facilities are required to submit one-time notification of construction/reconstruction, anticipated and actual startup, initial performance test, physical or operational changes, and demonstration of a continuous monitoring system. Respondents are also required to submit a report on initial performance test results, monitoring results, and excess emissions. Records must be maintained of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring

system is inoperative. Semiannual and quarterly reports are also required. These notifications, reports, and records are essential in determining compliance; and are required, in general, of all sources subject to NSPS.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA regional office. This information is being collected to assure compliance with 40 CFR part 60, subpart Da as authorized in section 112 and 114(a) of the Clean Air Act. The required information consists of emissions data and other information that have been determined to be private.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The OMB Control Number for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15, and are identified on the form and/or instrument, if applicable.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 96 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Electric utility steam generating units.

Estimated Number of Respondents: 677.

Frequency of Response: Initially, quarterly and semiannually.

Estimated Total Annual Hour Burden: 160,839.

Estimated Total Annual Cost: \$26,675,248, which includes \$2,200,000 annualized Capital Startup costs,

\$10,155,000 annualized Operating and Maintenance (O&M) costs, and \$14,320,248 annualized Labor costs.

Changes in the Estimates: There is an increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The change in the burden and cost estimates occurred because the active ICR did not account for managerial and clerical burden. Also, the hourly labor rate used was not consistent with the rates for that year which created a calculation error which this renewal has corrected. There is also an increase in the number of sources, thus contributing to the increase in burden hours and costs.

Dated: September 12, 2007.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E7-18675 Filed 9-20-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2004-0065; FRL-8471-6]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Application Requirements for the Approval and Delegation of Federal Air Toxics Programs to State, Territorial, Local, and Tribal Agencies; EPA ICR No. 1643.06, OMB Control No. 2060-0264

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that an Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval. This is a request to renew an existing approved collection. The ICR, which is abstracted below, describes the nature of the information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before October 22, 2007.

ADDRESSES: Submit your comments, referencing docket ID number EPA-HQ-OAR-2004-0065, to EPA online using <http://www.regulations.gov> (our preferred method), or by e-mail to a-and-r-docket@epa.gov, or by mail to: U.S. Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and

Radiation Docket and Information Center, MC 2822T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (please include a total of two copies), and (2) OMB at: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jeff Whitlow, Office of Air Quality Planning and Standards (OAQPS)/OID, Environmental Protection Agency, mail code MC304-03, Research Triangle Park (RTP), NC 27711; telephone number: 919-541-5523; fax number: 919-685-3307; e-mail address: whitlow.jeff@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has submitted the following ICR to OMB for review and approval according to the procedures prescribed in 5 CFR 1320.12. On April 27, 2007 (72 FR 21003), EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received no comments. Any additional comments on this ICR should be submitted to EPA and OMB within 30 days of this notice.

EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2004-0065, which is available either electronically at www.regulations.gov, or in hard copy at the Air and Radiation Docket and Information Center, EPA Docket Center, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday, excluding Federal holidays. The telephone number for the Reading Room is 202-566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1742.

Use EPA's electronic docket and comment system at www.regulations.gov to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select "search," then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at www.regulations.gov as EPA received them and without change, unless the comment contains copyrighted material, Confidential Business Information (CBI), or other information whose public disclosure is restricted by statute. For further information about the electronic docket, go to www.regulations.gov.

Title: Application Requirements for the Approval and Delegation of Federal Air Toxics Programs to State, Territorial, Local, and Tribal Agencies.

ICR numbers: EPA ICR No. 1643.06, OMB Control No. 2060-0264.

ICR status: This ICR is currently scheduled to expire on September 30, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This information collection is an application from State, territorial, local, or tribal agencies (S/L/Ts) for delegation of regulations developed under section 112 of the Clean Air Act (Act). The five options for delegation are straight delegation, rule adjustment, rule substitution, equivalency by permit, or state program approval. The information is needed and used to determine if the entity submitting an application has met the criteria established in the subpart E rule, codified as 40 CFR part 63, subpart E, in accordance with section 112(l) of the Act. This information is necessary and required for the Administrator to determine the acceptability of approving the S/L/T's rules, requirements or programs in lieu of the Federal section 112 rules or programs. Additionally, it is also necessary for the proper performance of our function, and will be used to ensure that the subpart E approval criteria have been met. The collection of information is authorized under 42 U.S.C. 7401-7671q.

Burden Statement: We estimate the annual public reporting and recordkeeping burden for this collection of information to average about 507 hours per S/L/T and 41 hours per application. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing

and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: State, territorial, local, or tribal agencies.

Estimated Number of Respondents: 124 S/L/Ts for maximum achievable control technology standards and 99 S/L/Ts for area source standards per year.

Frequency of Response: Occasionally, one time per delegation request.

Estimated Total Annual Burden Hours: 62,844.

Estimated Total Annual: \$3,012,600. This includes an estimated labor burden cost of \$2,959,000 and an estimated cost of \$53,600 for operation and maintenance costs.

Changes in the Estimate: There is an increase of 21,267 hours in the total estimated respondent annual burden compared with that identified in the ICR currently approved by OMB.

This increase reflects the increase in number of delegation applications related to the number of standards delegated and a change in the distribution of S/L/Ts using each option.

Dated: September 13, 2007.

Sara Hisel-McCoy,

Acting Director, Collection Strategies Division.

[FR Doc. E7-18682 Filed 9-20-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2007-0272; FRL-8144-2]

Agency Information Collection Activities; Proposed Collection; Comment Request; Correction of Misreported Chemical Substances on the Toxic Substances Control Act Chemical Substance Inventory; EPA ICR No. 1741.05, OMB Control No. 2070-0145

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit a request to renew an existing approved Information Collection

Request (ICR) to the Office of Management and Budget (OMB). This ICR, entitled: "Correction of Misreported Chemical Substances on the Toxic Substances Control Act (TSCA) Chemical Substance Inventory" and identified by EPA ICR No. 1741.05 and OMB Control No. 2070-0145, is scheduled to expire on February 29, 2008. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2007-0272, 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-2007-0272. 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-2007-0272. EPA's policy is that all comments received will be included in the public 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](http://www.regulations.gov) or e-mail. The [regulations.gov](http://www.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](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit

an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

Docket: All documents in the docket are listed in the docket index available in [regulations.gov](http://www.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](http://www.regulations.gov) web site 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: Tracy Williamson, 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) 564-8569; fax number: (202) 564-8679; e-mail address: williamson.tracy@epa.gov.

SUPPLEMENTARY INFORMATION:

I. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of PRA, EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility.
2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
3. Enhance the quality, utility, and clarity of the information to be collected.
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What Should I Consider when I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible and provide specific examples.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the collection activity.

7. Make sure to submit your comments by the deadline identified under **DATES**.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

III. What Information Collection

Activity or ICR Does this Action Apply to?

Affected entities: Entities potentially affected by this action are manufacturers or importers of chemical substances, mixtures or categories listed on the TSCA Inventory and regulated under TSCA section 8, who had reported to the initial effort to establish the TSCA Inventory in 1979, and who need to make a correction to that submission.

Title: Correction of Misreported Chemical Substances on the Toxic Substances Control Act (TSCA) Chemical Substance Inventory.

ICR numbers: EPA ICR No. 1741.05, OMB Control No. 2070-0145.

ICR status: This ICR is currently scheduled to expire on February 29, 2008. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 8(b) of TSCA requires EPA to compile and keep current an Inventory of Chemical Substances in Commerce, which is a listing of chemical substances manufactured, imported, and processed for commercial purposes in the United States. The purpose of the Inventory is to define, for the purpose of TSCA, what chemical substances exist in U.S. Commerce. Since the Inventory thereby performs a regulatory function by distinguishing between existing chemicals and new chemicals, which TSCA regulates in different ways, it is imperative that the Inventory be accurate.

However, from time to time, EPA or respondents discover that substances have been incorrectly described by reporting companies. Reported substances have been unintentionally misidentified as a result of simple

typographical errors, the misidentification of substances, or the lack of sufficient technical or analytical capabilities to characterize fully the exact chemical substances. EPA has developed guidelines (45 FR 50544, July 29, 1980) under which incorrectly described substances listed in the Inventory can be corrected. The correction mechanism ensures the accuracy of the Inventory without imposing an unreasonable burden on the chemical industry. Without the Inventory correction mechanism, a company that submitted incorrect information would have to file a premanufacture notification (PMN) under TSCA section 5 to place the correct chemical substance on the Inventory whenever the previously reported substance is found to be misidentified. This would impose a much greater burden on both EPA and the submitter than the existing correction mechanism. This information collection applies to reporting and recordkeeping activities associated with the correction of misreported chemical substances found on the TSCA Inventory.

Responses to the collection of information are voluntary. Respondents may claim all or part of a document confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to be 2.25 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized here:

Estimated total number of potential respondents: 9.

Frequency of response: On occasion.
Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 20 hours.

Estimated total annual costs: \$1,061. This includes an estimated burden cost of \$1,061 and an estimated cost of \$0 for capital investment or maintenance and operational costs.

IV. Are There Changes in the Estimates from the Last Approval?

There is no net change in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB.

V. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: September 17, 2007.

James Jones,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. E7-18684 Filed 9-20-07; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2003-0004; FRL-8149-3]

Access to Confidential Business Information by the U.S. Consumer Product Safety Commission

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized the U.S. Consumer Product Safety Commission (CPSC) to access information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be Confidential Business Information (CBI).

DATES: Access to the confidential data submitted to EPA under all sections of TSCA occurred as a result of an ongoing Memorandum of Understanding (MOU) between CPSC and the U.S. EPA dated September 23, 1986, which granted CPSC immediate access to all sections of TSCA CBI.

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: Pam Moseley, Information Management Division (7407M), Office Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-8956; e-mail address: pamela.moseley@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are or may be required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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 identification (ID) number EPA-HQ-OPPT-2003-0004. 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., Confidential Business Information (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>.

II. What Action is the Agency Taking?

Under a MOU dated September 23, 1986, the CPSC agreed to EPA procedures governing access to CBI submitted to EPA under TSCA.

In accordance with 40 CFR 2.306(h), EPA determined that CPSC requires access to CBI submitted to EPA under all sections of TSCA to perform successfully their responsibilities under the Consumer Product Safety Act and TSCA.

CPSC's personnel are given access to information submitted to EPA under all sections of TSCA. Some of the information is claimed or determined to be CBI. Under terms of the MOU, CPSC is not required to renew its access to TSCA CBI. EPA publishes this notice to the public from time to time to reiterate and confirm that access to TSCA CBI has been granted to this other federal agency. In a previous notice published in the **Federal Register** on February 26, 2003 (68 FR 8892) (FRL-7293-2), EPA confirmed that CPSC continues to have access to CBI under all sections of TSCA. EPA is issuing notice to once again confirm that CPSC maintains access under the existing MOU.

EPA issues this notice to inform all submitters of information under all sections of TSCA that EPA provides the CPSC access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this MOU will take place at EPA Headquarters and CPSC's 4330 East West Highway, Bethesda, MD site.

CPSC is required to adhere to all provisions of EPA's TSCA CBI Protection Manual.

CPSC personnel are required to sign nondisclosure agreements and are briefed on appropriate security

procedures before they are permitted access to TSCA CBI.

List of Subjects

Environmental protection,
Confidential Business Information.

Dated: September 13, 2007.

Brion Cook,

*Director, Information Management Division,
Office of Pollution Prevention and Toxics.*

[FR Doc. E7-18717 Filed 9-20-07; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6691-3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at 202-564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 6, 2007 (72 FR 17156).

Draft EISs

EIS No. 20070269, ERP No. D-IBR-K39109-CA, Lower Yuba River Accord, Proposal to Resolve Instream Flow Issues Associated with Operation, Yuba River, Yuba County, CA.

Summary: EPA does not object to the proposed project. Rating LO.

EIS No. 20070281, ERP No. D-AFS-D65039-WV, Lower Williams Project Area (LWPA), Proposed to Perform Vegetation Management and Wildlife Habitat Improvements, Implementation, Gauley Ranger District, Monongahela National Forest, Webster County, WV.

Summary: EPA expressed environmental concern about the loss of forest interior habitat, and requested additional information on possible, mitigation measures. Rating EC2.

EIS No. 20070304, ERP No. D-USN-D11042-VA, Marine Corps Base Quantico (MCBQ) Virginia Project, Proposes Development of the Westside of MCBQ and the 2005 Base Realignment and Closure Action at MCBQ, Implementation, Quantico, VA.

Summary: EPA expressed environmental concern about impacts to

wetlands and forested habitat, and requested additional information and mitigation measures. EPA also suggested that Low Impact Development and energy efficiency practices be incorporated into the design of the proposed action. Rating EC2.

Final EISs

EIS No. 20070334, ERP No. F-AFS-J65360-CO, Lizard Head Road Easement, Application from Private Landowners Requesting a Permit to Cross Public Lands to Access Non-Federal Lands, San Juan National Forest, Dolores Ranger District, Dolores County, CO.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20070337, ERP No. F-TVA-E39069-AL, Bear Creek Dam Leakage Resolution Project, To Modify Dam and Maintain Summer Pool Level of 576 Feet, Bear Creek Dam, Franklin County, AL.

Summary: EPA continues to have environmental concern about wetland impacts, and requested that appropriate buffers be established at highly erodible areas along the new shoreline to filter runoff into the reservoir until wetlands are re-established.

EIS No. 20070340, ERP No. F-FRC-G03034-00, Southeast Expansion Project, Construction and Operation of 110.8 miles for Natural Gas Pipeline and Associated Ancillary Facilities, TX and LA.

Summary: No formal comment letter was sent to the preparing agency.

EIS No. 20070350, ERP No. F-NPS-D61059-PA, Valley Forge National Historical Park, General Management Plan, Implementation, King of Prussia, PA.

Summary: EPA does not object to the proposed project.

EIS No. 20070301, ERP No. LD-COE-G39050-LA, Mississippi River—Gulf Outlet (MRGO) Deep-Draft Navigation De-Authorization Study, Implementation, St. Bernard Parish, LA.

Summary: EPA does not object to the preferred alternative. Rating LO.

Dated: September 17, 2007.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 07-4699 Filed 9-20-07; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6691-2]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements Filed 09/10/2007 through 09/14/2007. Pursuant to 40 CFR 1506.9.

EIS No. 20070388, Draft EIS, FHW, MI, Blue Water Bridge Plaza Study and Improve to the I-94/1-69 Corridor, To Provide Safe, Efficient and Secure Movement of People and Goods across the Canadian—US Border, Port Huron Area, St. Clair County, MI. Comment Period Ends: 11/05/2007.

Contact: Ryan Rizzo, (517) 702-1833.

EIS No. 20070389, Final EIS, FHW, CA, Interstate 5 (Santa Ana Freeway) Project, Improvement from State Route 91 in Orange County to Interstate 605 in Los Angeles County, CA. Wait Period Ends: 10/22/2007. Contact: Steve Healow, (916) 498-5849.

EIS No. 20070390, Draft Supplement, AFS, ID, Meadow Face Stewardship Pilot Project, Improvement to Aquatic and Terrestrial Vegetative Conditions, Supplement Information on the Cumulative Effects Analysis, Nez Perce National Forest, Clearwater Ranger District, Idaho County, ID. Comment Period Ends: 11/05/2007. Contact: Darcy Pederson (208) 983-1950.

EIS No. 20070391, Draft EIS, NRC, OK, Sequoyah Fuels Corporation Site, Proposed Reclamation Activities for the 243-hectare (600 acre) Site, (NUREG-1888) in Gore, OK. Comment Period Ends: 11/05/2007. Contact: Allen H. Fetter, (301) 415-8556.

EIS No. 20070392, Draft EIS, AFS, MT, Bozeman Municipal Watershed Project, To Implement Fuel Reduction Activities, Bozeman Ranger District, Gallatin National Forest, City of Bozeman Municipal Watershed, Gallatin County, MT. Comment Period Ends: 11/05/2007. Contact: Jim Devitt, (406) 587-6749.

EIS No. 20070393, Draft Supplement, AFS, MT, Fishtrap Project, Updated Information on Past Maintenance/Restorative Treatments within Old Growth Stands, Timber Harvest, Prescribed Burning, Road Construction and Other Restoration Activities, Lolo National Forest,

Plains/Thompson Falls Ranger District, Sanders County, MT.

Comment Period Ends: 11/05/2007.

Contact: Pat Partyka, (406) 826-4314.

EIS No. 20070394, Final EIS, COE, FL, Central and Southern Florida Project, Comprehensive Everglades Restoration Plan, Caloosahatchee River (C-43) West Basin Storage Reservoir Project, Restoration of the Ecosystem in Caloosahatchee Estuary, Lake Okeechobee, FL. Wait Period Ends: 10/22/2007. Contact: Susan Conner, (904) 232-1782.

EIS No. 20070395, Final EIS, USA, MD, Fort George G. Meade Base Realignment and Closure 2005 and Enhanced Use Lease (EUL) Actions, Implementation, Anne Arundel, Howard, Montgomery, Prince George's Counties, MD. Wait Period Ends: 10/22/2007. Contact: Bob Ross, (703) 602-2878.

Dated: September 18, 2007.

Robert W. Hargrove,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. E7-18720 Filed 9-20-07; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-0960; FRL-8150-5]

Pesticide Worker Protection; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA's Office of Pesticide Programs will host two public meetings regarding pesticide worker protection issues in October. A Pesticide Worker Safety and Health Conference will be held on October 2-4, 2007, in Arlington, VA, at the Hilton Hotel in Crystal City. The conference will provide an informational forum for federal and state agencies and private sector organizations involved in pesticide worker safety and health programs, policies and research initiatives. The conference will also highlight the accomplishments of the Agency's worker protection initiatives in partnership with our grantees. On the afternoon of October 4, 2007, the Office of Pesticide Programs will host a Diagnostic Tools Workshop in Arlington, VA, at the Hilton Hotel in Crystal City. Because health care providers lack tests to identify specific chemicals and/or levels of exposure that may be linked to the reported illnesses, the goal of this Workshop is to gather

information on critical diagnostic needs, the current state of the science, and research needs for and feasibility of developing diagnostic tools to identify exposure to a specific chemical/level.

DATES: The Pesticide Worker Safety and Health Conference will be held on October 2, 3, and 4, 2007, as follows: on October 2 from 1 p.m. to 6 p.m.; on October 3 from 8:30 a.m. to 5:30 p.m.; and on October 4 from 8:30 a.m. to noon. The Diagnostic Tools Workshop will be held on October 4, 2007, from 1:30 p.m. to 5:30 p.m.

To request accommodation of a disability, please contact the persons listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The conference and workshop will be held at the Hilton Crystal City, 2399 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Questions regarding the Pesticide Worker Safety and Health Conference should be referred to: Elizabeth Evans, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7891; fax number: (703) 308-2962; e-mail address: worker_safety_health_conference@epa.gov.

Questions regarding the Diagnostic Tools Workshop should be referred to: Elizabeth Mendez, Health Effects Division (7509P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number (703) 305-5453; fax number (703) 305-5147; e-mail address: Mendez.elizabeth@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you represent federal or state agencies or organizations which are involved or interested in pesticide worker safety and health programs, policies and research initiatives. Potentially affected entities may include, but are not limited to:

Federal and state agencies, organizations and other stakeholders interested in pesticide worker safety and health programs, policies and research initiatives, including, but not limited to: Environmental occupational health and safety specialists, health care providers, epidemiologists, state departments of

health, poison control centers, migrant clinicians, federal agencies, state lead agencies, grower organizations, and farmworker organizations.

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-OPP-2007-0960. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of the Docket Facility are 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

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>.

II. Background & Agendas

A. Pesticide Worker Safety and Health Conference

This Conference will focus on measuring the impact of current worker protection initiatives and developing effective interventions where protective gaps exist. The conference will also highlight the accomplishments of the Agency's worker protection initiatives in partnership with our grantees. Breakout sessions are planned for Wednesday, October 3 with expert presentations and panel discussions on: Take-home pesticide exposure and families of farmworkers; advances in engineering controls; education and training of farmworkers and pesticide applicators; administrative and policy solutions to better protect the pesticide workforce; risk communication strategies and lessons learned; the role of surveillance of occupational pesticide-related illnesses and injuries; worker exposure assessment, strengths and weaknesses in data collection.

B. Diagnostic Tools Workshop

One of the major challenges faced by health care professionals in the diagnosis and treatment of ailments associated with pesticide exposure is the lack of tests to identify specific chemicals and/or levels of exposure that may be linked to the reported illnesses. As a result, there is increasing interest in the development of more sophisticated diagnostic tools to help

clinicians diagnose and prescribe effective courses of treatment. The goal of the Diagnostic Tools Workshop is to gather information on critical diagnostic needs, the current state of the science, and the research needs for and feasibility of developing diagnostic tools to identify exposure to a specific chemical/level.

Planned agendas for both the Pesticide Worker Safety and Health Conference and the Diagnostic Tools Workshop are posted on the website at: www.epa.gov/pesticides.

III. How Can I Request to Participate in these Meetings?

Both of these meetings are open to the public. Persons interested in attending the Pesticide Worker Safety and Health Conference should go to EPA's website to register (at no cost) at: www.epa.gov/pesticides. The Diagnostic Tools Workshop is open to the public and seating is available on a first-come basis.

List of Subjects

Environmental protection, Pesticide worker safety, Farmworker.

Dated: September 17, 2007.

William R. Diamond,

Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. E7-18706 Filed 9-20-07 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-0949; FRL-8149-4]

Pesticide Registration; Clarification for Ion-Generating Equipment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: With this notice, the Agency clarifies its position on the distinction between devices and pesticides with regard to ion-generating equipment and explains why such equipment is regulated as a pesticide. The notice also invites all interested parties to collaborate with the Agency in identifying data and other information that would be needed to support registration of these products. Through this notice, the Agency is establishing a process and a timeline for any parties affected by this notice to come into compliance with the clarified requirements of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

FOR FURTHER INFORMATION CONTACT: Melba S. Morrow, Antimicrobials

Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-2716; fax number: (703) 308-8481; e-mail address: morrow.melba@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you sell or distribute ion-generating equipment that uses electrodes to emit chemical substances for pesticidal purposes. Potentially affected equipment include but are not limited to, washing machines containing electrodes that emit silver, copper, or zinc ions and ion generators used in swimming pools to kill algae and as an adjunct to the chlorination process.

This listing is not exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of technology not listed in this notice could also be affected. The Agency requests information on any other type of equipment that generates ions from electrodes for pesticidal purposes that could be covered under this notice.

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 identification (ID) number EPA-HQ-OPP-2007-0949. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

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>.

II. Background

A. What Action is the Agency Taking?

In a **Federal Register** notice published on November 19, 1976 (41 FR 51065), EPA consolidated and clarified the requirements applicable to pest control devices and device producers. In that notice, the Agency listed the types of products that would be affected by the

notice and further provided a distinction between devices and pesticides. The notice clearly stated that if an article uses physical or mechanical means to trap, destroy, repel, or mitigate any pest, it is considered to be a device. In contrast, if the article incorporates a substance or mixture of substances to prevent, destroy, repel, or mitigate any pest, it is considered to be a pesticide.

In September 2005, Agency staff advised a manufacturer that washing machines utilizing silver electrodes to produce silver ions for the pesticidal purpose of killing germs are considered devices rather than pesticides, and do not require registration. However, the Agency has since determined that under the statutory interpretation set out in the 1976 policy statement, such ion-generating equipment would require registration as a pesticide under FIFRA. This notice provides additional clarification of the Agency's longstanding position, and gives the regulated community time to come into compliance with the requirements of FIFRA.

B. What is the Agency's Authority for Taking this Action?

Under FIFRA, it is unlawful to sell or distribute any "pesticide" unless it is registered by EPA pursuant to FIFRA section 3. EPA has authority to register pesticides under FIFRA section 3, and therefore to interpret the terms "pesticide" and "device" for purposes of determining what is and what is not subject to the registration requirements of FIFRA.

C. EPA's Interpretations of "Pesticide" and "Device" Under FIFRA

In the 1976 **Federal Register** notice that consolidated and clarified requirements for pest control devices and device producers, EPA stated its interpretation of the statutory terms "pesticide" and "device" for the purpose of distinguishing between items that were subject to the registration requirements of FIFRA (i.e., pesticides) and those that were not (i.e., devices).

Section 2(h) of FIFRA defines "device" as "any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling or mitigating any pest." Section 2(u) of FIFRA defines "pesticide" as "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest." In the 1976 **Federal Register** notice, EPA stated its statutory interpretation that the primary distinction between pesticides and devices was the means by which they achieved their pesticidal purpose. "If an

article uses physical or mechanical means to trap, destroy, repel [sic], or mitigate any [pest], it is considered to be a device. If the article incorporates a substance or mixture of substances intended to prevent, destroy, repel [sic], or mitigate any pest, it is considered to be a pesticide." (41 FR 51065).

Therefore, the key distinction between pesticides and devices is whether the pesticidal activity of the article is due to physical or mechanical actions or due to a substance or mixture of substances. Some of the types of products that were specifically identified as devices in the notice included, but were not limited to, ultra violet light systems, ozone generators, water and air filters (except those containing substances or mixtures of substances), and ultrasonic devices making claims to inactivate, entrap, or suppress the growth of fungi, bacteria, or viruses in various sites. At the time of the 1976 **Federal Register** notice, EPA was not aware of equipment such as the ion generating washing machine that was presented to EPA in 2005. In addition to the washing machine, EPA is also aware of other ion-generating equipment that is subject to this clarification.

The articles covered by this notice are ion generators that incorporate a substance (e.g., silver or copper) in the form of an electrode, and pass a current through the electrode to release ions of that substance for the purpose of preventing, destroying, repelling, or mitigating a pest (e.g., bacteria or algae). Because these items incorporate a substance or substances that accomplish their pesticidal function, such items are considered pesticides for purposes of FIFRA, and must be registered prior to sale or distribution.

D. Implementation

EPA is aware that there may be some confusion in the regulated community regarding EPA's interpretation of the distinction between pesticides and devices. EPA will work with producers of ion generators to identify what data and other information are required to support an application for registration and to obtain registrations to bring such equipment into compliance for equipment being distributed or sold in the United States on the date of publication of this notice. Any person distributing or selling such equipment on or prior to the date of publication of this notice may continue the distribution or sale of such equipment for 6 months from the date of publication of this notice, March 21, 2008.

Any producer or importer of such equipment distributing or selling the equipment on or prior to the date of publication of this notice who wishes to continue that distribution or sale after 6 months from the date of publication of this notice, March 21, 2008, may do so only if a prospective registrant has commenced the registration process for the equipment by submitting, at a minimum, an Application for Pesticide Registration Form (EPA Form No. 8570-1) for the equipment. This form should be submitted to EPA on or before March 21, 2008. On the form, only the following information must be provided: Section I, Item 4: Company and Product Name; Section I, Item 5: Name and Address of Applicant; Section II, check "other" and place in explanation "Ion Generator FR Notice;" and all of Section IV. Persons distributing or selling such equipment on or prior to the date of publication of this notice other than the producer or importer may continue to distribute or sell such equipment until their inventories are exhausted. An electronic version of this form is *available at* <http://www.epa.gov/opprd001/forms>.

Further, any producer or importer of such equipment who is distributing or selling the equipment on or prior to the date of publication of this notice who wishes to continue that distribution or sale after 18 months from the date of publication of this notice, March 23, 2009, may do so only if a prospective registrant has submitted to EPA a completed registration package for the equipment on or before March 23, 2009. Producers or importers of such equipment may continue to distribute or sell such equipment pursuant to this paragraph only until such time as EPA acts upon the application or the application is withdrawn. Again, persons distributing or selling such equipment on or prior to the date of publication of this notice other than the producer or importer may continue to distribute or sell such equipment until their inventories are exhausted.

The completed one page application, EPA Form No. 8570-1, may be submitted to EPA by mail or by courier:

1. *Mail* (U.S. Postal Service):
Document Processing Desk (AD ION)
Office of Pesticide Programs (7504P)
Environmental Protection Agency
1200 Pennsylvania Ave., NW.
Washington, DC 20460-0001.

2. *Courier*:
Document Processing Desk (AD ION)
Office of Pesticide Programs (7504P)
Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 S. Crystal Dr.
Arlington, VA 22202-4501.

List of Subjects

Environmental protection, Copper ions, Ion-generating equipment, Pesticide devices, Pesticides and pests, Silver ions, Zinc ions.

Dated: September 13, 2007.

Anne E. Lindsay,

Acting Director, Office of Pesticide Programs.

[FR Doc. E7-18591 Filed 9-20-07; 8:45 am]

BILLING CODE 6560-50-S

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System

SUMMARY: Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for comment on information collection proposals

The following information collection, which is being handled under this delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before November 20, 2007.

ADDRESSES: You may submit comments, identified by (FR 29a,b; OMB No. 7100-0290) by any of the following methods:

- Agency Web Site: <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

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

- E-mail: regs.comments@federalreserve.gov. Include docket number in the subject line of the message.

- FAX: 202/452-3819 or 202/452-3102.

- Mail: Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551.

All public comments are available from the Board's web site at www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP-500 of the Board's Martin Building (20th and C Streets, N.W.) between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters should send a copy of their comments to the OMB Desk Officer by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503 or by fax to 202-395-6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission including, the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public website at: <http://www.federalreserve.gov>

www.federalreserve.gov/boarddocs/reportforms/review.cfm or may be requested from the agency clearance officer, whose name appears below.

Michelle Shore, Federal Reserve Board Clearance Officer (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact (202-263-4869), Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal to approve under OMB delegated authority the extension for three years, without revision, of the following reports:

Report title: Compensation and Salary Surveys

Agency form number: FR 29a,b

OMB control number: 7100-0290

Frequency: FR 29a, annually; FR 29b, on occasion

Reporters: Employers considered competitors for Federal Reserve employees

Annual reporting hours: FR 29a, 210 hours; FR 29b, 50 hours

Estimated average hours per response: FR 29a, 6 hours; FR 29b, 1 hour

Number of respondents: 45

General description of report: This information collection is voluntary (sections 10(4) and 11(1) of the Federal Reserve Act (12 U.S.C. 244 and 248(1)) and is given confidential treatment (5 U.S.C 552 (b)(4) and (b)(6)).

Abstract: These surveys collect information on salaries, employee compensation policies, and other employee programs from employers that are considered competitors for Federal Reserve Board employees. The data from the surveys primarily are used to determine the appropriate salary structure and salary adjustments for Federal Reserve Board employees.

Board of Governors of the Federal Reserve System, September 17, 2007.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E7-18622 Filed 9-20-07; 8:45 am]

BILLING CODE 6210-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-379, CMS-10102, and CMS-R-235]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the Agency's function; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. Type of Information Collection
Request: Extension of a currently approved collection; *Title of Information Collection:* Financial Statement of Debtor and Supporting Regulations in 42 CFR, Section 405.376; *Use:* Section 42 CFR 405.376(g) requires that, " * * * In determining whether a claim will be compromised, or collection action terminated, CMS will consider the following factors: * * * age and health of the debtor, present and potential income, inheritance prospects, possible concealment or fraudulent transfer of assets * * *" Sections 1842(a)(1)(B) and (C) of the Social Security Act and 42 CFR 405.376(g), provide the authority for collection of this information.

In some instances a physician/supplier who is notified of a debt may allege inability to immediately repay the debt in full and may request an extended repayment schedule. Alternatively, the debtor may request a compromise settlement for less than the full amount due. Before establishing an extended repayment schedule or compromise settlement, the CMS's Regional Offices and the carrier must

evaluate the provider's capacity to pay the debt. Accordingly, the provider is requested to complete a "Financial Statement of Debtor" form, CMS-379. *Form Number:* CMS-379 (OMB#: 0938-0270); *Frequency:* Reporting: Yearly; *Affected Public:* Business or other for-profit; *Number of Respondents:* 500; *Total Annual Responses:* 500; *Total Annual Hours:* 1000.

2. Type of Information Collection
Request: Extension of a currently approved collection; *Title of Information Collection:* National Implementation of Hospital Consumer Assessment of Health Providers and Systems (HCAHPS); *Use:* The intent of the HCAHPS initiative is to provide a standardized survey instrument and data collection methodology for measuring patients' perspectives on hospital care. While many hospitals collect information on patient satisfaction, there is no national standard for collecting or publicly reporting this information that would enable valid comparisons to be made across all hospitals. In order to make "apples to apples" comparisons to support consumer choice, it is necessary to introduce a standard measurement approach. Hospital Consumer Assessment of Healthcare Providers and Systems, also known as the CAHPS Hospital Survey (HCAHPS) can be viewed as a core set of questions that hospitals can combine with their customized items. HCAHPS was developed and is being implemented under the auspices of the Hospital Quality Alliance, a private/public partnership that includes hospital associations, consumer groups, payors and government agencies that share a common interest in reporting on hospital quality.

Beginning in July 2007, participation in HCAHPS can affect the annual payment update for the inpatient prospective payment system (IPPS) hospitals participating in the Reporting Hospital Quality Data Annual Payment Update (RHQDAPU) program; *Form Number:* CMS-10102 (OMB#: 0938-0981); *Frequency:* Reporting: Monthly; *Affected Public:* Individuals or households; *Number of Respondents:* 2,820,000; *Total Annual Responses:* 2,820,000; *Total Annual Hours:* 285,200.

3. Type of Information Collection
Request: Extension of a currently approved collection; *Title of Information Collection:* Data Use Agreement Information Collection Requirements, Model Language and Supporting Regulations in 45 CFR Section 5b. *Use:* The Data Use Agreement (DUA) is needed as part of the review of each CMS data request to

ensure compliance with the requirements of the Privacy Act for disclosure of data that contain individually-identifiable information. In addition, the DUA is used to maintain appropriate accounting and tracking of disclosures of records from Privacy Act systems of records. While the burden has not changed, we revised the DUA to The DUA was updated to include language to ensure the agreement is a binding agreement between CMS and the User, to ensure the data is being encrypted and appropriate protections are in place at all times, and to ensure appropriate actions are immediately taken if there is a data breach or incident. *Form Number:* CMS-R-0235 (OMB#: 0938-0734); *Frequency:* Reporting—On occasion; *Affected Public:* Not-for-profit institutions; *Number of Respondents:* 1,500; *Total Annual Responses:* 1,500; *Total Annual Hours:* 750.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

Written comments and recommendations for the proposed information collections must be mailed or faxed within 30 days of this notice directly to the OMB desk officer:

OMB Human Resources and Housing Branch,

Attention: Carolyn Lovett,
New Executive Office Building, Room 10235,
Washington, DC 20503,
Fax Number: (202) 395-6974.

Dated: September 13, 2007.

Michelle Shortt,

*Director, Regulations Development Group,
Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. E7-18468 Filed 9-20-07; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10251 and CMS-10232]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* State Plan Pre-print for Integrated Medicare and Medicaid Programs; *Use:* Information submitted via the State Plan Amendment (SPA) pre-print will be used by CMS Central and Regional Offices to analyze a State's proposal to implement integrated Medicare and Medicaid programs. The pre-print is an optional document for use by States to highlight the arrangements between a State and Medicare Advantage Special Needs Plans that are also providing Medicaid services. State Medicaid Agencies will complete the SPA pre-print and submit it to CMS for a comprehensive analysis. The pre-print provides the opportunity for States to confirm that their integrated care model complies with both federal statutory and regulatory requirements. The pre-print contains assurances, check-off items, and areas for States to describe policies and procedures for subjects such as enrollment, marketing and quality assurance. *Form Numbers:* CMS-10251 (OMB#: 0938-NEW); *Frequency:* Reporting—Once; *Affected Public:* State, Local, or Tribal Governments; *Number*

of Respondents: 56; *Total Annual Responses:* 30; *Total Annual Hours:* 600.

2. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* State Plan Template to Implement Section 6062 of the Deficit Reduction Act (DRA) of 2005; *Use:* The DRA provides States with numerous flexibilities in operating their State Medicaid Programs. Section 6062 of the DRA (Opportunity for families of Disabled Children to Purchase Medicaid Coverage for Such Children) allows States the opportunity to provide Medicaid benefits to disabled children who would otherwise be ineligible because of family income that is above the State's highest Medicaid eligibility standards for children. It specifically allows families with disabled children to "buy-in" to Medicaid, and prevents them from having to stay impoverished, become impoverished, place their children in out-of-home placements, or simply give up custody of their child in order to access needed health care for their disabled children.

Under the DRA, States must submit a SPA to CMS to effectuate this change to their Medicaid programs. CMS will provide a State Medicaid Director letter providing guidance on this provision and the associated SPA template for use by States to modify their Medicaid State Plans if they choose to implement this provision. Providing the State with this SPA template will reduce State burden significantly. *Form Numbers:* CMS-10232 (OMB#: 0938-NEW); *Frequency:* Reporting—Once; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 30; *Total Annual Hours:* 600.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to Paperwork@cms.hhs.gov, or call the Reports Clearance Office on (410) 786-1326.

To be assured consideration, comments and recommendations for the proposed information collections must be received at the address below, no later than 5 p.m. on November 20, 2007. CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development—A, Attention: Melissa Musotto, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: September 13, 2007.

Michelle Shortt,

*Director, Regulations Development Group,
Office of Strategic Operations and Regulatory
Affairs.*

[FR Doc. E7-18494 Filed 9-20-07; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2005N-0353]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Pharmaceutical Development Study

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Pharmaceutical Development Study" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT:

Karen L. Nelson, Office of the Chief Information Officer (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4816.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 13, 2006 (71 FR 7556), 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 0910-0604. The approval expires on August 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: September 14, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7-18641 Filed 9-20-07; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N-0337]

Agency Information Collection Activities: Proposed Collection; Comment Request; Radioactive Drug Research Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection contained in regulations governing the use of radioactive drugs for basic informational research.

DATES: Submit written or electronic comments on the collection of information by November 20, 2007.

ADDRESSES: Submit electronic comments on the collection of information to: <http://www.fda.gov/dockets/ecomments> or <http://www.regulations.gov>. Submit written comments on the collection of information to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Karen L. Nelson Office of the Chief Information Officer (HFA-250), Food and Drug Administration, 5600 Fishers Lane, rm. 1061, Rockville, MD 20857, 301-827-4816.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44

U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Radioactive Drug Research Committees— 21 CFR 361.1 (OMB Control Number 0910-0053)

Under sections 201, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 355, and 371), FDA has the authority to issue regulations governing the use of radioactive drugs for basic scientific research. Section 361.1 (21 CFR 361.1) sets forth specific regulations regarding the establishment and composition of Radioactive Drug Research Committees and their role in approving and monitoring basic research studies utilizing radiopharmaceuticals. No basic research study involving any administration of a radioactive drug to research subjects is permitted without the authorization of an FDA approved Radioactive Drug Research Committee (§ 361.1(d)(7)). The type of research that may be undertaken with a radiopharmaceutical drug must be intended to obtain basic information and not to carry out a clinical trial for safety or efficacy. The types of basic research permitted are specified in the regulation, and include studies of metabolism, human physiology, pathophysiology, or biochemistry.

Section 361.1(c)(2) requires that each Radioactive Drug Research Committee shall select a chairman, who shall sign all applications, minutes, and reports of the committee. Each committee shall meet at least once each quarter in which research activity has been authorized or

conducted. Minutes shall be kept and shall include the numerical results of votes on protocols involving use in human subjects. Under § 361.1(c)(3), each Radioactive Drug Research Committee shall submit an annual report to FDA. The annual report shall include the names and qualifications of the members of, and of any consultants used by, the Radioactive Drug Research Committee, using FDA Form 2914, and a summary of each study conducted during the proceeding year, using FDA Form 2915.

Under § 361.1(d)(5), each investigator shall obtain the proper consent required under the regulations. Each female research subject of childbearing potential must state in writing that she is not pregnant, or on the basis of a pregnancy test be confirmed as not pregnant.

Under § 361.1(d)(8), the investigator shall immediately report to the Radioactive Drug Research Committee

all adverse effects associated with use of the drug, and the committee shall then report to FDA all adverse reactions probably attributed to the use of the radioactive drug.

Section 361.1(f) sets forth labeling requirements for radioactive drugs. These requirements are not in the reporting burden estimate because they are information supplied by the Federal Government to the recipient for the purposes of disclosure to the public (5 CFR 1320.3(c)(2)).

Types of research studies not permitted under this regulation are also specified, and include those intended for immediate therapeutic, diagnostic, or similar purposes or to determine the safety or effectiveness of the drug in humans for such purposes (i.e., to carry out a clinical trial for safety or efficacy). These studies require filing of an investigational new drug application (IND) under 21 CFR part 312, and the

associated information collections are covered in OMB control no. 0910-0014.

The primary purpose of this collection of information is to determine if the research studies are being conducted in accordance with required regulations and that human subject safety is assured. If these studies were not reviewed, human subjects could be subjected to inappropriate radiation or pharmacologic risks.

Respondents to this information collection are the chairperson(s) of each individual Radioactive Drug Research Committee, investigators, and participants in the studies.

The burden estimates are based on FDA's experience with these reporting and recordkeeping requirements over the past few years and the number of submissions received by FDA under the regulations.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN¹

21 CFR Section	Forms	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
361.1(c)(3) and (c)(4)	FDA 2914	80	1	80	1	80
361.1(c)(3)	FDA 2915	50	6.8	340	3.5	1,190
361.1(d)(8)		50	6.8	340	0.1	34
Total Reporting						1,304

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN¹

21 CFR Section	No. of Recordkeepers	Annual Frequency of Recordkeeping	Hours per Record	Total Hours
361.1(c)(2)	80	4	10	800
361.1(d)(5)	50	6.8	.75	38
Total Recordkeeping				838

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 14, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E7-18646 Filed 9-20-07; 8:45 am]

BILLING CODE 4160-01-S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N-0347]

Information Technology Strategic Planning; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; Request for comments.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting to solicit views and

information from interested persons on issues concerning how the agency can best plan and apply information technology (IT) resources to support the process for the review of human drug applications. In particular, FDA is seeking views and information from interested persons to identify and prioritize IT solutions that will support the process for the review of human drug applications. To help solicit such information and views, FDA is seeking responses to specific questions (see section IV of this document).

DATES: *Public Meeting:* The public meeting will be held on October 19,

2007, from 9 a.m. to 5 p.m. However, depending on the level of public participation, the meeting may be extended or may end early.

Registration and Participation:

Registration on the day of the public meeting will be provided on a space available basis beginning at 7:30 a.m. Because seating is limited, we recommend arriving early. See section I of the **SUPPLEMENTARY INFORMATION** section of this document for information on how to participate in the meeting. If you need special accommodations due to a disability, please contact Carolyn Yancey (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

Comments: Submit written or electronic notices of participation and comments by 2 weeks prior to the public meeting. The docket for this meeting will remain open to receive additional comments until 15 days after the meeting date.

ADDRESSES: The public meeting will be held at the Advisors and Consultants Staff Conference Room, FDA, 5630 Fishers Lane, Rockville, MD 20857. Additional information on parking and public transportation may be accessed at <http://www.fda.gov/oc/pdufa/default.htm>.

Submit written notices of participation and comments to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20857. Submit electronic notices of participation and comments to <http://www.accessdata.fda.gov/scripts/oc/dockets/comments/commentdocket.cfm>. Identify all submissions to the docket with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Carolyn Yancey, Office of Chief Information Officer (HFA-80), Food and Drug Administration, 5600 Fishers Lane, Rm. 16B-45, Rockville, MD 20857, 301-827-4302, carolyn.yancey@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

I. How to Participate in the Meeting

If you wish to make an oral presentation during the meeting, you must submit a written notice of participation with the Division of Dockets Management (see **ADDRESSES**) no later than 2 weeks prior to the public meeting (see **DATES**). To ensure timely handling, any outer envelope should be clearly marked with the docket number found in brackets in the heading of this document, along with the statement "Electronic Submission of Regulatory

Information, and Creating an Electronic Platform for Enhanced Information Management." In the written notice, submit presenter's name and title, address, telephone and fax number, e-mail address, affiliation (if any), the sponsor of the presentation (e.g., the organization paying travel expenses or fees) (if any), and a brief summary of the presentation (including the discussion topic(s) that will be addressed or other pertinent information related to the topic in your presentation). If there are multiple participants please include the names and addresses of all individuals that plan to participate, and the approximate time requested for your presentation. We encourage individuals and organizations with common interests to consolidate or coordinate their presentations to allow adequate time for each request for presentation. Participants should submit to the Division of Dockets Management two copies of each presentation. We will file the meeting schedule indicating the order of presentation and the time allotted to each person with the Division of Dockets Management (see **ADDRESSES**). We will also mail or telephone the schedule to each participant before the meeting. In anticipation of the meeting presentations moving ahead of schedule, participants are encouraged to arrive early to ensure their designated order of presentation. Participants who are not present when called risk forfeiting their scheduled time.

II. Background

Over the years, FDA has agreed to several IT-related performance commitments, starting with computer assisted reviews in the Prescription Drug User Fee Act (PDUFA) I, and continuing with the PDUFA III Electronic Applications and Submission Goals in which FDA committed to implementing the electronic Common Technical Document (eCTD) and a common solution for the secure exchange of content, including secure e-mail and electronic submissions. FDA met these commitments by implementing the Electronic Submissions Gateway at <http://www.fda.gov/esg/> and an electronic system for facilitating the receipt and review of submissions in the eCTD format (<http://www.fda.gov/cder/regulatory/ersr/ectd.htm>). In addition, FDA implemented the first phase of the electronic labeling rule in the Center for Drug Evaluation and Research at <http://www.fda.gov/oc/datacouncil/spl.html>.

Simultaneously, the Federal Government has also been pursuing healthcare electronic standards. In 2004,

the President issued Executive Order 13335 establishing the position of the National Coordinator for Health Information Technology within the Office of the Secretary of Health and Human Services (HHS). The primary purpose of this position is to aid the Secretary of HHS in achieving the President's goal for most Americans to have access to an interoperable electronic medical record by 2014. One of the key initiatives under the Office of the National Coordinator was the establishment of the Health Information Technology Standards Panel—a public-private partnership with broad participation across more than 300 health-related organizations—to identify and harmonize data and technical standards for healthcare. Adding to the complexity of the healthcare movement towards a standards-based approach is the impact this may have on the regulated entities, from the small startup companies and research organizations, to the large multinational companies who submit regulatory submissions globally and are requesting global coordination on healthcare standards.

During this timeframe FDA published IT plans to communicate FDA's overall direction and strategy in meeting IT-related performance goals and to describe our efforts in moving towards an electronic submission and review environment. In producing the previous IT plans FDA developed the plans internally and published the plans on the web—for example at <http://www.fda.gov/oc/pdufa/default.htm>. As FDA moves towards an automated standards-based electronic review environment, the agency is seeking public input on the type of information to be included in future IT plans that will provide our external stakeholders the information needed to be in alignment with the program direction and goals.

III. Purpose and Scope of the Meeting

The purpose of this public meeting is to provide stakeholders the opportunity to address specific topics (see section IV of this document) and present their views, recommendations, and any other pertinent information related to the scope of this public meeting. The scope of this public meeting includes the following areas:

1. The content of IT plans that is most useful to external stakeholders,
2. The data standards and guidance that best support available IT capabilities and any implementation considerations, and
3. How agency architecture and IT solutions can best be applied to support public health mission needs.

IV. Issues for Discussion

We are specifically interested in hearing comments regarding the following questions and any other pertinent information related to the feasibility of the electronic submission of premarket applications and other regulatory information related to the review of human drug applications including postmarket data sources:

1. What would help improve the quality of electronic submissions to the agency?
2. What would help increase the quantity of electronic submissions to the agency?
3. How would you prioritize these quality and quantity improvements?
4. What data standards are needed to implement these improvements?
5. How should FDA engage stakeholders while developing, testing, and implementing these solutions?
6. What topics are most useful to include in IT plans?
7. What lead time is needed for stakeholders to respond to and be in alignment with FDA initiatives?
8. How should FDA coordinate with stakeholders on the adoption and implementation of data standards?
9. What data standards areas provide the greatest challenge?
10. What approaches will facilitate the most effective and efficient adoption and implementation of data standards?
11. What key areas require new or expanded electronic submissions guidance?
12. What lessons learned and best practices should FDA consider as we transition from program-specific to enterprise IT solutions using a reusable and modular model?
13. What specific concerns (i.e., security, confidentiality, etc.) exist for a third party entity or entities providing services related to electronic submissions and review and how can they be addressed?

V. Notice of Public Meeting

The Commissioner of Food and Drugs is announcing that the public meeting will be conducted by FDA senior management. Persons who wish to participate in the meeting must file a written or electronic notice of participation with the Division of Dockets Management (see **ADDRESSES** and **DATES**). No participant may interrupt the presentation of another participant. Only the presiding officer and panel members may question any person during or at the conclusion of each presentation. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to

certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

VI. Request for Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic notices of participation and comments for consideration. To permit time for all interested persons to submit data, information, or views on this subject, the administrative record of the meeting will remain open until 2 weeks prior to the public meeting. Persons who wish to provide additional materials for consideration should file these materials with the Division of Dockets Management (see **ADDRESSES**). You should annotate and organize your comments to identify the specific questions to which they refer (see section IV of this document). Two paper copies of any mailed comments are to be submitted, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

VII. Transcripts

The meeting will be transcribed. Transcripts of the meeting will be available for review at the Division of Dockets Management (see **ADDRESSES**) and on the Internet at <http://www.fda.gov/ohrms/dockets> approximately 21 days after the meeting. You may place orders for copies of the transcript through the Freedom of Information Office (HFI-35), Food and Drug Administration, 5600 Fishers Lane, Rm. 6-30, Rockville, MD 20857, at a cost of 10 cents per page.

Dated: September 17, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. 07-4692 Filed 9-18-07; 12:12 pm]

BILLING CODE 4160-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; 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 meetings.

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 Center for Research Resources Special Emphasis Panel, Florida International University Site Visit.

Date: October 18-19, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Park Plaza Hotel, 415 North Monroe Street, Tallahassee, FL 32301.

Contact Person: Guo Zhang, PhD, MD, Scientific Review Administrator, National Center for Research Resources, or National Institutes of Health, 6701 Democracy Boulevard, 1 Democracy Plaza, Room 1064, MSC 4874, Bethesda, MD 20892-4874, 301-435-0812, zhanggu@mail.nih.gov.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Tulane NPRC.

Date: October 29-31, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham New Orleans, 100 Rue Iberville, New Orleans, LA 70130.

Contact Person: Carol Lambert, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6701 Democracy Blvd., 1 Dem. Plaza, Room 1076, Bethesda, MD 20892, 301-435-0814, lambert@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research; 93.371, Biomedical Technology; 93.389, Research Infrastructure; 93.306, 93.333, National Institutes of Health, HHS)

Dated: September 14, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07-4669 Filed 9-20-07; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of 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 meetings.

The meetings 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.

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 of Diabetes and Digestive and Kidney Diseases Initial Review Group, Digestive Diseases and Nutrition C Subcommittee.

Date: October 10–11, 2007.

Open: October 10, 2007, 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policy.

Place: Courtyard by Marriott Crystal City, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Closed: October 10, 2007, 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Crystal City, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Closed: October 11, 2007, 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Crystal City, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Dan E. Matsumoto, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 749, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, matsumotod@extra.niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group, Diabetes, Endocrinology and Metabolic Diseases B Subcommittee.

Date: October 10–12, 2007.

Open: October 10, 2007, 4 p.m. to 5 p.m.

Agenda: To review procedures and discuss policy.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Closed: October 10, 2007, 5 p.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Closed: October 11, 2007, 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Closed: October 12, 2007, 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: John F. Connaughton, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 916, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7797, connaughtonj@extra.niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group, Kidney, Urologic and Hematologic Diseases D Subcommittee.

Date: October 24–25, 2007.

Open: October 24, 2007, 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policy.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Hwy, Arlington, VA 22202.

Closed: October 24, 2007, 8:30 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Hwy, Arlington, VA 22202.

Closed: October 25, 2007, 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Hwy, Arlington, VA 22202.

Contact Person: Barbara A. Woynarowska, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20982–5452, (301) 402–7172, woynarowskab@niddk.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–4668 Filed 9–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed 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 the following meeting.

The meeting 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 of Child Health and Human Development Initial Review Group, Reproduction, Andrology, and Gynecology Subcommittee.

Date: October 18, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Dennis Leszczynski, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–2717, leszczynski@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–4670 Filed 9–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed 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 the following meeting.

The meeting 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 of Child Health and Human Development Initial Review Group, Pediatrics Subcommittee.

Date: October 18–19, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn Rockville, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 9000 Rockville Pike, MSC 7510, 6100 Building, Room 5B01, Bethesda, MD 20892, (301) 496–1487, anandr@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–4671 Filed 9–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute On Deafness And Other Communication Disorders; 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 Board of Scientific Counselors, NIDCD.

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.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute On Deafness And Other Communication Disorders, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would

constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIDCD.

Date: October 19, 2007.

Open: 7:30 a.m. to 8 a.m.

Agenda: Other.

Place: National Institutes of Health, 5 Research Court, 1A07, Rockville, MD 20852.

Closed: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 5 Research Court, 1A07, Rockville, MD 20852.

Contact Person: Robert J. Wenthold, PhD, Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 5 Research Court, Room 2B28, Rockville, MD 20852, 301–402–2829.

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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–4674 Filed 9–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed 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 the following meeting.

The meeting 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, Newborn Screening: Translational Research Network Coordinating Review.

Date: October 10, 2007.

Time: 11:55 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, 5B01, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 435–6902, khanh@mail.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: September 14, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–4675 Filed 9–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed 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 the following meeting.

The meeting 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 of Nursing Research Initial Review Group.

Date: October 18–19, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Katrin Eichelberg, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 496-0818, keichelberg@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07-4676 Filed 9-20-07; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed 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 the following meeting.

The meeting 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 of Nursing Research Special Emphasis Panel, NINR Institutional Training Grant (T32) Applications.

Date: October 17, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Katrin Eichelberg, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID/NIH, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, (301) 496-0818, keichelberg@niaid.nih.gov.

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.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07-4677 Filed 9-20-07; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; 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 meetings

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 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 of Mental Health Special Emphasis Panel, NRSA Institutional Research Training Grants (T32)—Neuroscience.

Date: October 24, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Allan F. Mirsky, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Rm. 6157, MSC 9609, Bethesda, MD 20892-9609, 301-496-2551, afmirsky@mail.nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, NRSA Institutional Research Training Grants (T32).

Date: November 9, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Aileen Schulte, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608,

Bethesda, MD 20892-9608, 301-443-1225, aschulte@mail.nih.gov.

Name of Committee: National Institute of Mental Health Special Emphasis Panel Schizophrenia.

Date: November 14, 2007.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: David I. Sommers, PhD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892-9606, 301-443-7861, dsommers@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07-4679 Filed 9-20-07; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Integrative Nutrition and Metabolic Processes Study Section, October 4, 2007, 8:30 a.m. to October 5, 2007, 2 p.m., Oakland Marriott City Center, 1001 Broadway, Oakland, CA 94607 which was published in the **Federal Register** on September 10, 2007, 72 FR 51649-51652.

The meeting will be held October 4, 2007, 7:30 a.m. to October 5, 2007, 12 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07-4672 Filed 9-20-07; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; Notice of 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 meetings.

The meeting 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: Musculoskeletal, Oral and Skin Sciences Integrated Review Group, Musculoskeletal Rehabilitation Sciences Study Section.

Date: October 3–5, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Old Town Alexandria, 1767 King Street, Alexandria, VA 22314.

Contact Person: Jo Pelham, BA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435-1786, pelham@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Dental and Enamel: Developmental Biology.

Date: October 4–6, 2007.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Tamizchelvi Thyagarajan, PhD, Scientific Review Administrator Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016K, MSC 7814, Bethesda, MD 20892, 301-451-1327, tthyagar@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Clinical Special Emphasis Panel in Digestive Sciences.

Date: October 4, 2007.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Najma Begum, PhD, Scientific Review Administrator Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2175, MSC 7818, Bethesda, MD 20892, 301-451-1243, begumn@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Pathogenic Eukaryotes Study Section.

Date: October 11–12, 2007.

Time: 7 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Jean Hickman, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3194, MSC 7808, Bethesda, MD 20892, (301) 435-1146, hickmanj@csr.nih.gov.

Name of Committee: Biology of Development and Aging Integrated Review Group, Development—1 Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street, NW., Washington, DC 20007.

Contact Person: Cathy Wedeen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3213, MSC 7808, Bethesda, MD 20892, 301-435-1191, wedeenc@csr.nih.gov.

Name of Committee: Hematology Integrated Review Group, Erythrocyte and Leukocyte Biology Study Section.

Date: October 11, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Delia Tang, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, 301-435-2506, tangd@csr.nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Neurotoxicology and Alcohol Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington Embassy Row, 2015 Massachusetts Avenue, NW., Washington, DC 20036.

Contact Person: Joseph G. Rudolph, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7844, Bethesda, MD 20892, 301-435-2212, josephru@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Clinical Neuroimmunology and Brain Tumors Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance M Street Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Jay Joshi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7846, Bethesda, MD 20892, (301) 435-1184, joshij@csr.nih.gov.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Hypertension and Microcirculation Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 5 a.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Ai-Ping Zou, PhD, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118, MSC 7814, Bethesda, MD 20892, 301-435-1777, zouai@csr.nih.gov.

Name of Committee: Health of the Population Integrated Review Group, Nursing Science: Adults and Older Adults Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza, 1960 Chain Bridge Road, McLean, VA 22102.

Contact Person: Gertrude K. McFarland, FAAN, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3156, MSC 7770, Bethesda, MD 20892, (301) 435-1784, mcfarlag@csr.nih.gov.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Cardiovascular Differentiation and Development Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Lombardy, 2019 Pennsylvania Avenue, NW., Washington, DC 20006.

Contact Person: Maqsood A. Wani, PhD, DVM, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7814, Bethesda, MD 20892, 301-435-2270, wanimags@csr.nih.gov.

Name of Committee: Renal and Urological Studies Integrated Review Group, Pathobiology of Kidney Disease Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Rouge, 1315 16th Street, NW., Washington, DC 20036.

Contact Person: Krystyna E. Rys-Sikora, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4016J, MSC 7814, Bethesda, MD 20892, 301-451-1325, ryssokok@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Cell Death in Neurodegeneration.

Date: October 11–12, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Washington DC, Downtown, 1201 K Street, NW., Washington, DC 20005.

Contact Person: Jerry L. Taylor, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7846, Bethesda, MD 20892, 301-435-1175, taylorje@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, HAI Overflow Application Review.

Date: October 11–12, 2007.

Time: 8 a.m. to 7 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Jin Huang, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4095G, MSC 7812, Bethesda, MD 20892, 301-435-1187, jh377p@nih.gov.

Name of Committee: Cell Biology Integrated Review Group, Cellular Signaling and Regulatory Systems Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Quincy Hotel, 1823 L Street, NW., Washington, DC 20036.

Contact Person: Elena Smirnova, PhD, Scientific Review Administrator, 6701 Rockledge Drive, MSA 7840, Room 5187, Bethesda, MD 20892, 301-435-1236, smirnov@csr.nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Cellular, Molecular and Integrative Reproduction Study Section.

Date: October 11, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Stuart B. Moss, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301-435-1044, mossstua@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group, Cell Structure and Function Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Alexandra M. Ainsztein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7840, Bethesda, MD 20892, 301-451-3848, ainsztea@csr.nih.gov.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Synapses, Cytoskeleton and Trafficking Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington, DC., 1400 M Street, NW., Washington, DC 20005.

Contact Person: Jonathan K. Ivins, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040A, MSC 7806, Bethesda, MD 20892 (301) 594-1245, ivinsj@csr.nih.gov.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Vector Biology Study Section.

Date: October 11, 2007.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street, NW., Washington, DC 20007.

Contact Person: John C. Pugh, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1206, MSC 7808, Bethesda, MD 20892, (301) 435-2398, pughjohn@csr.nih.gov.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Clinical and Integrative Cardiovascular Sciences Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Russell T. Dowell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4128, MSC 7814, Bethesda, MD 20892, (301) 435-1850, dowellr@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Neural Basis of Psychopathology, Addictions and Sleep Disorders Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Hotel, 1250 22nd Street, NW., Washington, DC 20037.

Contact Person: Julius Cinque, MS, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435-1252, cinquej@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Cell Death in Neurodegeneration Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Washington, DC., Downtown, Washington, DC 20005.

Contact Person: Rene Etcheberrigaray, MD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1596, MSC 7846, Bethesda, MD 20892, (301) 435-1246, etcheber@csr.nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Biobehavioral Mechanisms of Emotion, Stress and Health Study Section.

Date: October 11, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Maribeth Champoux, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7759, Bethesda, MD 20892, 301-594-3163, champoux@csr.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Macromolecular Structure and Function B Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

Contact Person: Nancy Lamontagne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, 301-435-1726, lamontan@csr.nih.gov.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group, Clinical Neuroplasticity and Neurotransmitters Study Section.

Date: October 11–12, 2007.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Suzan Nadi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5217B, MSC 7846, Bethesda, MD 20892, 301-435-1259, nadis@csr.nih.gov.

Name of Committee: Health of the Population Integrated Review Group, Social Sciences and Population Studies Study Section.

Date: October 11, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

Contact Person: Bob Weller, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160,

MSC 7770, Bethesda, MD 20892, 301-435-0694, wellerr@csr.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Synthetic and Biological Chemistry B Study Section.

Date: October 11-12, 2007.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Mike Radtke, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301-435-1728, rادتke@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Research on Ethical Issues in Human Studies SEP.

Date: October 11, 2007.

Time: 8:30 a.m. to 3 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: Karin F. Helmers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, (301) 435-1017, helmersk@csr.nih.gov.

Name of Committee: Immunology Integrated Review Group, Cellular and Molecular Immunology—B Study Section.

Date: October 11-12, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: to review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435-1223, haydenb@csr.nih.gov.

Name of Committee: Musculoskeletal, Oral And Skin Sciences Integrated Review Group, Skeletal Muscle and Exercise Physiology Study Section.

Date: October 11-12, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: to review and evaluate grant applications.

Place: The William F. Bolger Center, Main, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Richard J. Bartlett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, (301) 435-6809, bartletr@csr.nih.gov.

Name of Committee: Health of the Population Integrated Review Group, Infectious Diseases, Reproductive Health, Asthma and Pulmonary Conditions Study Section.

Date: October 11-12, 2007.

Time: 8:30 a.m. to 4 p.m.

Agenda: to review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Sandra Melnick Seitz, DRPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 31566, MSC 7770, Bethesda, MD 20892, (301) 435-1251, melnicks@csr.nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group, Instrumentation and Systems Development Study Section.

Date: October 11-12, 2007.

Time: 8:30 a.m. to 6:30 p.m.

Agenda: to review and evaluate grant applications.

Place: Savoy Suites Hotel, 2505 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Ping Fan, MD, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7840, Bethesda, MD 20892, 301-435-1740, fanp@csr.nih.gov.

Name of Committee: Immunology Integrated Review Group, Cellular and Molecular Immunology—A Study Section.

Date: October 11-12, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Samuel C. Edwards, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892, 301-435-1152, edwardss@csr.nih.gov.

Name of Committee: Health of the Population Integrated Review Group, Cardiovascular and Sleep Epidemiology Study Section.

Date: October 11-12, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: J. Scott Osborne, PhD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, 301-435-1782, osbornes@csr.nih.gov.

Name of Committee: Health of the Population Integrated Review Group, Community-Level Health Promotion Study Section.

Date: October 11-12, 2007.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Helix, 1430 Rhode Island Avenue, NW., Washington, DC 20005.

Contact Person: William N. Elwood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3162, MSC 7770, Bethesda, MD 20892, 301/435-1503, elwoodwi@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Hypersensitivity, Autoimmune, and Immune-mediated Diseases: Member Conflicts and Overflow.

Date: October 11-12, 2007.

Time: 10 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4212, MSC 7812, Bethesda, MD 20892, 301-435-1222, nigidas@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Innovative Ultrasound and Imaging.

Date: October 11, 2007.

Time: 1 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Virtual Meeting)

Contact Person: Antonio Sastre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5215, MSC 7412, Bethesda, MD 20892, 301-435-2592, sastrea@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: CNS Injury.

Date: October 11, 2007.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892. (Telephone Conference Call)

Contact Person: Alexander Yakovlev, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301-435-1254, yakovleva@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Applications in Mechanisms of Emotion, Stress and Health.

Date: October 11, 2007.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Road, Potomac, MD 20854.

Contact Person: Jane A. Doussard-Roosevelt, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435-4445, doussarj@csr.nih.gov.

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Language and Communication Study Section.

Date: October 11-12, 2007.

Time: 6 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.

Contact Person: Weijia Ni, PhD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435-1507, niw@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.999, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–4673 Filed 9–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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 meetings.

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: Oncological Sciences Integrated Review Group, Clinical Oncology Study Section.

Date: October 1–2, 2007.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Affinia Chicago Hotel, 166 East Superior Street, Chicago, IL 60611.

Contact Person: John L. Meyer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6198, MSC 7804, Bethesda, MD 20892, (301) 435–1213, meyerjl@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Prokaryotic Biology.

Date: October 2, 2007.

Time: 11 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rolf Menzel, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Room 3196, MSC 7808, Bethesda, MD 20892, 301–435–0952, menzelro@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Nanotechnology.

Date: October 4–5, 2007.

Time: 8 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Joseph D. Mosca, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 435–2344, moscajos@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Drug Discovery.

Date: October 9, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street, NW., Washington, DC 20007.

Contact Person: Mary Custer, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4148, MSC 7850, Bethesda, MD 20892–7850, (301) 435–1164, custerm@csr.nih.gov.

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group, Macromolecular Structure and Function D Study Section.

Date: October 10, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Churchill Hotel, 1914 Connecticut Avenue, NW., Washington, DC 20009.

Contact Person: James W. Mack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435–2037, mackj2@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Molecular and Integrative Signal Transduction.

Date: October 10, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, One Washington Circle, Washington, DC 20037.

Contact Person: Raya Mandler, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5127, MSC 7840, Bethesda, MD 20892, (301) 402–8228, rayam@csr.nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group, Pregnancy and Neonatology Study Section.

Date: October 10, 2007.

Time: 8 a.m. to 6:30 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: Michael Knecht, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6176, MSC 7892, Bethesda, MD 20892, (301) 435–1046, knechtm@csr.nih.gov.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Cardiac Contractility, Hypertrophy, and Failure Study Section.

Date: October 10–11, 2007.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Jurys Washington Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.

Contact Person: Olga A. Tjurmina, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4030B, MSC 7814, Bethesda, MD 20892, (301) 451–1375, ot3d@nih.gov.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group, Neurodifferentiation, Plasticity, and Regeneration Study Section.

Date: October 10–11, 2007.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Washington, Pennsylvania Ave. at 15th Street, NW., Washington, DC 20004.

Contact Person: Joanne T. Fujii, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7850, Bethesda, MD 20892, (301) 435–1178, fujij@csr.nih.gov.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Prokaryotic Cell and Molecular Biology Study Section.

Date: October 10–11, 2007.

Time: 8:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Carlyle Suites, 1731 New Hampshire Avenue, NW., Washington, DC 20009.

Contact Person: Diane L. Stassi, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, (301) 435–2514, stassid@csr.nih.gov.

Name of Committee: Cell Biology Integrated Review Group, Nuclear Dynamics and Transport.

Date: October 10, 2007.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: George Washington University Inn, 824 New Hampshire Avenue, NW., Washington, DC 20037.

Contact Person: Alessandra M. Bini, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, (301) 435–1024, binia@csr.nih.gov.

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group, Gene and Drug Delivery Systems Study Section.

Date: October 10–11, 2007.

Time: 8:40 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: Steven J. Zullo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7849, Bethesda, MD 20892, (301) 435–2810, zullost@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Collaborative Applications in Child Psychopathology.

Date: October 10, 2007.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Jane A. Doussard-Roosevelt, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892, (301) 435–4445, doussarj@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, BTSS Member Conflict.

Date: October 10, 2007.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Khalid Masood, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, 301–435–2392, masoodk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Skeletal Muscle Small Business Review.

Date: October 10, 2007.

Time: 7 p.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac 20854.

Contact Person: Richard J. Bartlett, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4110, MSC 7814, Bethesda, MD 20892, 301–435–6809, bartletr@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 13, 2007.

Jennifer Spaeth,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 07–4678 Filed 9–20–07; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, 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 a proposed revised information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the long-term evaluation

form used to evaluate all National Fire Academy (NFA) resident training.

SUPPLEMENTARY INFORMATION: The NFA is mandated under the Fire Prevention and Control Act of 1974 (Pub. L. 93–498) to provide training and education to the Nation's fire service and emergency service personnel. The state-of-the-art programs offered by the NFA serve as models of excellence and state and local fire service agencies rely heavily on the curriculum to train their personnel. To maintain the quality of these training programs, it is critical that courses be evaluated after students have had the opportunity to apply the knowledge and skills gained from their training.

Collection of Information

Title: National Fire Academy Long-term Evaluation Form for Supervisors and National Fire Academy Long-term Evaluation Form for Students.

Type of Information Collection: Revision of currently approved collection.

OMB Number: 1660–0039.

Form Numbers: FF–95–58 and FF 95–59.

Abstract: The National Fire Academy Long-term Evaluation Form will be used to evaluate all National Fire Academy (NFA) on-campus resident training courses. Course graduates and their supervisors will be asked to evaluate the impact of the training on both individual job performance and the fire and emergency response department/community where the student works. The data provided by students and supervisors is used to update existing NFA course materials and to develop new courses that reflect the emerging issues/needs of the Nation's fire service.

Affected Public: Individuals.

Estimated Total Annual Time Burden: 2,500 hours.

ANNUAL TIME BURDEN

Project/aActivity (Survey, form(s), focus group, worksheet, etc.)	No. of respondents	Frequency of responses	Time burden per respondent (hours)	Annual responses	Total annual time burden (hours)
	(A)	(B)	(C)	(D) = (A×B)	(E) = (C×D)
FF 95–59 (Student/Trainee)	5,000	1	.33	5,000	1,650
FF 95–58 (Supervisors of Student/Trainee)	5,000	1	.17	5,000	850
Total	10,000	1	10,000	2,500	

Estimated Cost: There is no start-up, maintenance or operational cost to respondents. The annualized cost to respondents for the hour burden is \$58,374.

Comments: Written comments are solicited to (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall

have practical utility; (b) 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;

(c) enhance the quality, utility, and clarity of the information to be collected; and (d) 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. Comments must be submitted on or before November 20, 2007.

ADDRESSES: Interested persons should submit written comments to Director, Office of Records Management, FEMA, 500 C Street, SW., Room 609, Washington, DC 20472, facsimile number (202) 646-3347, or e-mail address FEMA-Information-Collections@dhs.gov.

FOR FURTHER INFORMATION CONTACT: Contact Terry Gladhill, Program Analyst for additional information. You may contact the Records Management Branch for copies of the proposed collection of information at facsimile number (202) 646-3347 or e-mail address: FEMA-Information-Collections@dhs.gov.

Dated: September 14, 2007.

John A. Sharetts-Sullivan,

Director, Office of Records Management, Office of Management Directorate, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. E7-18623 Filed 9-20-07; 8:45 am]

BILLING CODE 9110-17-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA-1726-DR]

North Dakota; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Dakota (FEMA-1726-DR), dated September 7, 2007, and related determinations.

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

FOR FURTHER INFORMATION CONTACT: Peggy Miller, Disaster Assistance Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the

State of North Dakota is hereby amended to include the Individual Assistance program for the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 7, 2007.

Grand Forks County for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund Program; 97.032, Crisis Counseling; 97.033, Disaster Legal Services Program; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance; 97.048, Individuals and Households Housing; 97.049, Individuals and Households Disaster Housing Operations; 97.050, Individuals and Households Program—Other Needs; 97.036, Public Assistance Grants; 97.039, Hazard Mitigation Grant Program.)

R. David Paulison,

Administrator, Federal Emergency Management Agency.

[FR Doc. E7-18624 Filed 9-20-07; 8:45 am]

BILLING CODE 9110-10-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5125-N-38]

Federal Property Suitable as Facilities To Assist the Homeless

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

ACTION: Notice.

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

DATES: *Effective Date:* September 21, 2007.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, Room 7262, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD publishes a Notice, on a weekly basis,

identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: September 13, 2007.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.
[FR Doc. 07-4618 Filed 9-20-07; 8:45 am]

BILLING CODE 4210-67-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Missisquoi National Wildlife Refuge, Swanton, Franklin County, VT

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability: final comprehensive conservation plan and finding of no significant impact.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of the final Comprehensive Conservation Plan (CCP) and Finding of No Significant Impact for Missisquoi National Wildlife Refuge (NWR). Prepared in conformance with the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), the plan describes how we intend to manage the refuge over the next 15 years.

ADDRESSES: You may obtain copies of this CCP on compact disk or in print by writing to Missisquoi NWR, 29 Tabor Road, Swanton, Vermont, 05488, telephone 802-868-4781. You may also access and download a copy from the Web sites <http://library.fws.gov/ccps.htm> or <http://missisquoi refuge.fws.gov>.

FOR FURTHER INFORMATION CONTACT: Mark Sweeny, Refuge Manager, Missisquoi NWR, at 802-868-4781, or by electronic mail at Mark_Sweeny@fws.gov.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd *et seq.*), requires CCPs for all refuges to provide refuge managers with 15-year strategies for achieving refuge purposes and furthering the mission of the

National Wildlife Refuge System (NWRS). Developing CCPs is done according to the sound principles of fish and wildlife science and laws, while adhering to Service planning and related policies. In addition to outlining broad management direction on conserving refuge wildlife and habitat, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update this CCP at least once every 15 years.

Missisquoi NWR spans over 6,592 acres, lies on the eastern shore of Lake Champlain near the Canadian border in Franklin County, Vermont, and includes most of the Missisquoi River Delta, the largest wetland complex in the Lake Champlain Basin. As it flows through the refuge, the Missisquoi River is bordered by the largest and perhaps highest quality silver maple floodplain forest remaining in the State. The river meanders through extensive natural and managed emergent marshes of wild rice, buttonbush, and tussock sedge that host thousands of waterfowl during migration. That part of the river harbors rare freshwater mussels, spiny soft-shell turtles, and fish. Refuge lands protect the Shad Island great blue heron rookery, the largest colony in Vermont, and the entire nesting population of black terns in the State. The Service acquired most of the refuge under authority of the Migratory Bird Conservation Act of 1929 (16 U.S.C. 715–715r) for “use as an inviolate sanctuary, or for any other management purposes, for migratory birds” and the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(a)(1)) for the development, advancement, management, conservation, and protection of fish and wildlife resources.

We distributed a draft CCP/Environmental Assessment (EA) for public review and comment for 38 days between March 22 and April 30, 2007. Its distribution was announced in the **Federal Register** on March 16, 2007 (Volume 72, Number 51, Pages 12632–12633). That draft analyzed two alternatives for managing the refuge. We also held one public meeting on March 31, 2007, to obtain public comments. We received 105 comments from local towns, conservation and recreational organizations, and local residents. Appendix L of the final CCP includes a summary of those comments and our responses to them.

We selected Alternative B (the Service-proposed action) from the draft CCP/EA as the alternative for

implementation. Our final CCP fully describes its details. Staff from Missisquoi NWR headquarters office in Swanton, Vermont, will continue to administer the refuge. Highlights of the final CCP include:

(1) Greater inventory, monitoring, and management of the Missisquoi River Delta wetlands (floodplain forest, lakeshore and river shore wetlands, impoundments, rivers and creeks, bays, bogs, swamps, vernal pools, and scrub-shrub habitat) to maintain their ecological integrity for the rich diversity of plants and animals on the refuge.

(2) Better management of high-quality grasslands, shrublands, and other early successional habitats for a range of wildlife species of conservation concern.

(3) Enhanced programs of outreach and environmental education and interpretation to raise public awareness and involvement in the protection and stewardship of refuge wildlife and habitats.

(4) Enhanced wildlife-dependent recreational opportunities (wildlife observation and photography, hunting, and fishing) that provide quality experiences for refuge visitors and protect wildlife and their habitats.

(5) Greater inventory, protection, and interpretation of the rich cultural history of the Missisquoi River delta and enhanced partnerships with the local Abenaki Tribe and other interested communities.

(6) Cooperative partnerships within the northern Lake Champlain Basin, including the Missisquoi River watershed, working toward better water quality, improved land stewardship, and greater protection of fish and wildlife resources.

(7) A Geographical Information System (GIS) that contains current data on refuge biological resources that will more effectively and efficiently guide habitat and species management.

(8) An inventory of aquatic and upland invasive species that track annual distribution and control methods, and management results of these nuisance species on the refuge and in Missisquoi Bay.

(9) In partnership with others, the protection of additional lands and waters, particularly intact, fully functioning wetlands and associated riparian areas and lands that maintain and expand the protection of large, unfragmented blocks of upland habitat for area-sensitive wildlife species.

(10) In lieu of a fee, visitors will be encouraged to make voluntary contributions at collection boxes at the trailheads and boat launch sites. We will work with the Friends of

Missisquoi NWR to develop a voluntary annual refuge pass to raise additional funds for trail maintenance, informational kiosks, educational programs, and other actions to benefit all visitors to the refuge.

(11) A critical new law enforcement position to enhance staff and visitor safety, ensure compliance with regulations, and maintain communications with Homeland Security, given the refuge's proximity to the International border and active recreational community in the Missisquoi Bay and river.

(12) Other new critical positions, including a park ranger, maintenance worker, and biological technician, to maximize the use and effectiveness of the new visitor center and associated interpretive trails, ensure safe, quality refuge experiences through well-maintained facilities, ensure our use of the best available science in conserving and managing the fish and wildlife resources and their habitats, and ensure that public uses are compatible with the “wildlife first” mission of the NWRS.

Dated: September 14, 2007.

Thomas J. Healy,

Acting Regional Director, U.S. Fish and Wildlife Service, Hadley, Massachusetts.

[FR Doc. E7–18542 Filed 9–20–07; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; 5-Year Review of 16 Southeastern Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is initiating 5-year reviews of the Carolina northern flying squirrel (*Glaucomys sabrinus coloratus*), Cahow (*Pterodroma cahow*), boulder darter (*Etheostoma wapiti*), relict darter (*Etheostoma chienense*), Cumberland pigtoe (*Pleurobema gibberum*), rough pigtoe (*Pleurobema plenum*), orangefoot pimpleback (pearlymussel) (*Plethobasus cooperianus*), tan riffleshell (*Epioblasma florentina walkeri*), white wartyback (pearlymussel) (*Plethobasus cicatricosus*), noonday snail (*Mesodon clarki nantahala*), Nashville crayfish (*Orconectes shoupi*), Kentucky cave shrimp (*Palaemonias ganteri*), Cumberland sandwort (*Arenaria cumberlandensis*), Tennessee purple coneflower (*Echinacea tennesseensis*), large-flowered skullcap (*Scutellaria*

montana), and rock gnome lichen (*Gymnoderma lineare*) under section 4(c)(2) of the Endangered Species Act of 1973, as amended (Act). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants (50 CFR 17.11 and 17.12) is accurate. A 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

DATES: To allow us adequate time to conduct this review, information submitted for our consideration must be received on or before November 20, 2007. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Information submitted on the Carolina northern flying squirrel, tan riffleshell, noonday snail, and rock gnome lichen should be sent to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801, fax 828/258-5330. Information on the boulder darter, Cumberland pigtoe, orangefoot pimpleback, white wartyback, Nashville crayfish, Cumberland sandwort, Tennessee purple coneflower, and large-flowered skullcap should be sent to the Field Supervisor, Cookeville Field Office, U.S. Fish and Wildlife Service, 446 Neal Street, Cookeville, Tennessee 38501, fax 931/528-7075. Information on the relict darter, rough pigtoe, and Kentucky cave shrimp should be sent to the Field Supervisor, Frankfort Field Office, U.S. Fish and Wildlife Service, 330 West Broadway, Frankfort, Kentucky 40601, fax 502/695-1024. Information on the cahow should be sent to the Field Supervisor, Raleigh Field Office, U.S. Fish and Wildlife Service, P.O. Box 33726, Raleigh, North Carolina 27636, fax 919/856-4556. Information received in response to this notice of review will be available for public inspection by appointment, during normal business hours, at the same addresses.

FOR FURTHER INFORMATION CONTACT: For information on the Carolina northern flying squirrel, contact Robert Currie at the Asheville Field Office address above (phone 828/258-3939 ext. 224, e-mail Robert_Currie@fws.gov). For information on the tan riffleshell, contact Robert (Bob) Butler at the Asheville Field Office address above (phone 828/258-3939 ext. 235, e-mail Bob_Butler@fws.gov). For information on the noonday snail, contact John Fridell at the Asheville Field Office address above (phone 828/258-3939 ext.

225, e-mail John_Fridell@fws.gov). For information on the rock gnome lichen, contact Carolyn Wells at the Asheville Field Office address above (phone 828/258-3939 ext. 231, e-mail Carolyn_Wells@fws.gov). For information on the boulder darter, Cumberland pigtoe, orangefoot pimpleback, or white wartyback, contact James (Jim) Widlak at the Cookeville Field Office address above (phone 931/528-6481 ext. 202, e-mail James_Widlak@fws.gov). For information on the Nashville crayfish, Cumberland sandwort, Tennessee purple coneflower, or large-flowered skullcap, contact Geoff Call at the Cookeville Field Office address above (phone 931/528-6481 ext. 214, e-mail Geoff_Call@fws.gov). For information on the relict darter or Kentucky cave shrimp, contact Mike Floyd at the Frankfort Field Office address above (phone 502/695-0468 ext. 102, e-mail Mike_Floyd@fws.gov). For information on the rough pigtoe, contact Leroy Koch at the Frankfort Field Office address above (phone 502/695-0468 ext. 106, e-mail Leroy_Koch@fws.gov). For information on the cahow, contact David Rabon at the Raleigh Field Office address above (phone 919/856-4520 ext. 16, e-mail David_Rabon@fws.gov).

SUPPLEMENTARY INFORMATION: Under the Act (16 U.S.C. 1533 *et seq.*), the Service maintains a list of endangered and threatened wildlife and plant species at 50 CFR 17.11 (for animals) and 17.12 (for plants) (collectively referred to as the List). Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every 5 years. Then, on the basis of such reviews, under section 4(c)(2)(B), we determine whether or not any species should be removed from the List (delisted), or reclassified from endangered to threatened or from threatened to endangered. Delisting a species must be supported by the best scientific and commercial data available and only considered if such data substantiate that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process. Amendments to the List through final rules are published in the **Federal Register**.

The regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those

species currently under active review. This notice announces our active review of the following species listed as endangered: Carolina northern flying squirrel (mammal), Cahow (bird), boulder darter (fish), relict darter (fish), Cumberland pigtoe (mussel), rough pigtoe (mussel), orangefoot pimpleback (mussel), tan riffleshell (mussel), white wartyback (mussel), Nashville crayfish (crayfish), Kentucky cave shrimp (shrimp), Cumberland sandwort (plant), Tennessee purple coneflower (plant), and rock gnome lichen (lichen). This notice also covers two species that are listed as threatened: noonday snail (snail) and large-flowered skullcap (plant). The List is also available on our Internet site at <http://endangered.fws.gov/wildlife.html#Species>.

What information is considered in the review?

A 5-year review considers all new information available at the time of the review. A 5-year review will consider the best scientific and commercial data that have become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented to benefit the species;

D. Threat status and trends (see five factors under heading "How do we determine whether a species is endangered or threatened?"); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Specific information Requested for the Boulder Darter, Cumberland Pigtoe, Orangefoot Pimpleback, White Wartyback, and Rock Gnome Lichen

We are especially interested in obtaining information about the present condition of the species' habitats, recovery of degraded habitats, threats to extant populations, discovery of new populations, or rediscovery of populations thought to be extirpated. We are also interested in information about ongoing or successfully completed recovery activities. We specifically request information regarding the current distribution of the

species throughout their ranges and the status of extant populations.

Definitions Related to This Notice

The following definitions are provided to assist those persons who contemplate submitting information regarding the species being reviewed:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

How do we determine whether a species is endangered or threatened?

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the following five factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Over-utilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

Section 4(a)(1) of the Act requires that our determination be made on the basis of the best scientific and commercial data available.

What could happen as a result of this review?

If we find that there is new information concerning any of these 16 species indicating that a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened (downlist); (b) reclassify the species from threatened to endangered (uplist); or (c) delist the species. If we determine that a change in classification is not warranted, then these species will remain on the List under their current status.

Public Solicitation of New Information

We request any new information concerning the status of any of these 16 species. See "What information is considered in the review?" heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references,

methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their names and home addresses, etc., but if you wish us to withhold this information, you must state this prominently at the beginning of your comments. In addition, you must present rationale for withholding this information. This rationale must demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In absence of exceptional, undocumented circumstances, this information will be released. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Authority: This document is published under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: July 23, 2007.

Cynthia K. Dohner,

Acting Regional Director, Southeast Region.

[FR Doc. E7-18558 Filed 9-20-07; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Reviews of 2 Species: Chihuahua Chub (*Gila nigrescens*) and Navasota Ladies'-Tresses (*Spiranthes parksii*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) initiate 5-year reviews of Chihuahua chub (*Gila nigrescens*) and Navasota ladies'-tresses (*Spiranthes parksii*) under the Endangered Species Act of 1973, as amended (Act). The purpose of reviews conducted under section 4(c)(2)(A) of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants is accurate.

The 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

Therefore, we are requesting submission of any new information (best scientific and commercial data) on Chihuahua chub and Navasota ladies'-tresses since their original listings as threatened in 1983 (48 FR 46053; October 11, 1983) and endangered in 1982 (47 FR 19539; May 6, 1982), respectively. If the present classification of either of these species is not consistent with the best scientific and commercial information available, we may recommend a change in Federal classification. A change would require a separate final rulemaking process.

DATES: To allow adequate time to conduct this review, we must receive any information submitted for our consideration on or before December 20, 2007. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Mail or hand deliver information on these species to us at the following addresses. Information we receive will be available for public inspection by appointment, during normal business hours, at the same addresses.

Navasota ladies'-tresses: Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, TX 78758. The office phone number is 512-490-0057. Alternatively, you may send information via e-mail to chris_best@fws.gov.

Chihuahua chub: Field Supervisor, Attention 5-year Review, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna Road, NE., Albuquerque, NM 87113. The office phone number is 505-346-2525. Alternatively, you may send information via e-mail to marilyn_myers@fws.gov.

FOR FURTHER INFORMATION CONTACT: For species-specific information, contact the appropriate person at the above addresses and phone numbers.

Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800-877-8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Why Do We Conduct a 5-year Review?

Section 4(c)(2)(A) of the Act (16 U.S.C. 1531 *et seq.*) requires that we conduct a review of listed species at least once every 5 years. We are then, under section 4(c)(2)(B) and the provisions of subsections (a) and (b), to determine, on the basis of such a review, whether or not any species should be removed (delisted) from the List of Endangered and Threatened Wildlife and Plants (50 CFR 17.12), or

reclassified from endangered to threatened (downlisted), or from threatened to endangered (uplisted).

The 5-year review is an assessment of the best scientific and commercial data available at the time of the review. Therefore, we are requesting submission of any new information (best scientific and commercial data) on the Chihuahua chub and the Navasota ladies'-tresses. If the present classification of any of these species is not consistent with the best scientific and commercial information available, we will recommend whether or not a change is warranted in the Federal classification of that species. Any classification change would require a separate rulemaking process.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review

of Chihuahua chub and Navasota ladies'-tresses.

What Information Do We Consider in Our Review?

We consider all new information available at the time of the 5-year review. These reviews consider the best scientific and commercial data that has become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that we have implemented to benefit the species;

D. Threat status and trends (see five factors under heading "How do we

determine whether a species is endangered or threatened?"); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List of Endangered and Threatened Wildlife and Plants, and improved analytical methods.

How Are Chihuahua Chub and Navasota Ladies'-Tresses Currently Listed?

The List of Endangered and Threatened Wildlife and Plants (List) is in 50 CFR 17.11 (wildlife) and 17.12 (plants). We publish amendments to the List through final rules in the **Federal Register**. The List is also available on our internet site at <http://www.fws.gov/endangered/wildlife.html>. In Table 1 below, we provide a summary of the listing information for both species.

TABLE 1.—SUMMARY OF LISTING INFORMATION

Common name	Scientific name	Status	Where listed	Final listing rule
Chihuahua Chub	<i>Gila nigrescens</i>	Threatened	NM	October 11, 1983; 48 FR 46053.
Navasota ladies'-tresses ...	<i>Spiranthes parksii</i>	Endangered	TX	May 6, 1982; 47 FR 19539.

Definitions for This Notice

To help you submit information about the species we are reviewing, we provide the following definitions:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate, which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

How Do We Determine Whether a Species Is Endangered or Threatened?

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the five following factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

Section 4(a)(1) of the Act requires that our determination be made on the basis of the best scientific and commercial data available.

What Could Happen as a Result of This Review?

If we find new information concerning either Chihuahua chub or Navasota ladies'-tresses indicating a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened (downlist); (b) reclassify the species from threatened to endangered (uplist); or (c) remove the species from the List. If we determine that a change in classification is not warranted, then these species will remain on the List under their current status.

Public Solicitation of New Information

We request any new information concerning the status of Chihuahua chub or Navasota ladies'-tresses. See "What Information Do We Consider in Our Review?" heading for specific criteria. Support any information you submit with documentation such as maps; bibliographic references; methods used to gather and analyze the data; and/or copies of any pertinent publications, reports, or letters by

knowledgeable sources. Additionally, we specifically request recommendations pertaining to the development of, or potential updates to, recovery plans, and additional actions or studies that could benefit these species in the future.

Before including your address, phone number, e-mail address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: We publish this document under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: August 21, 2007.

Christopher T. Jones,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. E7-18543 Filed 9-20-07; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Endangered and Threatened Wildlife and Plants; 5-Year Reviews of 18 Caribbean Species**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of 5-year reviews; Request for public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year reviews of 18 Caribbean species under section 4(c)(2) of the Endangered Species Act of 1973, as amended (Act). The purpose of a 5-year review is to ensure that the classification of a species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants is accurate. The 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

DATES: To allow us adequate time to conduct our reviews, we must receive all information you submit for our consideration on or before November 20, 2007. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: Send information on the 18 listed species to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, Post Office Box 491, Boquerón, PR 00622. Information we receive in response to this notice will be available for public inspection by appointment, during normal business hours, at the Cabo Rojo National Wildlife Refuge, Ecological Service Office, Carr. 301, Km. 5.1, Bo. Corozo, Boquerón, PR, 00622.

FOR FURTHER INFORMATION CONTACT: Marelisa Rivera, Boquerón, Puerto Rico, at address above (telephone, 787/851-7297, ext. 231).

SUPPLEMENTARY INFORMATION: We are initiating 5-year reviews of 18 Caribbean species: The Puerto Rican broad-winged hawk (*Buteo platypterus brunnescens*), Puerto Rican sharp-shinned hawk (*Accipiter striatus venator*), yellow-shouldered blackbird (*Agelaius xanthomus*), Mona boa (*Epicrates monensis monensis*), Monito gecko (*Sphaerodactylus micropithecus*), Mona ground iguana (*Cyclura cornuta stejnegeri*), St. Croix ground lizard (*Ameiva polops*), Puerto Rican crested toad (*Peltophryne lemur*), *Aristida chaseae* (no common name), pelos del diablo (*Aristida portoricensis*), palma de manaca (*Calyptronoma rivalis*), *Cranichis ricartii* (no common name), higuero de Sierra (*Crescentia portoricensis*), *Eugenia woodburyana*

(no common name), *Lyonia truncata* var. *proctorii* (no common name), palo de rosa (*Ottoschulzia rhodoxylon*), *cóbana negra* (*Stahlia monosperma*), and *Vernonia proctorii* (no common name) under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; the Act). Of the above list of 18 species, the following 3 are currently listed as threatened: Mona boa, Puerto Rican crested toad, and *cóbana negra*; the other 15 species are currently listed as endangered. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review.

Under the Act, we maintain a List of Endangered and Threatened Wildlife and Plants at 50 CFR 17.11 (for animals) and 50 CFR 17.12 (for plants) (collectively referred to as the list). The list is also available on our Internet site at <http://endangered.fws.gov/wildlife.html#Species>. Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every 5 years. Then, on the basis of such reviews, under section 4(c)(2)(B), we determine whether or not we should remove any species from the List (delist), or reclassify it from endangered to threatened or from threatened to endangered. Delisting a species must be supported by the best scientific and commercial data available and only considered if such data substantiate that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process. We publish amendments to the list through final rules in the **Federal Register**.

What Information Do We Consider in Our Review?

A 5-year review considers the best scientific and commercial data that has become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented to benefit the species;

D. Threat status and trends (see five factors under heading "How do we

determine whether a species is endangered or threatened?"); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

We request any new information concerning the status of any of these 18 species. Support any information you submit with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

Definitions

The following definitions will assist you as you submit information regarding the species:

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

How Do We Determine Whether a Species Is Endangered or Threatened?

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the following five factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

Section 4(a)(1) of the Act requires that our determination be made on the basis of the best scientific and commercial data available.

What Could Happen as a Result of Our Review?

If we find that there is new information concerning any of these 18 species indicating that a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened (downlist); (b) reclassify the species from threatened to endangered (uplist);

or (c) delist the species. If we determine that a change in classification is not warranted, then the species will remain on the List under its current status.

Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: We publish this document under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: September 7, 2007.

Cynthia K. Dohner,

Acting Regional Director.

[FR Doc. E7-18557 Filed 9-20-07; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of an information collection (1010-0142).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we have submitted to OMB an information collection request (ICR) to renew approval of the paperwork requirements in the regulations under 30 CFR 250, subpart Q, Decommissioning Activities. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATES: Submit written comments by October 22, 2007.

ADDRESSES: You may submit comments either by fax (202) 395-6566 or e-mail OIRA_DOCKET@omb.eop.gov directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010-0142). Mail or hand carry a copy of your comments to the Department of the Interior; Minerals

Management Service; Attention: Cheryl Blundon; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817. If you wish to e-mail your comments to MMS, the address is:

rules.comments@mms.gov. Reference Information Collection 1010-0142 in your subject line and mark your message for return receipt. Include your name and return address in your message text.

FOR FURTHER INFORMATION CONTACT:

Cheryl Blundon, Regulations and Standards Branch, (703) 787-1607. You may also contact Cheryl Blundon to obtain a copy, at no cost, of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR 250, subpart Q,

Decommissioning Activities.

OMB Control Number: 1010-0142.

Abstract: The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior (Secretary) to prescribe rules and regulations to administer leasing of the OCS. Such rules and regulations will apply to all operations conducted under a lease. Operations on the OCS must preserve, protect, and develop oil and natural gas resources in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; to balance orderly energy resource development with protection of human, marine, and coastal environments; to ensure the public a fair and equitable return on the resources of the OCS; and to preserve and maintain free enterprise competition.

Section 1332(6) states that "operations in the [O]uter Continental Shelf should be conducted in a safe manner by well trained personnel using technology, precautions, and other techniques sufficient to prevent or minimize the likelihood of blowouts, loss of well control, fires, spillages, physical obstructions to other users of the waters or subsoil and seabed, or other occurrences which may cause damage to the environment or to property or endanger life or health."

This authority and responsibility are among those delegated to the Minerals Management Service (MMS). The regulations at 30 CFR 250, Subpart Q, concern decommissioning of platforms, wells, and pipelines, as well as site clearance and platform removal and are the subject of this collection.

The MMS uses the information collected under Subpart Q in the following ways:

- § 250.1722(c). MMS requires notification within 5 days in the event a trawl hangs up on (or damages) a protective device (dome) over a subsea wellhead or casing stub in order to ensure that repairs are initiated as soon as possible in order to eliminate or minimize the possibility that shrimp boats will hang up on the obstruction and cause damage to their nets. It allows MMS to notify other users of the OCS of the obstruction in a timely manner, thereby reducing the risk to their equipment.

- § 250.1713. MMS requires notification within 48 hours before beginning well plugging and abandonment operations in order to have the option of scheduling MMS personnel to observe operations on site to ensure they are conducted in accordance with applicable regulations and approved procedures.

- § 250.1725. MMS requires notification within 48 hours before beginning platform removal operations in order to have the option of scheduling MMS personnel to observe removal operations on site in the field to ensure that they are conducted in accordance with applicable regulations and approved procedures for the use of explosives, removal of platform piling to 15 feet below the seafloor, proper site clearance, etc.

Responses are mandatory. No questions of a "sensitive" nature are asked. We protect proprietary information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and 30 CFR 250.197, "Data and information to be made available to the public or for limited inspection."

Frequency: On occasion, annual; and as specified in sections.

Estimated Number and Description of Respondents: Approximately 218 Federal OCS oil, gas, and sulphur lessees and holders of pipeline rights-of-way.

Estimated Reporting and Recordkeeping "Hour" Burden: The estimated annual "hour" burden for this information collection is a total of 17,991 hours. The following chart details the individual components and burdens. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 Subpart Q	Reporting requirement	Hour burden	Average number of annual responses	Annual burden hours
General				
		Fees		
1700 thru 1754	General departure and alternative compliance requests not specifically covered elsewhere in subpart Q regulations.	3	50 requests	150
1703; 1704	Request approval for decommissioning		Burden included below	0
1704(g); 1712; 1716; 1717; 1721(a), (d), (f), (g); 1722(a), (b), (d); 1723(b); 1743(a).	Submit form MMS-124 to plug wells; provide subsequent report; request alternate depth departure; request procedure to protect obstructions above seafloor; report within 30 days, results of trawling; certify area cleared of obstructions; remove casing stub or mud line suspension equipment and subsea protective covering; or other departures.		Burden included under 1010-0141	0
Subtotal .....	.....	.....	50 responses	150
Permanently Plugging Wells				
1713	Notify MMS 48 hours before beginning operations to permanently plug a well.	.25	400 notices	100
Subtotal .....	.....	.....	400 responses	100
Temporary Abandoned Wells				
1721(e); 1722(e), (h)(1); 1741(c).	Identify and report subsea wellheads, casing stubs, or other obstructions; mark wells protected by a dome; mark location to be cleared as navigation hazard.		U.S. Coast Guard requirements	0
1722(c), (g)(2)	Notify MMS within 5 days if trawl does not pass over protective device or causes damages to it; or if inspection reveals casing stub or mud line suspension is no longer protected.	.25	10 notices	3
1722(f), (g)(3)	Submit annual report on plans for re-entry to complete or permanently abandon the well and inspection report.	2	75 reports	150
1722(h)	Request waiver of trawling test	2	5 requests	10
Subtotal .....	.....	.....	90 responses	163
Removing Platforms and Other Facilities				
1726; 1704(a)	Submit initial decommissioning application in the Pacific OCS Region and Alaska OCS Region.	20	2 applications	40
1725; 1727; 1728; 1730; 1704(b).	Submit final application and appropriate data to remove platform or other subsea facility structures (including alternate depth departure) or approval to maintain, to conduct other operations, or to convert to artificial reef.	20	150 applications	3,000
1725(e)	Notify MMS 48 hours before beginning removal of platform and other facilities.	.25	$\$4,100 \text{ fee} \times 150 = \$615,000$ 150 notices	38
1729; 1704(c)	Submit post platform or other facility removal report	8	150 reports	1,200
Subtotal .....	.....	.....	452 responses	4,278
			\$615,000	
Site Clearance for Wells, Platforms, and Other Facilities				
1740;	Request approval to use alternative methods of well site, platform, or other facility clearance.	12	75 requests	900
1743(b)	Verify permanently plugged well, platform, or other facility removal site cleared of obstructions and submit certification letter.	18	400 verifications	7,200
Subtotal .....	.....	.....	475 responses	8,100
Pipeline Decommissioning				
1751; 1752; 1704(d)	Submit application to decommission pipeline in place or remove pipeline (L/T or ROW).	10	400 applications	4,000

Citation 30 CFR 250 Subpart Q	Reporting requirement	Hour burden	Average number of annual responses	Annual burden hours
1753	Submit post pipeline decommissioning report	\$1,000 L/T decommission fee x 247 = \$247,000 \$1,900 ROW decommission fee x 153 = \$290,700 3 400 reports	1,200	
Subtotal .....	.....	.....	800 responses	5,200
			\$537,700	
Total Burden .....	.....	.....	2,267 responses	17,991
			\$1,152,700 Fees	

L/T = Lease Term ROW = Right of Way.

Estimated Reporting and Recordkeeping "Non-Hour Cost"

Burden: There are three non-hour costs associated with this information collection. The estimated non-hour cost burden is \$1,152,700. Sections 250.1751(a), 250.1752(a), and 250.1727 require respondents to pay filing fees when submitting a request to remove a platform or other facility, to decommission a lease term pipeline, or to decommission a ROW pipeline. The application filing fees are required to recover the Federal Government's processing costs. We have not identified any other "non-hour cost" burdens associated with this collection of information.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

Comments: Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3501, *et seq.*) 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.

To comply with the public consultation process, on December 4, 2006, we published a **Federal Register** notice (71 FR 70424) announcing that we would submit this ICR to OMB for

approval. The notice provided the required 60-day comment period. In addition, § 250.199 provides the OMB control number for the information collection requirements imposed by the 30 CFR 250 regulations and forms. The regulation also informs the public that they may comment at any time on the collections of information and provides the address to which they should send comments. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, you may send your comments to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by October 22, 2007.

Public Comment Procedures: Before including your address, phone number, email 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.

MMS Information Collection Clearance Officer: Arlene Bajusz, (202) 208-7744.

Dated: September 17, 2007.

Melinda Mayes,

Acting Chief, Office of Offshore Regulatory Programs.

[FR Doc. E7-18644 Filed 9-20-07; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Southwest Museum of the American Indian, Autry National Center, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the Southwest Museum of the American Indian, Autry National Center, Los Angeles, CA. The human remains were removed from Sacramento County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Southwest Museum of the American Indian, Autry National Center professional staff in consultation with representatives of Greenville Rancheria of Maidu Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California (also known as the Tachi Yokut Tribe); Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California. The Berry Creek Rancheria of Maidu Indians of California; Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of

California); Chicken Ranch Rancheria of Me-Wuk Indians of California; Enterprise Rancheria of Maidu Indians of California; Ione Band of Miwok Indians of California; Mooretown Rancheria of Maidu Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; and Susanville Indian Rancheria, California were contacted, but did not choose to participate in the consultations.

In 1970, human remains representing a minimum of one individual were removed from an undetermined site in the Pocket District of South Sacramento on east side of Sacramento River in Sacramento County, CA. Excavation for a river road was made and Indian skulls were unearthed. The University of California was notified of the human remains and removed many of the human remains, but did not collect some and set them on top of the bank. At an unknown time and by unknown means, Glenna and Don Geissinger acquired the human remains. The human remains were donated by the Geissingers to the Southwest Museum in 1970. No known individual was identified. No associated funerary objects are present.

The age of the human remains is unknown. Based on archeological analysis, this individual has been identified as Native American. Consultation with a representative of the Santa Rosa Indian Community of the Santa Rosa Rancheria, California, confirmed that the provenience of the human remains is consistent with that of other discoveries of indigenous human remains in the area. Geographical and historical evidence indicates that the site is located within the traditional territory of the Northern Valley Yokut, Miwok people, Me-Wuk people, and Maidu people. Descendants of the Northern Valley Yokut, Miwok people, Me-Wuk people, and Maidu people are members of the Berry Creek Rancheria of Maidu Indians of California; Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Enterprise Rancheria of Maidu Indians of California; Greenville Rancheria of Maidu Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Mooretown Rancheria of Maidu Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California;

Susanville Indian Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Officials of the Southwest Museum of the American Indian, Autry National Center have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of one individual of Native American ancestry. Officials of the Southwest Museum of the American Indian, Autry National Center also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Berry Creek Rancheria of Maidu Indians of California; Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Enterprise Rancheria of Maidu Indians of California; Greenville Rancheria of Maidu Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Mooretown Rancheria of Maidu Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Duane H. King, Ph.D., Executive Director, or LaLena Lewark, Senior NAGPRA Coordinator, Southwest Museum of the American Indian, 234 Museum Drive, Los Angeles, CA 90065, (323) 221–2164, [extension 241], before October 22, 2007. Repatriation of the human remains to the Santa Rosa Indian Community of the Santa Rosa Rancheria, California may proceed after that date if no additional claimants come forward.

The Southwest Museum of the American Indian, Autry National Center is responsible for notifying the Berry Creek Rancheria of Maidu Indians of California; Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Enterprise Rancheria of Maidu Indians of California; Greenville Rancheria of

Maidu Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Mooretown Rancheria of Maidu Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California that this notice has been published.

Dated: August 30, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–18651 Filed 9–20–07; 8:45 am]

BILLING CODE 4312–50–S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Southwest Museum of the American Indian, Autry National Center, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the Southwest Museum of the American Indian, Autry National Center, Los Angeles, CA. The human remains were removed from Los Angeles County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Southwest Museum of the American Indian, Autry National Center professional staff in consultation with representatives of the San Manuel Band of Serrano Mission Indians of the San Manuel Reservation, California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California (also known as the Tachi Yokut Tribe); Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation of California; and

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

In 1938, human remains representing a minimum of three individuals were removed from an unknown site near Lancaster, Antelope Valley, Los Angeles County, CA, by the Sheriff's Office in Newhall, CA. The Sheriff's Office turned the human remains over to the Coroner's Office. The human remains were donated to the museum by Frank A. Nance, of the Coroner's Office in Los Angeles, CA. No known individuals were identified. No associated funerary objects are present.

Based on archeological analysis, the individuals have been identified as Native American, but the age is unknown. Consultation with a representative of the Santa Rosa Indian Community of the Santa Rosa Rancheria, California, confirmed that the provenience of the human remains is consistent with that of other discoveries of indigenous remains in the area. Geographical and historical evidence indicates that the sites are located within the traditional territory of the Southern Valley Yokuts and the Serrano people. Descendants of the Southern Valley Yokuts and the Serrano people are members of the San Manuel Band of Serrano Mission Indians of the San Manuel Reservation, California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation of California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Officials of the Southwest Museum of the American Indian, Autry National Center have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of three individuals of Native American ancestry. Officials of the Southwest Museum of the American Indian, Autry National Center also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the San Manuel Band of Serrano Mission Indians of the San Manuel Reservation, California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation of California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Duane H. King, Ph.D.,

Executive Director, or LaLena Lewark, Senior NAGPRA Coordinator, Southwest Museum of the American Indian, 234 Museum Drive, Los Angeles, CA 90065, (323) 221-2164, extension 241, before October 22, 2007.

Repatriation of the human remains to the Santa Rosa Indian Community of the Santa Rosa Rancheria, California may proceed after that date if no additional claimants come forward.

The Southwest Museum of the American Indian, Autry National Center, is responsible for notifying the San Manuel Band of Serrano Mission Indians of the San Manuel Reservation, California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation of California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California that this notice has been published.

Dated: August 30, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7-18661 Filed 9-20-07; 8:45 am]

BILLING CODE 4312-50-S

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion: Southwest Museum of the American Indian, Autry National Center, Los Angeles, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains in the control of the Southwest Museum of the American Indian, Autry National Center, Los Angeles, CA. The human remains were removed from Contra Costa and San Joaquin Counties, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003 (d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

A detailed assessment of the human remains was made by the Southwest Museum of the American Indian, Autry National Center professional staff in

consultation with representatives of Jackson Rancheria of Me-Wuk Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California (also known as the Tachi Yokut Tribe); Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California. The Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California); Chicken Ranch Rancheria of Me-Wuk Indians of California; Ione Band of Miwok Indians of California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; and Susanville Indian Rancheria, California were contacted, but did not choose to participate in the consultations.

In 1933, human remains representing a minimum of one individual were removed from an undetermined site in Stockton, San Joaquin Valley, San Joaquin County, CA. The museum has no additional information regarding the removal and museum's acquisition of the human remains. No known individual was identified. No associated funerary objects are present.

In 1939, human remains representing a minimum of one individual were removed from an undetermined site twenty feet from the water's edge—most likely the San Pablo Bay—in Richmond, Contra Costa County, CA, by Mr. J.E. Peterson. The human remains were donated by Mr. J.E. Peterson to the Southwest Museum on April 23, 1939. No known individual was identified. No associated funerary objects are present.

The geographic locations described above lie within Yokut or Miwok territories. Archeologists believe that the Penutian-speaking Yokut and Miwok descend from the Windmill people who occupied the Central Valley of California nearly 4,000 years ago. The history of California rancherias in the Central Valley and Sierra Nevada foothill regions of California shows that these Windmill descendants ultimately dispersed to the federally recognized Yokut and Miwok rancherias. The tribes that have a shared group identity with the Yokut and Miwok are Berry Creek Rancheria of Maidu Indians of California; Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Enterprise Rancheria of Maidu Indians of California; Greenville

Rancheria of Maidu Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Mooretown Rancheria of Maidu Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Officials of the Southwest Museum of the American Indian, Autry National Center have determined that, pursuant to 25 U.S.C. 3001 (9–10), the human remains described above represent the physical remains of two individuals of Native American ancestry. Officials of the Southwest Museum of the American Indian, Autry National Center also have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Berry Creek Rancheria of Maidu Indians of California; Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Enterprise Rancheria of Maidu Indians of California; Greenville Rancheria of Maidu Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Mooretown Rancheria of Maidu Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California.

Representatives of any other Indian tribe that believes itself to be culturally affiliated with the human remains should contact Duane H. King, Ph.D., Executive Director, or LaLena Lewark, Senior NAGPRA Coordinator, Southwest Museum of the American Indian, 234 Museum Drive, Los Angeles, CA 90065, (323) 221–2164, extension 241, before October 22, 2007. Repatriation of the human remains to the Santa Rosa Indian Community of the Santa Rosa Rancheria, California may proceed after that date if no additional claimants come forward.

The Southwest Museum of the American Indian, Autry National Center is responsible for notifying the Berry Creek Rancheria of Maidu Indians of California; Buena Vista Rancheria of Me-Wuk Indians of California; California Valley Miwok Tribe, California; Chicken Ranch Rancheria of Me-Wuk Indians of California; Enterprise Rancheria of Maidu Indians of California; Greenville Rancheria of Maidu Indians of California; Ione Band of Miwok Indians of California; Jackson Rancheria of Me-Wuk Indians of California; Mooretown Rancheria of Maidu Indians of California; Santa Rosa Indian Community of the Santa Rosa Rancheria, California; Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California; Susanville Indian Rancheria, California; Table Mountain Rancheria of California; Tule River Indian Tribe of the Tule River Reservation, California; and Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California that this notice has been published.

Dated: August 30, 2007

Sherry Hutt,

Manager, National NAGPRA Program.

[FR Doc. E7–18663 Filed 9–20–07; 8:45 am]

BILLING CODE 4312–50–S

INTERNATIONAL BOUNDARY AND WATER COMMISSION

United States and Mexico; United States Section; Notice of Availability of a Draft Environmental Assessment and Finding of No Significant Impact for Improvements to the Main and North Floodways Levee System in the Lower Rio Grande Flood Control Project, Hidalgo, Cameron and Willacy Counties, TX

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Availability of Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI).

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality Final Regulations (40 CFR parts 1500 through 1508), and the United States Section, International Boundary and Water Commission's (USIBWC) Operational Procedures for Implementing Section 102 of NEPA, published in the **Federal Register** September 2, 1981, (46 FR 44083); the USIBWC hereby gives notice of availability of the Draft

Environmental Assessment and FONSI for Improvements to the Main and North Floodways Levee System, in the Lower Rio Grande Flood Control Project, located in Hidalgo, Cameron and Willacy Counties, Texas.

FOR FURTHER INFORMATION CONTACT: Daniel Borunda, Environmental Protection Specialist, Environmental Management Division, United States Section, International Boundary and Water Commission; 4171 N. Mesa, C–100; El Paso, Texas 79902. Telephone: (915) 832–4767; e-mail: danielborunda@ibwc.state.gov.

DATES: Comments on the Draft EA and Draft FONSI will be accepted through October 22, 2007.

SUPPLEMENTARY INFORMATION:

Background

The USIBWC is authorized to construct, operate, and maintain any project or works projected by the United States of America on the Lower Rio Grande Flood Control Project (LRGFCP), as authorized by the Act of the 74th Congress, Sess. I Ch. 561 (H.R. 6453), approved August 19, 1935 (49 Stat. 660), and codified at 22 U.S.C. 277, 277a, 277b, 277c, and Acts amendatory thereof and supplementary thereto. The LRGFCP was constructed to protect urban, suburban, and highly developed irrigated farmland along the Rio Grande delta in the United States and Mexico.

The USIBWC, in cooperation with the Texas Parks and Wildlife Department, prepared this EA for the proposed action to improve flood control along sections of the Main and North Floodways Levee System located in Hidalgo, Cameron, and Willacy Counties, Texas. This levee system is part of the LRGFCP that extends approximately 180 miles from the Town of Peñitas in south Texas to the Gulf of Mexico. The Main and North Floodways Levee System, extends approximately 75 levee miles along the Rio Grande, downstream from Anzalduas Dam, extending near the town of Mercedes to the Laguna Madre northwest of Arroyo City, Texas.

Proposed Action

The Proposed Action would increase the flood containment capacity of the Main and North Floodways Levee System by raising elevation of a number of levee segments for improved flood protection. Fill material would be added to the existing levee to bring height to its original design specifications, or to meet a 2 foot freeboard design criterion. Typical height increases in improvement areas would be from less than 1 foot up to 2 feet, extending levee

footprint up to a maximum of 12 feet from the current toe of the levee. This expansion would take place along the approximately 20 feet service corridor currently utilized for levee maintenance, inside the maintained floodway, and entirely within the flood control project right-of-way. In some instances, adjustment in levee slope would be made to eliminate the need for levee footprint expansion, when required due to engineering or maintenance considerations or for protection of biological or cultural resources. The need for excavation outside the levee structure is not anticipated.

Summary of Findings

Pursuant to NEPA guidance (40 Code of Federal Regulations 1500–1508), The President's Council on Environmental Quality issued regulations for NEPA implementation which included provisions for both the content and procedural aspects of the required Environmental Assessment. The USIBWC completed an EA of the potential environmental consequences of raising the Main and North Floodways Levee System to meet current requirements for flood control. The EA, which supports this Finding of No Significant Impact, evaluated the Proposed Action and No Action Alternative.

Levee System Evaluation

No Action Alternative

The No Action Alternative was evaluated as the single alternative action to the Proposed Action. The No Action Alternative would retain the current configuration of the Main and North Floodways Levee System, with no impacts to biological and cultural resources, land use, community resources, or environmental health issues. In terms of flood protection, however, current containment capacity under the No Action Alternative may be insufficient to fully control Rio Grande flooding under severe storm events, with associated risks to personal safety and property.

Proposed Action

Biological Resources

Improvements to the levee system would placement of fill material that would affect grassed areas at levee footprint expansion locations. All expansion would take place along the current levee service corridor, limiting vegetation removal to invasive-species grasslands; this grass cover is expected to be rapidly re-established after project completion.

No significant effects are anticipated on wildlife habitat in the vicinity of the levee system, including potential habitat for threatened and endangered species. While approximately 17 percent of levee system is adjacent to natural resources conservation areas, only a small fraction would fall within levee improvement areas. In areas requiring levee footprint expansion, no woodland communities would be impacted; impacts on vegetation would be limited to non-native grasslands along the levee, of very limited value as wildlife habitat. No wetlands are located within the potential levee expansion area.

Cultural Resources

Improvements to the Main and North Floodways Levee System are not expected to adversely affect known archaeological or historical resources. Typically, placement of fill material over the existing levee would not expand levee footprint; when levee footprint expansion is needed, expansion would take place within the service corridor currently used for levee maintenance. High-Probability Areas (HPAs) identified along the levee system would be located outside the improvement areas, with minor exceptions. In areas where HPAs are located near improvement areas, the need for footprint expansion would be eliminated by adjusting levee slope to retain current location of the toe of the levee.

Cultural resources located in the general vicinity of the levee system include historic age structures. Potential historic-age resources near the levee system would not be affected because most of those resources are located outside of the floodway, and away from potential levee footprint expansion areas. Only irrigation canals and minor irrigation structures, such as weir gates and standpipes, are located within or near the levee service corridor where footprint expansion would take place; irrigation canals and nearly all irrigation structures would be retained in their current condition.

Water Resources

Improvements to the levee system would increase flood containment capacity to control the design flood event with a negligible increase in water surface elevation. Levee footprint expansion would not affect water bodies.

Land Use

Footprint levee expansion, where required, would take place completely within the existing floodway and along the levee service corridor. No urban or

agricultural lands would be affected. Impacts to natural resources conservation areas would be limited to grassland areas.

Community Resources

In terms of socioeconomic resources, the influx of federal funds into Hidalgo, Cameron, and Willacy Counties from the levee improvement project would have a positive but minor local economic impact. The impact would be limited to the construction period, and represent less than 1 percent of the annual county employment, income and sales values. No adverse impacts to disproportionately high minority and low-income populations were identified for construction activities. Moderate utilization of public roads would be required during construction; a temporary increase in access road use would be required for equipment mobilization to staging areas.

Environmental Health Issues

Estimated air emissions of five criteria pollutants during construction represent less than 1.1 percent of the annual emissions inventory of Hidalgo, Cameron, and Willacy Counties. There would be a moderate increase in ambient noise levels due to construction activities. No long-term and regular exposure is expected above noise threshold values. A database search indicated that no waste storage and disposal sites were within the proposed Main and North Floodway Levee Project area, and none would affect, or be affected, by the levee improvement project.

Best Management Practices

When warranted due to engineering considerations, or for protection of biological or cultural resources, the need for levee footprint expansion would be eliminated by levee slope adjustment. Best management practices during construction would include development of a storm water pollution prevention plan to avoid impacts to receiving waters, and use of sediment barriers and soil wetting to minimize erosion.

To protect vegetation cover, both the modified levee and construction corridor would be re-vegetated with native herbaceous species. To protect wildlife, construction activities would be scheduled to occur, to the extent possible, outside the March to August bird migratory season.

Availability

Single hard copies of the Draft Environmental Assessment and Finding of No Significant Impact may be

obtained by request at the above address. Electronic copies may also be obtained from the USIBWC Home Page at <http://www.ibwc.state.gov>.

Dated: September 17, 2007.

Susan Daniel,
General Counsel.

[FR Doc. E7-18636 Filed 9-20-07; 8:45 am]

BILLING CODE 7010-01-P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-614]

In the Matter of Certain Wireless Communication Chips and Chipsets, and Products Containing Same, Including Wireless Handsets and Network Interface Cards; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 16, 2007, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Nokia Corporation of Finland and Nokia Inc. of Irving, Texas. A supplement to the complaint was filed on September 12, 2007. The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless communication chips and chipsets, and products containing same, including wireless handsets and network interface cards, by reason of infringement of certain claims of U.S. Patent Nos. 7,236,761, 6,714,091, 6,292,474, 5,896,562, and 5,752,172. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by

contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT:

David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2576.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2007).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 14, 2007, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wireless communications chips or chipsets, or products containing same, including wireless handsets or network interface cards, by reason of infringement of one or more of claims 1-17, 19-20, and 22-108 of U.S. Patent No. 7,236,761; claims 1-13 of U.S. Patent No. 6,714,091; claims 1, 15, and 16 of U.S. Patent No. 6,292,474; claims 1-4, 7, and 11 of U.S. Patent No. 5,896,562; and claims 1-3, 6, 8, and 14 of U.S. Patent No. 5,752,172, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—
Nokia Corporation, Keilalahdentie 4,
P.O. Box 226, FIN-00045 Nokia
Group, Espoo, Finland.
Nokia Inc., 6000 Connection Drive,
Irving, Texas 75039.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served:
QUALCOMM, Inc., 5775 Morehouse
Drive, San Diego, California 92121.

(c) The Commission investigative attorney, party to this investigation, is David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 17, 2007.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7-18674 Filed 9-20-07; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated June 26, 2007 and published in the **Federal Register** on July 3, 2007, (72 FR 36482-36483), Lipomed, Inc., One Broadway, Cambridge, Massachusetts 02142, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed in schedule I and II:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
Methaqualone (2565)	I
Gamma-Hydroxybutyric Acid (2010)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (7348)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2-5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxy-methamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Acetyldihydrocodeine (9051)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Tilidine (9750)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Benzoyllecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Fentanyl (9801)	II
Sufentanil (9740)	II

The company plans to import analytical reference standards for distribution to its customers for research and analytical purposes.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and § 952(a) and determined that the registration of Lipomed, Inc. to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Lipomed, Inc. to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and § 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: September 17, 2007.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E7-18704 Filed 9-20-07; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated July 24, 2007 and published in the **Federal Register** on July 30, 2007, (72 FR 41527), Wildlife Laboratories, 1401 Duff Drive, Suite 400, Fort Collins, Colorado 80524, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Etorphine Hydrochloride (9059), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance for sale to its customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Wildlife Laboratories to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Wildlife Laboratories to ensure that the company's registration is consistent

with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: September 17, 2007.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. E7-18676 Filed 9-20-07; 8:45 am]

BILLING CODE 4410-09-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 04-58]

RX Direct Pharmacy, Inc.; Dismissal of Proceeding

On May 17, 2004, I, the Deputy Administrator of the Drug Enforcement Administration, issued an Order to Show Cause and further ordered the immediate suspension of DEA Certificate of Registration, BR8263876, issued to RX Direct Pharmacy, Inc. (Respondent) of Deerfield Beach, Florida. The Order of Immediate Suspension was based on my preliminary finding that Respondent, "through its Internet service[,] has been responsible for the diversion of large quantities of controlled substances," *Id.* at 9, and that its continued registration during the pendency of the proceeding, "would constitute an imminent danger to the public health and safety because of the substantial likelihood that [it would] continue to divert controlled substances." *Id.* at 10.

The Show Cause Order proposed the revocation of Respondent's registration as a retail pharmacy and to deny any pending applications for renewal or modification of the registration on the ground that Respondent's continued registration would be inconsistent with the public interest. Show Cause Order at 1 (citing 21 U.S.C. 823(f) & 824(a)). More specifically, the Show Cause Order alleged that Respondent's customers would access an affiliated Web site, at which they would complete an on-line questionnaire and list what drugs they were seeking. *Id.* at 5. According to the Show Cause Order, the questionnaires were then submitted to "affiliated physicians," who would review the

questionnaires; if the physician approved the patient's request, the prescription was then forwarded to Respondent to be filled. *Id.*

The Show Cause Order further alleged that on four separate occasions between November 24, 2003, and April 8, 2004, DEA investigators purchased various Schedule IV controlled substances including phentermine, Ambien, and Meridia, all of which were ordered through an Internet site and were filled by Respondent. *Id.* at 6–8. The Show Cause Order generally alleged that prescriptions were based solely on an Internet questionnaire, that the investigator never had any contact with the prescribing physician, and that a pharmacist never contacted the investigators to discuss their prescriptions. *See id.* Relatedly, the Show Cause Order also alleged that between March 22, 2004, and April 13, 2004, Respondent dispensed to a Pennsylvania resident 600 hydrocodone tablets, which were prescribed by a Puerto Rico-based physician. *Id.* at 8.

On June 11, 2004, Respondent timely requested a hearing. The matter was assigned to Administrative Law Judge (ALJ) Mary Ellen Bittner. At the request of both parties, various stays were entered in the matter.

On October 10, 2006, the Government moved for summary disposition. The basis of the Government's motion was that Respondent's state pharmacy license had expired on February 28, 2005, and that Respondent was now closed. Gov. Mot. For Summary Judgment at 1. The Government thus maintained that because Respondent no longer had authority to handle controlled substances under Florida law, it was not entitled to maintain its DEA registration. *Id.* at 3. Alternatively, the Government argued that Respondent's DEA registration automatically terminated when it closed. *Id.* at 4 (citing 21 CFR 1301.52(a)).

Respondent opposed the Government's motion. Respondent admitted that its state license had expired, that it did not renew the license, and that it had surrendered the license. Resp. Opp. at 3. Respondent also "acknowledge[d] that under relevant law and precedent, DEA may not register an applicant to handle controlled substances if the applicant lacks authority to handle controlled substances in the state in which it practices." *Id.* Respondent asserted, however, that this rule should not be applied to it because of "the unique circumstances" wherein it "surrendered its state pharmacy license after, and based solely on, DEA's Order to Show

Cause and Immediate Suspension of [its] DEA registration and where there has been no opportunity for a hearing." ¹ *Id.* Respondent further contended that it "surrendered its state license and did not request a hearing * * * based on the fact that DEA's action prevented [it] from operating as a pharmacy in Florida." ² *Id.* at 4. Respondent thus argued that "[i]n light of the peculiar circumstances involved in this matter, it would be fundamentally unfair to revoke or terminate Respondent's DEA registration with[out] the opportunity for an administrative hearing." *Id.* at 5.

The ALJ did not find Respondent's arguments persuasive. Accordingly, as there were no material facts in dispute, the ALJ granted the Government's motion and forwarded the record to me for final agency action and recommended that I revoke Respondent's registration. ALJ Dec. at 6.

While reviewing this matter, it was determined that Respondent's DEA registration expired on April 30, 2006, nearly six months before the Government moved for summary disposition. Moreover, Respondent did not file a renewal application. Accordingly, I ordered the parties to brief the issue of whether the case had become moot or whether there were collateral consequences that rendered the case a live controversy. *See Ronald J. Riegel*, 63 FR 67132, 67133 (1998) ("If a registrant has not submitted a timely renewal application prior to the expiration date, then the registration expires and there is nothing to revoke."); *see also William R. Lockridge*, 71 FR 77791, 77797 (2006) (holding case not moot because of collateral consequences). Subsequently, both parties briefed the issue.

The Government argues that while there are collateral consequences pertaining to the forfeiture of controlled substances that were seized at the time the immediate suspension was served, "a section 824(f) asset forfeiture is

predicated '[u]pon a revocation order becoming final.'" Gov. Resp. to Briefing Order at 3 (quoting 21 U.S.C. 824(f)). The Government notes that this leads to "disparate dispositions" because the controlled substances of an entity whose registration does not expire before the issuance of a final order are subject to forfeiture while a registrant can prevent the Government from obtaining forfeiture under section 824(f) by allowing its registration to expire. *Id.* The Government nonetheless argues that "affirming an immediate suspension will not trigger the section 824(f) asset forfeiture," and that "[i]f the registrant's registration expires while OTSC proceedings are in progress and the registrant does not submit a renewal application, such a registrant can avoid the consequences of section 824(f)." *Id.* at 3–4.

Notably, the Government does not argue that the statute is silent on the question of whether forfeiture is triggered when a registrant requests a hearing and then allows its registration to expire before the final order is issued. *Cf. Chevron U.S.A., Inc., v. NRDC*, 467 U.S. 837, 843 (1984) ("[I]f the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute."). Instead, the Government argues that "these disparate results can be obviated through other asset forfeiture proceedings or through settlements in related civil or criminal proceedings." Gov. Resp. at 4. The Government thus concedes that this case is now moot.

Agreeing with the Government's reasoning, Respondent argues that "§ 824(f) forfeiture proceedings do not apply in a situation where the Respondent's registration expires while the OTSC proceedings are in progress and the registrant does not submit a renewal application." Respondent Resp. at 5. According to Respondent, "[w]ithout a final order by DEA to 'revoke or suspend' the registration, DEA may not use § 824(f) to place such drugs under 'seal' and require the registrant to forfeit the drugs." *Id.* Respondent further contends that to "allow[] the government to permanently forfeit Respondent's property without an opportunity for a full hearing on the merits is unreasonable and contrary to law." *Id.* Respondent thus requests that I hold that the matter is moot.

Having considered the record and the parties' positions, I conclude that this case is now moot. Respondent allowed its registration to expire and has not filed a renewal application. Indeed, Respondent has surrendered its state

¹ Respondent further maintained that it was "financially impossible" for it "to maintain its state pharmacy license" because "under Florida law," it was required to keep its prescription department "open for a minimum of forty (40) hours per week and a minimum of five (5) days per week." *Id.* at 4–5 (quoting Fla. Adm. Code 64B16–28.1018). According to Respondent, it would have maintained its state license "but for this practical impossibility." *Id.* at 5. Respondent also contended that because the Government seized all of its records and equipment, it "made it difficult, if not impossible, for Respondent to conduct its pharmacy business." *Id.* at 2.

² In support of its position, Respondent cited my Order in *Oakland Medical Pharmacy*, 71 FR 50,100 (2006). Specifically, Respondent relied on the ALJ's reasoning in that case which I expressly declined to follow.

pharmacy license and closed its business. Moreover, Respondent has not asserted that it plans to re-enter the business of pharmacy at some future date. See *CRJ Pharmacy, Inc.*, and *YPM Total Care Pharmacy, Inc.*, 72 FR 30846 (2007).

Finally, as the Government points out, the United States Attorney has sought forfeiture of "any property which the defendant used or intended to be used in any manner * * * to commit" the offenses charged in the indictment which includes the controlled substances previously seized. See Indictment, *United States of America v. Frank Hernandez, et al.*, at 11 (Case # 07-60027-CR, S.D. Fla.). Because title to the controlled substances will be determined in the pending criminal proceeding, this case does not present any collateral consequence that the issuance of a final order would resolve.³ Accordingly, this case is now moot.⁴

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) and 824(a), as well as 28 CFR 0.100(b) and 0.104, I hereby order that the Order to Show Cause be, and it hereby is, dismissed.

Dated: September 13, 2007.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. E7-18512 Filed 9-20-07; 8:45 am]

BILLING CODE 4410-09-P

³ Respondent also requests that "DEA authorize [it] to determine whether the controlled substances still in the government's possession may be distributed to an authorized registrant for credit." Respondent's Resp. at 5. Respondent's request should be directed to the Federal District Court. See 21 U.S.C. 824(f).

⁴ In holding this matter moot, I rely solely on the factual circumstances and do not adopt the parties' construction of the statute. Indeed, under that interpretation, even where a hearing has been held on the allegations that supported the immediate suspension order and the seizure of controlled substances, a respondent could see how it had fared in the proceeding and if it determined that it was not likely to prevail, it could then defeat the effect of the proceeding simply by failing to submit a renewal application and allowing its registration to expire. Under the parties' construction, the hearing would have been for naught and the Government would likely be required to relitigate the issues in another proceeding. It is implausible that Congress intended such a result.

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection Request Submitted for Public Comment and Recommendations; Mental Health Parity

AGENCY: Employee Benefits Security Administration, Department of Labor.

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 other federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data is 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.

By this notice, the Department of Labor's Employee Benefits Security Administration (EBSA) is soliciting comments on the extension of the information collection requests (ICRs) included in the Interim Rules for Mental Health Parity as published in the **Federal Register** on December 22, 1997 (62 FR 66931) (Interim Rules). OMB approved the two separate ICRs under OMB control numbers 1210-0105 and 1210-0106, which expire on January 31, 2008, and October 31, 2008, respectively. Copies of the ICRs may be obtained by contacting the office shown below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section on or before November 20, 2007.

ADDRESSES: Interested parties are invited to submit written comments regarding the ICRs to Mr. Joseph S. Piacentini, Office of Policy and Research, U.S. Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue, NW., Room N-5647, Washington, DC 20210. Telephone: (202) 219-8410. Fax: (202) 219-4745 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of this notice is to seek comments from the public prior to submission to OMB for continued approval of two information collection requests included in the Interim Final Rules. The Mental Health Parity Act of 1996 (MHPA) (Pub. L. 104-204) generally requires that group health plans provide parity in the application of dollar limits between mental health and medical/surgical benefits. The statute exempts plans from this requirement if its application results in an increase in the cost under the plan or coverage by at least one percent. The Interim Final Rules under 29 CFR 2590.712(f)(3)(i) and (ii) require a group health plan electing to take advantage of this exemption to provide a written notice to participants and beneficiaries and to the federal government of the plan's election. This notice requirement is approved under OMB control number 1210-0105. To satisfy the requirement to notify the federal government, a group health plan may either send the Department a copy of the summary of material reductions in covered services or benefits sent to participants and beneficiaries, or the plan may use the Department's model notice published in the Interim Final Rule which was developed for this purpose.

The second ICR, approved under OMB control number 1210-0106, is a summary of the information used to calculate the plan's increased costs under the MHPA for purposes of electing the one percent increased cost exemption. The plan is required to make a copy of the summary available to participants and beneficiaries, on request at no charge. Under 29 CFR 2590.712(f)(2), a group health plan wishing to elect the one percent exemption must calculate their increased costs according to certain rules.

II. Desired Focus of Comments

The Department of Labor is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department intends to request an extension of the ICRs currently approved under control numbers 1210-0105 and 1210-0106 without change to the existing information collection provisions. Although MHPA requirements will not apply to benefits for services furnished on or after December 31, 2007, in accordance with the sunset provision of section 712(f) of ERISA, in order to ensure that participants and beneficiaries are aware of their rights under group health plans, the Department intends to maintain the clearance of the notice and disclosure provisions of MHPA through December 31, 2007 and until such time as the sunset provision has taken effect without additional Congressional action that would have the effect of extending the duration of MHPA's applicability.

Type of Review: Extension of a currently approved collection.

Agency: U.S. Department of Labor, Employee Benefits Security Administration.

Title: Notice to Participants and Beneficiaries and the Federal Government of Electing One Percent Increased Cost Exemption.

OMB Number: 1210-0105.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Frequency: On occasion.

Respondents: 10.

Responses: 10,000.

Estimated burden hours (Operating and Maintenance): 333.

Estimated burden costs: \$5,000.

Title: Calculation and Disclosure of Documentation of Eligibility for Exemption.

OMB Number: 1210-0106.

Affected Public: Individuals or households; Business or other for-profit; Not-for-profit institutions.

Frequency: On occasion.

Respondents: 10.

Responses: 200.

Estimated burden hours (Operating and Maintenance): 10.

Estimated burden costs: \$100.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the ICRs; they will also become a matter of public record.

Dated: September 13, 2007.

Joseph S. Piacentini,

*Director, Office of Policy and Research,
Employee Benefits Security Administration.*
[FR Doc. E7-18514 Filed 9-20-07; 8:45 am]

BILLING CODE 4510-29-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-61,863]

G.E. Ravenna Lamp Plant, Ravenna, OH; Notice of Revised Determination on Reconsideration

By letter dated August 30, 2007, a worker requested administrative reconsideration regarding Alternative Trade Adjustment Assistance (ATAA). The certification for Trade Adjustment Assistance (TAA) was signed on August 24, 2007. The Department's Notice of determination will soon be published in the **Federal Register**.

The certification stated that all workers of the subject firm who are separated from employment on or after July 10, 2006 through August 24, 2009, are eligible to apply for TAA. However, because the subject workers were covered by a certification that expired on July 29, 2006 (TA-W-55,294), the Department is amending the impact date of TA-W-61,863 to July 30, 2006.

The initial investigation determined that the subject worker group possesses skills that are easily transferable.

In the request for reconsideration, the worker alleged that there are no jobs for which the separated workers can apply.

During the reconsideration investigation, the Department found that none of the major manufacturing firms in the local area are hiring.

At least five percent of the workforce at the subject firm is at least fifty years of age. Competitive conditions within the industry are adverse.

Conclusion

After careful review of the information obtained in the reconsideration investigation, I determine that the requirements of Section 222 and Section 246 of the Trade Act of 1974, as amended, have been met for workers at the subject firm.

In accordance with the provisions of the Act, I make the following certification:

"All workers of G.E. Ravenna Lamp Plant, Ravenna, Ohio, who became totally or partially separated from employment on or after July 30, 2006 through August 24, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974,

and are eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974."

Signed in Washington, DC this 7th day of September, 2007.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-18617 Filed 9-20-07; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-61,656]

Glen Raven Technical Fabrics, LLC, a Subsidiary of Glen Raven, Inc., Burnsville, NC; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on August 17, 2007, applicable to workers of Glen Raven Technical Fabrics, LLC, a subsidiary of Glen Raven, Inc., Burnsville, North Carolina. The notice was published in the **Federal Register** on August 30, 2007 (72 FR 50126).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of broadwoven fabrics.

The findings show that there was a previous certification, TA-W-56,805, issued on May 6, 2005, for workers of Glen Raven Technical Fabrics, LLC, a subsidiary of Glen Raven, Inc., Burnsville, North Carolina. That certification expired May 6, 2007.

In order to avoid an overlap in worker group coverage, this certification is being amended to change the impact date from June 8, 2006 to May 7, 2007, for workers of the subject firm.

The amended notice applicable to TA-W-61,656 is hereby issued as follows:

"All workers of Glen Raven Technical Fabrics, LLC, a subsidiary of Glen Raven, Inc., Burnsville, North Carolina, who became totally or partially separated from employment on or after May 7, 2007, through August 17, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974 and are also eligible

to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.”

Signed at Washington, DC, this 6th day of September 2007.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-18615 Filed 9-20-07; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-59,990]

Honeywell Security and Custom Electronics, a Subsidiary of Honeywell International, Inc., Currently Known as Honeywell Security an Unincorporated Division of Honeywell International, Inc., Syosset, NY, Now Located in Melville, NY; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on September 19, 2006, applicable to workers of Honeywell Security and Custom Electronics, a subsidiary of Honeywell International, Inc., Syosset, New York. The notice was published in the **Federal Register** October 2, 2006 (71 FR 58012). The certification was previously amended on September 27, 2006 to include the Ademco name and to correct the impact date. The notice was published in the **Federal Register** on October 4, 2006 (71 FR 58632).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of alarm device equipment.

New information shows that following a corporate decision, the subject firm is currently known as Honeywell Security, an unincorporated division of Honeywell International, Inc. Information also shows that in June 2007, the subject firm previously located in Syosset, New York has relocated to Melville, New York.

Accordingly, the Department is amending this certification to correct the subject firm name and to reflect the new location Melville, New York.

The intent of the Department's certification is to include all workers of Honeywell Security and Custom Electronics, a subsidiary of Honeywell International, Inc., currently known as Honeywell Security, an unincorporated division of Honeywell International, Inc., who were adversely affected a shift in production to Mexico.

The amended notice applicable to TA-W-59,990 is hereby issued as follows:

“All workers of Honeywell Security and Custom Electronics, a subsidiary of Honeywell International, Inc., currently known as Honeywell Security, an unincorporated division of Honeywell International, Inc., Syosset, New York, now located in Melville, New York, who became totally or partially separated from employment on or after January 7, 2006, through September 19, 2008, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974 and are also eligible to apply for alternative trade adjustment assistance under section 246 of the Trade Act of 1974.”

Signed at Washington, DC, this 11th day of September 2007.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-18614 Filed 9-20-07; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-61,696]

Medtronic, Inc., Cardiovascular Division, Santa Rosa, CA; Notice of Negative Determination on Reconsideration

On August 16, 2007, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of Medtronic, Inc., Cardiovascular Division, Santa Rosa, California (the subject firm). The Department's Notice of Affirmative Determination was published in the **Federal Register** on August 27, 2007 (72 FR 49026). Workers produce cardiovascular stents (also known as coronary stents).

The initial investigation revealed that the subject firm did not import cardiovascular stents during the relevant period, that the subject firm did not shift cardiovascular stent production abroad during the relevant period, and that the subject firm sold all cardiovascular stents to a foreign source. The Department did not conduct a survey of customer's import purchases

because the subject firm sold all cardiovascular stents produced at the Santa Rosa facility to a foreign facility.

In the request for reconsideration, the workers alleged that the subject firm shifted production to Ireland.

To be certified under section (a)(2)(B) of the Trade Act, the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. There has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. The country to which the workers' firm has shifted production of the articles is a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. There has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

During the reconsideration investigation, the Department found that cardiovascular stent production did shift to Ireland. However, Ireland does not have a free trade agreement with the United States and is not named as a beneficiary country under the Andean Trade Preference Act, the African Growth and Opportunity Act or the Caribbean Basin Economic Recovery Act. Further, the Department found that, following the shift of production abroad, the subject firm did not import or have plans to import articles that are like or directly competitive with the cardiovascular stents produced at the subject firm.

In order for the Department to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA), the subject worker group must be certified eligible to apply for Trade Adjustment Assistance (TAA). Since the subject workers are denied eligibility to apply for TAA, the workers cannot be certified eligible for ATAA.

Conclusion

After careful reconsideration, I affirm the original notice of negative

determination of eligibility to apply for worker adjustment assistance for workers and former workers of Medtronic, Inc., Cardiovascular Division, Santa Rosa, California.

Signed at Washington, DC, this 11th day of September 2007.

Elliott S. Kushner,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-18616 Filed 9-20-07; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-61,899]

Ortronics, Incorporated, a Subsidiary of Legrand, including On-Site Leased Workers of Defender Services, Staffmasters USA and Holland Employment Group, Dallas, NC; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on August 13, 2007, applicable to workers of Ortronics, Incorporated, a subsidiary of Legrand, including on-site leased workers from Defender Services, Dallas, Texas. The notice was published in the **Federal Register** on August 30, 2007 (72 FR 50126).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of structured cabling and fiber optic products.

New information shows that leased workers of Staffmaster USA and Holland Employment Group were employed on-site at the Dallas, North Carolina location of Ortronics, Incorporated, a subsidiary of Legrand. The Department has determined that the Staffmaster USA and Holland Employment Group workers were sufficiently under the control of Ortronics, Incorporated to be considered leased workers.

Based on these findings, the Department is amending this certification to include leased workers of Staffmaster USA and Holland Employment Group working on-site at

the Dallas, North Carolina location of the subject firm.

The intent of the Department's certification is to include all workers employed at Ortronics, Incorporated, a subsidiary of Legrand, Dallas, North Carolina who were adversely affected by a shift in production to Mexico.

The amended notice applicable to TA-W-61,899 is hereby issued as follows:

"All workers of Ortronics, Incorporated, a subsidiary of Legrand, including on-site leased workers of Defender Services, Staffmasters USA, and Holland Employment Group, Dallas, North Carolina, who became totally or partially separated from employment on or after July 27, 2006, through August 13, 2009, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974."

Signed at Washington, DC, this 6th day of September 2007.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. E7-18618 Filed 9-20-07; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) number and alternative trade adjustment assistance (ATAA) by (TA-W) number issued during the period of *September 3 through September 7, 2007*.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) Significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) The workers' firm is a supplier and the component parts it supplied for

the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.*, conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of section 222(a)(2)(B) (shift in production) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) of the Trade Act have been met.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact

date for all workers of such determination.

The following certifications have been issued. The requirements of section 222(a)(2)(A) (increased imports) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-61,879; Remy Reman LLC, Taylorsville Div., Manpower, Instaff, Robinson, Taylorsville, MS: July 20, 2006.

TA-W-61,503; Liz Palacios Designs, San Francisco, CA: May 11, 2006.

TA-W-61,984; International Paper, Terre Haute Mill Division, Terre Haute, IN: August 14, 2006.

TA-W-61,994; Child Craft Industries, New Salisbury, IN: October 15, 2007.

The following certifications have been issued. The requirements of section 222(a)(2)(B) (shift in production) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-61,916; Honeywell International, Transportation Systems Div., Consumer Products, Fostoria, OH: July 20, 2006.

TA-W-61,982; Fasco Industries, Inc., A Subsidiary of Tecumseh Products Company, Cassville, MO: August 13, 2006.

TA-W-62,008; Encompass Group, LLC, McDonough, Ga Mfg, Ablest, McDonough, GA: August 17, 2006.

TA-W-62,011; Art Leather Manufacturing Company, Hicksville, NY: August 20, 2006.

TA-W-62,031; Laird Technologies, Spherion, St. Louis, MO: August 20, 2006.

TA-W-61,946; Atlantic Guest, Inc, d/b/a Guest Company (The), Meriden, CT: August 6, 2007.

The following certifications have been issued. The requirements of section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

None.

The following certifications have been issued. The requirements of section 222(b) (downstream producer for a firm whose workers are certified eligible to apply for TAA based on increased imports from or a shift in production to Mexico or Canada) and section 246(a)(3)(A)(ii) of the Trade Act have been met.

TA-W-62,001; Unifour Finishers, Inc., Upholstery Division, Hickory, NC: August 4, 2007.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of

246(a)(3)(A)(ii) have not been met for the reasons specified.

The Department has determined that criterion (1) of section 246 has not been met. The firm does not have a significant number of workers 50 years of age or older.

None.

The Department has determined that criterion (2) of section 246 has not been met. Workers at the firm possess skills that are easily transferable.

None.

The Department has determined that criterion (3) of section 246 has not been met. Competition conditions within the workers' industry are not adverse.

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.A.) and (a)(2)(B)(II.A.) (employment decline) have not been met.

None.

The investigation revealed that criteria (a)(2)(A)(I.B.) (Sales or production, or both, did not decline) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

None.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

TA-W-61,850; Southern Loom Reed, Gaffney, SC.

TA-W-61,856; Kilpsch Audio Technologies, Select Staff, Hope, AR.

TA-W-61,879A; Remy Reman LLC, Raleigh Division, Raleigh, MS.

TA-W-61,890; Pioneer/Seaboard Paper Company, Carlstadt, NJ.

TA-W-61,983; Molon Motor and Coil Corporation, El Paso, TX.

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-61,897; Managed Business Solutions, LLC, Applications Support Department, Fort Collins, CO.

TA-W-62,060; Spirit Airlines
Reservation Center, Clinton
Township, MI.

The investigation revealed that criteria of section 222(b)(2) has not been met. The workers' firm (or subdivision) is not a supplier to or a downstream producer for a firm whose workers were certified eligible to apply for TAA.

None.

I hereby certify that the aforementioned determinations were issued during the period of *September 3 through September 7, 2007*. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 12, 2007.

Linda G. Poole,

*Certifying Officer, Division of Trade
Adjustment Assistance.*

[FR Doc. E7-18613 Filed 9-20-07; 8:45 am]

BILLING CODE 4510-FN-P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 1, 2007.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than October 1, 2007.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 11th day of September 2007.

Ralph DiBattista,

*Director, Division of Trade Adjustment
Assistance.*

APPENDIX

TAA PETITIONS INSTITUTED BETWEEN 9/4/07 AND 9/7/07

TAW	Subject firm (petitioners)	Location	Date of institution	Date of petition
62084	Weldsource Alliance (Wkrs)	OskKosh, WI	09/04/07	08/31/07
62085	Smurfit Stone Container Corp. (Wkrs)	Columbia, SC	09/04/07	08/23/07
62086	Prelude Foam Products (Comp)	Thomasville, NC	09/04/07	08/31/07
62087	Grant Western Lumber Co. (State)	John Day, OR	09/04/07	08/31/07
62088	Friedrich Air Conditioning Company (IUECWA)	San Antonio, TX	09/05/07	09/05/07
62089	Hershey Company (The) (State)	Naugatuck, CT	09/05/07	08/31/07
62090	ABN-AMRO/Lasalle Bank (Wkrs)	Chicago, IL	09/05/07	08/28/07
62091	Plastech Engineered Products (State)	Aburn Hills, MI	09/05/07	08/28/07
62092	H and T Waterbury (State)	Waterbury, CT	09/05/07	07/17/07
62093	Riverside Uniforms (Comp)	Prichard, WV	09/05/07	09/04/07
62094	Banner Fibreboard Company (USW)	Wellsburg, WV	09/05/07	08/30/07
62095	Bremer Manufacturing Company, Inc. (Wkrs)	Elkhart Lake, WI	09/05/07	08/29/07
62096	Galey and Lord (State)	Gastonia, NC	09/05/07	09/04/07
62097	Elliott Brother Steel Company (Comp)	New Castle, PA	09/05/07	09/04/07
62098	Besser Company (Union)	Alpena, MI	09/05/07	09/04/07
62099	Carbo Medics Inc. (Comp)	Austin, TX	09/05/07	09/04/07
62100	Microfiber, Inc. (Wkrs)	Winston-Salem, NC	09/06/07	08/14/07
62101	American Woodmark (UBC)	Moorefield, WV	09/06/07	09/06/07
62102	Network Appliance, Inc. (Wkrs)	Sunnyvale, CA	09/06/07	09/05/07
62103	New River Industries, Inc. (Wkrs)	New York, NY	09/06/07	08/28/07
62104	Imation Corporation/Weatherford (Comp)	Weatherford, OK	09/06/07	09/05/07
62105	Christy Industries, Inc. (Comp)	Fraser, MI	09/06/07	08/31/07
62106	Laird Technologies (Comp)	Delaware Water Gap, PA	09/06/07	09/04/07
62107	Regal Ware, Inc. (Comp)	Kewaskum, WI	09/06/07	08/28/07
62108	Vermont Plywood (Comp)	Hancock, VT	09/06/07	09/04/07
62109	FabCare International LLC (State)	Celina, TN	09/06/07	09/04/07
62110	Bekaert Carding Solutions, Inc. (Comp)	Simpsonville, SC	09/06/07	08/29/07
62111	MB Tech Autodie LLC (Comp)	Grand Rapids, MI	09/06/07	09/05/07
62112	Fry's Metals, Inc. (Comp)	Alpharetta, GA	09/06/07	08/31/07
62113	Ken-Bar Manufacturing Company (Wkrs)	Baldwin, GA	09/07/07	09/06/07
62114	Traer Manufacturing (Union)	Traer, IA	09/07/07	09/05/07
62115	Rheem Manufacturing (Wkrs)	Milledgeville, GA	09/07/07	09/04/07
62116	U.S. Textile Corporation (Comp)	Newland, NC	09/07/07	09/06/07
62117	Intasco USA (Comp)	Port Huron, MI	09/07/07	09/06/07

[FR Doc. E7-18612 Filed 9-20-07; 8:45 am]

BILLING CODE 4510-FN-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before October 22, 2007. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting the Life Cycle Management Division (NWML) using one of the following means:

Mail: NARA (NWML), 8601 Adelphi Road, College Park, MD 20740-6001.
E-mail: requestschedule@nara.gov.
FAX: 301-837-3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT:

Laurence Brewer, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. Telephone: 301-837-1539. E-mail: records.mgt@nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Air Force, Agency-wide (N1-AFU-03-3, 7 items, 3 temporary items). Research and development case files and electronic copies of technical reports at technical libraries. Proposed for permanent retention are security-classified case files retired to a records center before 2008, sets of technical reports dated 2008 and later that are maintained by the project scientist, engineer, or manager, and paper copies of technical reports. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

2. Department of Defense, Defense Threat Reduction Agency (N1-374-05-2, 2 items, 1 temporary item). Records relating to agency protocol for official staff visits. Included are such records as agendas, itineraries, seating charts, briefing materials and audiovisual documentation. Proposed for permanent retention are official agency news publications. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

3. Department of Defense, Joint Staff (N1-218-06-3, 4 items, 4 temporary items). Inputs, master files, outputs, and system documentation for an electronic information system which updates and tracks the implementation of change recommendations.

4. Department of Defense, Joint Staff (N1-218-07-1, 4 items, 4 temporary items). Inputs, master files, outputs, and system documentation for an electronic information system which tracks the process of scheduling currency reviews for directives.

5. Department of Defense, Joint Staff (N1-218-07-2, 2 items, 2 temporary items). Master file and system documentation for an electronic information system which updates and tracks billets and personnel.

6. Department of Defense, Joint Staff (N1-218-07-3, 2 items, 2 temporary items). Master file and system documentation for an electronic information system which assesses and analyzes potential scenarios such as humanitarian efforts or combat situations.

7. Department of Health and Human Services, National Institutes of Health (N1-443-07-3, 3 items, 3 temporary items). Executed and non-executed Cooperative Research and Development Agreements. Paper recordkeeping copies of executed agreements were previously approved for disposal. This schedule authorizes the agency to apply the

proposed disposition instructions to any recordkeeping medium.

8. Department of Homeland Security, National Protection and Programs Directorate (N1-563-07-10, 2 items, 2 temporary items). Master files and outputs of the Master Station Log database, which contains information about events that may constitute a threat to critical telecommunications infrastructure. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium, except for master files.

9. Department of the Interior, National Park Service (N1-79-07-1, 7 items, 2 temporary items). Records relating to activities of the Lowell Historic Preservation Commission (1978-1995), and predecessor, Lowell Historical Canal District Commission (1972-1977), which were responsible for the planning, preservation and development of the Lowell Historic Canal District in Massachusetts. Proposed for permanent retention are recordkeeping copies of publications, meeting minutes, procedures, news clippings, and photographs.

10. Department of Justice, Bureau of Prisons (N1-129-07-14, 5 items, 5 temporary items). Records associated with an Internet Web site created to provide general public information and documentation regarding agency mission and policies.

11. Department of Justice, Federal Bureau of Investigation (N1-65-07-11, 1 item, 1 temporary item). This schedule requests authority to destroy case number 270F-IP-90916, which pertains exclusively to the investigation of the captioned individual and is unscheduled. This request responds to a Federal Pre-Trial Diversion Program court order to delete the records of the captioned individual.

12. Department of Justice, Federal Bureau of Investigation (N1-65-07-12, 6 items, 6 temporary items). Inputs, outputs, master file, audit data, and system documentation for an electronic information system which provides case management for active investigations by the agency and other law enforcement agencies.

13. Department of Justice, Federal Bureau of Investigation (N1-65-07-14, 2 items, 1 temporary item). Briefings related to administrative, financial, and management issues. Proposed for permanent retention are recordkeeping copies of briefing materials related to policies, organization, and other program issues. Briefings related to investigations are filed within the case file and the retention for the case file will be applied.

14. Department of Justice, Federal Bureau of Investigation (N1-65-07-15, 1 item, 1 temporary item). This schedule requests authority to destroy case number 198-LV-35676, which pertains exclusively to the investigation of the captioned individual and meets the criteria in previous schedule N1-65-88-3 for permanent retention. This request responds to a Federal Pre-Trial Diversion Program court order to delete the records of the captioned individual.

15. Department of the Treasury, Internal Revenue Service (N1-58-06-9, 11 items, 11 temporary items). Office of Professional Responsibility records relating to registering, terminating, and disciplining enrolled agents who practice before the Internal Revenue Service.

16. Department of the Treasury, Internal Revenue Service (N1-58-07-12, 3 items, 3 temporary items). Master file, outputs, and system documentation for an electronic information system which tracks tax filing non-compliance of IRS employees.

17. Department of the Treasury, Internal Revenue Service (N1-58-07-13, 4 items, 4 temporary items). Form 8840, Closer Connection Exception Statement for Aliens, and Form 8843, Statement for Exempt Individuals and Individuals with a Medical Condition.

18. Commodity Futures Trading Commission, Division of Enforcement (N1-180-07-2, 1 item, 1 temporary item). This schedule authorizes the agency to apply the existing disposition instructions to a records series regardless of the recordkeeping medium. Included are records relating to closed enforcement cases. Paper, audio, and video recordkeeping copies of these files were previously approved for disposal.

19. Environmental Protection Agency, Agency-wide (N1-412-07-12, 1 item, 1 temporary item). This schedule authorizes the agency to apply the existing disposition instructions to a records series regardless of the recordkeeping medium. Included are records relating to library programs. Paper recordkeeping copies of these files were previously approved for disposal.

20. Environmental Protection Agency, Office of the General Counsel (N1-412-07-53, 11 items, 10 temporary items). This schedule authorizes the agency to apply the existing disposition instructions to a number of records series regardless of the recordkeeping medium. The record series include board of contract appeals cases, Government Accountability Office contract bid protest cases, defensive litigation case files exclusive of

enforcement actions, reviews of state enforcement and environmental standards, information law and intellectual property files, and general law files relating to claims, personnel and other matters. Paper recordkeeping copies of these files were previously approved for disposal. Also included are records relating to legal opinions and interpretations, for which paper recordkeeping copies previously were approved as permanent.

21. Federal Energy Regulatory Commission, Agency-wide (N1-138-06-3, 1 item, 1 temporary item). Reports from natural gas pipeline companies concerning interrupted service and damaged facilities. Included are dates, causes, and locations of service interruptions and/or facilities damaged and communications about restoration of service or facilities.

22. National Archives and Records Administration, Office of Regional Records Services (N1-64-07-5, 21 items, 20 temporary items). Records relating to the operation and administration of Federal Records Centers and Regional Archives. Proposed for permanent retention are recordkeeping copies of program records of the Regional Administrators.

23. National Commission on Libraries and Information Science, Agency-wide (N1-220-07-1, 5 items, 2 temporary items). Routine still photographs in analog or digital format and audio recordings of meetings made for transcription. Proposed for permanent retention are mission-related photographs in digital or analog format, associated finding aids, and posters documenting historically significant activities.

Dated: September 17, 2007.

Michael J. Kurtz,

*Assistant Archivist for Records Services,
Washington, DC.*

[FR Doc. E7-18627 Filed 9-20-07; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Cyberinfrastructure; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Cyberinfrastructure (25150).

Date and Time: November 1, 2007, 10 a.m.-5 p.m. and November 2, 2007, 8 a.m.-1 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 375, Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Judy Hayden, Office of the Director, Office of Cyberinfrastructure (OD/OCI), National Science Foundation, 4201 Wilson Blvd., Suite 1145, Arlington, VA 22230, Telephone: 703-292-8970.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To advise NSF on the impact of its policies, programs and activities on the CI community. To provide advice to the Director/NSF on issues related to long-range planning, and to form ad hoc subcommittees to carry out needed studies and tasks.

Agenda: Report from the Director. Discussion of CI research initiatives, education, diversity, workforce issues in CI and long-range funding outlook.

Dated: September 17, 2007.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E7-18598 Filed 9-20-07; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering (CEOSE); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Engineering (1173).

Dates/Time: October 15, 2007, 8:30 a.m.-5:30 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Building entry badges must be obtained at the above address; the meeting will be held in Stafford II, Room 555 of the National Science Foundation Building located at 4121 Wilson Boulevard.

Type of Meeting: Open.

Contact Person: Dr. Margaret E.M. Tolbert, Senior Advisor and Executive Liaison, CEOSE, Office of Integrative Activities, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292-8040; mtolbert@nsf.gov.

Minutes: May be obtained from the Executive Liaison at the above address.

Purpose of Meeting: To discuss data and related information on Institutions Serving Persons with Disabilities in STEM to help inform CEOSE

recommendations to NSF and its decisions pertinent to persons with disabilities.

Agenda

Monday, October 15, 2007

Opening Statement by the CEOSE Ad Hoc Subcommittee Chair

Welcome by the Deputy Director of the National Science Foundation
Panel and General Discussion Topics:
○ Institutions That Serve Large Populations of Students with Disabilities.

○ Practices for Increasing the Quantity and Quality of Students with Disabilities in STEM.

○ Supporting Students with Disabilities in Post-Secondary STEM.

○ Information on Disabilities from the Perspectives of Graduate Students.

○ Hiring and Placement Practices for People with Disabilities within the STEM Workforce.

○ What the Data Show about Students with Disabilities in STEM.

Dated: September 17, 2007.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E7-18596 Filed 9-20-07; 8:45 am]

BILLING CODE 7555-01-P

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering (CEOSE); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Engineering (1173).

Dates/Time: October 16, 2007, 8:30 a.m.-5:30 p.m. and October 17, 2007, 8:30 a.m.-2 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Building entry badges must be obtained at the above address; the meeting will be held in Stafford II, Room 555 of the National Science Foundation Building located at 4121 Wilson Boulevard.

Type of Meeting: Open.

Contact Person: Dr. Margaret E.M. Tolbert, Senior Advisor and Executive Liaison, CEOSE, Office of Integrative Activities, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292-8040; mtolbert@nsf.gov.

Minutes: May be obtained from the Executive Liaison at the above address.

Purpose of Meeting: To provide advice and recommendations concerning broadening participation in science and engineering.

Agenda

Tuesday, October 16, 2007

Welcome and Opening Statement by the CEOSE Chair.

Introductions.

Presentations and Discussions:

○ Experimental Program to Stimulate Competitive Research.

○ The American Community Survey, a Survey Conducted by SRS of the Social, Behavioral and Economic Sciences Directorate.

○ Broadening Participation Briefings on NSF Advisory Committee Meetings.

○ Concurrent Planning Meetings of CEOSE Ad Hoc Subcommittees.

○ Reports on Strategic Planning by CEOSE, Mini-Symposium: Institutions Serving Persons with Disabilities Who Are in STEM Fields, Broadening Participation Efforts of Several Federal Agencies, and the NSF Broadening Participation Plan.

Wednesday, October 17, 2007

Opening Statement by the New CEOSE Chair.

Presentations/Discussions:

○ Broadening Participation Initiatives of the NSF Directorate for Engineering.

○ Broadening Participation Initiatives of the Chemistry Division of the NSF Directorate for Mathematical and Physical Sciences.

○ Discussion Topics Pertinent to the CEOSE Mandate with the NSF Director and Deputy Director.

Completion of Unfinished Business.

Susanne Bolton,

Committee Management Officer.

[FR Doc. E7-18597 Filed 9-20-07; 8:45 am]

BILLING CODE 7555-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No.: 40-8027]

Notice of Availability of the Draft Environmental Impact Statement for the Reclamation of Sequoyah Fuels Corporation Site in Gore, OK, NUREG 1888, and Notice of Public Meeting for Comment

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Availability of Draft Environmental Impact Statement and Notice of Public Meeting for Comment.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory

Commission (NRC) is issuing a Draft Environmental Impact Statement (DEIS) for the Sequoyah Fuels Corporation (SFC) license amendment application, dated January 28, 2003, and subsequently revised by letters dated February 27, 2004, and July 30, 2004, for the surface reclamation of SFC's former uranium conversion site near Gore, Oklahoma. The DEIS also addresses the SFC license amendment application dated June 12, 2003, for groundwater corrective actions at the SFC site.

The DEIS discusses the purpose and need for SFC's proposed surface reclamation activities and groundwater corrective actions and reasonable alternatives to the proposed action, including the no-action alternative. The DEIS also discusses the environment potentially affected by the SFC proposal, presents and compares the potential environmental impacts resulting from the proposed action and its alternatives, and identifies mitigation measures that could eliminate or lessen the potential environmental impacts.

The DEIS is being issued as part of the NRC's decision-making process on whether to approve SFC's proposed surface reclamation activities and groundwater corrective actions. Based on the preliminary evaluation in the DEIS, the NRC environmental review staff has concluded that the proposed action would have small effects on the physical environment and human communities with the exception of land use, for which the impact would be moderate. The DEIS is a preliminary analysis of the environmental impacts of the proposed action and its alternatives. The Final EIS and any decision documentation regarding the proposed action will not be issued until public comments on the DEIS have been received and evaluated. Notice of the availability of the Final EIS will be published in the **Federal Register**.

DATES: The NRC is offering an opportunity for public review and comment on the DEIS in accordance with applicable regulations, including NRC requirements in 10 CFR 51.73, 51.74, and 51.117. The comment period on this DEIS will be 45 days from the date the U.S. Environmental Protection Agency publishes the notice of availability in the **Federal Register**. Written comments submitted by mail should be postmarked by November 5, 2007 to ensure consideration. Comments mailed after that date will be considered to the extent practical. Comments will also be accepted by electronic or facsimile submission.

ADDRESSES: Members of the public are invited and encouraged to submit

comments to the Chief, Rules Review and Directives Branch, Mailstop: T6-D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Please note Docket No. 40-8027 when submitting comments. Comments will also be accepted by e-mail at nrcprep@nrc.gov or by facsimile to (301) 415-5369, Attention: Allen Fetter.

Public Meeting: The NRC staff will hold a public meeting to present an overview of the DEIS and to accept oral and written public comments. Prior to the public meeting, the NRC staff will be available to informally discuss the SFC's proposed action and answer questions in an "open house" format. This "open house" format provides for one-on-one discussions with the NRC staff involved with the preparation of the SFC DEIS. The meeting date, time, and location are listed below:

Tuesday, October 16, 2007

Gore High School, 1200 Northway 10, Gore, Oklahoma 74435

Open house: 6 p.m.-7 p.m.

Public Meeting: 7 p.m.-10 p.m.

The meeting will be transcribed and will include: (1) A presentation summarizing the contents of the DEIS; and (2) an opportunity for interested government agencies, organizations, and individuals to provide comments on the DEIS. Persons wishing to provide oral comments can register in advance by contacting Mr. Fetter at (301) 415-8556 by October 4, 2007, or at the public meeting. Individual oral comments may have to be limited by the time available, depending upon the number of persons who register.

If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Fetter's attention not later than October 4, 2007, to provide NRC staff with adequate notice to determine whether the request can be accommodated.

FOR FURTHER INFORMATION CONTACT: For environmental review questions, please contact Allen Fetter at (301) 415-8556. For questions related to the safety review or overall licensing of the SFC site, please contact Myron Fliegel at (301) 415-6629.

Information and documents associated with the SFC's proposed surface reclamation activities and groundwater corrective actions, including the DEIS (ADAMS Accession No.: ML072570039), are available for public review through the NRC electronic reading room: <http://www.nrc.gov/reading-rm-html>. Any comments of Federal, State, and local agencies, Indian tribes, or other

interested persons will be made available for public inspection when received. Documents may also be obtained from NRC's Public Document Room located at NRC Headquarters, 11555 Rockville Pike (first floor), Rockville, Maryland. For those without access to the Internet, paper copies of any electronic documents may be obtained for a fee by contacting the NRC's Public Document Room at 1-800-397-4209.

SUPPLEMENTARY INFORMATION: The NRC staff has prepared a DEIS in response to two license amendment requests submitted by SFC for the surface reclamation and groundwater restoration at SFC's former uranium conversion site near Gore, Oklahoma. The DEIS was prepared by the staff of the NRC and its contractor, Ecology & Environment, in compliance with the National Environmental Policy Act (NEPA) and the NRC's regulations for implementing NEPA (10 CFR Part 51). The proposed action involves a decision by NRC of whether to approve SFC's amendment requests to conduct surface reclamation activities and groundwater corrective actions at its site.

The NRC staff published a Notice of Intent to prepare an EIS for the Sequoyah Fuels Corporation Site and to conduct a scoping process, in the **Federal Register** on October 20, 1995 (60 FR 54260). The public scoping meeting was held in Gore, Oklahoma on November 15, 1995. Following the NRC's 2002 reclassification of waste at the SFC site as 11e.(2) byproduct material and transfer of the NRC regulatory oversight to Appendix A of Part 40, NRC held a rescoping meeting on May 13, 2003 (68 FR 20033). The Rescoping Summary Report was issued in November 2003 (ADAMS Accession No.: ML033170349).

The DEIS describes the proposed action and reasonable alternatives to the proposed action, including the no-action alternative. The NRC staff assesses the impacts of the proposed action and its alternative on public and occupational health, air quality, water resources, waste management, geology and soils, noise, ecology resources, land use, transportation, historical and cultural resources, visual and scenic resources, socioeconomic, accidents and environmental justice. Additionally, the DEIS analyzes and compares the costs and benefits of the proposed action.

Based on the preliminary evaluation in the DEIS, the NRC environmental review staff has concluded that the proposed action should be approved, unless safety issues mandate otherwise,

with implementation of the proposed mitigation measures that could eliminate or lessen the potential environmental impacts. The DEIS is a preliminary analysis of the environmental impacts of the proposed action and its alternatives. The Final EIS and any decision documentation regarding the proposed action will not be issued until public comments on the DEIS have been received and evaluated. Notice the availability of the Final EIS will be published in the **Federal Register**.

Dated at Rockville, Maryland, this 17th day of September, 2007.

For the U.S. Nuclear Regulatory Commission.

Scott C. Flanders,

Deputy Director, Environmental and Performance Assessment Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E7-18640 Filed 9-20-07; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Reliability and Probabilistic Risk Assessment; Notice of Meeting

The ACRS Subcommittee on Reliability and Probabilistic Risk Assessment (PRA) will hold a meeting on October 2, 2007, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, October 2, 2007—8:30 a.m. until 12 Noon

The Subcommittee will discuss the next generation Probabilistic Safety Assessment software and model representation standards. The Subcommittee will hear presentations by and hold discussions with representatives of ABS Consulting, Electric Power Research Institute (EPRI), and ARBoost Technologies regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official, Dr. Hossein P.

Nourbakhsh, (Telephone: 301-415-5622) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted.

Further information regarding this meeting can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: September 13, 2007.

Cayetano Santos,

Branch Chief, ACRS.

[FR Doc. E7-18629 Filed 9-20-07; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on October 4-6, 2007, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Wednesday, November 15, 2006 (71 FR 66561).

Thursday, October 4, 2007, Conference Room T-2b3, Two White Flint North, Rockville, MD

8:30 a.m.-8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.-10:30 a.m.: Digital Instrumentation and Controls (I&C) Project Plan and Interim Staff Guidance (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and Nuclear Energy Institute (NEI) regarding Digital I&C interim staff guidance on Cyber Security, Diversity & Defense in Depth, Highly Integrated Control Room—Communications, and Highly Integrated Control Room—Human Factors, as well as the Digital I&C Project Plan.

10:45 a.m.-12:15 p.m.: Draft Generic Letter 2007-XX, "Managing Gas Intrusion in ECCS, Decay Heat Removal, and Containment Spray Systems" (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the Draft Generic Letter 2007-XX, "Managing Gas Intrusion in ECCS, Decay Heat Removal, and Containment Spray Systems."

1:30 p.m.-3 p.m.: Dissimilar Metal Weld Issue (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and nuclear industry regarding the advanced finite

element analysis performed by the industry to provide basis for leak-before-break and the associated NRC staff's evaluation.

3:15 p.m.-5:15 p.m.: Draft ACRS Report on the NRC Safety Research Program (Open)—The Committee will discuss the draft ACRS report on the NRC Safety Research Program.

5:30 p.m.-7 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports.

Friday, October 5, 2007, Conference Room T-2B3, Two White Flint North, Rockville, MD

8:30 a.m.-8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.-11 a.m.: Meeting with NEI, EPRI, and INPO to Discuss Industry Activities (Open)—The Committee will hear presentations by and hold discussions with representatives of NEI, Electric Power Research Institute (EPRI), and Institute of Nuclear power Operations (INPO) regarding industry activities.

11:15 a.m.-12:15 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings. Also, it will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business, including anticipated workload and member assignments.

1:15 p.m.-1:30 p.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

1:30 p.m.-2:15 p.m.: Draft Final Report on Quality Assessment of Selected NRC Research Projects (Open)—The Committee will discuss the draft final ACRS report on the results of the quality assessment of the NRC research projects on: Fatigue Crack Flaw Tolerance in Nuclear Power Plant Piping; Cable Response to Live Fire (CAROLFIRE) Testing; and Technical Review of On-Line Monitoring Techniques for Performance Assessment.

2:30 p.m.-7 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports.

Saturday, October 6, 2007, Conference Room T-2B3, Two White Flint North, Rockville, MD

8:30 a.m.-12 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

12 p.m.-12:30 p.m.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October

2, 2006 (71 FR 58015). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Electronic recordings will be permitted only during the open portions of the meeting. Persons desiring to make oral statements should notify the Cognizant ACRS staff named below five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Cognizant ACRS staff prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, as well as the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Giriga S. Shukla, Cognizant ACRS staff (301-415-8439), between 7:30 a.m. and 4 p.m., (ET). ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at pdr@nrc.gov, or by calling the PDR at 1-800-397-4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> or [http://www.nrc.gov/reading-rm/doc-collections/ACRS & ACNW Mtg schedules/agendas/](http://www.nrc.gov/reading-rm/doc-collections/ACRS&ACNW/Mtg/schedules/agendas/).

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician (301-415-8066), between 7:30 a.m.-3:45 p.m., (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: September 17, 2007.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. E7-18633 Filed 9-20-07; 8:45 am]

BILLING CODE 7590-01-P

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 July 1, 2007, and July 31, 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

(b)(1) Positions of Resident Country Directors and Deputy Resident Country Directors. The length of appointments will correspond to the length or term of the compact agreements made between the Millennium Challenge Corporation (MCC) and the country in which MCC will work, plus one additional year to cover pre- and post-compact agreement related activities. Effective July 16, 2007.

Schedule B

No Schedule B appointments were approved for July 2007.

Schedule C

The following Schedule C appointments were approved during July 2007.

Section 213.3303 Executive Office of the President

Office of Management and Budget

BOGS70014 Special Assistant to the Chief of Staff. Effective July 17, 2007.

BOGS70017 Special Assistant to the Director Office of Management and Budget. Effective July 20, 2007.

Office of the United States Trade Representative

TNGS70004 Executive Assistant to the United States Trade Representative. Effective July 10, 2007.

TNGS70005 Director of Scheduling and Advance to the United States Trade Representative. Effective July 18, 2007.

Section 213.3304 Department of State

DSGS61098 Legislative Analyst to the Assistant Secretary for Legislative and Intergovernmental Affairs. Effective July 06, 2007.

DSGS61241 Special Advisor to the Assistant Secretary for Economic and Business Affairs. Effective July 06, 2007.

DSGS67921 Special Assistant to the Chief of Protocol. Effective July 20, 2007.

DSGS61243 Special Assistant to the Director, Policy Planning Staff. Effective July 23, 2007.

DSGS61062 Foreign Affairs Officer (Visits) to the Chief of Protocol. Effective July 26, 2007.

DSGS61202 Senior Advisor to the Coordinator for International Information Programs. Effective July 26, 2007.

DSGS61058 Staff Assistant to the Assistant Secretary Oceans, International Environment and Science Affairs. Effective July 27, 2007.

DSGS61036 Staff Assistant to the Assistant Secretary for Public Affairs. Effective July 30, 2007.

Section 213.3305 Department of the Treasury

DYGS00465 Special Assistant to the Assistant Secretary (Management) and Chief Financial Officer. Effective July 06, 2007.

DYGS00467 Associate Director to the White House Liaison. Effective July 27, 2007.

DYGS00498 Deputy Executive Secretary to the Deputy Chief of Staff and Executive Secretary. Effective July 27, 2007.

Section 213.3306 Department of Defense

DDGS17055 Public Affairs Specialist to the Assistant Secretary of Defense Public Affairs. Effective July 05, 2007.

DDGS17063 Personal and Confidential Assistant to the Special Assistant to the Secretary and Deputy Secretary of Defense. Effective July 05, 2007.

DDGS17052 Confidential Assistant to the Director of Defense Research and Engineering. Effective July 06, 2007.

DDGS17057 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective July 09, 2007.

DDGS17058 Special Assistant to the Assistant Secretary of Defense (Legislative Affairs). Effective July 09, 2007.

DDGS17064 Protocol Specialist to the Special Assistant to the Secretary of Defense for Protocol. Effective July 09, 2007.

DDGS17062 Special Assistant to the Director, Department of Defense Office of Legislative Counsel. Effective July 11, 2007.

DDGS17050 Advisor to the Special Assistant to the Secretary and Deputy

Secretary of Defense. Effective July 13, 2007.

DDGS17056 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective July 13, 2007.

DDGS17060 Special Assistant to the Assistant Secretary of Defense (Legislative Affairs). Effective July 13, 2007.

DDGS17065 Staff Assistant for Correspondence to the Executive Secretary. Effective July 13, 2007.

DDGS17067 Special Assistant to the Assistant Secretary of Defense (Special Operations/Low Intensity Conflict and Interdependent Capabilities). Effective July 13, 2007.

DDGS17072 Special Assistant to the Under Secretary of Defense (Comptroller). Effective July 13, 2007.

DDGS17069 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective July 17, 2007.

DDGS17076 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective July 20, 2007.

DDGS17068 Special Assistant to the Director, Department of Defense Office of Legislative Counsel. Effective July 25, 2007.

DDGS17074 Congressional Inquiries Assistant to the Assistant Secretary of Defense (Legislative Affairs). Effective July 25, 2007.

DDGS17061 Research Assistant to the Assistant Secretary of Defense Public Affairs. Effective July 27, 2007.

DDGS17080 Staff Assistant to the Principal Deputy Under Secretary of Defense (Personnel and Readiness). Effective July 27, 2007.

DDGS17070 Defense Fellow to the Special Assistant to the Secretary of Defense for White House Liaison. Effective July 30, 2007.

DDGS17071 Special Assistant to the Assistant Secretary of Defense (Legislative Affairs). Effective July 30, 2007.

DDGS17075 Speechwriter to the Assistant Secretary of Defense Public Affairs. Effective July 30, 2007.

Section 213.3308 Department of the Navy

DNGS07299 Staff Assistant to the Under Secretary of the Navy. Effective July 16, 2007.

Section 213.3309 Department of the Air Force

DFGS00004 Special Assistant to the Principal Deputy Assistant Secretary (Financial Management). Effective July 09, 2007.

Section 213.3310 Department of Justice

DJGS00410 Senior Advisor to the Assistant Attorney General to the Office of Justice Programs. Effective July 09, 2007.

DJGS00344 Counsel to the Chief of Staff. Effective July 20, 2007.

DJGS00289 Counsel to the Counselor and Chief of Staff. Effective July 25, 2007.

Section 213.3311 Department of Homeland Security

DMGS00685 Assistant Director to the Assistant Secretary for Legislative Affairs. Effective July 09, 2007.

DMGS00686 Assistant Director to the Assistant Secretary for Legislative Affairs. Effective July 09, 2007.

DMGS00677 Senior Liaison Officer to the Executive Secretary. Effective July 10, 2007.

DMGS00681 Assistant Press Secretary to the Deputy Assistant Secretary for Media Relations and Press Secretary. Effective July 13, 2007.

DMGS00684 Counselor to the Commissioner to the Chief of Staff. Effective July 13, 2007.

DMGS00669 Director of Legislative Affairs for Intelligence and Operations to the Assistant Secretary for Legislative Affairs. Effective July 20, 2007.

DMGS00680 Advisor to the Director for Policy to the Director, Domestic Nuclear Detection Office. Effective July 20, 2007.

DMGS00687 Director of Faith Based and Community Initiatives to the Under Secretary for National Protection and Programs. Effective July 20, 2007.

DMGS00691 Governor and Homeland Security Advisor Coordinator to the Assistant Secretary for Intergovernmental Programs. Effective July 27, 2007.

DMGS00693 Special Assistant to the Assistant Secretary for Intelligence and Analysis. Effective July 27, 2007.

DMGS00694 Confidential Assistant to the General Counsel. Effective July 27, 2007.

DMGS00689 Advance Representative to the Director of Scheduling and Advance. Effective July 30, 2007.

DMGS00690 Advance Representative to the Director of Scheduling and Advance. Effective July 30, 2007.

Section 213.3312 Department of the Interior

DIGS01105 Special Assistant for Public Affairs to the Director, Take Pride In America. Effective July 20, 2007.

DIGS01106 Congressional Affairs Specialist to the Director, Congressional and Legislative Affairs. Effective July 23, 2007.

Section 213.3313 Department of Agriculture

DAGS00901 Confidential Assistant to the Administrator, Food and Nutrition Service. Effective July 09, 2007.

DAGS00908 Confidential Assistant to the Under Secretary for Natural Resources and Environment. Effective July 09, 2007.

DAGS00909 Special Assistant to the Administrator. Effective July 10, 2007.

DASL00085 Special Assistant to the Under Secretary for Rural Development. Effective July 12, 2007.

DAGS00910 Director of Legislative and Public Affairs to the Deputy Under Secretary for Rural Development. Effective July 23, 2007.

DAGS00911 Deputy Administrator for Special Nutrition Programs to the Under Secretary for Food Nutrition and Consumer Services. Effective July 23, 2007.

DAGS00912 Confidential Assistant to the Under Secretary for Food Safety. Effective July 23, 2007.

Section 213.3314 Department of Commerce

DCGS00582 Confidential Assistant to the Assistant Secretary for Export Enforcement. Effective July 20, 2007.

DCGS00676 Special Assistant to the Director, Advocacy Center. Effective July 20, 2007.

DCGS00012 Special Assistant to the Director, Executive Secretariat. Effective July 23, 2007.

DCGS00558 Confidential Assistant to the Chief of Staff. Effective July 27, 2007.

Section 213.3315 Department of Labor

DLGS60159 Senior Advisor to the Deputy Chief of Staff. Effective July 09, 2007.

DLGS60210 Deputy Director to the Director, Office of Faith Based and Community Initiatives. Effective July 09, 2007.

DLGS60172 Special Assistant to the Associate Deputy Secretary. Effective July 13, 2007.

Section 213.3316 Department of Health and Human Services

DHGS60547 Special Assistant to the Deputy Assistant Secretary for Public Affairs (Media). Effective July 17, 2007.

DHGS60130 Special Assistant to the Assistant Secretary for Health. Effective July 27, 2007.

Section 213.3317 Department of Education

- DBGS00622 Confidential Assistant to the Executive Director. Effective July 06, 2007.
- DBGS00623 Confidential Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective July 09, 2007.
- DBGS00625 Confidential Assistant to the Director, Scheduling and Advance Staff. Effective July 20, 2007.
- DBGS00628 Confidential Assistant to the Chief of Staff. Effective July 27, 2007.
- DBGS00627 Confidential Assistant to the Special Assistant. Effective July 30, 2007.

Section 213.3318 Environmental Protection Agency

- EPGS07016 Assistant to the Chief of Staff. Effective July 09, 2007.
- EPGS07014 Advance Specialist to the Deputy Chief of Staff (Operations). Effective July 20, 2007.
- EPGS05018 Deputy Associate Administrator for Office of Congressional Affairs to the Associate Administrator for Congressional and Intergovernmental Relations. Effective July 27, 2007.
- EPGS07018 Program Advisor to the Associate Administrator for Public Affairs. Effective July 30, 2007.

Section 213.3331 Department of Energy

- DEGS00601 Policy Advisor to the Deputy Assistant Secretary. Effective July 05, 2007.
- DEGS00602 Special Assistant to the Deputy Assistant Secretary. Effective July 05, 2007.
- DEGS00606 Deputy Assistant Secretary for Environmental Management and Budget to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective July 23, 2007.

Section 213.3337 General Services Administration

- GS60069 Events Management Specialist to the Deputy Associate Administrator for Communications. Effective July 06, 2007.
- GS60079 Special Assistant to the Regional Administrator, Region 2, New York. Effective July 10, 2007.
- GS60167 Confidential Assistant to the Chief of Staff. Effective July 25, 2007.

Section 213.3344 Occupational Safety and Health Review Commission

- SHGS00002 Confidential Assistant to the Commission Member (Chairman). Effective July 17, 2007.

Section 213.3348 National Aeronautics and Space Administration

- NNGS30116 White House Liaison to the Administrator. Effective July 11, 2007.

Section 213.3379 Commodity Futures Trading Commission

- CTOT60002 Administrative Assistant to the Chairperson. Effective July 30, 2007.

Section 213.3384 Department of Housing and Urban Development

- DUGS60517 Regional Director to the Assistant Deputy Secretary for Field Policy and Management. Effective July 17, 2007.

Section 213.3394 Department of Transportation

- DTGS60372 Deputy Assistant Secretary for Governmental Affairs. Effective July 24, 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.

Howard Weizmann,

Deputy Director.

[FR Doc. E7–18696 Filed 9–20–07; 8:45 am]

BILLING CODE 6325–39-P

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS**Sunshine Act Meeting**

DATES AND TIMES: Monday, September 24, 2007, at 9 a.m.; Tuesday, September 25, 2007, at 12:30 p.m.; and Wednesday, September 26, 2007, at 8:30 a.m.

PLACES: Potomac, Maryland, at the Bolger Center, 9600 Newbridge Drive; and Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room.

STATUS: September 24—9 a.m.—Closed; September 25—12:30 p.m.—Closed; September 26—8:30 a.m.—Open.

Matters to be Considered

Monday, September 24 at 9 a.m. (Closed) at Bolger Center

1. Strategic Issues.
2. Financial Update.
3. Fiscal Year 2008 Integrated Financial Plan Briefing.
4. Office of Inspector General Fiscal Year 2008 Budget.
5. Rate Case Update.
6. Labor Negotiations Update.
7. Personnel Matters and Compensation Issues.
8. Governors' Executive Session—Discussion of prior agenda items and Board Governance.

Tuesday, September 25 at 12:30 p.m. (Closed) at USPS Headquarters

1. Continuation of Monday's closed session agenda.

Wednesday, September 26 at 8:30 a.m. (Open) at USPS Headquarters

1. Minutes of Previous Meeting, August 7–8, 2007.
2. Remarks of the Chairman and Vice Chairman of the Board.
3. Remarks of the Postmaster General and CEO Jack Potter.
4. Committee Reports.
5. Board of Governors Calendar Year 2008 and 2009 Schedule.
6. Office of the Governors Fiscal Year 2008 Budget.
7. Postal Regulatory Commission Fiscal Year 2008 Budget.
8. Consideration of Fiscal Year 2008 Operating and Capital Plans—FY 2008 Integrated Financial Plan.
9. Tentative Fiscal Year 2009 Appropriation Request.
10. Capital Investments.
 - a. Perris, California, Delivery Distribution Center.
 - b. Miami, Florida, Mail Processing Facility.
11. Tentative Agenda for the November 14–15, 2007, meeting in Washington, DC.

CONTACT PERSON FOR MORE INFORMATION: Wendy A. Hocking, Esq., Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260–1000. Telephone (202) 268–4800.

Wendy A. Hocking,

Secretary.

[FR Doc. 07–4703 Filed 9–18–07; 4:28 pm]

BILLING CODE 7710–12-M

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–3; SEC File No. 270–026; OMB Control No. 3235–0033.

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”) intends to submit to the Office of Management and Budget (“OMB”) a request for extension of the previously approved collection of information discussed below. The Code

of Federal Regulations citation to this collection of information: 17 CFR 240.17a-3.

Rule 17a-3 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) establishes minimum standards with respect to business records that broker-dealers registered with the Commission must make and keep current. These records are maintained by the broker-dealer (in accordance with a separate rule), so they can be used by the broker-dealer and reviewed by Commission examiners, as well as other regulatory authority examiners, during inspections of the broker-dealer.

The collections of information included in Rule 17a-3 is necessary to provide Commission, self-regulatory organizations and state examiners to conduct effective and efficient examinations to determine whether broker-dealers are complying with relevant laws, rules, and regulations. If broker-dealers were not required to create these baseline, standardized records, Commission, self-regulatory organizations and state examiners could be unable to determine whether broker-dealers are in compliance with the Commission's antifraud and anti-manipulation rules, financial responsibility program, and other Commission, self-regulatory organizations, and State laws, rules, and regulations.

As of July 30, 2007 there were 5,850 broker-dealers registered with the Commission. The Commission estimates that these broker-dealer respondents incur a total burden of 2,984,760 hours per year to comply with Rule 17a-3. Approximately 1,524,210 of those hours are attributable to Rule 17a-3(a)(17), and about 1,460,550 hours are attributable to the rest of Rule 17a-3. Rule 17a-3(a)(17) contains requirements to provide customers with account information (approximately 975,809 hours) and requirements to update customer account information (approximately 548,401 hours).

In addition, Rule 17a-3 contains ongoing operation and maintenance costs for broker-dealers including the cost of postage to provide customers with account information, and costs for equipment and systems development. The Commission estimates that under Rule 17a-3(a)(17), approximately 36,365,553 customers will need to be provided with information regarding their account on a yearly basis. The Commission estimates that the postage costs associated with providing those customers with copies of their account record information would be approximately \$8,176,435 per year

(28,390,400 × \$0.288).¹ Based on comments provided in response to the 2001 Amendments (as adjusted to account for inflation), the staff believes that the ongoing equipment and systems development costs relating to Rule 17a-3 for the industry would be about \$23,362,847 per year. Consequently, the total cost burden associated with Rule 17a-3 would be approximately \$31,539,282 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: September 17, 2007.

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E7-18550 Filed 9-20-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549-0213.

Extension:

Form N-14, SEC File No. 270-297, OMB Control No. 3235-0336.

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.

Form N-14 (17 CFR 239.23)—Registration Statement Under the Securities Act of 1933 for Securities Issued in Business Combination Transactions by Investment Companies and Business Development Companies. Form N-14 is used by investment companies registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) ("Investment Company Act") and business development companies as defined by Section 2(a)(48) of the Investment Company Act to register securities under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) to be issued in business combination transactions specified in rule 145(a) (17 CFR 230.145(a)) and exchange offers. The securities are registered under the Securities Act to ensure that investors receive the material information necessary to evaluate securities issued in business combination transactions. The Commission staff reviews registration statements on Form N-14 for the adequacy and accuracy of the disclosure contained therein. Without Form N-14, the Commission would be unable to verify compliance with securities law requirements. The respondents to the collection of information are investment companies or business development companies issuing securities in business combination transactions. The estimated number of responses is 375 and the collection occurs only when a merger or other business combination is planned. The estimated total annual reporting burden of the collection of information is approximately 620 hours per response for a new registration statement, and approximately 350 hours per response for an amended Form N-14, for a total of 196,050 annual burden hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the Commission's mission, including whether the information will have practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information

¹ Estimates of postage costs are derived from past conversations with industry representatives and have been adjusted to account for inflation.

technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to 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.

Dated: September 13, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-18687 Filed 9-20-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of September 24, 2007:

Closed Meetings will be held on Tuesday, September 25, 2007 at 10 a.m. and Thursday, September 27, 2007 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (8), (9)(B), and (10) and 17 CFR 200.402(a)(3), (5), (7), (8), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meetings.

Commissioner Nazareth, as duty officer, voted to consider the items listed for the closed meetings in closed sessions.

The subject matter of the Closed Meeting scheduled for Tuesday, September 25, 2007 will be:

Formal order of investigation;
Institution and settlement of
injunctive actions;

Institution and settlement of
administrative proceedings of an
enforcement nature;

Resolution of litigation claims;
Other matters related to enforcement
proceedings; and
Adjudicatory matters.

The subject matter of the Closed Meeting scheduled for Thursday, September 27, 2007 will be:

Formal orders of investigation;
Institution and settlement of
injunctive actions;

Institution and settlement of
administrative proceedings of an
enforcement nature; and a regulatory
matter regarding a financial institution.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551-5400.

September 18, 2007.

Nancy M. Morris,

Secretary.

[FR Doc. E7-18721 Filed 9-20-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56439; File No. SR-FINRA-2007-007]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of Proposed Rule Change Relating to Exemption From Reporting for TRACE- Eligible Securities Transactions Resulting From Exercise or Settlement of Options, Termination or Settlement of Credit Default Swaps, Other Types of Swaps, or Similar Instruments

September 13, 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 10, 2007, the Financial Industry Regulatory Authority, Inc. ("FINRA") (f/k/a National Association of Securities Dealers, Inc. ("NASD")) 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. 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

FINRA is proposing to amend: (1) NASD Rule 6230(e) to exempt from reporting to the Trade Reporting and Compliance Engine ("TRACE") transactions in TRACE-eligible

securities resulting from the exercise or settlement of an option or a similar instrument, or the termination or settlement of a credit default swap ("CDS"), other type of swap, or a similar instrument (collectively, "Derivative-Related Transactions"); and (2) NASD Rule 6210(c) to conform the definition of "reportable TRACE transaction" to exclude this class and any other class of exempted transactions from the defined term. The text of the proposed rule change is available on FINRA's Web site (<http://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

FINRA proposes to amend NASD Rule 6230(e) to exempt transactions in TRACE-eligible securities³ that are Derivative-Related Transactions from the TRACE reporting requirements in NASD Rule 6230, and to make conforming amendments to NASD Rule 6210(c). (The TRACE reporting requirement does not exist in connection with *any cash-settled derivative*, even if the derivative, such as a CDS, refers to one or several securities that are TRACE-eligible securities.) Concurrently, FINRA withdraws SR-NASD-2006-103.⁴ In

³ See NASD Rule 6210 for definition of "TRACE-eligible security."

⁴ SR-NASD-2006-103 was filed with the Commission on August 28, 2006. FINRA proposed NASD IM-6230 to provide exemptive relief from certain reporting requirements for transactions executed in connection with the termination or settlement of a CDS or a similar instrument ("CDS-Related Transactions") and an amendment to NASD Rule 6250 to exempt all Derivative-Related Transactions from dissemination. See Securities Exchange Act Release No. 54681 (November 1, 2006), 71 FR 65555 (November 8, 2006) (notice of filing of proposed rule change). Among other things, in SR-NASD-2006-103, FINRA stated that the reporting requirement addressed previously in NASD Notice to Members 05-77 (November 2005)

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

addition, if the proposed rule change is approved, FINRA will rescind NASD *Notice to Members* 05-77 (November 2005), in which FINRA clarified members' obligations to report Derivative-Related Transactions to TRACE.⁵

FINRA believes that Derivative-Related Transactions, although technically transactions if they result in a change of beneficial ownership of TRACE-eligible securities, should not be reported for several reasons.⁶ Such transactions should be exempt from reporting because the information regarding price (and yield) being reported does not reflect a currently negotiated transaction price. The price of a transaction in a TRACE-eligible security executed in such circumstances is agreed upon at the time of the execution of a CDS or other derivative. In the event of a CDS, for example, the price is usually set at par. At the time of an event triggering a termination and settlement of a CDS such as a filing of bankruptcy, an issuer's bonds are very likely trading below par. Accordingly, the resulting Derivative-Related Transaction, if the CDS is physically settled, will be at a price that does not reflect current market conditions. FINRA recognized this in NASD *Notice to Members* 05-77, requiring that such transactions be reported using the "special price" flag or modifier, which is appropriately used when a transaction is executed at a price based on arm's length negotiation and done for investment, commercial, or trading considerations, but does not appear to reflect current market pricing. In addition, the pricing and time of the reporting and dissemination of certain Derivative-Related Transactions, such as CDS-related transactions, not only *will not aid* in price discovery, but also may create significant investor confusion. For example, due to the basic structure of a CDS, all or many of such Derivative-Related Transactions in a single issuer likely would occur, and be reported and disseminated during the same period. Thus, a very large number of non-market-priced transactions in the debt securities of the issuer likely would be reported and disseminated and create confusion in the marketplace, especially to retail investors who may expect pricing at par, and, in most cases, will

applies only to those derivative instruments that are terminated or settled in whole or in part by the purchase or sale of TRACE-eligible securities ("physical settlement"), and has no application to derivatives that are cash-settled.

⁵ See NASD *Notice to Members* 05-77 (November 2005).

⁶ Transactions that are not reported also are not disseminated.

receive quotes substantially below par. Accordingly, as prices from Derivative-Related Transactions do not contribute to price discovery, the costs of continuing to require such reporting, including potential investor confusion, argue in favor of the proposed exemption from TRACE reporting and dissemination.

Finally, the rationale underlying the proposed exemption from TRACE reporting and dissemination—price discovery does not occur and investor confusion is likely to occur—has been recognized previously by the Commission and FINRA as logical bases for exempting certain transactions from trade reporting and dissemination. For example, for many years FINRA had a similar trade reporting exemption for certain transactions in equity securities, such as transactions occurring as a result of the exercise of an over-the-counter ("OTC") option on an equity security.⁷ Transactions from Derivative-Related Transactions should be exempt for the same reasons that the Commission approved such trade reporting exemptions for transactions that occurred as a result of the exercise of the derivative OTC option.

FINRA also proposes to make conforming amendments to NASD Rule 6210(c), the term "reportable TRACE transaction." The definition currently *restates* a trade reporting exemption in NASD Rule 6230(e) and states that these exempt transactions are not reportable TRACE transactions. FINRA proposes to substitute a general statement regarding exempted transactions for the specific reference, which would make "TRACE reportable transaction" consistent with proposed NASD Rule 6230(e) and

⁷ Historically, purchases and sales of equity securities that occurred as a result of the exercise of an OTC option were not required to be reported to FINRA. In 2006, FINRA amended its rules to establish "Reporting * * * for Purposes of Regulatory Transaction Fee Assessment" for such equity transactions (and certain other equity transactions). The rules were changed specifically to improve FINRA's program regarding certain fees ("Section 31 fees") payable to the Commission to improve FINRA's collection of transaction-based fees; the changes were *not made* to further either the policy to improve market surveillance or to facilitate price discovery, which are primary policy objectives of trade reporting and dissemination. Due to the nature of such reports, they are not disseminated and a member does not pay the usual fees—certain system usage fees—charged for trade reporting. (Under Section 31 of the Act, FINRA is required to pay *transaction fees* and certain other assessments to the Commission that are designed to recover the costs related to the government's supervision and regulation of the securities markets and securities professionals.) See Section 31 of the Act, 15 U.S.C. 78ee and Rule 31 thereunder, 17 CFR 240.31; Securities Exchange Act Release No. 53977 (June 12, 2006), 71 FR 34976 (June 16, 2006) (order approving SR-NASD-2006-055, equity trade reporting amendments); NASD *Notice to Members* 06-39 (August 2006).

eliminate the need to amend NASD Rule 6210(c) each time NASD Rule 6230(e) is amended. The amendment would restate "Reportable TRACE transaction" as "any secondary market transaction in a TRACE-eligible security except transactions exempt from reporting as specified in NASD Rule 6230(e)."

FINRA would announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval, if the Commission approves the proposal. The effective date would be no later than 30 days following publication of the *Regulatory Notice* 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,⁸ which requires, among other things, that FINRA rules must 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 Derivative-Related Transactions should be exempt from TRACE reporting because such information does not contribute to price discovery and the reporting and dissemination of such information may confuse market participants, particularly retail and non-professional investors, and investors and the public interest will be protected if the trade report information is not so reported and disseminated.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.⁹

⁸ 15 U.S.C. 78o-3(b)(6).

⁹ FINRA notes that one written comment letter was received by the Commission in response to SR-NASD-2006-103, the proposed rule change to provide exemptive relief from certain TRACE reporting requirements in NASD Rule 6230 for CDS-related transactions and to not disseminate transaction information under NASD Rule 6250 for Derivatives-Related Transactions. The commenter requested that FINRA consider providing exemptive relief beyond that proposed in SR-NASD-2006-103, and supported the proposed amendment to Rule 6250 to not disseminate Derivative-Related Transactions, except if a member would incur additional costs by being required to designate in

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-FINRA-2007-007 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-FINRA-2007-007. 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

the report that certain transactions should not be disseminated. The commenter also stated its opposition generally to any reporting and dissemination of Derivative-Related Transactions. See letter to Nancy M. Morris, Secretary, Commission, from Mary Kuan, Vice President and Assistant General Counsel, Securities Industry and Financial Markets Association, dated December 8, 2006.

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 a.m. and 3 p.m. 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-FINRA-2007-007 and should be submitted on or before October 12, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E7-18551 Filed 9-20-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56444; File No. SR-ISE-2007-45]

Self-Regulatory Organizations; International Securities Exchange, LLC; Order Granting Approval to a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Relating to a Quote Mitigation Plan for Competitive Market Makers

September 14, 2007.

On June 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 adopt, on a one-year pilot basis, a quote mitigation plan for the Exchange's Competitive Market Makers ("CMMs"). On August 1, 2007, the Exchange filed Amendment No. 1 to the proposed rule change. The proposed rule change, as amended, was published for comment in the **Federal Register** on August 9, 2007.³ The Commission received no comments on the proposed rule change. This order approves the proposed rule

change, as modified by Amendment No. 1.

After careful review of the proposal, 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.⁴ In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,⁵ which requires, among other things, that the rules of an 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.

The Exchange is proposing a quote mitigation plan for its CMMs on a pilot basis for one year in no more than twenty securities ("Pilot Program Securities") to be designated by the Exchange. Under ISE's current rules, a CMM must enter continuous quotations in all the series of at least 60 percent of the options classes for the group or "bin" to which it is appointed, or 60 options classes in the Group, whichever is less. Further, once a CMM enters a quote in an options class to which it is appointed, it must continuously quote in all series of that options class until the close of trading that day. ISE proposes to amend its rule so that a CMM will be required to enter continuous quotations in just 60 percent of the series, rather than in all series, of the options classes overlying the Pilot Program Securities, to which the CMM is appointed. Once a CMM enters a quote in a series, it must continue to quote in that series until the close of trading that day.⁶

The Exchange will issue a circular to CMMs identifying the initial Pilot Program Securities.⁷ The Exchange notes that the Pilot Program Securities selected by the Exchange are subject to

⁴ In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

⁵ 15 U.S.C. 78f(b)(5).

⁶ The Exchange notes that ISE Rule 804(e)(2)(iii), which states that a CMM may be called upon to submit quotes in one or more series of options to which it is appointed in the interest of maintaining fair and orderly markets, shall continue to apply under the proposed pilot program.

⁷ The initial proposed pilot will consist of up to 20 of the most active classes, in terms of the number of quotes generated, that are in the Exchange's Penny Pilot Program. See Securities Exchange Act Release Nos. 55161 (January 24, 2007), 72 FR 4754 (February 1, 2007) (SR-ISE-2006-62) and 56151 (July 26, 2007), 72 FR 42452 (August 2, 2007) (SR-ISE-2007-68).

¹⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ Securities Exchange Act Release No. 56201 (August 3, 2007), 72 FR 44903.

change based on the quoting activity in these securities. Each time a change takes place in the Pilot Program Securities, the Exchange will issue circulars to notify CMMs of this change and shall provide them with adequate notice in order for them to make any required systems changes.

The Commission believes that the proposed rule change, which is intended to alleviate capacity constraints on some market participants' systems without adversely affecting the quality of the Exchange's markets or the timely receipt of quote information, is consistent with the Act. The Commission notes that it has already approved internal quote mitigation strategies on other exchanges that relieve some market makers of the obligation to quote every series of every class to which they are appointed.⁸

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁹ that the proposed rule change (SR-ISE-2007-45), as modified by Amendment No. 1, be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7-18686 Filed 9-20-07; 8:45 am]

BILLING CODE 8010-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-56443; File No. SR-Phlx-2007-64]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Trade Throughs for IOC Cross Orders on the XLE

September 14, 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 30, 2007, the Philadelphia Stock Exchange, Inc. ("Phlx" 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 substantially by Phlx. Phlx filed the proposed rule change pursuant to section 19(b)(3)(A) of the

Act³ and Rule 19b-4(f)(6) thereunder,⁴ which renders it 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 Phlx proposes to remove the trade through restrictions for IOC Cross Orders⁵ entered during the Pre Market Session⁶ or the Post Market Session⁷ on XLE, Phlx's electronic equity trading platform. In addition, Phlx proposes to re-organize Phlx Rule 185(c)(2)(D), which should make it more readable.

The text of the proposed rule change is available at <http://www.phlx.com>, the Exchange, and 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, Phlx 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. Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to increase the competitiveness of XLE by allowing an additional circumstance in which IOC Cross Orders may trade through. In addition, Phlx proposes to make Phlx Rule 185(c)(2)(D) more readable by dividing the rule into subsections. Phlx accepts IOC Cross Orders on XLE during all three XLE trading sessions, from 8 a.m. until 6 p.m. An IOC Cross Order is a two-sided order that matches, immediately and automatically on XLE, the buy side and sell side identified in the order, unless the price of the order would impermissibly trade at or through other orders on XLE or at away

markets.⁸ Currently, IOC Cross Orders may trade through the Protected NBBO⁹ in four different situations as described in Phlx Rule 185(c)(2)(D). These four situations correspond with either exceptions¹⁰ to or an exemption¹¹ from Rule 611(a) of Regulation NMS.¹²

At this time, Phlx proposes to add to Phlx Rule 185(c)(2)(D) another situation in which IOC Cross Orders may trade through the Protected NBBO. Proposed Phlx Rule 185(c)(2)(D)(v) would allow IOC Cross Orders that are entered during the Pre Market or Post Market Sessions to trade through the Protected NBBO. The Pre Market and Post Market Sessions take place outside of the hours 9:30 a.m. to 4 p.m. Rule 611(a) of Regulation NMS does not apply to trade throughs of, among other things, the Protected NBBO, outside of regular trading hours, which are 9:30 a.m. until 4 p.m.¹³ Therefore, Rule 611(a) of Regulation NMS would not prohibit IOC Cross Orders from trading through the Protected NBBO during the Pre Market or Post Market Sessions on XLE.¹⁴

2. Statutory Basis

The Exchange believes that its proposal is consistent with section 6(b) of the Act¹⁵ in general, and furthers the objectives of section 6(b)(5) of the Act¹⁶ in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market

⁸ See Phlx Rule 185(c)(2).

⁹ See Phlx Rule 1(dd).

¹⁰ Renumbered Phlx Rule 185(c)(2)(D)(i) corresponds with Rule 611(b)(4) of Regulation NMS, 17 CFR 242.611(b)(4). Renumbered Phlx Rule 185(c)(2)(D)(ii) corresponds with Rule 611(b)(5) of Regulation NMS, 17 CFR 242.611(b)(5). Renumbered Phlx Rule 185(c)(2)(D)(iii) corresponds with Rule 611(b)(7) of Regulation NMS, 17 CFR 242.611(b)(7).

¹¹ Renumbered Phlx Rule 185(c)(2)(D)(iv) corresponds with Securities Exchange Act Release No. 54389 (August 31, 2006), 71 FR 52829 (September 7, 2006).

¹² 17 CFR 242.611(a).

¹³ As used in Rule 611(a) of Regulation NMS, 17 CFR 242.611(a), the term "trade through" only applies during regular trading hours. 17 CFR 242.600(b)(77). Rule 600(b)(64) of Regulation NMS, 17 CFR 242.600(b)(64), defines regular trading hours as "the time between 9:30 a.m. and 4 p.m. Eastern Time, or such other time as is set forth in the procedures established pursuant to § 242.605(a)(2)." At this time, no such other time has been set forth, therefore the regular trading hours for all purposes is 9:30 a.m. until 4 p.m.

¹⁴ Although Rule 611(a) of Regulation NMS does not prohibit trade throughs during these times, a broker's duty of best execution still applies. See Securities Exchange Act Release No. 51808 (June 9, 2005) 70 FR 37496 (June 29, 2005) (text at footnote 338).

¹⁵ 15 U.S.C. 78f(b).

¹⁶ 15 U.S.C. 78f(b)(5).

⁸ See Phlx Rule 1014(b)(ii)(D)(1); see also Amex Rule 994(c)(iv).

⁹ 15 U.S.C. 78s(b)(2).

¹⁰ 17 CFR 200.30-3(a)(12).

¹¹ 15 U.S.C. 78s(b)(1).

¹² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6).

⁵ See Phlx Rule 185(c)(2).

⁶ See Phlx Rule 101 Supplementary Material .02(1).

⁷ See Phlx Rule 101 Supplementary Material .02(3).

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 will impose any burden on competition 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.

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, if consistent with the protection of investors and public interest, it has become effective pursuant to section 19(b)(3)(A) of the Act¹⁷ and Rule 19b-4(f)(6) thereunder.¹⁸

Normally, a proposed rule change filed under 19b-4(f)(6) may not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii)¹⁹ 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 requested that the Commission waive the 30-day operative delay set forth in Rule 19b-4(f)(6)(iii) under the Act²⁰ because it permits activity that is currently permitted by the Chicago Stock Exchange ("CHX") pursuant to CHX Article 20, Rule 5(a).²¹ The Commission believes that the

earlier operative date is consistent with the protection of investors and the public interest because the proposed rule change permits the Exchange to implement without further delay a proposal that is similar to the trade through protection currently effective on CHX. For these reasons, the Commission designates the proposal to be operative upon filing with the Commission.²²

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-Phlx-2007-64 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-Phlx-2007-64. 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 Phlx. 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-Phlx-2007-64 and should be submitted on or before October 12, 2007.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²³

Florence E. Harmon,
Deputy Secretary.

[FR Doc. E7-18552 Filed 9-20-07; 8:45 am]

BILLING CODE 8010-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11008 and #11009]

Oklahoma Disaster Number OK-00013

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA-1718-DR), dated 08/24/2007.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 08/18/2007 through 09/12/2007.

Effective Date: 09/17/2007.

Physical Loan Application Deadline Date: 10/23/2007.

EIDL Loan Application Deadline Date: 05/26/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Oklahoma, dated 08/24/2007 is hereby amended to include the

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f)(6).

¹⁹ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission notes that Phlx has satisfied the five-day pre-filing notice requirement.

²⁰ 17 CFR 240.19b-4(f)(6)(iii).

²¹ CHX Article 20, Rule 5(a) permits orders submitted to CHX to trade through orders on markets other than CHX if such trade through is not prohibited by Rule 611 of Regulation NMS, 17 CFR 242.611. Therefore, orders submitted to CHX outside of regular trading hours would be permitted to trade through orders on markets other than CHX.

²² For purposes only of waiving the 30-day 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).

²³ 17 CFR 200.30-3(a)(12).

following areas as adversely affected by the disaster:

Primary Counties: Canadian, Cleveland, Comanche, Custer, Grady, Kiowa, Okfuskee, Oklahoma, Okmulgee, Pottawatomie, Seminole, Stephens.

Contiguous Counties: Oklahoma: Beckham, Carter, Cotton, Creek, Garvin, Greer, Huges, Jackson, Jefferson, Lincoln, McClain, McIntosh, Muskogee, Pontotoc, Roger Mills, Tillman, Tulsa, Wagoner.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Roger B. Garland,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 07-4691 Filed 9-20-07; 8:45 am]

BILLING CODE 8025-01-M

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #11008 and #11009]

Oklahoma Disaster Number OK-00013

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA-1718-DR), dated 08/24/2007.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 08/18/2007 and continuing through 09/12/2007.

Effective Date: 09/12/2007.

Physical Loan Application Deadline Date: 10/23/2007.

EIDL Loan Application Deadline Date: 05/26/2008.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Oklahoma, dated 08/24/2007 is hereby amended to establish the incident period for this disaster as beginning 08/18/2007 and continuing through 09/12/2007.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Roger B. Garland,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E7-18639 Filed 9-20-07; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF STATE

[Public Notice 5909]

International Security Advisory Board (ISAB) Meeting Notice-Rescheduling of October 1 Meeting

The closed meeting of the International Security Advisory Board (ISAB) originally scheduled for October 1, 2007, and published as Public Notice 5859 in the **Federal Register** of August 27, 2007 (Volume 72, Number 165, page 49038), has been rescheduled. The new meeting date is October 19, 2007.

For more information, contact Brandy Buttrick, Deputy Executive Director of the International Security Advisory Board, Department of State, Washington, DC 20520, telephone: (202) 647-9336.

Dated: September 14, 2007.

George W. Look,

Executive Director, International Security Advisory Board, Department of State.

[FR Doc. E7-18698 Filed 9-20-07; 8:45 am]

BILLING CODE 4710-27-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending September 7, 2007

The following Agreements were filed with the Department of Transportation under Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1383 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST-2007-29165.

Date Filed: September 4, 2007.

Parties: Members of the International Air Transport Association.

Subject: Mail Vote Number A141, Expansion of Resolution 818g to Namibia, Botswana, Lesotho and Switzerland.

Intended effective date: 1 October 2007.

Docket Number: OST-2007-29207.

Date Filed: September 7, 2007.

Parties: Members of the International Air Transport Association.

Subject: TC2 Europe-Middle East. Expedited Resolution 002as.

Intended effective date: 15 October 2007.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E7-18677 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending September 14, 2007

The following Agreements were filed with the Department of Transportation under the Sections 412 and 414 of the Federal Aviation Act, as amended (49 U.S.C. 1383 and 1384) and procedures governing proceedings to enforce these provisions. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST-2007-29261.

Date Filed: September 14, 2007.

Parties: Members of the International Air Transport Association.

Subject:

Composite Passenger Tariff Coordinating Conference.

Bangkok, 16-19 July 2007.

Composite Resolutions.

Intended Effective Date: 1 April 2008.

Docket Number: OST-2007-29262.

Date Filed: September 14, 2007.

Parties: Members of the International Air Transport Association.

Subject:

Composite Passenger Tariff Coordinating Conference.

Bangkok, 16-19 July 2007.

Composite Resolutions.

Intended Effective Date: 1 June 2008.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E7-18695 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending September 7, 2007

The following Applications for Certificates of Public Convenience and

Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST-2007-29209.

Date Filed: September 7, 2007.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: September 28, 2007.

Description: Application of "Sakhalinskie Aviatrassy" Airlines, requesting a foreign air carrier permit to engage in scheduled transportation of passengers, cargo, property and mail between the points of Vladivostok, Yuzhno-Sakhalinsk, Petropavlovsk-Kamchatsky and Anadyr in the Russian Federation-via intermediate points, and the point of Anchorage in the United States; as well as in charter passenger, combination and all-cargo air transportation operations.

Renee V. Wright,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. E7-18709 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-9X-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Release Certain Properties From All Terms, Conditions, Reservations and Restrictions of a Quitclaim Deed Agreement Between Miami-Dade County and the Federal Aviation Administration for the Opa Locka Executive Airport, Opa-locka, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: The FAA hereby provides notice of intent to release certain airport properties 74.273 acres at the Opa Locka Executive Airport, Opa Locka, FL from the conditions, reservations, and restrictions as contained in a Quitclaim Deed agreement between the FAA and Miami-Dade County, dated November 16, 1961. The release of property will allow Miami-Dade County to dispose of the property for other than aeronautical purposes. The property is located in Opa-locka, Miami-Dade County, Florida.

The parcels are currently designated as non-aeronautical use. The properties will be disposed of for the purpose of municipal uses. The airport will benefit from these releases through the development of infrastructure serving the airport. Further, the airport will no longer incur the costs associated with maintaining these lands.

Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Opa Locka Executive Airport Manager's Office, and the FAA Airports District Office.

SUPPLEMENTARY INFORMATION: Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21) requires the FAA to provide an opportunity for public notice and comment prior to the "waiver" or "modification" of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

DATES: October 22, 2007.

ADDRESSES: Documents are available for review at the Airport Manager's Office, Opa Locka Executive Airport, 14201 NW., 42nd Ave., Opa-Locka, FL 33054, and the FAA Airports District Office, 5950 Hazeltime National Drive, Suite 400, Orlando, FL 32822. Written comments on the Sponsor's request must be delivered or mailed to: Rebecca R. Henry, Program Manager, Orlando Airports District Office, 5950 Hazeltime National Drive, Suite 400, Orlando, FL 32822-5024.

FOR FURTHER INFORMATION CONTACT: Rebecca R. Henry, Program Manager, Orlando Airports District Office, 5950 Hazeltime National Drive, Suite 400, Orlando, FL 32822-5024.

Bart Vernace, P.E.,

Acting Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 07-4697 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2007-33]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's

regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before October 11, 2007.

ADDRESSES: You may send comments identified by Docket Number FAA-2007-28894 using any of the following methods:

- *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:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590.

- *Fax:* Fax comments to the Docket Management Facility at 202-493-2251.

- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to <http://dms.dot.gov>, including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477-78).

Docket: To read background documents or comments received, go to <http://dms.dot.gov> at any time or to the Docket Management Facility in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Susan Boylon (425-227-1152), Transport Standards Staff, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98057-3356, or Frances Shaver (202) 267-9681, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC., on September 13, 2007.

Pamela Hamilton-Powell,
Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2007–28894.

Petitioner: Intermap Technologies, Inc.

Sections of 14 CFR Affected:

§§ 25.173(c) and 25.175(c) 14 CFR.

Description of Relief Sought: The petitioner is seeking relief from the static longitudinal stability requirements that the average gradient of the stable slope of the stick force versus speed curve may not be less than 1 pound for each 6 knots in the approach flight phase for the installation of a Radar Radome on Learjet Model 35 and 36 airplanes, which have been designated as “private, not-for-hire.”

[FR Doc. E7–18705 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee Meeting on Transport Airplane and Engine Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the FAA’s Aviation Rulemaking Advisory Committee (ARAC) to discuss transport airplane and engine (TAE) issues.

DATES: The meeting is scheduled for Wednesday, October 17, 2007, starting at 9 a.m. Pacific Daylight Time. Arrange for oral presentations by October 3, 2007.

ADDRESSES: FAA–Northwest Mountain Region Office, Transport Standards Staff conference room, 1601 Lind Ave. SW., Renton, WA 98507.

FOR FURTHER INFORMATION CONTACT:

Nicanor Davidson, Office of Rulemaking, ARM–207, FAA, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–5174, Fax (202) 267–5075, or e-mail at nicador.davidson@faa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. III), notice is given of an ARAC meeting to be held October 17, 2007.

The agenda for the meeting is as follows:

- Opening Remarks.
- Design for Security Harmonization Working Group (HWG) Report.
- FAA Report.
- Airplane-level Safety Analysis Working Group Report.
 - Closure of Task 2 and Status of Task 3.
- European Aviation Safety Agency Report.
- ARAC Executive Committee Report.
- Propeller HWG Report.
- Ice Protection HWG Report.
- Transport Canada Report.
- Airworthiness Assurance HWG Report.
- Avionics HWG Report.
- Any Other Business.
- Action Item Review.

Attendance is open to the public, but will be limited to the availability of meeting room space. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than October 3, 2007. Entrance to the FAA facility will require presentation of a valid passport or state-issued (US) identification (e.g., driver’s license). Please plan on arriving at least 20 minutes in advance of meeting to facilitate entrance screening.

For persons participating by telephone, the call-in number is (202) 366–3920; the Passcode is “1986.” To insure that sufficient telephone lines are available, please notify the person listed in the **FOR FURTHER INFORMATION CONTACT** section of your intent to participate by telephone by October 3, 2007. Anyone calling from outside the Seattle, WA metropolitan area will be responsible for paying long-distance charges.

The public must make arrangements by October 3, 2007, to present oral statements at the meeting. Written statements may be presented to the ARAC at any time by providing 25 copies to the person listed in the **FOR FURTHER INFORMATION CONTACT** section or by providing copies at the meeting. Copies of the documents to be presented to ARAC for decision by the FAA may be made available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

If you need assistance or require a reasonable accommodation for the meeting or meeting documents, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC on September 18, 2007.

Pamela Hamilton-Powell,
Director, Office of Rulemaking.
[FR Doc. E7–18693 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANE–2006–33.7–4–1]

Policy for Diesel (Compression Ignition) Engine Certification

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance; policy statement.

SUMMARY: The Federal Aviation Administration (FAA) announces the final policy for Policy for Diesel (Compression Ignition) Engine Certification.

DATES: The FAA issued policy statement number ANE–2006–33.7–4–1 on September 6, 2007.

FOR FURTHER INFORMATION CONTACT:

Mark Rumizen, FAA, Engine and Propeller Standards Staff, ANE–111, 12 New England Executive Park, Burlington, MA 01803; e-mail: mark.rumizen@faa.gov; telephone: (781) 238–7113, fax: (781) 238–7199. The policy statement is available on the Internet at the following address: <http://www.airweb.faa.gov/rgl>. If you do not have access to the Internet, you may request a copy of the policy by contacting the individual listed in this section.

SUPPLEMENTARY INFORMATION: The FAA published the policy on the Internet at http://www.faa.gov/aircraft/draft_doc/ on December 9, 2006.

We have filed in the docket all comments we received, as well as a report summarizing each substantive public contact with FAA personnel concerning this policy. The docket is available for public inspection. If you wish to review the docket in person, go to the above address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Background

Several diesel engine models were certified in the United States and Europe before World War II. However, the development of higher performance spark-ignition engines fueled by leaded aviation gasoline (AVGAS) during that conflict resulted in a suspension of further development of these engines. Interest in diesel aircraft engines has

recently been renewed in response to the demand for engines that do not require leaded fuel for operation. Many new issues develop as modern diesel engine technology is integrated into these aircraft engines. This policy does not create any new requirements.

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

Dated: Issued in Burlington, Massachusetts, on September 6, 2007.

Francis A. Favara,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 07–4696 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highways in Utah

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by the FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to various proposed highway projects in the State of Utah. Those actions grant licenses, permits, and approvals for the projects.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on any of the listed highway projects will be barred unless the claim is filed on or before March 19, 2008. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Edward T. Woolford, Environmental Program Manager, Federal Highway Administration, 2520 West 4700 South, Suite 9A, Salt Lake City, Utah 84118, Telephone (801) 963–0182. For UDOT: Ms. Rebecka Stromness, Environmental Program Manager, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119, Telephone (801) 965–4327. The FHWA Utah Division's normal business hours are 7 a.m. to 4:30 p.m. MST.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency

actions by issuing licenses, permits, and approvals for the highway projects in the State of Utah that are listed below. The actions by the Federal agencies on a project, and the laws under which such actions were taken, are described in the documented environmental impact statement (EIS) issued in connection with the project, and in other project records. The final environmental impacts statement (FEIS) and record of decision (ROD) and other project records for the listed projects are available by contacting the FHWA or the Utah Department of Transportation at the addresses provided above. For some of the projects, the FEIS and ROD also can be viewed and downloaded electronically at: <http://www.udot.utah.gov>, or viewed at public libraries in the relevant project area(s).

This notice applies to all Federal agency decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken. The laws under which Federal agency decisions were made on the projects listed in this notice include, but are not limited to: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109]; Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Land and Water Conservation Fund (LWCF), 16 U.S.C. 4601–4604; TEA–21 Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(11); Clean Air Act, 42 U.S.C. 7401–7671(q); Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013]; Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209]; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k); Executive Order (E.O.) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural

Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

The projects subject to this notice are:

1. Iron County Transportation Corridor, SR–56 to Exit 51 on I–15.

Project location: Iron County, SR–56 & I–15. Project reference number: STP–1756(1)0. Project type: The selected alternative consists of two (2) thirteen (13) foot lanes and two (2) eight (8) foot shoulders. The selected alternative begins at the North Kanarraville/Hamilton Fort (Exit 51) interchange and progresses westerly to approximately 5600 West. At 5600 West, the alignment begins a gradual curve northward to 5700 West. The alignment follows 5700 West due north to intersect with SR–56, with a bend to the northwest so that the intersection with SR–56 is at a 90-degree angle. The total length of the selected alternative is 5.6 miles. Final actions taken under: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109]; Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]. FHWA NEPA documents: FEIS dated August 25, 2005 & ROD dated April 19, 2006.

2. SR–26 (Riverdale Road), 1900 West to Washington Boulevard.

Project location: SR–26 (Riverdale Road), Cities of Roy, Riverdale, South Ogden and Ogden in Weber County, Utah. Project reference number: SP–0026(4)0. Project type: The selected alternative will provide for new travel lanes between I–15 and Wall Avenue (40th Street) in each direction, Wall Avenue to Chimes westbound direction only, and from 36th Street to Washington Blvd. in both directions; new dedicated turn lanes; modifications to existing traffic signals; reconstruction of I–84 bridge and ramps; and reconstruction of the I–15 Riverdale Road bridge and ramps.

Final actions taken under, but not limited to: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109]; Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]. FHWA NEPA documents: FEIS dated January 3, 2007 and ROD dated April 26, 2007.

3. Syracuse Road (1700 South), 1000 West to 2000 West.

Project location: West Syracuse, Davis County, Utah. Project reference number: STP–0108(8)4. Project type: The selected alternative consists of widening Syracuse Road from 1000 West to 2000

West. The selected alternative consists of two (2) travel lanes in each direction with a center turn lane, shoulders which include a bike lane, curb, gutter and sidewalk. Final actions taken under: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109]; Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]. FHWA NEPA documents: FEIS dated August 15, 2006 and ROD dated February 22, 2007.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: September 14, 2007.

Walter C. Waidelech, Jr.,

Division Administrator, Salt Lake City, Utah.

[FR Doc. E7–18620 Filed 9–20–07; 8:45 am]

BILLING CODE 4910-RY-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–28230]

Agency Information Collection Activities; Revision of an Approved Information Collection: Motor Carrier Safety Assistance Program

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval and invites public comment. The FMCSA requests approval to revise and renew an ICR entitled, “Motor Carrier Safety Assistance Program” (MCSAP). The information required consists of grant application preparation, quarterly reports and electronic data documenting the results of driver/vehicle inspections performed by the States.

DATES: We must receive your comments on or before November 20, 2007.

ADDRESSES: You may submit comments identified by any of the following methods. Please identify your comments by the FMCSA Docket Number FMCSA–2007–28230.

- **Web site:** <http://dms.dot.gov>. Follow instructions for submitting comments to the Docket.
- **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., e.t., Monday through Friday, except Federal holidays.

Docket: For access to the Docket Management System (DMS) to read background documents or comments received, go to <http://dms.dot.gov> at any time or to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The DMS is available electronically 24 hours each day, 365 days each year. If you want notification of receipt of your comments, please include a self-addressed, stamped envelope, or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: 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** on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: John E. Kostelnik, Office of Safety Programs, State Programs Division, Department of Transportation, Federal Motor Carrier Safety Administration, West Building 6th Floor, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202–366–5721; e-mail: Jack.kostelnik@dot.gov.

SUPPLEMENTARY INFORMATION:

Background: Sections 401 through 404 of the Surface Transportation Assistance Act of 1982 (STAA) (Pub. L. 97–424) established a program of financial assistance to the States to implement programs to enforce: (a) Federal rules, regulations, standards, and orders applicable to commercial motor vehicle safety; and (b) compatible State rules, regulations, standards and orders. This grant-in-aid program is known as the Motor Carrier Safety

Assistance Program (MCSAP). Section 402(c) of the STAA requires that the Secretary of Transportation (Secretary), on the basis of reports submitted by the States and the Secretary’s own inspections, make a continuing evaluation of the manner in which each State is carrying out its approved safety enforcement plan.

The Transportation Equity Act for the 21st Century (TEA–21) further revised the MCSAP to broaden its purpose beyond enforcement activities and programs by requiring participating States to assume greater responsibility for improving motor carrier safety. TEA–21 required States to develop performance-based plans reflecting national priorities and performance goals, revised the MCSAP funding distribution formula, and created a new incentive funding program. As a result, States are given greater flexibility in designing programs to address national and State goals of reducing the number and severity of commercial motor vehicle (CMV) accidents.

The Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) amended 49 U.S.C. 31102(b)(1) to modify and augment the conditions a State must meet to qualify for basic program funds under the MCSAP. The statute requires a State to document in the State Commercial Vehicle Safety Plan (CVSP) its commitment to meet the following additional conditions:

- Deploy technology to enhance the efficiency and effectiveness of CMV safety programs;
- Include, in both the training manual for the licensing examination to drive a non-CMV and the training manual for the licensing examination to drive a CMV, information on best practices for driving safely in the vicinity of noncommercial and commercial motor vehicles;
- Conduct comprehensive and highly visible traffic enforcement and CMV safety inspection programs in high-risk locations and corridors; and
- Except in the case of an imminent or obvious safety hazard, ensure that an inspection of a vehicle transporting passengers for a motor carrier of passengers is conducted at a station, terminal, border crossing, maintenance facility, destination, or other location where a motor carrier may make a planned stop.

Additionally, SAFETEA–LU provided that States may use a portion of MCSAP basic grant funds to conduct documented enforcement of State traffic laws—both laws and regulations designed to promote the safe operation of CMVs and laws and regulations

relating to non-CMV, when necessary to promote the safe operation of CMVs. Section 4106 amended 49 U.S.C. 31102(c) to provide that a State may use a portion of MCSAP grant funds to conduct documented enforcement of State traffic laws—both laws and regulations designed to promote the safe operation of CMVs and laws and regulations relating to non-CMV, when necessary to promote the safe operation of CMVs.

In order for the Federal Motor Carrier Safety Administration (FMCSA) to evaluate program effectiveness, it is necessary for the State to provide and maintain information concerning past, present and future program activity. The Final Rule that revised Part 350 (MCSAP) to comply with the congressionally-mandated provisions of TEA-21 was published in the **Federal Register** (65 FR 15092) on March 21, 2000. Part 350 is currently being revised to implement the changes to the MCSAP made by SAFETEA-LU. The State's grant application, known as the Commercial Vehicle Safety Plan (CVSP) must contain the information required by 49 CFR 350.201, 350.211 and 350.213. This information is necessary to enable the FMCSA to determine whether a State meets the statutory and administrative criteria to be eligible for a grant. It is necessary that a State's work activities and accomplishments be reported so that the FMCSA can monitor and evaluate a State's progress under its approved plan and make the determinations and decisions required of 49 CFR 350.205 and 350.207. The FMCSA is required to determine whether each State's efforts meet the intended objectives of its plan. In the event of nonconformity with any approved plan and failure on the part of a State to remedy deficiencies, the FMCSA is required to take action to cease Federal participation in that State's plan.

This information collection supports the DOT Strategic Goal of Safety (i.e., reducing commercial truck-related fatalities by providing financial and technical support to State CMV enforcement efforts).

The FMCSA uses the information in the CVSP to determine whether a State has the necessary resources and authority to undertake the program intended by Congress. After a grant has been awarded to a State, a continuing and final evaluation of the State's activities is performed to determine whether continued funding is appropriate and if revisions in the State's CVSP should be made. A quarterly report in narrative form is submitted by the States to provide the

minimum necessary information to assist in appropriate monitoring of a State's performance, compared to its CVSP, and to permit the FMCSA to determine whether the effort of a State is cost efficient and whether Federal assistance should be continued. In addition, inspection data and reports are submitted electronically by the inspecting officer from the field to the FMCSA at the time of completion of the inspection.

SAFETEA-LU provides that States may now conduct traffic enforcement activities against non-CMV to promote the safe operation of CMVs. The States have been routinely conducting traffic enforcement activities on CMVs and have been reimbursed, provided an appropriate inspection was conducted at the time. Previously, non-CMV traffic enforcement was not an eligible MCSAP activity for reimbursement so the States have not captured activity levels for this type of enforcement. It is anticipated that the number of non-CMV enforcement activities conducted by the States will be minimal since SAFETEA-LU limits the amount of MCSAP grant funding that can be used for non-CMV traffic enforcement activities to no more than five percent of the basic amount the State receives annually.

The quarterly report is created by the State and submitted to the FMCSA using inspection data and other information. The collection of uniform data permits analysis and comparison of State programs and facilitates program administration and reporting; e.g., comparison of the data from a single State to the national average, equipment violation and out-of-service trends, etc.

The FMCSA routinely uses quarterly report information to measure individual and collective State program accomplishment and to assist with future program development.

Description of MCSAP forms:

a. *Form MCSAP-1, Motor Carrier Safety Assistance Program:* The MCSAP-1 form is submitted with the CVSP grant application. It specifies the name of the applicant agency, the amount applied for, and contains the signatures of the responsible State authorities.

b. *Form MCSAP-2, Grant Agreement:* The MCSAP-2 form is the grant agreement that specifies the total amount of the State Program, the State and Federal participating shares, the period of the grant, and the signatures of the responsible State official and the FMCSA Division Administrator. The reverse side of the MCSAP-2 contains the "General Provisions For the Agreement."

c. *Form MCSAP-2A, Grant Amendment for Fiscal Year:* The MCSAP-2A form is used to modify the terms of the grant. It is used to increase or decrease the amount of the grant, or to extend the period of the grant. It contains the signatures of the responsible State official and the FMCSA Division Administrator.

In addition, the following documents are provided as part of the CVSP package:

a. *State Training Plan (optional format):* This document is a request for commercial vehicle training courses. It is used by the FMCSA's National Training Center to more effectively schedule training courses to meet the needs of State enforcement agencies.

b. *State Certification:* The CVSP must contain a State Certification signed by the Governor, the State Attorney General, or other specially designated State official. The Certification contains requirements of conditions that must be met by the State to receive MCSAP grant funds.

Virtually all (99%) of the information required by the MCSAP grant program is submitted electronically. This includes over three million inspection reports, which are uploaded electronically from laptop computers at inspection sites in the field to the FMCSA annually. The near-universal use of laptops for submitting these inspection reports has resulted in a dramatic cut of the time burden. The annual CVSPs require signed certifications by State personnel and are not, therefore, electronically transmitted.

The FMCSA is the only Federal agency given authority to enforce safety regulations applicable to commercial trucks and buses in interstate commerce. The type of information to be gathered from the States through this information collection is unique to the MCSAP. No duplication was identified through the rulemaking process to implement relevant sections of SAFETEA-LU.

The legislative requirement is that grants be extended to the States predicated on annual submission of CVSPs. The FMCSA has determined that although monthly or bimonthly reports are not needed, a semiannual report would not be sufficiently frequent to allow for timely evaluation and changes in State program direction. Therefore, quarterly reports were determined to be the most appropriate, considering burden and Federal need. If the reports were submitted less frequently, the FMCSA would be unable to exercise appropriate oversight and

administration of the program as envisioned by the Congress.

Title: Motor Carrier Safety Assistance Program.

OMB Control Number: 2126-0010.

Type of Request: Revision of a currently-approved information collection.

Respondents: State MCSAP lead agencies and local agencies.

Estimated Number of Respondents: 52 [50 States + Puerto Rico + District of Columbia = 52].

Estimated Time per Response: 80 hours per grant application preparation; 8 hours per quarterly report preparation; and 1 minute per inspection and data upload.

Expiration Date: November 30, 2007.

Frequency of Response: 1 grant application annually; 4 quarterly reports annually; and approximately 3 million total inspection and data uploads annually.

Estimated Total Annual Burden: 12,280 hours.

The methods used to calculate the hours necessary to prepare grant applications, upload data, and prepare quarterly reports are based on interviews with the State and Federal personnel charged with those responsibilities. The information required to prepare the applications for grants and the subsequent reports is based on general information ordinarily maintained by the States in the general course of business, and only simple computations are required to determine burden hours. The grant applications and reports are submitted by the 50 States, four Territories, Puerto Rico, and the District of Columbia. Each entity submits one grant request and four quarterly reports per year. In addition, about three million total inspection reports are uploaded each year.

This figure reflects only 20 percent of the total estimated annual hours to perform the activities because MCSAP reimburses 80 percent of the eligible costs incurred in the administration of an approved plan as set forth in 49 CFR 350.303, 350.309 and 350.311. Labor hours are estimated and an average hourly rate for professional personnel is applied. The four territories of American Samoa, Guam, U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands are funded at 100 percent; therefore they are not included in the computation of the annual burden.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA's performance; (2) the accuracy of the estimated

burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize or include your comments in the request for OMB's clearance of this information collection.

Issued on: September 14, 2007.

Terry Shelton,

Associate Administrator for Research and Information Technology.

[FR Doc. E7-18637 Filed 9-20-07; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2007-29254]

Minimum Age for Operating a Commercial Motor Vehicle (CMV) in Interstate Commerce: Jcrane, Inc. (Jcrane), Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: The FMCSA announces that it has received from Jcrane, Inc. (Jcrane) an application for an exemption from provisions of the Federal Motor Carrier Safety Regulations that require an individual who operates a commercial motor vehicle (CMV) of 10,001 or more pounds Gross Vehicle Weight Rating (GVWR) in interstate commerce to be a minimum of 21 years of age. The exemption would allow Jcrane's employees who are not yet 21 years of age to legally operate a CMV in interstate commerce. Jcrane states that the granting of the exemption would allow the company to better train crane operators and therefore increase overall safety. The FMCSA requests public comment on Jcrane's application for exemption.

DATES: Comments must be received on or October 22, 2007.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FMCSA-2007-29254 using any of the following methods:

If filing comments by September 27, 2007, please use:

- *Web site:* <http://dms.dot.gov>.

Follow the instructions for submitting comments on the Department of Transportation Docket Management System electronic docket site. No electronic submissions will be accepted

between September 28, 2007, and October 1, 2007.

If filing comments on or after October 1, 2007, use:

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

Alternatively, you can file comments using the following methods:

- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax:* 202-493-2251.

Docket: For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> until September 27, 2007, or the street address listed above. The DOT docket may be offline at times between September 28 through September 30 to migrate to the Federal Docket Management System (FDMS). On October 1, 2007, the internet access to the docket will be at <http://www.regulations.gov>. Follow the online instructions for accessing the dockets.

Privacy Act: Note that all comments received will be posted without change to <http://www.dms.dot.gov> or <http://www.regulations.gov>, including any personal information provided. Anyone may search the electronic form of all comments received into any of DOT's dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, or other entity). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477, Apr. 11, 2000).

FOR FURTHER INFORMATION CONTACT:

Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations: Telephone: 202-366-4009. E-mail: MCPSD@fmcsa.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178, 112 Stat. 107, June 9, 1998) amended 49 U.S.C. 31315 and 31136(e) to provide authority to grant exemptions from motor carrier safety regulations. Under its regulations, FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR

381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including the conducting of any safety analyses. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for denying or, in the alternative, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Application for Exemption

Jcrane is a crane rental service located in southwest Ohio. It currently has nine full-time employees with commercial driver's licenses (CDLs), and operates three tractor-trailers and five mobile cranes. The tractor-trailers are support vehicles for the cranes and are driven by apprentices or individuals who are in the process of learning to operate cranes. These apprentice drivers are normally in the 18–23 year age range. According to Jcrane, this is the ideal age range to begin operator training. As a crane-support truck driver, these individuals haul counterbalance weights for the crane on a flatbed trailer. The drivers will follow a crane from the home base to a different jobsite every day, set the crane up, wait for the crane to make the lift, tear the crane down, and follow it back to the shop. These drivers never travel alone, are home every night, and do not haul goods owned by other people. Jcrane's operating area is generally within a 200-mile radius of their home base in Covington, Ohio. Due to their location, they never service the northeast corner of Ohio, but do a lot of work in eastern Indiana. Under Ohio law, their 18–20 year old apprentices may legally drive a truck from Covington, Ohio to Cleveland, Ohio—which is 5 hours northeast of their home terminal; however, they may not drive to Richmond, Indiana, which is approximately 1-hour west, due to FMCSA's prohibition against drivers under the age of 21 operating in

interstate commerce in 49 CFR 391.11(b)(1).

Jcrane requests an exemption for their employees under the age of 21 to be able to legally operate their equipment and tractor-trailers across state borders, however not outside of a 200-mile radius from their home terminal in Covington, Ohio. Jcrane states that, because they are located more than 200 miles from the eastern Ohio border, this exemption would not change the maximum distance that these drivers can travel and therefore would have no effect on safety. This exemption would, however, according to Jcrane, allow it to better train crane operators and therefore increase overall safety.

Jcrane requests that the exemption from § 391.11(b)(1) be in effect for a period of two years from the date of issue. A copy of Jcrane Inc.'s exemption application is in the docket identified for this notice.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Jcrane Inc.'s application an exemption from 49 CFR 391.11(b)(1). The Agency will consider all comments received by close of business on October 22, 2007. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E7–18628 Filed 9–20–07; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Intent To Prepare a Revised Environmental Impact Statement for the Silicon Valley Rapid Transit Project in Milpitas, San Jose, and Santa Clara, CA

AGENCY: Federal Transit Administration, U.S. Department of Transportation.

ACTION: Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA) and the Santa Clara Valley Transportation Authority (VTA) will prepare a Revised Environmental Impact Statement (EIS) for the proposed Silicon Valley Rapid

Transit Project (SVRT Project), a 16.1-mile extension of the San Francisco Bay Area Rapid Transit District (BART) system from the planned BART Warm Springs Station in Fremont through Milpitas and San Jose to Santa Clara, California. The Revised EIS will be prepared in accordance with regulations implementing the National Environmental Policy Act (NEPA), as well as the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. The purpose of this Notice of Intent (NOI) is to inform interested parties of the plan to prepare a Revised EIS, to invite agency and public participation in the EIS process, and to announce public scoping meetings.

DATES: Written comments on the scope of the Revised EIS, including the Project's purpose and need statement, Project alternatives, environmental and community impacts to be evaluated, and evaluation methodologies should be sent to Tom Fitzwater, Environmental Resources Planning Manager, by October 29, 2007. Public scoping meetings will be held on October 9, 11, and 18, 2007 from 6:30 p.m. to 8:30 p.m. at the locations indicated under **ADDRESSES** below.

ADDRESSES: Written comments may be submitted by postal mail, e-mail, or fax, to: Tom Fitzwater, Environmental Resources Planning Manager, Santa Clara Valley Transportation Authority, Environmental Programs and Resources Management, 3331 North First Street, Building B–2, San Jose, CA 95134–1927. E-mail:

SVRT.NEPA.EIS.Comments@vta.org. Fax: (408) 321–5787. Project Web site: <http://www.vtabart-vta.org>.

Comments may also be submitted at the public scoping meetings. The dates and locations of the public scoping meetings are:

October 9, 2007, Milpitas City Hall, Committee Meeting Room, 455 East Calaveras Boulevard, Milpitas, CA 95035.

October 11, 2007, San Jose City Hall, Wing 118–120, 200 East Santa Clara Street, San Jose, CA 95113.

October 18, 2007, City of Santa Clara, Santa Clara Senior Center, 1303 Fremont Street, Room 232, Santa Clara, CA 95050.

The scoping meeting facilities will be accessible to persons with disabilities. If special translation or signing services or other special accommodations are needed, please contact VTA Customer Service five days prior to the meeting at (408) 321–2300, or e-mail community.outreach@vta.org. To be placed on the Project mailing list,

contact Tom Fitzwater, VTA Environmental Planning Resources Manager, as indicated above.

FOR FURTHER INFORMATION CONTACT:

Jerome Wiggins, Transportation Program Specialist, Federal Transit Administration, San Francisco Regional Office, 201 Mission Street, Room 2210, San Francisco, CA 94105-1926, (415) 744-3115.

SUPPLEMENTARY INFORMATION: *Purpose of the Revised EIS.* The original Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) for the Silicon Valley Rapid Transit Project was issued on February 6, 2002. The original Draft EIS/EIR was released to the public on March 16, 2004. However, no action was taken to finalize the original Draft EIS. Due to the passage of time, changes in the Project and environmental setting, availability of new information, and funding considerations, a Revised EIS will be prepared. The Revised EIS will explore the environmental and community impacts of the Project and Project alternatives and will discuss actions to reduce or eliminate such impacts. Environmental issues to be examined include: Changes to the physical environment (air quality and global warming, biological resources, noise and vibration, water quality, floodplains, geology and seismicity, visual and aesthetics, hazardous materials, energy, utilities, and electromagnetic fields); changes to the social environment (land use, business displacements, community facilities, and neighborhood disruptions); changes to traffic and pedestrian circulation; changes to transit service and patronage; associated changes to traffic congestion; and changes to parklands and cultural resources. Impacts will be identified for both the construction phase and the long-term operation of the Project or Project alternatives.

Proposed Project Description: The SVRT Project Alternative would begin at the planned BART Warm Springs Station (to be implemented by 2013) in Fremont and proceed on the former Union Pacific Railroad right-of-way through Milpitas to south of Mabury Road in San Jose. The alignment would then descend into a subway tunnel, continue through downtown San Jose, and terminate at grade in Santa Clara near the Caltrain Station. The total length of the alignment would be 16.1 miles. Six stations are proposed with an additional future station in Milpitas. Passenger service would start in 2016, assuming funding is available. A Berryessa Extension Project (BEP)

Alternative will also be included in the EIS to address the New Starts Candidate Project for federal funding purposes. The BEP Alternative would begin at the planned BART Warm Springs Station in Fremont and proceed on the former Union Pacific Railroad right-of-way through Milpitas to south of Mabury Road in San Jose. The total length of the alignment would be 9.3 miles. One station is proposed in Milpitas and one in San Jose. Passenger service for the BEP Project would start in 2016, assuming funding is available.

Draft Project Purpose and Need: The purpose of the Project is to improve transit services and increase intermodal connectivity among transit routes and stations serving origins and destinations in Alameda County, Contra Costa County, Santa Clara County, and portions of the Central Valley. Meeting this overall Project purpose would address a variety of related needs in the SVRTC, including the following goals:

- Improve public transit service in this severely congested corridor by providing increased transit capacity and faster, convenient access throughout the San Francisco Bay Area Region, including southern Alameda County, central Contra Costa County, Tri-Valley, San Joaquin Valley, and Silicon Valley;
- Enhance regional connectivity through expanded, interconnected rapid transit services between BART in Alameda County and light rail and commuter rail in Silicon Valley;
- Accommodate future travel demand in the corridor by expanding modal options;
- Alleviate severe and increasing traffic congestion on the I-880 and I-680 freeways between Alameda County and Silicon Valley;
- Improve regional air quality by reducing auto emissions;
- Improve mobility options to employment, education, medical, retail, and entertainment centers for corridor residents, (in particular, low income, youth, elderly, disabled, and ethnic minority populations);
- Maximize transit usage and ridership; and
- Support local economic and land use plans and goals.

The Silicon Valley Rapid Transit Corridor (study area) is one of the most congested corridors in Northern California. Over the past several years, it has experienced very high and increasing levels of traffic congestion due to the growth of jobs throughout the Silicon Valley area, including downtown San Jose, and the cities of Fremont, Milpitas, and Santa Clara. Congestion is also spreading from the peak hours to off peak hours. Population

and employment growth within the entire study area from 2000 to 2030, as forecast by the Association of Bay Area Governments, is expected to increase dramatically. Current levels of service (LOS) on highways in the corridor, I-680 and I-880, are "F" in the peak hour, with future level of service anticipated to continue to be LOS F. LOS F describes failure conditions with unacceptable delays to most vehicles, long queues, and stop-and-go flow. Planned improvements to highway and transit service in the study area are not expected to keep up with the demand for quality transit, given the increased highway congestion expected.

Proposed Project Alternatives: The 2004 Draft EIS evaluated three alternatives: the Future No-Build, a Transportation Systems Management alternative with enhanced bus service, and the proposed BART extension. On the basis of the Draft EIS, FTA and VTA have decided that the TSM alternative is not a reasonable alternative because it does not meet the Project's purpose and need. The buses, which operate on highways, are subject to the same congestion as automobiles. Therefore, the Revised EIS will evaluate the following alternatives, plus any additional alternatives that emerge from the scoping process.

- **Future No-Build Alternative.** This alternative consists of the existing transit and roadway networks and planned and programmed improvements in the Silicon Valley Rapid Transit Corridor that are identified in the Bay Area's Regional Transportation Plan (RTP), Mobility for the Next Generation—Transportation 2030 Plan for the San Francisco Bay Area (Transportation 2030 Plan), adopted by MTC in February 2005, and the Valley Transportation Plan 2030 (VTP 2030), adopted by VTA in February 2005.

- **SVRT Project Alternative—BART Extension to Milpitas, San Jose, and Santa Clara.** This alternative consists of a 16.1-mile extension of the BART system. The Project would begin at the planned BART Warm Springs Station in Fremont (to be implemented by 2013) and proceed on the former Union Pacific Railroad right-of-way through the City of Milpitas to south of Mabury Road in the City of San Jose. The extension would then descend into a subway tunnel, continue through downtown San Jose, and terminate at grade in the City of Santa Clara near the Caltrain Station. Six stations are proposed: Milpitas, Berryessa, Alum Rock, Downtown San Jose, Diridon/Arena, and Santa Clara. An additional

future station in Milpitas is also proposed.

- **Berryessa Extension Project Alternative.** This alternative would begin at the planned BART Warm Springs Station in Fremont and proceed on the former Union Pacific Railroad right-of-way through Milpitas to south of Mabury Road in San Jose. The total length of the alignment would be 9.3 miles. Two stations are proposed: Milpitas and Berryessa.

Analytical Methodologies: FTA and VTA will collaborate with agencies and the public, as appropriate, on the methodologies to be used and the level of detail required in the analysis of proposed alternatives. Information on the methodologies for analysis will be sent to the appropriate agencies directly. Information will also be presented at the scoping meetings for public distribution. Both agencies and the public may comment, as described under **DATES** above.

The EIS Process and the Role of Agencies and the Public: The purpose of the EIS process is to explore in a public setting, potentially significant effects of implementing the proposed Project and Project alternatives on the physical, human, and natural environment. The major areas of investigation include, but are not limited to, the effect on historic resources in downtown San Jose, the noise impacts of the BART trains outside of the planned tunnel, and the vibration impacts of the BART trains both inside and outside of tunnel.

Regulations implementing NEPA, as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), call for agency and public involvement in the EIS process. Section 6002 of SAFETEA-LU requires that FTA and VTA extend an invitation to other Federal and non-Federal agencies and Indian tribes that may have an interest in the proposed Project to become a participating agency, and establish a plan for coordinating public and agency participation in and comment on the environmental review. A cooperating agency is defined as "any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal. Accordingly, an invitation to become a cooperating or participating agency, as appropriate, will be extended to agencies and Indian tribes known to have an interest in the proposed Project. It is possible that we may not be able to identify all Federal and non-Federal agencies and Indian tribes that may have such an interest. Any Federal or non-Federal agency or Indian tribe

interested in the proposed Project that does not receive an invitation to become a participating agency should notify, at the earliest opportunity, the Environmental Planning Resource Manager identified above under **ADDRESSES** above.

Agency and Public Involvement: A comprehensive agency and public involvement program has been developed. The Policy Advisory Board consisting of county, city, BART, and VTA officials; City Partnership Teams consisting of VTA and city staff representatives; and the External Technical Advisory Committee consisting of staff representatives from state, regional, county, city, and transit agencies; were established in 2002 and continue to meet regularly to provide guidance, discuss the proposed Project, and for coordination and technical input. Community Working Groups consisting of the leaders of neighborhood and business associations, community organizations, advocacy groups, major property owners, and planning commissioners were also established in 2002 for cities and specific geographical areas to communicate Project information to key members of the community and facilitate community input and participation. These mechanisms will be developed into a formal coordination plan that covers both agency and public involvement. The coordination plan will be posted on the Project Web site at <http://www.vtabart-vta.org>.

FTA Procedures: In accordance with 23 CFR 771.105(a) and 771.133, FTA will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed Project during the environmental review process to the maximum extent practical. These requirements include, but are not limited to, the regulations of the Council on Environmental Quality implementing NEPA (40 CFR parts 1500–1508 and 23 CFR part 771), the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR part 93), section 404(b)(1) guidelines of EPA (40 CFR part 230), Executive Orders 11988, 11990, and 12898 regarding floodplains, wetlands, and environmental justice, respectively, Section 106 of the National Historic Preservation Act (36 CFR part 800), Section 7 of the Endangered Species Act (50 CFR part 402), and Section 4(f) of the Department of Transportation Act (23 CFR 771.135).

Related Documents: The Silicon Valley Rapid Transit Corridor, Major Investment Study Final Report

(November 2001), the 2004 Draft EIS, the Final Environmental Impact Report (November 2004), and the Final Supplemental Environmental Impact Report (June 2007) are available for public review at the following public libraries:

- Dr. Martin Luther King, Jr. Main Library, 150 East San Fernando Street, San Jose, CA 95112.
- Fremont Main Library, 2400 Stevenson Boulevard, Fremont, CA 94538.
- Milpitas Library, 40 N. Milpitas Boulevard, Milpitas, CA 95035.
- Central Park Library, 2635 Homestead Road, Santa Clara, CA 95051.

The reports are also available by contacting Tom Fitzwater at the address and phone number given above.

Issued on: September 14, 2007.

Leslie Rogers,

Regional Administrator.

[FR Doc. 07–4666 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement (VISA)/Joint Planning Advisory Group (JPAG)

AGENCY: Maritime Administration, DOT.

ACTION: Synopsis of August 21–24, 2007 Meeting with VISA Participants

The VISA program requires that a notice of the time, place, and nature of each JPAG meeting be published in the **Federal Register**. The full text of the VISA program, including these requirements, is published in 70 FR 55947–55955, dated September 23, 2005.

On August 21–24, 2007, the Maritime Administration and the U.S. Transportation Command co-hosted a JPAG meeting at the U.S. Transportation Command, Scott Air Force Base, Illinois. Meeting attendance was by invitation only, due to the nature of the information discussed and the need for a government-issued security clearance. Of the 52 U.S.-flag carrier corporate participants enrolled in the VISA program, 18 companies and one representative from maritime labor participated in the JPAG meeting. In addition, representatives from the Maritime Administration and the Department of Defense (DOD) attended the meeting.

Margaret Leclaire, Deputy Director Strategy, Plans, Policy & Programs, U.S. Transportation Command, and James

Caponiti, Associate Administrator for National Security, Maritime Administration, welcomed the participants. Ms. Leclaire thanked the industry participants for their continued support. She remarked that she was pleased with the large number of attendees at the JPAG meeting. Ms. Leclaire noted that this JPAG was a follow-up to previous JPAG exercises including a table-top exercise conducted in July 2006. This exercise, she noted, was designed to go beyond the table-top exercise and test the industry's ability to respond to what might occur during a VISA activation. The results of the JPAG would be used to validate the VISA activation battlebook.

Mr. Caponiti remarked that the numerous assumptions in previous JPAG exercises did not always take into account events that could disrupt the industry's ability to meet DOD requirements. Assumptions in previous exercises were made to minimize disruption of commercial and military activities, which may not be the case in an actual VISA activation. He expressed a hope that this JPAG exercise would add realism to what actually could occur during VISA activation. Further, both Mr. Caponiti and Ms. Leclaire requested that participants document concerns and issues that would be required to improve the VISA activation process.

The purpose of the JPAG exercise was to review the processes of VISA activation using strategic sealift requirements to support two military contingencies simultaneously. The exercise also focused on the contractual processes required for VISA activation as well as the subsequent communications flow required to support the activation. The JPAG exercise was considered a success as industry participants were able to provide necessary capacity and resources to meet DOD requirements. However, the participants identified areas that needed clarity and further development to improve the VISA activation process. The Maritime Administration, U.S. Transportation Command and industry participants agreed to work on the issues identified in the JPAG exercise to assure that they are adequately addressed for the efficient coordination of VISA activation procedures and contractual processes.

The following VISA companies participated in the August 21–24, 2007 JPAG meeting: American President Lines, Ltd.; American Roll-On Roll-Off Carrier, LLC; American Shipping Group; APL Marine Services, Ltd.; APL Maritime Ltd; Central Gulf Lines, Inc.; Farrell Lines Incorporated; Fidelio

Limited Partnership; Hapag-Lloyd USA, LLC; Horizon Lines, LLC; Liberty Global Logistics, LLC; Liberty Shipping Group Limited Partnership; Maersk Line, Limited; Pasha Hawaii Transport Lines LLC; Patriot Shipping, LLC; Patriot Titan, LLC; Sealift Inc. and Waterman Steamship Corporation.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Mr. Taylor E. Jones II, Director, Office of Sealift Support, (202) 366–2323.

Authority: 49 CFR 1.66.

By Order of the Maritime Administrator.

Dated: September 13, 2007.

Daron T. Threet,

Secretary, Maritime Administration.

[FR Doc. E7–18571 Filed 9–20–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8879–EX

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8879–EX, IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Joe Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to Allan Hopkins, at (202) 622–6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION: Title: IRS e-file Signature Authorization for Forms 720, 2290, and 8849.

OMB Number: 1545–2081.

Form Number: 8879–EX.

Abstract: The Form 8879–EX, IRS e-file Signature Authorization for Forms 720, 2290, and 8849, will be used in the Modernized e-File program. Form 8879–EX authorizes an a taxpayer and an electronic return originator (ERO) to use a personal identification number (PIN) to electronically sign an electronic excise tax return and, if applicable, authorize an electronic funds withdrawal.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a previously approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10,000.

Estimated Time Per Respondent: 4 hours, 41 minutes.

Estimated Total Annual Burden Hours: 46,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 10, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7–18599 Filed 9–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****[REG-148867-03]****Proposed Collection; Comment Request for Regulation Project****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-148867-03, (TD 9327) Disclosure of Returns and Return Information in Connection with Written Contracts or Agreements for the Acquisition of Property or Services for Tax Administration Purposes.

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carolyn N. Brown at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6688, or through the Internet at Carolyn.N.Brown@irs.gov.

SUPPLEMENTARY INFORMATION: *Title:* REG-148867-03 (TD 9327) (Final) Disclosure of Returns and Return Information in Connection with Written Contracts or Agreements for the Acquisition of Property or Services for Tax Administration Purposes.

OMB Number: 1545-1821.

Regulation Project Number: REG-148867-03.

Abstract: The final regulations clarify that redisclosures or returns and return information by contractors to agents or subcontractors are permissible, and that the penalty provisions, written notification requirements, and safeguard requirements are applicable to these agents and subcontractors. Section 301.6103(n)-1(d) of the final regulations require that contractors, agents, and subcontractors who receive returns or

return information under the final regulations must provide written notice to their officers and employees of the purposes for which returns or return information may be used and of the potential civil and criminal penalties for unauthorized inspections or disclosures, including informing them of the imposition of punitive damages in the case of a willful inspection or disclosure or an inspection or disclosure which is the result of gross negligence. Section 301.6103(n)-1(e)(3) of the final regulations require that before the execution of a contract or agreement for the acquisition of property or services under which returns or return information will be disclosed, the contract or agreement must be made available to the IRS.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not-for-profit institutions and Federal, state, local or tribal governments.

Estimated Number of Respondents: 2,500.

Estimated Time per Respondent: 0.1 hr.

Estimated Total Annual Burden Hours: 250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information

technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 13, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7-18600 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Collection; Comment Request for Form 5307****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5307, Application for Determination for Adopters of Master or Prototype or Volume Submitter Plans.

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Joe Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the form and instructions should be directed to Allan Hopkins, at (202) 622-6665, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION: *Title:* Application for Determination for Adopters of Master or Prototype or Volume Submitter Plans.

OMB Number: 1545-0200.

Form Number: 5307.

Abstract: Employers whose pension plans meet the requirements of Internal Revenue Code section 401(a) are permitted a deduction for their contributions to these plans. To have a plan qualified under Code section 401(a), the employer must submit an application to the IRS as required by regulation § 1.401-1(b)(2). Form 5307 is

used as an application for this purpose by adopters of master or prototype or volume submitter plans.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100,000.

Estimated Time Per Respondent: 51 hours, 9 minutes.

Estimated Total Annual Burden Hours: 5,115,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 10, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7-18601 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-125628-01]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning final and temporary regulations, REG-125628-01, (TD 9243) Revision of Income Tax Regulations Under Sections 358, 367, 884, and 6038B Dealing with Statutory Mergers or Consolidations Under Section 368(a)(1)(A) Involving One or More Foreign Corporations.

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carolyn N. Brown at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6688, or through the Internet at Carolyn.N.Brown@irs.gov.

SUPPLEMENTARY INFORMATION: *Title:* REG-125628-01 (TD 9243) (Final) Revision of Income Tax Regulations Under Sections 358, 367, 884, and 6038B Dealing with Statutory Mergers or Consolidations Under Section 368(a)(1)(A) Involving One or More Foreign Corporations.

OMB Number: 1545-1925.

Regulation Project Number: REG-125628-01.

Abstract: The final regulation provides rules regarding the merger or consolidation of domestic or foreign corporations. This collection of information is necessary to preserve U.S. income taxation on gain of certain stock.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 50.

Estimated Time per Respondent: 1 hr.

Estimated Total Annual Burden

Hours: 50.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 13, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7-18602 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS-268-82]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-268-82 (TD 8696), Definitions Under Subchapter S of the Internal Revenue Code (Section 1.1377-1).

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to Joe Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, at (202) 622-6665, or at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at Allan.M.Hopkins@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Definitions Under Subchapter S of the Internal Revenue Code.

OMB Number: 1545-1462.

Regulation Project Number: PS-268-82

Abstract: Section 1.1377-1(b)(4) of the regulation provides that an S corporation making a terminating election under Internal Revenue Code section 1377(a)(2) must attach a statement to its timely filed original or amended return required to be filed under Code section 6037(a). The statement must provide information concerning the events that gave rise to the election and declarations of consent from the S corporation shareholders.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations, and individuals.

Estimated Number of Respondents: 4,000.

Estimated Time Per Respondent: 15 mins.

Estimated Total Annual Burden Hours: 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information

unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 10, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7-18603 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 2004-66

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 2004-66, Relief from Certain Low-Income Housing Requirements Due to Hurricane Charley and Hurricane Frances.

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3179, or through the Internet at Larnice.Mack@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Relief from Certain Low-Income Housing Requirements Due to Hurricane Charley and Hurricane Frances.

OMB Number: 1545-1907.

Notice Number: Notice 2004-66.

Abstract: The Internal Revenue Service is suspending certain income limitation requirements under section 42 of the Internal Revenue Code for certain low-income housing credit properties in Alabama as a result of the Hurricane Ivan, in Florida as a result of Hurricanes Charley, Frances, Ivan, and Jeanne, and Ohio as a result of post-hurricane severe storms and flooding from remnants of Hurricanes Ivan and Frances.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 7,750.

Estimated Average Time per Respondent: 15 hours.

Estimated Total Annual Burden Hours: 1938.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 12, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7-18683 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL-3-95]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL-3-95 (TD 8687), Source of Income From Sales of Inventory and Natural Resources Produced in One Jurisdiction and Sold in Another Jurisdiction (§§ 1.863-1 and 1.863-3).

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6129, 1111

Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3179, or through the Internet at Larnice.Mack@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Source of Income From Sales of Inventory and Natural Resources Produced in One Jurisdiction and Sold in Another Jurisdiction.

OMB Number: 1545-1476.

Notice Number: INTL-3-95.

Abstract: This regulation provides rules for allocating and apportioning income from sales of natural resources or other inventory produced in the United States and sold outside the United States or produced outside the United States and sold in the United States. The information provided is used by the IRS to determine on audit whether the taxpayer has properly determined the source of its income from export sales.

Current Actions: There is no change being made to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 25.

Estimated Time per Respondent: 2 hrs., 36 minutes.

Estimated Total Annual Burden Hours: 1,125.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of

information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 12, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7-18688 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG-106177-98]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-106177-98 (TD 8845), Adequate Disclosure of Gifts (§ 301.6501(c)-1).

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-3179, or through the Internet at Larnice.Mack@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Adequate Disclosure of Gifts.

OMB Number: 1545-1637.

Regulation Project Number: REG-106177-98.

Abstract: Section 301.6501(c)-1(f) requires that, in order to commence the running of the gift tax statute of limitations, the donor must file a Form

709 and submit sufficient information about the transaction that will give the Service a complete and accurate description of the transfer. Such information includes a description of the transferred property, the identity and relationship of the parties to the transfer and any entities involved, a description of the methods used to value the transferred property, a description of any restrictions on the transferred property, and a statement of any potential controversy or legal issue involved.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households.

The reporting burden contained in § 301.6501(c)–1(f) is reflected in the burden for Form 709, U.S. Gift (and Generation-Skipping Transfer) Tax Return.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 12, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7–18690 Filed 9–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notices 437, 437–A, 438 and 466

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notices 437, 437–A, 438 and 466, Notice of Intention to Disclose.

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–3179, or through the Internet at Larnice.Mack@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Notice of Intention to Disclose.

OMB Number: 1545–0633.

Notice Number: Notices 437, 437–A, 438, and 466.

Abstract: Section 6110(f) of the Internal Revenue Code requires that a notice of intention to disclose be sent to all persons to which a written determination (either a technical advice memorandum or a private letter ruling) is issued. That section also requires that such persons receive a notice if related background file documents are requested. Notice 437 is issued to recipients of letter rulings; Notices 437–A to recipients of Chief Counsel Advice; Notice 438 to recipients of technical

advice memorandums; and Notice 466 to recipients if a request for the related background file document is received. The notices also inform the recipients of their right to request further deletions to the public inspection version of written determinations or related background file documents.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

Estimated Number of Respondents: 5,250.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 2,625.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 12, 2007.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. E7–18691 Filed 9–20–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Proposed Collection; Comment Request for Form 6406**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6406, Short Form Application for Determination for Minor Amendment of Employee Benefit Plan.

DATES: Written comments should be received on or before November 20, 2007 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carolyn N. Brown at Internal Revenue Service, room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622-6688, or through the Internet at Carolyn.N.Brown@irs.gov.

SUPPLEMENTARY INFORMATION:

Title: Short Form Application for Determination for Minor Amendment of Employee Benefit Plan.

OMB Number: 1545-0229.

Form Number: 6406.

Abstract: Form 6406 is used to apply for a determination for a minor amendment for an employee benefit plan if that plan has already received a favorable determination letter that takes into account the requirements of the Tax Reform Act of 1986. The information gathered will be used to decide whether the plan is qualified under Internal Revenue Code section 401(a).

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 25,000.

Estimated Time per Respondent: 21 hrs., 32 minutes.

Estimated Total Annual Burden Hours: 538,250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 17, 2007.

Allan M. Hopkins,

IRS Reports Clearance Officer.

[FR Doc. E7-18692 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Joint Committee of the Taxpayer Advocacy Panel**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Joint Committee of the Taxpayer Advocacy Panel will be conducted. The Taxpayer Advocacy Panel is reviewing public comment, ideas, and suggestions on improving customer service at the Internal Revenue Service brought forward by the Area and Issue Committees.

DATES: The meeting will be held Thursday, October 11, 2007, 8 a.m. to 5 p.m., Friday, October 12, 2007, 8 a.m. to 5 p.m., and Saturday, October 13, 2007, 8 a.m. to Noon, Central Time.

FOR FURTHER INFORMATION CONTACT:

Barbara Toy 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 an open meeting of the Joint Committee of the Taxpayer Advocacy Panel (TAP) will be held Thursday, October 11, 2007, 8 a.m. to 5 p.m., Friday, October 12, 2007, 8 a.m. to 5 p.m., and Saturday, October 13, 2007, 8 to Noon, Central Time, at the Hotel Blake, 500 South Dearborn Street, Chicago, IL 60605. If you would like to have the Joint Committee of TAP consider a written statement, please call 1-888-912-1227 or 414-231-2360, or write Barbara Toy, TAP Office, MS-1006MIL, 211 West Wisconsin Avenue, Milwaukee, WI 53203-2221, or FAX to 414-231-2363, or you can contact us at <http://www.improveirs.org>.

The agenda will include the following: Committee summary report, discussion of issues brought to the joint committee, office reports, and discussion of next meeting.

Dated: September 13, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-18604 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Thursday, October 11, 2007 at 2 p.m. ET.

FOR FURTHER INFORMATION CONTACT: Inez De Jesus at 1-888-912-1227, or 954-423-7977.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Ad Hoc Committee of the Taxpayer Advocacy Panel will be held Thursday, October 11, 2007 at 2 p.m. ET via a telephone conference call. If you would like to have the TAP consider a written statement, please call 1-888-912-1227 or 954-423-7977, or write Inez De Jesus, TAP Office, 1000 South Pine Island Road, Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Inez De Jesus. Ms. De Jesus can be reached at 1-888-912-1227 or 954-423-7977, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include: Various IRS issues.

Dated: September 13, 2007.

John Fay,
Acting Director, Taxpayer Advocacy Panel.
[FR Doc. E7-18605 Filed 9-20-07; 8:45 am]
BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 1 Committee of the Taxpayer Advocacy Panel (Including the States of New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont and Maine)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Area 1 Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, October 16, 2007.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1-888-912-1227 (toll-free), or 718-488-2085 (non toll-free).

SUPPLEMENTARY INFORMATION: An open meeting of the Area 1 Committee of the Taxpayer Advocacy Panel will be held Tuesday, October 16, 2007 from 9 a.m. to 10 a.m. ET via a telephone conference call. 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 718-488-2085, or write Audrey Y. Jenkins, TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Audrey Y. Jenkins. Ms. Jenkins can be reached at 1-888-912-1227 or 718-488-2085, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include various IRS issues.

Dated: September 17, 2007.

John Fay,
Acting Director, Taxpayer Advocacy Panel.
[FR Doc. E7-18685 Filed 9-20-07; 8:45 am]
BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 4 Committee of the Taxpayer Advocacy Panel (Including the States of Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 4 Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). 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, October 16, 2007, at 10 a.m., Central Time.

FOR FURTHER INFORMATION CONTACT: Mary Ann Delzer at 1-888-912-1227, or (414) 231-2360.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that a meeting of the Area 4 Taxpayer Advocacy Panel will be held Tuesday, October 16, 2007, at 10 a.m., Central Time via a telephone conference call. You can submit written comments to the Panel by faxing the comments 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 <http://www.improveirs.org>. Please contact Mary Ann Delzer at 1-888-912-1227 or (414) 231-2360 for dial-in information.

The agenda will include the following: Various IRS issues.

Dated: September 17, 2007.

John Fay,
Acting Director, Taxpayer Advocacy Panel.
[FR Doc. E7-18689 Filed 9-20-07; 8:45 am]
BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Monday, October 15, 2006.

FOR FURTHER INFORMATION CONTACT: Audrey Y. Jenkins at 1-888-912-1227 (toll-free), or 718-488-2085 (non toll-free).

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Earned Income Tax Credit Issue Committee will be held Monday, October 15, 2007 from 10:30 a.m. to 11:30 a.m. ET via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. For information or to confirm attendance, notification of intent to attend the meeting must be made with Audrey Y. Jenkins. Ms. Jenkins may be reached at 1-888-912-1227 or (718) 488-2085, send written comments to Audrey Y. Jenkins, TAP Office, 10 MetroTech Center, 625 Fulton Street, Brooklyn, NY 11201 or post comments to the Web site: <http://www.improveirs.org>. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made in advance.

The agenda will include various IRS issues.

Dated: September 17, 2007.

John Fay,
Acting Director, Taxpayer Advocacy Panel.
[FR Doc. E7-18702 Filed 9-20-07; 8:45 am]
BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY**Internal Revenue Service****Open Meeting of the Area 3 Committee of the Taxpayer Advocacy Panel (Including the States of Florida, Georgia, Alabama, Mississippi, Louisiana, and Arkansas, and the Territory of Puerto Rico)**

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Area 3 Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference). The Taxpayer Advocacy Panel is soliciting public

comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, October 16, 2007, from 11:30 a.m. ET.

FOR FURTHER INFORMATION CONTACT: Sallie Chavez at 1-888-912-1227, or 954-423-7979.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 3 Committee of the Taxpayer Advocacy Panel will be held Tuesday, October 16, 2007, from 11:30 a.m. ET via a telephone conference call. If you would like to have the TAP consider a written

statement, please call 1-888-912-1227 or 954-423-7979, or write Sallie Chavez, TAP Office, 1000 South Pine Island Rd., Suite 340, Plantation, FL 33324. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with Sallie Chavez. Ms. Chavez can be reached at 1-888-912-1227 or 954-423-7979, or post comments to the Web site: <http://www.improveirs.org>.

The agenda will include: Various IRS issues.

Dated: September 17, 2007.

John Fay,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. E7-18703 Filed 9-20-07; 8:45 am]

BILLING CODE 4830-01-P



Federal Register

**Friday,
September 21, 2007**

Part II

Environmental Protection Agency

40 CFR Parts 51 and 52

**Prevention of Significant Deterioration
(PSD) for Particulate Matter Less Than 2.5
Micrometers (PM_{2.5})—Increments,
Significant Impact Levels (SILs) and
Significant Monitoring Concentration
(SMC); Proposed Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[EPA-HQ-OAR-2006-0605; FRL-8470-1]

RIN 2060-AO24

Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers (PM_{2.5})—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Clean Air Act (Act) authorizes EPA to establish regulations to prevent significant deterioration of air quality due to emissions of any pollutant for which a national ambient air quality standard (NAAQS) has been promulgated. The NAAQS for particulate matter using the PM_{2.5} indicator were promulgated in 1997. The EPA is proposing to facilitate implementation of a PM_{2.5} Prevention of Significant Deterioration (PSD) program in areas attaining the particulate matter less than 2.5 micrometers (PM_{2.5}) NAAQS by developing PM_{2.5} increments, Significant Impact Levels (SILs), and a Significant Monitoring Concentration (SMC). In addition, EPA is proposing to revoke the annual PM₁₀ increments.

“Increments” are maximum increases in ambient PM_{2.5} concentrations (PM_{2.5} increments) allowed in an area above the baseline concentration. The SILs and SMCs are numerical values that represent thresholds of insignificant, i.e., *de minimis*, modeled source impacts or monitored (ambient) concentrations, respectively. The EPA is proposing such values for PM_{2.5} that will be used as screening tools by a major source subject to PSD to determine the subsequent level of analysis and data gathering required for a PSD permit application for emissions of PM_{2.5}.

DATES: Comments must be received on or before November 20, 2007. Under the Paperwork Reduction Act, comments on the information collection provisions must be received by the Office of Management and Budget (OMB) on or before October 22, 2007.

Public Hearing. If anyone contacts us requesting to speak at a public hearing by October 11, 2007, we will hold a public hearing. Additional information about the hearing would be published in a subsequent **Federal Register** notice.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2006-0605, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *E-mail:* a-and-r-Docket@epa.gov.
- *Mail:* Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include a total of two copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th Street, Northwest, Washington, DC 20503.

- *Hand Delivery:* Air and Radiation Docket and Information Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC 20004. Such deliveries are only accepted during the Docket Center's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-OAR-2006-0605. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects

or viruses. For additional instructions on submitting comments, go to section I.B of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Avenue, Northwest, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.

FOR FURTHER INFORMATION CONTACT: Mr. Raghavendra (Raj) Rao, Air Quality Policy Division, Office of Air Quality Planning and Standards (C504-03), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-5344; fax number (919) 541-5509; e-mail address: rao.raj@epa.gov or Dan deRoeck, Air Quality Policy Division, Office of Air Quality Planning and Standards (C504-03), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-5593; fax number (919) 541-5509; e-mail address: deroeck.dan@epa.gov. To request a public hearing or information pertaining to a public hearing on this document, contact Ms. Pamela S. Long, Air Quality Policy Division, Office of Air Quality Planning and Standards (C504-03), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541-0641; fax number (919) 541-5509; e-mail address: long.pam@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Entities potentially affected by this proposed action include owners and operators of emission sources in all industry groups, as well as the EPA and State, local, and tribal governments that are delegated authority to implement these regulations. The majority of sources potentially affected are expected to be in the following groups:

Category	NAICS ^a	Industry group
Industry	221111, 221112, 221113, 221119, 221121, 221122. 32411 325181, 32512, 325131, 325182, 211112, 325998, 331311, 325188. 32511, 325132, 325192, 325188, 325193, 32512, 325199. 32552, 32592, 32591, 325182, 32551 211112 48621, 22121 32211, 322121, 322122, 32213 322121, 322122 336111, 336112, 336712, 336211, 336992, 336322, 336312, 33633, 33634, 33635, 336399, 336212, 336213. 325411, 325412, 325413, 325414 924110	Electric services. Petroleum refining. Industrial inorganic chemicals. Industrial organic chemicals. Miscellaneous chemical products. Natural gas liquids. Natural gas transport. Pulp and paper mills. Paper mills. Automobile manufacturing. Pharmaceuticals. Administration of Air and Water Resources and Solid Waste Management Programs. Administration of Air and Water Resources and Solid Waste Management Programs.
Federal government	924110	
State/local/tribal Government	924110	

^aNorth American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in the PSD rules for attainment areas (40 CFR 52.21). If you have any questions regarding the applicability of this action to a particular entity, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through www.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 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. Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404-02), Environmental Protection Agency, Research Triangle Park, NC 27711, Attention Docket ID No. EPA-HQ-OAR-2006-0605.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this proposal will also be available on the World Wide Web. Following signature by the EPA Administrator, a copy of this notice will be posted in the regulations and standards section of our NSR home page located at <http://www.epa.gov/nsr>.

D. How can I find information about a possible Public Hearing?

Persons interested in presenting oral testimony should contact Ms. Pamela Long, New Source Review Group, Air Quality Policy Division (C504-03), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number (919) 541-0641 or e-mail long.pam@epa.gov at least 2 days in advance of the public hearing. Persons interested in attending the public hearing should also contact Ms. Long to verify the time, date, and location of the hearing. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning these proposed rules.

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 - G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks
 - H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
 - I. National Technology Transfer and Advancement Act
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II. Overview of Proposed Regulations

This proposal is the first step in the rulemaking process for promulgating

PM_{2.5} increments, SILs, and a SMC. The purpose of this proposed rulemaking is to develop the final elements that will aid implementation of the PSD program for PM_{2.5}. When final, these elements will supplement the final NSR implementation rule for PM_{2.5}. Following final action on this proposal and the PM_{2.5} implementation rule for NSR, the Federal PM_{2.5} NSR programs will no longer have to rely on the PM₁₀ program as a surrogate, as has been the practice under our existing guidance. A State implementing a NSR program in an EPA approved State Implementation Plan (SIP) may continue to rely on the interim surrogate policy until we approve a revised SIP addressing these requirements. In this rulemaking, we¹ are proposing several options for increments, SILs and the SMC, respectively.

A. Summary of Proposed Options for Increments

We are proposing three sets of PM_{2.5} increments, based on several approaches that are described in greater detail later in this preamble. For the first set (option 1), we are relying on an approach that treats PM_{2.5} as a new pollutant. This option follows our statutory authority section 166(a) of the Act to develop increments for "pollutants for which national ambient air quality standards are promulgated after the date of enactment of this part * * *" This is the same approach that we used to establish NO_x increment regulations on October 12, 2005 (70 FR at 59586). The second and third options (options 2A and 2B) rely on an approach that we used in 1993 to promulgate PM₁₀ increments in lieu of the statutory increments for particulate matter (PM) following our replacement of the then existing indicator for the PM NAAQS based on total suspended particulate with a new indicator based on PM₁₀. (58 FR 31622, June 3, 1993.) These two options represent variations of the approach used under the authority of section 166(f) of the Act to "substitute" PM₁₀ increments for TSP increments. The increment values resulting from each of these three options are:

¹ In this proposal, the terms "we," "us," and "our" refer to the EPA and the terms "you" and "your" refer to the owners or operators of stationary sources of air pollution.

Option	Proposed increments ($\mu\text{g}/\text{m}^3$)						NAAQS ($\mu\text{g}/\text{m}^3$)	
	Class I		Class II		Class III		Annual	24-hr
	Annual	24-hr	Annual	24-hr	Annual	24-hr		
1	1	2	4	9	8	18	.....	.....
2A	1	2	4	9	8	18	15	35
2B	1	2	5	9	10	18	.....	.....

B. Summary of Proposed Options for SILs

We are also proposing three options for SILs. The first option utilizes the same approach we proposed for PM_{10} in

the 1996 NSR Reform proposal. For option 2, we are proposing to scale the PM_{10} SIL values by the ratio of direct $\text{PM}_{2.5}$ to direct PM_{10} emissions. The $\text{PM}_{2.5}/\text{PM}_{10}$ emissions ratio is the national average derived from the 2001

extrapolation of the 1999 National Emissions Inventory. For option 3, we are proposing to scale the PM_{10} SIL values by the ratio of the $\text{PM}_{2.5}$ NAAQS to the PM_{10} NAAQS. The SIL values resulting from each of these options are:

Option	Proposed SILs ($\mu\text{g}/\text{m}^3$)					
	Class I		Class II		Class III	
	Annual	24-hr	Annual	24-hr	Annual	24-hr
1	0.04	0.08	1.0	5.0	1.0	5.0
2	0.16	0.24	0.8	4.0	0.8	4.0
3	0.06	0.07	0.3	1.2	0.3	1.2

C. Summary of Proposed Options for the $\text{PM}_{2.5}$ SMC

The first option we are proposing for the SMC is the “Lowest Detection Concentration” or LDC approach that we used for establishing the SMC for TSP and PM_{10} . For option 2, we are proposing to scale the PM_{10} SMC value by the ratio of direct $\text{PM}_{2.5}$ to direct PM_{10} emissions. The $\text{PM}_{2.5}/\text{PM}_{10}$ emissions ratio is the national average derived from the 2001 extrapolation of the 1999 National Emissions Inventory. For option 3, we are proposing to scale the PM_{10} SMC value by the ratio of the $\text{PM}_{2.5}$ NAAQS to the PM_{10} NAAQS. The proposed SMC values for each of these options for the 24-hour averaging period are:

Option 1—10 $\mu\text{g}/\text{m}^3$

Option 2—7.9 $\mu\text{g}/\text{m}^3$

Option 3—2.3 $\mu\text{g}/\text{m}^3$

III. Background

A. PSD Program

The NSR provisions of the Act are a combination of air quality planning and air pollution control technology program requirements for new and modified stationary sources of air pollution. In brief, section 109 of the Act requires us to promulgate primary NAAQS to protect public health and secondary NAAQS to protect public welfare. Once we have set these standards, States must develop, adopt, and submit to us for approval SIPs that contain emission limitations and other control measures to attain and maintain

the NAAQS and to meet the other requirements of section 110(a) of the Act. Part C of title I of the Act contains the requirements for a component of the major new source review (NSR) program known as the PSD program. This program sets forth procedures for the preconstruction review and permitting of new and modified major stationary sources of air pollution locating in areas meeting the NAAQS (“attainment” areas) and areas for which there is insufficient information to classify an area as either attainment or nonattainment (“unclassifiable” areas). Most states have SIP-approved preconstruction permit (major NSR) programs. The Federal PSD program at 40 CFR 52.21 applies in some States that lack a SIP-approved permit program, and in Indian country.² The applicability of the PSD program to a major stationary source must be determined in advance of construction and is a pollutant specific determination. Once a major source is determined to be subject to the PSD program (PSD source), among other requirements, it must undertake a series of analyses to demonstrate that it will use the best available control technology (BACT) and will not cause or contribute to a violation of any NAAQS or incremental ambient pollutant concentration increase (increment). In

² We have delegated authority to some States to implement the Federal PSD program. The EPA remains the reviewing authority in non-delegated States and in Indian country.

cases where the source’s emissions may adversely affect an area classified as a Class I area, additional review is conducted to protect the increments and special attributes of such an area defined as “air quality related values.”

As part of the analysis of air quality impacts to determine compliance with the NAAQS and increment, the permit applicant and reviewing authority may compare the source’s impacts for a pollutant with the corresponding SIL for that pollutant to show that a cumulative air quality impacts analysis is not necessary. Similarly, the permit applicant and reviewing authority may use the corresponding SMC for that pollutant to determine if pre-application site-specific ambient monitoring data is needed to conduct the air quality analysis.

When the reviewing authority reaches a preliminary decision to authorize construction of each proposed major new source or major modification, it must provide notice of the preliminary decision and an opportunity for comment by the general public, industry, and other persons that may be affected by the emissions of the major source or major modification. After considering these comments, the reviewing authority may issue a final determination on the construction permit in accordance with the PSD regulations.

B. History of PM NAAQS

1. TSP and PM₁₀ NAAQS

The EPA initially established NAAQS for PM in 1971, measured by the TSP indicator. Based on the size of the particles collected by the “high-volume sampler,” which was the reference method for determining ambient concentrations, TSP included all PM up to a nominal size of 25 to 45 micrometers. We established both annual and 24-hour NAAQS for TSP.

On July 1, 1987, we promulgated new NAAQS for PM in which we changed the indicator from TSP to PM₁₀, the latter including particles with a mean aerodynamic diameter less than or equal to 10 micrometers. These smaller particles are the subset of inhalable particles small enough to penetrate to the thoracic region (including the tracheobronchial and alveolar regions) of the respiratory tract (referred to as thoracic particles). We established annual and 24-hour NAAQS for PM₁₀, and revoked the NAAQS for TSP. (52 FR 24634).

2. PM_{2.5} NAAQS

On July 18, 1997, we again revised the NAAQS for PM in several respects. While we determined that the NAAQS should continue to focus on particles less than or equal to 10 micrometers in diameter, we also determined that the fine and coarse fractions of PM₁₀ should be considered separately. We established new annual and 24-hour NAAQS for PM_{2.5} (referring to particles with a nominal mean aerodynamic diameter less than or equal to 2.5 micrometers) as the indicator for fine particles. Our 1997 rules also modified the PM₁₀ NAAQS for the purpose of regulating the coarse fraction of PM₁₀ (referred to as thoracic coarse particles or coarse-fraction particles; generally including particles with a nominal mean aerodynamic diameter greater than 2.5 micrometers and less than or equal to 10 micrometers, or PM_{10-2.5}), however this part of the action was vacated during subsequent litigation, leaving the pre-existing 1987 PM₁₀ NAAQS in place (62 FR 38652).

3. Revised PM_{2.5} and PM₁₀ NAAQS

On October 17, 2006, we promulgated revisions to the NAAQS for PM_{2.5} and PM₁₀ with an effective date of December 18, 2006 (71 FR 61144). We lowered the 24-hour NAAQS for PM_{2.5} from 65 micrograms per cubic meter (μg/m³) to 35 μg/m³, and retained the existing annual PM_{2.5} NAAQS of 15 μg/m³. In addition, we retained the existing PM₁₀ 24-hour NAAQS of 150 μg/m³, and

revoked the annual PM₁₀ NAAQS (previously set at 50 μg/m³).

C. Implementation of NSR for PM_{2.5}

After we established new annual and 24-hour NAAQS for PM_{2.5} (referring to particles with a nominal mean aerodynamic diameter less than or equal to 2.5 micrometers) as the indicator for fine particles in July 1997, we issued a guidance document “Interim Implementation for the New Source Review Requirements for PM_{2.5},” John S. Seitz, Director, Office of Air Quality Planning and Standards, EPA, October 23, 1997. As noted in that guidance, section 165 of the Act implies that PSD requirements become effective for a new NAAQS upon the effective date of the NAAQS. Section 165(a)(1) of the Act provides that no new or modified major source may be constructed without a PSD permit that meets all of the section 165(a) requirements with respect to the regulated pollutant. Moreover, section 165(a)(3) provides that the emissions from any such source may not cause or contribute to a violation of any increment or NAAQS. Also, section 165(a)(4) requires BACT for each pollutant subject to PSD regulation. The 1997 guidance stated that sources would be allowed to use implementation of a PM₁₀ program as a surrogate for meeting PM_{2.5} NSR requirements until certain difficulties were resolved. These difficulties included the lack of necessary tools to calculate the emissions of PM_{2.5} and related precursors, the lack of adequate modeling techniques to project ambient impacts, and the lack of PM_{2.5} monitoring sites.

On April 5, 2005, we issued a guidance document entitled “Implementation of New Source Review Requirements in PM-2.5 Nonattainment Areas,” Stephen D. Page, Director, Office of Air Quality Planning and Standards, EPA. This memorandum provides guidance on the implementation of the nonattainment major NSR provisions in PM_{2.5} nonattainment areas in the interim period between the effective date of the PM_{2.5} NAAQS designations (April 5, 2005) and when we promulgate regulations to implement nonattainment major NSR for the PM_{2.5} NAAQS. In addition to affirming the continued use of the John S. Seitz guidance memo in PM_{2.5} attainment areas, this memo recommends that until we promulgate the PM_{2.5} major NSR regulations, States should use a PM₁₀ nonattainment major NSR program as a surrogate to address the requirements of nonattainment major NSR for the PM_{2.5} NAAQS.

On November 1, 2005, we proposed a rule to implement the PM_{2.5} NAAQS, including proposed revisions to the NSR program. For those States with EPA-approved PSD programs, we proposed to continue the 1997 NSR guidance to use PM₁₀ as a surrogate for PM_{2.5}, but only during the SIP development period. We also indicate in that proposal that we will develop increments, SILs, and SMC in a separate rulemaking—i.e. this proposed rulemaking. Since there was an interim surrogate NSR program in place, EPA decided to first promulgate the non-NSR part of the implementation rule (including attainment demonstrations, designations, control measures etc.)—which was promulgated on April 25, 2007. The NSR part of the implementation rule is anticipated to be promulgated in September 2007. Additionally, once this proposed rulemaking is finalized, States will be able to fully implement a PM_{2.5} NSR program.

D. Background on Implementation of PSD Increments

Under section 165(a)(3) of the Act, a PSD permit applicant must demonstrate that emissions from the proposed construction and operation of a facility “will not cause, or contribute to, air pollution in excess of any (A) maximum allowable increase or maximum allowable concentration for any pollutant. * * * 42 U.S.C. 7475(a)(3). The “maximum allowable increase” of an air pollutant that is allowed to occur above the applicable baseline concentration for that pollutant is known as the PSD increment. By establishing the maximum allowable level of ambient pollutant concentration increase in a particular area, an increment defines “significant deterioration.”

For PSD baseline purposes, a baseline area for a particular pollutant emitted from a source includes the attainment or unclassifiable area in which the source is located as well as any other attainment or unclassifiable area in which the source’s emissions of that pollutant are projected (by air quality modeling) to result in an ambient pollutant increase of at least 1 μg/m³ (annual average). See, e.g., 40 CFR 52.21(b)(15)(i). Once the baseline area is established, subsequent PSD sources locating in that area need to consider that a portion of the available increment may have already been consumed by previous emissions increases.

In general, the submittal date of the first complete PSD permit application in a particular area is the operative

“baseline date.”³ On or before the date of the first complete PSD application, emissions generally are considered to be part of the baseline concentration, except for certain emissions from major stationary sources, as explained in the following discussion of baseline dates. Most emissions increases that occur after the baseline date will be counted toward the amount of increment consumed. Similarly, emissions decreases after the baseline date restore or expand the amount of increment that is available.

In practice, three dates related to the PSD baseline concept are important in understanding how to calculate the amount of increment consumed—(1) Trigger date; (2) minor source baseline date; and (3) major source baseline date. Chronologically, the first relevant date is the trigger date. The trigger date, as the name implies, triggers the overall increment consumption process nationwide. Specifically, this is a fixed date, which must occur before the minor source baseline date can be established for the pollutant-specific increment in a particular attainment area. See, e.g., 40 CFR 52.21(b)(14)(ii). For PM and SO₂, Congress defined the applicable trigger date as August 7, 1977—the date of the 1977 amendments to the Act when the original statutory increments were established by Congress. For NO₂, we selected the trigger date as February 8, 1988—the date on which we proposed increments for NO₂. See 53 FR 40656, 40658; October 17, 1988. In this action, as described later, we are proposing to add a new trigger date for purposes of calculating the new PM_{2.5} increments.

The two remaining dates—“minor source baseline date” and “major source baseline date”—as described later, are necessary to properly account for the emissions that are to be counted toward increment consumed following the national trigger date, in accordance with the statutory definition of “baseline concentration” in section 169(4) of the Act. The statutory definition provides that the baseline concentration of a pollutant for a particular baseline area is generally the air quality at the time of the first application for a PSD permit in the area. Consequently, any increases in actual emissions occurring after that date (with some possible exceptions that we will discuss later) would be considered to consume the applicable PSD increment. However, the statutory

definition in section 169(4) also provides that “[E]missions of sulfur oxides and particulate matter from any major emitting facility on which construction commenced after January 6, 1975 shall not be included in the baseline and shall be counted in pollutant concentrations established under this part.”

To make this distinction between the date when emissions changes in general (i.e., from both major and minor sources) affect the increment and the date when emissions resulting from the construction at a major stationary source consume the increment, we established the terms “minor source baseline date” and “major source baseline date,” respectively. See 40 CFR 51.166(b)(14) and 52.21(b)(14). Accordingly, the “minor source baseline date” is the date on which the first complete application for a PSD permit is filed in a particular area. Any change in actual emissions after that date affects the PSD increment for that area.

The “major source baseline date” is the date after which actual emissions increases associated with construction at any major stationary source affect the PSD increment. In accordance with the statutory definition of “baseline concentration,” the PSD regulations define a fixed date to represent the major source baseline date for each pollutant for which an increment exists. Congress defined the major source baseline date for the statutory increments for PM and SO₂ as January 6, 1975. For the NO₂ increments, which we promulgated in 1988 under our authority to establish an increment system under section 166(a) of the Act, the major source baseline date we selected is February 8, 1988—the date on which we proposed increments for NO₂. 53 FR 40656. In this action, as described later, we are proposing to add a new major source baseline date for PM_{2.5}.

The PSD regulations set out the third date that is relevant to the PSD baseline concept. These regulations provide that the earliest date on which the minor source baseline date can be established is the date immediately following the “trigger date” for the pollutant-specific increment. See, e.g., 40 CFR 52.21(b)(14)(ii). For PM and SO₂, Congress defined the applicable trigger date as August 7, 1977—the date of the 1977 amendments to the Act when the original statutory increments were established by Congress. For NO₂, we selected the trigger date as February 8, 1988—the date on which we proposed increments for NO₂. See 53 FR 40656, 40658; October 17, 1988.

Once the minor source baseline date associated with the first PSD permit application for a proposed new major stationary source or major modification in an area is established, the new emissions from that source consume a portion of the increment in that area, as do any subsequent actual emissions increases that occur from any new or existing source in the area. When the maximum pollutant concentration increase defined by the increment has been reached, additional PSD permits cannot be issued until sufficient amounts of the increment are “freed up” via emissions reductions that may occur voluntarily, e.g., via source shutdowns, or via control requirements imposed by the reviewing authority. Moreover, the air quality in a region cannot deteriorate to a level in excess of the applicable NAAQS, even if all the increment has not been consumed. Therefore, new or modified sources located in areas where the air pollutant concentration is near the level allowed by the NAAQS may not have full use of the amount of pollutant concentration increase allowed by the increment.

Under EPA guidance, the actual increment analysis that a proposed new or modified source undergoing PSD review must complete depends on the area impacted by the source’s new emissions.⁴ We have also provided approved air quality models and guidelines for sources to use to project the air quality impact of each pollutant (over each averaging period) for which an increment analysis must be done.⁵ In addition, we established significant impact levels for each pollutant under the nonattainment major NSR program that have also been used under the PSD program to identify levels below which the source’s modeled impact is regarded as *de minimis*. See 40 CFR 51.165(b) and part 51, appendix S, section III.A. In the event that a source’s modeled impacts of a particular pollutant are below the applicable significant impact level at all ambient air locations modeled, i.e., *de minimis* everywhere, EPA policy provides that no further modeling analysis is required for that pollutant. Our policy is that when a preliminary screening analysis based on the significant impact level is sufficient to demonstrate that the source’s

⁴ We note that on June 6, 2007, we published a notice of proposed rulemaking proposing to refine several aspects of the increment calculation process to clarify how States and regulated sources may calculate increases in pollutant concentrations for purposes of determining compliance with the PSD increments. See 72 FR at 31372. When final, these revisions will amend the PSD regulations at 40 CFR 51.166 and 52.21.

⁵ See EPA’s “Guideline on Air Quality Models” at 40 CFR part 51, appendix W.

³ Baseline dates are pollutant specific. That is, a complete PSD application establishes the baseline date only for those regulated NSR pollutants that are projected to be emitted in significant amounts (as defined in the regulations) by the applicant’s new source or modification. Thus, an area may have different baseline dates for different pollutants.

emissions will not cause or contribute to a violation of the increment, there is no need for a full impacts analysis involving a cumulative evaluation of the emissions from the proposed source and other sources affecting the area.

Within the impact area of a source that does have a significant impact, increment consumption is calculated using the source's proposed emissions increase, along with other emissions increases or decreases of the particular pollutant from sources in the area, which have occurred since the minor source baseline date established for that area. (For major sources, emissions increases or decreases that have occurred since the major source baseline date consume or expand increment.) Thus, an emissions inventory of sources whose emissions consume or expand the available increment in the area must be compiled. The inventory includes not only sources located directly in the impact area, but sources outside the impact area that affect the air quality within the impact area.

The inventory of emissions includes emissions from increment-affecting sources at two separate time periods—the baseline date and the current period of time. For each source that was in existence on the relevant baseline date (major source or minor source), the inventory includes the source's actual emissions on the baseline date and its current actual emissions. The change in emissions over these time periods represents the emissions that consume increment (or, if emissions have gone down, expand the available increment). For sources constructed since the relevant baseline date, all their current actual emissions consume increment and are included in the inventory.

When the inventory of emissions has been compiled, computer modeling is used to determine the change in ambient concentration that will result from these emissions when combined with the proposed emissions increase from the new major source or major modification that is undergoing PSD review. The modeling has generally been guided by the "Guideline on Air Quality Models" (40 CFR part 51, appendix W), which includes provisions on air quality models and the meteorological data input into these models. The model output (expressed as a change in concentration) for each relevant averaging period is then compared to the corresponding allowable PSD increment.

E. Historical Approaches for Developing Increments

1. Congressional Enactment of Increments for PM and SO₂

Congress established the first increments defining significant deterioration of air quality in the 1977 Amendments to the Act. These amendments to the Act, among other things, added subpart C to title I, setting out the requirements for PSD. In section 163, Congress included numerical increments for PM and sulfur dioxide (SO₂) for Class I, II, and III areas.

The three area classes are part of the increment system originally established by Congress. Congress designated Class I areas (including certain national parks and wilderness areas) as areas of special national concern, where the need to prevent deterioration of air quality is the greatest. Consequently, the allowable level of incremental change is the smallest relative to the other area classes, i.e., most stringent, in Class I areas. The increments of Class II areas are larger than those of Class I areas and allow for a moderate degree of emissions growth. For future redesignation purposes, Congress defined as Class III any existing Class II area for which a State may desire to promote a higher level of industrial development (and emissions growth). Thus, Class III areas are allowed to have the greatest amount of pollutant increase of the three area classes while still achieving the NAAQS. There have been no Class III redesignations to date.

In establishing these PSD increments, Congress used the then-existing NAAQS for those pollutants as the benchmark for determining what constitutes "significant deterioration." Congress established the increments for PM as a percentage of the then-existing PM NAAQS. At the time the Act was amended in 1977, the NAAQS for PM were expressed in terms of ambient concentrations of total suspended particulate (TSP). Thus, EPA interpreted the statutory increments for PM using the same ambient "indicator."

2. EPA's Promulgation of Increments for NO₂ and PM₁₀

Congress also provided authority for EPA to promulgate additional increments and to update the original PM increments created by statute. The EPA has promulgated two regulations pursuant to this authority.

a. Increments for NO_x Using the "Contingent Safe Harbor" Approach Under Section 166(a) of the Act

As enacted in 1977, subpart C of the Act also included sections 166(a)

through 166(e), which set out requirements related to increments for other pollutants. Section 166(a) requires EPA to develop regulations to prevent the significant deterioration of air quality due to emissions of certain named pollutants, and to develop such regulations for any pollutants for which NAAQS are subsequently promulgated. Section 166(b) prescribes timelines for the effective date of such regulations, and for corresponding SIP submittals and EPA approvals. Specifically, regulations, including increments, developed pursuant to section 166(a) become effective 1 year after the date of promulgation, and State plan revisions containing the new regulations are to be submitted to EPA for review within 21 months of promulgation. The same provision then calls for EPA's approval or disapproval of the revised plan within 25 months of promulgation. The legislative history indicates that this 1-year delay before the new PSD requirements, including the new increments, become effective is to allow Congress an opportunity to review them before States are required to implement them. H.R. Conf. Rep. 95-564, at 151 (1977), 1977 U.S.C.C.A.N. 1502, 1532. Section 166(c) and (d) set forth criteria and goals that such regulations must meet.

Based on section 166 of the Act, on October 17, 1988, EPA promulgated increments for nitrogen dioxide (NO₂) to prevent significant deterioration of air quality due to emissions of NO_x (53 FR 40656). The EPA based these increments on percentages of the NAAQS in the same way that Congress derived the statutory increments for PM and SO₂. Those NO₂ increments were challenged in 1988 by the Environmental Defense Fund (now Environmental Defense, or "ED") when ED filed suit in the U.S. Court of Appeals for the District of Columbia Circuit against the Administrator (*Environmental Defense Fund, Inc. v. Reilly*, No. 88-1882). Environmental Defense successfully argued that we failed to sufficiently consider certain provisions in section 166 of the Act. The court remanded the case to EPA "to develop an interpretation of section 166 that considers both subsections (c) and (d), and if necessary to take new evidence and modify the regulations." See *Environmental Defense Fund v. EPA*, 898 F.2d 183, 190 (D.C. Cir. 1990). Section 166(c) of the Act requires the PSD regulations to, among other things, meet the goals and purposes set forth in sections 101 and 160 of the Act. Section 166(d) requires these regulations be at least as effective as the increments

established for PM (in the form of TSP) and SO₂ in section 163 of the Act. The court considered the NO₂ increment values determined using the percentage-of-NAAQS approach as “safe harbor” increments which met the requirements of section 166(d) of the Act. However, the court also determined that EPA’s reliance on such increment levels was contingent upon our completing the analyses required under section 166(c), which provided that the final increment values must address the goals of sections 101 and 160 of the Act to protect public health and welfare, parks, and air quality related values (AQRVs)⁶ and to ensure economic growth.

In response to the court’s decision, we proposed rulemaking on increments for NO_x on February 23, 2005 (70 FR 8880) and finalized the rule on October 12, 2005 (70 FR 59582). In the final rule, we established our policy on how to interpret and apply the requirements of sections 166(c) and (d) of the Act. In accordance with the court ruling, we conducted further analyses (considering the health and welfare effects of NO_x) and concluded that the existing NO₂ increments were adequate to fulfill the requirements of section 166(c). *See* 70 FR 59586 for our detailed analysis of how pollutant regulations satisfy the requirements of section 166 of the Act. Hence, we retained the existing NO₂ increments along with other parts of the existing framework of pollutant-specific PSD regulations for NO_x. We also amended the requirements of 40 CFR 51.166 to make it clear that States may seek EPA approval of SIPs that utilize a different approach than EPA used to establish these NO₂ increments. To receive our approval of an alternative program, a State must demonstrate that its program satisfies the requirements of sections 166(c) and 166(d) of the Act and prevents significant deterioration of air quality from emissions of NO_x.⁷

⁶ The term “air quality related values” is not defined in the Act, but the legislative history provides that “The term ‘air quality related values’ of Federal lands designated as class I includes the fundamental purposes for which such lands have been established and preserved by the Congress and the responsible Federal agency. For example, under the 1916 Organic Act to establish the National Park Service (16 U.S.C. 1), the purpose of such national park lands ‘is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.’” S. Rep. No. 95–127 at 36 (1977).

⁷ Under the 2005 NO_x regulation, States can adopt measures other than increments as long as they can demonstrate that the measures selected comply with the same criteria and goals of 166 (c) and (d) of the Act that must be met for increments.

b. Increments for PM₁₀ Using “Equivalent Substitution” Approach Under Section 166(f)

On October 5, 1989, we proposed new PM₁₀ increments. *See* 54 FR 41218. Although section 163 did not expressly define the existing statutory increments for PM in terms of a specific indicator, EPA reasoned that Congress’s knowledge that TSP was the indicator for the PM NAAQS, and that the TSP standards were the starting point for the increments levels when the increments were established in 1977, meant that TSP was also the appropriate measure for the PM increments in section 163. As a consequence, EPA believed that the statutory PM increments could not simply be administratively redefined as PM₁₀ increments, retaining the same numerical values, following the revision of the PM NAAQS. Rather, we stated our belief that with the promulgation of the PM₁₀ NAAQS, EPA had both the responsibility and the authority under sections 166 and 301 of the Act to promulgate new increments for PM to be measured in terms of PM₁₀. We further concluded that promulgating PM₁₀ increments to replace, rather than supplement, the statutory TSP increments under section 163 represented the most sensible approach for preventing significant deterioration with respect to PM. *See* 54 FR 41220–41221.

We promulgated PM₁₀ increments to replace the existing TSP increments on June 3, 1993 (58 FR 31622). In the interim between proposal and promulgation, Congress enacted the 1990 Act Amendments. As part of these Act Amendments, Congress amended section 166 to add a new section 166(f). This section specifically authorized EPA to substitute PM₁₀ increments for the existing section 163 PM increments based on TSP, provided that the substituted increments are “of equal stringency in effect” as the section 163 increments.

Thus, we were able to replace the TSP increments under section 163 of the Act using PM₁₀ increments based directly on the newly enacted authority under section 166(f) of the Act. In the PM₁₀ rule, we maintained the existing baseline dates and baseline areas for PM that had been previously established using the TSP indicator. Also as proposed, we promulgated PM₁₀ increments developed based on an approach we called the “equivalent to statutory increments” approach. Under this approach, we used the original TSP increments as a benchmark for calculating the PM₁₀ increments, thereby retaining roughly the same

limitations on future deterioration of air quality as was allowed under the TSP increments. In using this approach, we considered the historical consumption of TSP increment by a sample population of permitted PSD sources, and then determined the PM₁₀ increments for each area classification and averaging time that would provide approximately the same percentage of PM₁₀ increment consumption, on average, by the same population of sources. Then, all future calculations of increment consumption after the PM₁₀ implementation date would be based on PM₁₀ emissions. *See* 58 FR 31622 and 31625.

IV. EPA’S Interpretation of Section 166 of the Clean Air Act

A. Which Criteria in Section 166 Should EPA Use to Develop Increments for PM_{2.5}?

The EPA interprets section 166 of the Act to give the Administrator the discretion to use either the “contingent safe harbor” approach or the “equivalent substitution” approach to establish increments for PM_{2.5}. Since sections 166(a) and section 166(f) contain or incorporate different criteria for establishing PSD regulations containing increments or other measures, the interpretation that EPA chooses to follow could have an impact on the increments or other measures that EPA adopts. Regulations promulgated under section 166(a) must be based on the criteria in section 166(c) and 166(d). 42 U.S.C. 7476(c)–(d). Regulations promulgated under section 166(f) must “be of equal stringency in effect as those specific in the provisions for which they are substituted.” 42 U.S.C. 7476(f). Furthermore, section 166(a) calls broadly for regulations, which may include increments, whereas section 166(f) addresses only increments.

Section 166(a) provides authority for EPA to promulgate additional pollutant-specific PSD regulations, which may include increments, for the pollutants specifically identified in that provision plus additional pollutants for which EPA may promulgate a NAAQS after a specific date 42 U.S.C. 7476(a). The last sentence of section 166(a) provides the following:

In the case of pollutants for which national ambient air quality standards are promulgated after August 7, 1977, [the Administrator] shall promulgate such regulations not more than 2 years after the date of promulgation of such standards.

Since EPA promulgated an additional NAAQS for PM, based on the PM_{2.5} indicator, in 1997, one potential

approach for developing increments for PM_{2.5} is for EPA to promulgate these increments under the authority of section 166(a). Under this approach, EPA would promulgate increments or other measures for PM_{2.5} that satisfy the standards set forth in subsections (c) and (d) of section 166, as interpreted by EPA in our recent rulemaking for nitrogen oxides.

However, in light of the provisions in section 163 and 166(f) of the Act that address increments for TSP and PM₁₀, respectively, there is some ambiguity on the question of the legal authority EPA should rely upon to establish increments for PM_{2.5}. In 1993, EPA construed section 166(f) to establish the sole criteria for promulgation of a new PM increment and thus did not base our final PM₁₀ increment on section 166(a) of the Act. Considering sections 163, 166(a), and 166(f) together, an alternative interpretation of these provisions might be that Congress intended that section 163 and 166(f) alone cover PM. Under this reading, EPA would promulgate additional increments for particular matter based on the section 163 increments and 166(f) of the Act, which are the only provisions that specifically mention PM and PSD increments. However, as discussed later, it may also be possible to read sections 166(a) and 166(f) in harmony. Thus, we propose to adopt one of the following legal theories to support promulgation of increments for PM_{2.5} using either of the two methods that EPA used in prior rules to develop PSD increments.

1. Support for “Contingent Safe Harbor” Approach for PM_{2.5} Under Section 166(a)

The EPA believes it is permissible to interpret section 166(a) to apply to PM_{2.5}. Although EPA has generally characterized the NAAQS for PM_{2.5} as a NAAQS for a new indicator of PM, EPA did not replace the PM₁₀ NAAQS with the NAAQS for PM_{2.5} in 1997. Rather, EPA established an additional NAAQS for PM_{2.5} as if it were a new pollutant, even though EPA had already developed air quality criteria for PM generally. Thus, for purposes of section 166(a), the addition of a NAAQS for PM_{2.5} is functionally the same as establishing a NAAQS for an additional pollutant after 1977.

We read section 166(a) to authorize EPA to promulgate pollutant-specific PSD regulations meeting the requirements of sections 166(c) and 166(d) for any pollutant for which EPA promulgates a NAAQS after 1977. Most of the pollutants identified in section 166(a) (nitrogen oxides, photochemical

oxidants, carbon monoxide) are pollutants for which EPA had established NAAQS in 1977 when Congress adopted section 166 of the Act. There was no need for Congress to list other criteria pollutants, sulfur dioxide and particular matter, in section 166(a) because Congress had already established increments for these pollutants in section 163 of the Act. In addition to requiring regulations for the enumerated pollutants, Congress clearly intended to authorize EPA to establish additional pollutant-specific PSD regulations, potentially containing increments, for any additional pollutants for which EPA promulgated a NAAQS under section 109 of the Act. Furthermore, because the Act refers to pollutants for which EPA promulgates NAAQS after 1977, and does not use the phrase “additional pollutants” we believe that Section 166(a) provides authority for EPA to promulgate new increments after revising an existing NAAQS (including one first promulgated before 1977), when we find that such action is appropriate.

In our 1989 proposal on the PM₁₀ increments, EPA construed section 166(a) to apply to PM₁₀, even though EPA regarded PM₁₀ to be a new indicator for PM. 58 FR 31623–24. Thus, before the adoption of section 166(f), EPA read the language of section 166(a) to apply to the promulgation of increments using a new indicator for PM and did not limit the application of section 166(a) to wholly new criteria pollutants. Similarly, in the current proposal, EPA believes it can continue to interpret section 166(a) to apply to the promulgation of an additional increment for a new indicator of an existing criteria pollutant since EPA promulgated a NAAQS for a new indicator of that pollutant after 1977.

Although EPA ultimately applied the standard in section 166(f) as the sole basis for our PM₁₀ increments in 1993, that provision does not necessarily govern the situation EPA currently faces with PM_{2.5}. One could read section 166(f) to address only EPA’s authority to substitute new PM increments for the congressionally-established increments for TSP rather than the distinct issue now faced by EPA concerning the promulgation of additional PM increments for PM_{2.5} without necessarily revoking existing increments. Furthermore, the language in section 166(f) could be read to limit the scope of this provision to only increments using the PM₁₀ indicator. Thus, section 166(f) may not necessarily be applicable to the substitution of PM₁₀ increments with PM_{2.5} increments.

The EPA believes that section 166(a) could apply to the adoption of new increments, without the revocation of existing increments. As reflected in the 2005 increments rule for NO_x and the court decision in *EDF v. EPA*, when sections 166(a)–(d) apply, EPA is obligated to evaluate which indicator or form should be used in our pollutant-specific PSD regulations to meet these requirements in the Act. Based on this interpretation, we are proposing to use a contingent safe harbor approach (option 1) that involves first deriving increment values based on percentage of the NAAQS and then evaluating whether alternative increments or additional measures are necessary to meet the criteria in section 166(c).

2. Support of “Equivalent Substitution” Approach for PM_{2.5} Under Section 166(f)

The EPA believes it is also permissible for the Agency to construe section 166(f) as a continuing grant of authority for the Administrator to update the increments for particular matter whenever the Administrator decides to adopt a new form of particular matter as the indicator for the NAAQS. Although the terms of section 166(f) of the Act appear to address PM₁₀ alone, the overall intent of this provision was to clarify that EPA had the authority to update the original TSP increments to reflect changes in the NAAQS indicator. Language describing the PM₁₀ indicator was used in the Act because this was the indicator for PM that EPA was seeking to incorporate into the PSD program at the time of the 1990 Amendments when section 166(f) was adopted. However, we believe it is reasonable to conclude that Congress intended to authorize EPA to continue updating the particular matter increments contained in section 163 if EPA promulgated a NAAQS for another appropriate indicator for particular matter.

We believe EPA is authorized to promulgate increments for PM_{2.5} as a substitute for the PM₁₀ increments, as well as the original TSP increments, so long as the new increments for PM_{2.5} are of “equal stringency in effect as those specified in the provisions for which they are substituted.” 42 U.S.C. 7476(f). Based on this interpretation, we propose two approaches (options 2A and 2B discussed later) for developing PM_{2.5} increments that would meet the “equal stringency in effect” standard contained in section 166(f).

While we believe section 166(f) may be construed to provide continuing authority to “update” the increments for PM to conform to the NAAQS, section

166(f) describes a process in which EPA would “substitute” one PM increment for another. The language in section 166(f) does not address whether EPA may adopt additional increments for other PM indicators while retaining the existing PM increments. In contrast, section 166(a) does contain language addressing the promulgation of PSD regulations when EPA adds to the suite of NAAQS. Thus, we construe section 166(a) to have the closest connection to the task of adding, rather than the substituting or replacing, PSD increments for PM. As a result, for purposes of establishing the proposed 24-hour PM_{2.5} increments, we propose only one option—using the contingent safe harbor approach described in option 1—because we are not proposing to replace the existing 24-hour PM₁₀ increment with a new 24-hour PM_{2.5} increment, since we have retained the 24-hour PM₁₀ NAAQS. However, we also seek comment on whether we could rely on section 166(f) to promulgate the 24-hour PM_{2.5} increments using the same methodology as for the annual PM_{2.5} increments described later, even though the 24-hour PM₁₀ NAAQS is not being revoked.

B. Requirements of Sections 166(a)–(d) of the Clean Air Act

If we determine that section 166(a) applies to PM_{2.5}, we propose to follow the interpretation of sections 166(a)–(d) that we adopted in our most recent increments rule for NO_x. This interpretation was upheld in a recent court decision *E.D. v. EPA*, No. 05–1446 (June 19, 2007 DC Cir.). We summarize the key elements of this interpretation later, but a more detailed discussion can be found in our October 2005 final rule for NO_x. 70 FR 59582.

In section 166(a) of the Act, Congress directed EPA to develop pollutant-specific regulations to prevent significant deterioration of air quality. Congress further specified that such regulations meet the following requirements set forth in sections 166(c) and 166(d):

(c) Such regulations shall provide specific numerical measures against which permit applications may be evaluated, a framework for stimulating improved control technology, protection of air quality values, and fulfill the goals and purposes set forth in section 101 and section 160.

(d) The regulations * * * shall provide specific measures at least as effective as the increments established in section 163 [for SO₂ and PM] to fulfill such goals and purposes, and may contain air quality increments, emission density requirements, or other measures.

The goals and purposes of the PSD program set forth in section 160 are as follows:

(1) To protect public health and welfare from any actual or potential adverse effect which in the Administrator’s judgment may reasonably be anticipate[d] to occur from air pollution or from exposures to pollutants in other media, which pollutants originate as emissions to the ambient air, notwithstanding attainment and maintenance of all national ambient air quality standards;

(2) To preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value;

(3) To insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources;

(4) To assure that emissions from any source in any State will not interfere with any portion of the applicable implementation plan to prevent significant deterioration of air quality for any other State; and

(5) To assure that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decisionmaking process.

As described in our 2005 rule for NO_x, EPA’s interpretation of these provisions is grounded on five central elements. First, we read section 166 of the Act to direct EPA to conduct a holistic analysis that considers how a complete system of regulations will collectively satisfy the applicable criteria, rather than evaluating one individual part of a regulatory scheme in isolation. Second, we use a “contingent safe harbor” approach which calls for EPA to first establish the minimum level of effectiveness necessary to satisfy section 166(d) and then to conduct further analysis to determine if additional measures are necessary to fulfill the requirements of section 166(c). Third, we interpreted section 166(c) of the Act to identify eight statutory factors that EPA must apply when promulgating pollutant-specific regulations to prevent significant deterioration of air quality. Fourth, we interpreted the requirements to simultaneously satisfy each of these factors to establish a balancing test in cases where certain objectives may be at odds with each other. Fifth, we recognized that the requirements of section 166 may be satisfied by adopting other measures besides an increment and that EPA may allow States to demonstrate that alternatives to an increment contained in a SIP meet the requirements of sections 166(c) and 166(d).

1. Regulations as a Whole Should Fulfill Statutory Requirements

Section 166(a) directs EPA to develop pollutant-specific regulations to prevent the significant deterioration of air quality. Sections 166(c) and 166(d) provide detail on the contents of those regulations, but do not necessarily require the same type of increment system Congress created in section 163 of the Act. Thus, in order to develop pollutant-specific regulations under subsection (a), EPA must establish both the overall regulatory framework for those regulations (such as system of increments) and fill details around that framework (such as the level of the increments). Thus, EPA interprets section 166 to require that the entire system of PSD regulations (the framework and details) for a particular pollutant must, as a whole, satisfy the criteria in sections 166(c) and 166(d). We propose to use the same approach to establish pollutant-specific regulations for PM_{2.5} under option 1 of this proposal.

When we propose a framework involving numerical increments under section 166(a) of the Act, we do not look at increments in isolation, but we also consider how these increments work in conjunction with other measures to satisfy the statutory criteria. The other measures that EPA may consider include new measures proposed by EPA for that pollutant or measures applicable to other pollutants that EPA proposes to apply to additional pollutants. Examples of other measures are an area classification system, AQRV review in Class I areas, additional impacts analysis, and control technology requirements. This approach is consistent with section 166(d), which says that pollutant-specific PSD regulations “may contain” increments or “other measures.”

2. Contingent Safe Harbor Approach

The EPA continues to view the “contingent safe harbor” approach to be an appropriate methodology for ensuring that our pollutant-specific PSD regulations meet the requirements of sections 166(c) and 166(d). Subsection (c) of section 166 describes the kinds of measures to be contained in the regulations to prevent significant deterioration of air quality called for in section 166(a) and specifies that these regulations are to “fulfill the goals and purposes” set forth in sections 160 and 101 of the Act. Then, under subsection (d), to “fulfill such goals and purposes,” EPA must promulgate “specific measures at least as effective as the increments established in section 7473

of this title [section 163 of the Act].” 42 U.S.C. 7476. Thus, subsection (d) can be construed to require that EPA identify a minimum level of effectiveness, or safe harbor, for the body of pollutant-specific PSD regulations adopted under section 166. Subsection (c) may then be read to require that EPA conduct further review to determine whether, based on the criteria in subsection (c), EPA’s pollutant-specific PSD regulations under section 166 should contain measures that deviate from the minimum “safe harbor” identified under subsection (d). EPA construes subsection (d) to require that the measures be “at least as stringent” as the statutory increments set forth in section 163.

When EPA employs an increment and area classification system in regulations promulgated under section 166 of the Act, we interpret the Act to require that EPA, at minimum, establish increments that are consistent with the statutory increments established by Congress in section 163 of the Act. Thus, we start by identifying “safe harbor” increments for each area classification (Class I, II, or III) that are established (1) Using an equivalent percentage of the NAAQS as the statutory increments; (2) for the same pollutants as the NAAQS; and (3) for the same time period as the NAAQS. We then conduct further review to determine whether these “safe harbor” increments, in conjunction with existing elements of the PSD program or additional measures proposed under section 166 to augment the increments, sufficiently fulfill the criteria in subsection (c) of section 166. In this review, we weigh and balance the criteria set forth in subsection (c) (and the incorporated goals and purposes of the Act in section 101 and the PSD program in section 160) to determine whether additional measures are needed to satisfy the criteria in subsection (c).

3. The Statutory Factors Applicable Under Section 166(c)

The EPA interprets section 166(c) of the Act to establish eight factors to be considered in the development of PSD regulations for the pollutants covered by this provision. These factors are three of the four criteria listed in section 166(c) and the five goals and purposes identified in section 160 of the Act. The three stand-alone criteria in section 166(c) indicate that PSD regulations for specific pollutants should provide (1) Specific numerical measures for evaluating permit applications; (2) a framework for stimulating improved control technology; and (3) protection of air quality values. 42 U.S.C. 7476(c). The five goals and purposes in section

160 are incorporated into the analysis by virtue of the fourth criterion in section 166(c), which directs that EPA’s pollutant-specific PSD regulations “fulfill the goals and purposes” set forth in sections 160 and 101 of the Act. We construe the term “fulfill the goals and purposes,” as used in section 166(c), to mean that EPA should apply the goals and purposes listed in section 160 as factors applicable to pollutant-specific PSD regulations established under section 166. The Agency’s view is that PSD measures that satisfy the specific goals and purposes of section 160 also satisfy the more general purposes and goals identified in section 101 of the Act.

4. Balancing the Factors Applicable Under Section 166(c)

The EPA interprets the Act to establish a balancing test among the eight factors. Since, as discussed further later, many of the factors can be satisfied by using an increment framework, when determining the characteristics of numerical increments themselves within that framework, EPA focuses on balancing the goal to promote economic growth with the factors that direct us to protect: (1) AQRVs; (2) the public health and welfare from reasonably anticipated foreseeable adverse effects; and (3) the air quality in parks and special areas. Section 166 of the Act authorizes EPA to promulgate pollutant-specific PSD regulations that satisfy each of the eight factors. While these objectives are generally complementary, there are circumstances where some of the objectives may be in conflict. In these situations, some degree of balance or accommodation is inherent in the requirement to establish regulations that satisfy all of these factors.

As discussed in our PSD regulations for NO_x, we believe this balancing test derives primarily from the third goal and purpose set forth in section 160. Section 160(3) directs us to “insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources.” To some extent, this goal of the PSD program in section 160(3) more specifically articulates the broader purpose of the Act, described in section 101(b)(1) of the Act, to “protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population.” 42 U.S.C. 7401(b)(1). Sections 160(3) and 101(b)(1) are similar in that both sections reflect the goal to protect air quality and maximize opportunities for economic growth. Thus, in interpreting the meaning of

section 160(3) when used as a factor applicable under section 166(c), we also consider the broader purpose of the Act set forth in section 101(b)(1).

The need to balance the applicable factors to achieve these objectives is also supported by our interpretation of the second goal in section 160(2) of the Act to “protect public health and welfare.” The precise meaning of this goal in the context of the PSD program is somewhat ambiguous because it appears to mirror the legal standards applicable to the promulgation of the primary and secondary NAAQS. Under section 109(b) of the Act, the primary NAAQS must “protect the public health” with an adequate margin of safety (section 109(b)(1)) and the secondary NAAQS must “protect the public welfare from any known or anticipated adverse effects” associated with ambient concentrations of the pollutant (section 109(b)(2)). The term “welfare” is defined in the Act to include “effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, and climate.” Section 302(h) of the Act.

When applied as one of the factors applicable to pollutant-specific PSD regulations under section 166(c) of the Act, we construe the goal in section 160(3) of the to “protect public health and welfare” to mean EPA should evaluate whether reasonably anticipated adverse effects may occur as a result of increases in ambient pollutant concentrations to levels below the NAAQS. If such effects may occur in some areas of the country, then EPA would establish PSD regulations that protect public health and welfare against those effects where they may occur. However, we do not interpret the PSD program to require regulations that eliminate all negative effects that may result from increases in pollution in attainment areas.

The PSD program is, as its title indicates, designed to prevent “significant deterioration” from a baseline concentration. *See* S. Rep. 95–127 at 11 (3 LH at 1385) (“This legislation defines ‘significant deterioration’ in all clean air areas as a specified amount of *additional* pollution.” * * * This definition is intended to prevent any *major decline* in air quality currently existing in clean air areas.” (emphasis added)). Thus, some decline in air quality (relative to the baseline air quality concentration) is permissible for any particular area of the country that is currently achieving the NAAQS, as long as it is not “significant.”

When EPA employs an area classification system in its section 166

regulations, we generally weigh these factors in each type of area (Class I, Class II, and Class III). However, the weight given to each factor may be more or less, depending on the area involved and the amount of deterioration deemed “significant” for that type of area. For example, economic growth may be the most important factor in a Class III area, but our PSD regulations for such areas should offer some level of protection for existing clean air resources. In a Class I area, our PSD regulations should allow some level of economic growth, even though preservation of existing clean air resources may be the dominant factor for these areas.

5. Authority for States To Adopt Alternatives to Increments

While section 166 of the Act authorizes EPA to promulgate increments for pollutants listed under section 166(a), we also interpret the section to authorize States to employ approaches other than increments to prevent significant deterioration of air quality, so long as such an approach otherwise meets the requirements of sections 166(c) and 166(d). As described earlier, we explained this interpretation in the 2005 NO_x increment rulemaking whereupon we amended the PSD regulations at 40 CFR 51.166 by adding new paragraph (c)(2) to codify this statutory authority (70 FR 59582, October 12, 2005). However, in establishing the new provision, the language at paragraph (c)(2) reflected the authority for States to adopt alternative measures only with respect to increments for NO_x. In order to clarify our interpretation that the authority to adopt alternative measures covers any pollutant listed in section 166(a), we are proposing in this action to revise existing 40 CFR 51.166(c)(2) to make it inclusive to applicable pollutants rather than just NO_x.

C. Requirements of Section 166(f) of the Clean Air Act

If we decide to use the equivalent substitution options in this proposal for PM_{2.5}, EPA proposes to interpret section 166(f) of the Act in the same manner that the Agency interpreted that provision in our 1993 rule for PM₁₀. In 1993, EPA construed section 166(f) as authorizing EPA to follow the path that EPA laid out in our 1989 proposal for developing equivalent increments for PM measured as PM₁₀. 58 FR 31626. Thus, in our 1993 rulemaking, EPA developed our PM₁₀ increments using the “equivalent to statutory increments” option that EPA described in our notice of proposed rulemaking. The EPA did not interpret the “equivalent stringency

in effect” standard in section 166(f) to require EPA to use the second approach from the proposal, the “percentage of NAAQS” approach that Congress had originally used to establish TSP increments. The Agency observed that if Congress intended to require EPA to update the TSP increments using a straight percentage, Congress could have easily revised the increments in section 163 instead of providing EPA discretion to establish increments following the standard provided in section 166(f). 58 FR 31626. The EPA thus construed section 166(f) as providing EPA discretion to determine appropriate equivalent levels of PM₁₀. *Id.* The EPA identified equivalent levels by developing a ratio based on a comparison of the TSP and PM₁₀ impacts of stationary sources. 58 FR 31627.

In this rulemaking, EPA proposes to apply the same type of ratio approach to establish equivalent increments for PM₁₀ under section 166(f) of the Act. Since this ratio approach was the foundation of EPA’s equivalency method in the 1989 proposal, we believe it is permissible, as we did in 1993, to construe section 166(f) as authorizing EPA to continue utilizing this approach to establish equivalent increments for PM.

In 1993, EPA disagreed with commenters who recommended that EPA consider welfare effects and visibility impairments when establishing PM₁₀ increments under section 166(f) for class I areas. The EPA observed that there was no evidence that Congress itself adopted increments that would ensure specific levels of welfare and visibility protection at each Class I area throughout the nation. The increments established by Congress did not establish an absolute ceiling on air quality, but rather limited the marginal amount of deterioration in air quality above a baseline concentration that varies for each area, and thus permitted each area with the same classification to deteriorate in the same amount without regard to its particular sensitivities as compared to other areas with the same classification. 58 FR 31625. The EPA concluded that the PM₁₀ increments should be designed to protect each area from large adverse changes in air quality while the air quality related values analysis was the main tool for protecting specific ecologically-based attributes in particular class I areas. *Id.*

In this rulemaking for PM_{2.5}, we maintain the view that the “equal stringency in effect” language in section 166(f) does not require EPA to consider welfare effects and visibility when promulgating replacement increments

under that provision. However, as reflected in our recent increments rule for NO_x, when promulgating PSD increments under section 166(a), welfare effects and visibility impacts are factors in the contingent safe harbor analysis under the criteria in sections 166(c) and 160 of the Act. Consistent with our recent PSD regulations for NO_x, we continue to believe that increments (whether promulgated under section 166(a) or 166(f)) should be designed to provide each area with a basic level of protection from large adverse changes in air quality without necessarily reflecting the unique air pollution sensitivities in each class I area. The EPA considers welfare and visibility impacts across the nation when establishing increments under section 166(a), but we continue to believe that the Air Quality Related Values (AQRV) review is the preferred tool for identification and protection of specific ecologically-based attributes within particular class I areas. *See* 58 FR 31625.

V. Increments and Other Measures To Prevent Significant Deterioration

In this action, EPA is proposing three options for establishing increments for PM_{2.5}. The first option described uses the “contingent safe harbor” approach (using percentages of the NAAQS as our initial basis) following section 166(a) of the Act. The other two options are variations of the section 166(f) “Equivalent Increment” approach. The EPA is proposing option 1 as our preferred option and seeking comments on the other two options.

A. Option 1—Contingent Safe Harbor Approach for Annual and Short-Term Increments—Section 166(a)

Under the first option, we would consider PM_{2.5} to be a new pollutant⁸ for which a NAAQS was promulgated after the date of enactment of subpart C, and we would use the authority of section 166(a) of the Act to develop new increments for PM_{2.5}. Using this option, we are proposing to establish a system of increments at the safe harbor level in conjunction with the other measures described as follows:

1. Proposed Framework for Pollutant Specific PSD Regulations for PM_{2.5}

Under this option, EPA proposes to apply the same basic framework reflected in our regulation for NO_x in

⁸In our review of the PM NAAQS, we concluded that, because the fine and thoracic coarse components of PM₁₀ generally have different sources, composition and formation processes, they should be treated as separate pollutants. (OAQPS SP, December 2005, page 3–1.)

pollutant-specific PSD regulations for PM_{2.5}. Thus, we propose to adopt an increment and area classification system for PM_{2.5} and to apply an AQRV review process to PM_{2.5} as well. As discussed further later, EPA believes that many of the factors applicable under section 166(c) are fulfilled by using this type of framework for pollutant-specific PSD regulations under section 166(a) of the Act. For other factors, this framework of regulations partially contributes to the fulfillment of an applicable factor but may not fully satisfy that factor. In these instances, the details of our regulations (such as the characteristics of the increments themselves) are also important and we evaluate the effectiveness of the framework in conjunction with more detailed elements of our regulations. The EPA believes our obligations under section 166(c) of the Act are satisfied when the PSD regulations collectively satisfy the factors applicable under 166(c) of the Act.

a. Increment System

An increment is the maximum allowable level of ambient pollutant concentration increase that is allowed to occur above the applicable baseline concentration in a particular area. As such, an increment defines “significant deterioration.” Establishing an increment system for PM_{2.5} will fulfill two of the factors applicable under section 166(c).

An increment-based program satisfies the requirements under 166(c) to provide “specific numerical measures against which permit applications may be evaluated.” Under section 165(a)(3) of the Act, a permit applicant must demonstrate that emissions from the proposed construction and operation of a facility “will not cause, or contribute to, air pollution in excess of any (A) maximum allowable increase or maximum allowable concentration for any pollutant.” 42 U.S.C. 7475(a)(3). Once the baseline date associated with the first proposed new major stationary source or major modification in an area is established, the new emissions from that source consume a portion of the increment in that area, as do any subsequent emissions increases that occur from any source in the area. When the maximum pollutant concentration increase defined by the increment has been reached, additional PSD permits cannot be issued until sufficient amounts of the increment are “freed up” via emissions reductions that may be required by the reviewing authority. Thus, an increment is a quantitative value that establishes a “maximum allowable increase” for a particular

pollutant. It functions, therefore, as a specific numerical measure that can be used to evaluate whether an applicant’s proposed project will cause or contribute to air pollution in excess of allowable levels.

Increments also satisfy the second factor in section 166(c) by providing “a framework for stimulating improved control technology.” Increments establish an incentive to apply improved control technologies in order to avoid violating the increment and to “free-up” available increment to promote continued economic growth. These control technologies may become the basis of BACT determinations elsewhere, as the technologies become more commonplace and the costs tend to decline. See also S. Rep. 95–127 at 18, 30 (3 LH at 1392, 1404) (“the incremental ceiling should serve as an incentive to technology, as a potential source may wish to push the frontiers of technology in a particular case to obtain greater productive capacity within the limits of the increments”).

However, we recognize that an increment system is not the only way to fulfill the requirements of section 166 of the Act. Congress did not require EPA to utilize increments in our PSD regulations for NO_x but gave EPA the discretion to employ increments if appropriate to meet the criteria and goals and purposes set forth in sections 166 and 160 of the Act. 42 U.S.C. 7474(d); *EDF v. EPA*, 898 F.2d at 185 (“Congress contemplated that EPA might use increments”). Thus, in this action, we are also proposing to allow States to develop alternatives to an increment system at their discretion, and to submit any such alternative program to EPA so that we can determine whether it satisfies the requirements of section 166.

b. Area Classifications

The EPA proposes to establish the same three-tiered area classification system for PM_{2.5} that is applicable to NO_x and other pollutants under the PSD program and the Clean Air Act. Accordingly, areas that are currently Class I for other pollutants would also be Class I for PM_{2.5} and all other areas would be Class II for PM_{2.5} unless we redesignated the area based on a request by a state or tribe pursuant to the process in section 164 of the Act and EPA’s regulations at 40 CFR 51.166(g) and 52.21(g).

As explained earlier, in section III.E.1, Class I areas are areas where especially clean air is most desirable. In contrast, Class III areas, which are those areas in which a State wishes to permit the highest relative level of industrial

development, have the largest increment level. Areas that are not especially sensitive or that do not wish to allow for a higher level of industrial growth are classified as Class II. When Congress established this three-tiered scheme for SO₂ and PM, it intended that Class II areas be subject to an increment that allows “moderately large increases over existing pollution.”

H.R. Rep. 95–294, 4 LH at 2609.

Establishing increments at different levels for each of the three area classifications helps to fulfill two of the factors applicable under section 166(c) of the Act. Establishing the smallest increments in Class I areas helps fulfill EPA’s obligation to establish regulations that “preserve, protect, and enhance the air quality” in parks and special areas. Class I areas are primarily the kinds of parks and special areas covered by section 160(2) of the Act. With the air quality in Class I areas subject to the greatest protection, this scheme then provides two additional area classifications with higher increment levels to help satisfy the goal in section 160(3) of the Act that EPA “insure that economic growth will occur in a manner consistent with preservation of clean air resources.” In those areas where clean air resources may not require as much protection, more growth is allowed. By employing an intermediate level (Class II areas) and higher level (Class III areas), this classification scheme helps ensure that growth can occur where it is needed (Class III areas) without putting as much pressure on existing clean air resources in other areas where some growth is still desired (Class II areas).

By requesting that EPA redesignate an existing Class II area to Class III, States may accommodate economic growth and air quality in areas where the Class II increment is too small to allow the siting of new or modified sources. The procedures specified by the Act for such a redesignation require a commitment by the State government to create such an area, extensive public review, local government participation in the SIP area redesignation process, and a finding that the redesignation will not result in the applicable increment being exceeded in a nearby Class I or Class II area. See 42 U.S.C. 7474(a)–(b) (Section 164(a)–(b) of the Act). The EPA believes that the three-tiered classification system has allowed for economic growth, consistent with the preservation of clean air resources.

However, an area classification system alone may not completely satisfy the factors applicable under section 166(c) of the Act. The increment that is

employed for each class of area is also relevant to an evaluation of whether the area classification scheme achieves the goals of the PSD program. We discuss the characteristics of increments later.

c. Permitting Procedures

Two of the factors applicable under section 166(c) are fulfilled by the case-by-case permit review procedures that are built into our existing regulations. The framework of our existing PSD regulations employs the preconstruction permitting system and procedures required under section 165 of the Act. 42 U.S.C. 7475. These requirements are generally reflected in 40 CFR 51.166 and 52.21 of EPA's PSD regulations in Title 40 of the Code of Federal Regulations. These permitting and review procedures, which we interpret to apply to construction of new major sources and to major modifications at existing sources, fulfill the goals set forth in sections 160(4) and 160(5) of the Act. These goals require that PSD programs in one State not interfere with the PSD programs in other States and that PSD programs assure that any decision to permit increased air pollution is made after careful evaluation and public participation in the decisionmaking process. For the same reasons discussed in our proposal for the pollutant-specific PSD regulations for NO_x regulations, 70 FR 8896, we believe these factors are also fulfilled for PM_{2.5} by employing the permit review procedures.

d. Air Quality Related Values Review by Federal Land Manager and Reviewing Authority

The EPA also proposes to apply the requirement to evaluate impacts on AQRVs in Class I areas to PM_{2.5}. The AQRV review provides the Federal Land Managers (FLM) the opportunity to review source impacts on site-specific AQRVs in Class I areas and to bring any adverse impacts to the attention of the reviewing authority. Under an increment approach, we consider this review to be an additional measure that helps to satisfy the factors in sections 166(c) and 160(2) which require that EPA's pollutant-specific PSD regulations protect air quality values, and parks and other special areas, respectively.

In our rulemakings addressing PSD for NO_x, EPA extended the AQRV review procedures set forth in 40 CFR 51.166(p) and 52.21(p) to cover NO₂. These AQRV review procedures were established based on section 165(d) of the Act, and they were originally applied only in the context of the statutory increments for PM and SO₂.

However, because they also address many of the factors applicable under section 166(c) of the Act, EPA also applied them to NO_x through regulation. We propose the same approach for PM_{2.5} in this rulemaking.

Section 165(d) creates a scheme in which the FLM and reviewing authority must review the impacts of a proposed new or modified source's emissions on AQRVs. The Act assigns to the FLM an "affirmative responsibility" to protect the AQRVs in Class I areas. The FLM may object to or concur in the issuance of a PSD permit based on the impact, or lack thereof, that new emissions may have on any affected AQRV that the FLM has identified and for which information is available to the general public. If the proposed source's emissions do not cause or contribute to a violation of a Class I increment, the FLM may still prevent issuance of the permit by demonstrating to the satisfaction of the reviewing authority that the source or modification will have an adverse impact on AQRVs. Section 165(d)(2)(C). On the other hand, if the proposed source will cause or contribute to a violation of a Class I increment, the reviewing authority (State or EPA) shall not issue the permit unless the owner or operator demonstrates to the satisfaction of the FLM that there will be no adverse impact on AQRVs.⁹ Thus, the compliance with the increment determines whether the FLM or the permit applicant has the burden of satisfactorily demonstrating whether or not the proposed source's emissions would have an adverse impact on AQRVs.¹⁰ In any event, the FLM plays an important and material role by raising these issues for consideration by the reviewing authority, which in the majority of cases will be the State.

Incorporating these AQRV review procedures into the PSD regulations for PM_{2.5} helps to provide protection for parks and special areas (which are generally the Class I areas subject to this review) and air quality values (which are factors considered in the review). As discussed later, we believe the factors

applicable under section 166(c) of the Act can be fulfilled when the review of AQRVs is applied in conjunction with increments and other aspects of our PSD regulations. In those cases where the increment is not violated and the reviewing authority agrees that a proposed project will adversely affect AQRVs, the parks and other special areas will be protected by denying issuance of the permit or by requiring the applicant to modify the project to alleviate the adverse impact. Legislative history suggests that the AQRV review provisions of section 165(d) were intended to provide another layer of protection, beyond that provided by increments. The Senate committee report stated the following: "A second test of protection is provided in specified Federal land areas (Class I areas), such as national parks and wilderness areas; these areas are also subjected to a review process based on the effect of pollution on the area's air quality related values." S. Rep. 95-127, at 17, 4 LH at 1401. As we stated in the NO_x rule, we believe the term "air quality values" should be given the same meaning as "air quality related values." Legislative history indicates that the term "air quality value" was used interchangeably with the term "air quality related value" (AQRV) regarding Class I lands.¹¹

e. Additional Impacts Analysis.

The additional impacts analysis set forth in our regulations also helps fulfill the criteria and goals and purposes in sections 166(c) and 160. The additional impacts analysis involves a case-by-case review of potential harm to visibility, soils, and vegetation that could occur from the construction or modification of a source.

Sections 51.166(o)(1) and 52.21(o)(1) of the PSD regulations require that a permit provide the following analysis:

An analysis of the impairment to visibility, soils and vegetation that would occur as a result of the source or modification, and general commercial, residential, industrial and other growth associated with the source

⁹ Even if such a waiver of the Class I increment is allowed upon a finding of no adverse impact, the source must comply with such emissions limitations as may be necessary to ensure that the Class II increment for SO₂ or PM is not exceeded. Section 165(d)(2)(C)(iv). The EPA made this provision applicable to the PSD provisions for NO_x, with a cap of 25 g/m³—the NO₂ Class II increment. 53 FR 3704; 40 CFR 51.166(p)(4) and 52.21(p)(5).

¹⁰ In response to concerns that Class I increment would hinder growth in areas surrounding the Class I area, Congress established Class I increments as a means of determining where the burden of proof should lie for a demonstration of adverse effects on AQRVs. See Senate Debate, June 8, 1977 (3 LH at 725).

¹¹ See S. Rep. 95-127, at 12, reprinted at 3 LH at 1386, 1410 (describing the goal of protecting "air quality values" in "Federal lands—such as national parks and wilderness areas and international parks," and in the next paragraph and subsequent text using the term "air quality related values" to describe the same goal); *id.* at 35, 36 ("The bill charges the Federal land manager and the supervisor with a positive role to protect *air quality values* associated with the land areas under the jurisdiction of the [FLM]" and then describing the statutory term as "air quality related values"). H.R. Report 95-564 at 532 (describing duty of Administrator to consider "air quality values" of the tribal and State lands in resolving an appeal of a tribal or State redesignation, which is described in the final bill as "air quality related values").

or modification. The owner or operator need not provide an analysis of the impact on vegetation having no significant commercial or recreational value.

This requirement was based on section 165(e)(3)(B) of the Act, which provides that EPA establish regulations that require “an analysis of the ambient air quality, climate and meteorology, terrain, soils and vegetation, and visibility at the site of the proposed major emitting facility and in the area potentially affected by emissions from such facility * * *

42 U.S.C. 7475(e)(3)(B).

This portion of the additional impacts analysis is especially helpful for satisfying the requirements of section 166(c) in Class II and Class III areas. These areas are not subject to the additional AQRV review that applies only in Class I areas. While not as intensive a review as AQRV analysis required in Class I areas, considering impairments to visibility, soils, and vegetation through the additional impacts analysis contributes to satisfying the factors applicable under section 166(c) of the Act in all areas, including Class II and Class III areas.

f. Installation of Best Available Control Technology

The requirement that new sources and modified sources subject to PSD apply BACT is an additional measure that helps to satisfy the factors in sections 166(c), 160(1), and 160(2) of the Act.

This requirement, based on section 165(a)(4) of the Act, is already included in EPA’s PSD regulations and thus we consider it to be a part of the regulatory framework for the Agency’s pollutant-specific regulations for PM_{2.5}. 40 CFR 52.21(j); 40 CFR 51.166(j). Our existing regulations define “best available control technology” as “an emission limitation * * * based on the maximum degree of reduction for each pollutant subject to regulation under the Act * * * which the Administrator, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source through application of production processes or available methods, systems, and techniques * * *” 40 CFR 52.21(b)(12); 40 CFR 52.166(b)(12). This pollutant control technology requirement in practice has required significant reductions in the pollutant emissions increases from new and modified sources while also stimulating the on-going improvement of control technology. The control of PM_{2.5} emissions through the application of BACT helps to protect air quality values, public health and welfare, and parks and other special areas.

2. Proposed Increments

Based on our evaluation of the effects of PM_{2.5} and a balancing of the criteria in section 166(c) of the Act (and the incorporated goals and purposes of the Act in section 101 and the PSD program

in section 160), EPA proposes to find that the “safe harbor” increments for PM_{2.5} (which meet the minimum requirements in section 166(d) of the Act) are sufficient to fulfill the criteria in section 166(c) when combined with the other measures described earlier that we propose to apply to PM_{2.5}. Since several of the eight factors applicable under section 166(c) are satisfied by adopting the framework and other measures described earlier, our development of the proposed increments for PM_{2.5} was guided by the four remaining factors that may not be fully satisfied by the framework and other measures: (1) Protecting AQRVs; (2) protecting the public health and welfare from reasonably-anticipated adverse effects; (3) protecting the air quality in parks and special areas; and (4) ensuring economic growth.¹² In accordance with the contingent safe harbor approach, to determine the specific characteristics of the proposed increments, we first established the minimum level of effectiveness necessary to satisfy section 166(d) and then conducted further analysis to determine if additional measures are necessary to fulfill the requirements of section 166(c).

a. Identification of Safe Harbor Increments

Using the percentage-of-NAAQS approach, we derived the following safe harbor increments for PM_{2.5}:

Averaging period	NAAQS (µg/m ³)	Increments (µg/m ³)		
		Class I	Class II	Class III
Annual	15	1	4	8
24-hour	35	2	9	18

The PM_{2.5} levels of both the primary and secondary NAAQS are 15 µg/m³ for the annual averaging time and 35 µg/m³ for the 24-hour averaging time. See 40 CFR 50.7. We calculated the safe harbor increments based on the same percentages that were used by Congress to establish the original PM increments (measured as TSP) in section 163 of the Act *i.e.* 6.6 percent of the NAAQS for Class I areas; 25 percent of the NAAQS for Class II areas and 50 percent of the NAAQS for Class III areas. Increments with these characteristics are sufficient to satisfy the requirement in section 166(d) requirement that we adopt

increments (or other PSD regulations) that are “at least as effective as” the increments established in section 163 of the Act. 42 U.S.C. 7476(d); See *EDF v. EPA*, 898 F.2d at 188, 190.

b. Data Utilized by EPA for the Evaluation of the Safe Harbor Increments for PM_{2.5}

We evaluated whether measures other than the safe harbor increments are necessary by analyzing primarily the scientific and technical information on the health and welfare effects of PM_{2.5} contained in the June 2005 OAQPS Staff Paper (SP) used for the periodic review

of the 2004 PM air quality Criteria Document (CD).¹³

Section 166 provides that EPA is to establish pollutant-specific PSD regulations, including increments, after the establishment of a NAAQS for the applicable pollutants. 42 U.S.C. 7476(a). Under normal circumstances, the Act provides that EPA promulgate new PSD regulations under section 166, including new increments if appropriate, within 2 years from the promulgation of any NAAQS after 1977. 42 U.S.C. 7476(a). In such instances, the health and welfare information used for the setting of the NAAQS would also be “current” for

¹² We have paraphrased these factors here and in other sections to facilitate the explanation of our reasoning. However, we recognize, as we did in our

regulation for NO_x that the statutory language is broader than the shorthand we use here for convenience.

¹³ This periodic review of the PM NAAQS updates the last review, which began in 1994 and resulted in revised standards for PM in 1997.

purposes of establishing pollutant-specific PSD regulations. We believe this timing reflects Congressional intent that EPA consider the same body of information concerning a pollutant's health and welfare effects when it promulgates the NAAQS and subsequent PSD increments (or other measures) defining significant air quality deterioration for the same pollutant. However, when we use that same information as the basis for our pollutant-specific PSD regulations, we must evaluate that information under the legal criteria in section 166 of the Act rather than the criteria in section 109 applicable to the promulgation of NAAQS. *See EDF v. EPA*, 898 F.2d at 190.

Since we just completed a review of the PM_{2.5} NAAQS, the information used in that review is current and timely for purposes of this proposal to establish pollutant-specific PSD regulations for PM_{2.5}. As discussed earlier, on October 17, 2006, based primarily on considerable new data on the air quality and human health effects for PM_{2.5} directly, EPA revised the primary and secondary NAAQS to provide increased protection of public health and welfare by retaining the level of the annual standard and tightening the level of the 24-hour standard from 65 to 35 µg/m³ while retaining the 24-hour PM₁₀ NAAQS and revoking the annual PM₁₀ NAAQS. The information contained in the 2004 CD and 2005 SP that we also consider for purposes of this proposed rule was used for this latest review of the PM NAAQS.

The 2004 CD and 2005 SP are the products of a rigorous process that is followed to validate and interpret the available scientific and technical information, and provided the basis for recommending the PM_{2.5} NAAQS. In accordance with the Act, the NAAQS process begins with the development of "air quality criteria" under section 108 for air pollutants that "may reasonably be anticipated to endanger public health or welfare" and that come from "numerous or diverse" sources. Section 108(a)(1). For each NAAQS review, the Administrator must appoint "an independent scientific review committee composed of seven members of the National Academy of Sciences, one physician, and one person representing State air pollution control agencies," known as the Clean Air Scientific Advisory Committee (CASAC). Section 109(d)(2)(A). The CASAC is charged with recommending revisions to the criteria document and NAAQS, and advising the Administrator on several issues, including areas in which additional knowledge is required

to appraise the adequacy and basis of existing, new, or revised NAAQS. Section 109(d)(2)(B),(C).

"Air quality criteria" must reflect the latest scientific knowledge on "all identifiable effects on public health or welfare" that may result from a pollutant's presence in the ambient air. 42 U.S.C. 7408(a)(2). The scientific assessments constituting air quality criteria generally take the form of a "criteria document," a rigorous review of all pertinent scientific studies and related information. The EPA also develops a "staff paper" to "bridge the gap" between the scientific review and the judgments the Administrator must make to set standards. *See Natural Resources Defense Council v. EPA* ("NRDC"), 902 F.2d 962, 967 "D.C. Cir. 1990). Both documents undergo extensive scientific peer-review as well as public notice and comment. *See, e.g.,* 62 FR 38654/1–2.

c. Scope of Effects Considered

The effects of ambient PM_{2.5} concentrations may include secondarily-formed PM_{2.5}. Hence, in this analysis we have evaluated the health and welfare effects of both direct PM_{2.5} and secondarily-formed PM_{2.5} that may result from the transformation of other pollutants such as SO₂ and NO_x. This is consistent with the approach we described for addressing these effects in the recently completed review of our pollutant-specific PSD regulations for NO_x. 70 FR 59590.

d. Evaluation of the Health and Welfare Effects of PM_{2.5}

Airborne PM is not a specific chemical entity, but rather is a mixture of liquid and solid particles from different sources and of different sizes, compositions and properties. Particle size distributions show that atmospheric particles exist in two classes: fine particles and coarse particles. PM_{2.5} is an indicator for fine particles and represents particles that are mostly less than 2.5 micrometers in size. PM_{10–2.5} is an indicator for thoracic coarse particles and represents particles sized between 2.5 and 10 micrometers. In the last two reviews of the PM NAAQS, EPA concluded that these two indicators, because of their different sources, composition, and formation processes should be treated as separate subclasses of PM pollution for purposes of setting ambient air quality standards.

Coarse particles are generally primary particles, emitted directly from their source as particles. These particles result from mechanical disruption of large particles by crushing or grinding, from evaporation of sprays, or from dust

resuspension. In addition, some combustion-generated particles may be found as coarse particles. By comparison, fine PM is derived directly from combustion material that has volatilized and then condensed to form primary PM or from precursor gases, such as SO₂ and NO_x, reacting in the atmosphere to form secondary PM. Because of the complexity of the composition of ambient PM_{2.5} and PM_{10–2.5}, sources are best discussed in terms of individual constituents of both primary and secondary PM_{2.5} and PM_{10–2.5}. Each of these constituents can have anthropogenic and natural sources. Major components of fine particles are sulfates, strong acid, ammonium nitrate, organic compounds, trace elements (including metals), elemental carbon, and water. Primary and secondary fine particles have long lifetimes in the atmosphere (days to weeks) and travel long distances (hundreds to thousands of kilometers). They tend to be uniformly distributed over urban areas and larger regions, especially in the eastern United States. As a result, they are not easily traced back to their individual sources. By contrast, coarse particles are not readily transported across urban or broader areas. These particles can settle rapidly from the atmosphere with lifetimes ranging from minutes to days depending on their specific size, atmospheric conditions, and altitude.

(1) Health Effects

The EPA reported important progress since the last PM NAAQS review in advancing our understanding of potential mechanisms by which ambient PM_{2.5}, alone and in combination with other pollutants, is causally linked to a number of key health effects. The more extensive and stronger body of evidence used by EPA to study the health effects of PM_{2.5} in our latest review identified a broader range of effects than those previously documented, involving premature mortality and indices of morbidity (including respiratory hospital admissions and emergency room visits, school absences, work loss days, restricted activity days, effects on lung function and symptoms, morphological changes, and altered host defense mechanisms) associated with both long- and short-term exposure to PM_{2.5}.

An overview of the scientific and technical evidence considered in the 2004 CD and 2005 SP can be found in our proposed rule for revising the NAAQS for PM published at 70 FR 2619, January 17, 2006, beginning at page 2626. The discussion which follows is only a brief summary of those

effects, with an explanation of the range of PM_{2.5} concentrations that we examined in considering revisions to the primary PM_{2.5} NAAQS.

While most epidemiological studies continue to be indexed by PM_{2.5}, some studies also implicate various components within the mix of fine particles that have been more commonly studied (e.g., sulfates, nitrates, carbon, organic compounds, and metals) as being associated with adverse effects. Furthermore, the available information suggests that many different chemical components of fine particles and a variety of different types of source categories are all associated with, and probably contribute to, effects associated with PM_{2.5}. While there remains uncertainty about the role and relative toxicity of various components of fine PM, the current evidence continues to support the view that fine particles should be addressed as a group for purposes of public health protection.

Short-term exposure (from less than 1 day up to several days) to PM_{2.5} is likely causally associated with mortality from cardiopulmonary diseases, increased hospitalization and emergency department visits for cardiopulmonary diseases, increased respiratory symptoms, decreased lung function, and changes in physiological indicators for cardiovascular health. Effects associated with short-term exposure identified since the last NAAQS review include increased non-hospital medical visits (physician visits) and aggravation of asthma associated with short-term exposure to PM_{2.5}. Although a growing body of studies provided evidence of effects associated with exposure periods shorter than 24-hours (e.g., one to several hours), EPA concluded in our 2004 SP that this information was too limited to serve as a basis for establishing a primary fine particle standard with less than a 24-hour averaging time. However, it was concluded that this information added weight to the importance of a 24-hour standard. In addition, some studies suggested consideration of a multiple-day averaging time, but EPA concluded that a multiple-day averaging time would add complexity without providing more effective protection than a 24-hour averaging time.

For setting the level of the short-term PM standard, EPA focused on a range of 24-hour 98th percentile PM_{2.5} concentrations of about 30 to 35 µg/m³. Some new short-term mortality studies considered for the last NAAQS review provided evidence of statistically significant associations with PM_{2.5} in areas with air quality levels below the level of the then-current primary 24-

hour PM_{2.5} NAAQS (65 µg/m³). The EPA observed a strong predominance of studies with 24-hour 98th percentile values down to about 39 µg/m³ showing statistically significant association with mortality, hospital admissions, and respiratory symptoms. Within the range of 24-hour average 98th percentile PM_{2.5} concentrations of about 30 to 35 µg/m³, EPA no longer observed this strong predominance of statistically significant results. Below 35 µg/m³, EPA found increasing variation in the short-term exposure studies, which indicated an increase in the uncertainty as to whether likely causal associations could be extended. In considering what level would be appropriate for the primary 24-hour PM_{2.5} standard, the Administrator indicated that in the absence of evidence of any clear effects thresholds, EPA had discretion to select a specific standard level from within this range of values. In ultimately deciding to set the level of the primary 24-hour PM_{2.5} standard at 35 µg/m³, the Administrator concluded that a standard set at a higher level would not likely result in improvement in air quality in areas across the country in which short-term exposure to PM_{2.5} can reasonably be expected to be associated with serious health effects. Similarly, a standard set at a lower level was rejected because of uncertainties in interpreting the available epidemiologic studies that could causally relate the reported associations of health risks to PM_{2.5} at those lower levels.

New epidemiologic studies have built upon earlier limited evidence to provide fairly strong evidence that long-term exposure to PM_{2.5} is likely causally associated with mortality from cardiopulmonary disease, as well as development of chronic respiratory disease and reduced lung function growth. The new studies also provide evidence suggesting that long-term exposure to fine particles is associated with lung cancer mortality. The 2004 CD placed the greatest weight on re-analyses and extensions of two mortality studies (Six Cities and American Cancer Society (ACS) studies) originally considered in the previous NAAQS review. In the Six Cities study, the long-term mean PM_{2.5} concentration was 18 µg/m³, within an overall range of 11 to 30 µg/m³. In the extended ACS study, the mean for the more recent time period used in the analysis was 14 µg/m³, while the confidence intervals around the relative risk functions start to become appreciably wider (more uncertain) below approximately 12 to 13 µg/m³. Based on this and other sets of evidence, EPA decided to consider, for

setting the level of the annual PM_{2.5} standard, a range of annual PM_{2.5} concentrations beginning somewhat below 15 µg/m³ (the then-existing primary annual PM_{2.5} NAAQS) down to about 12 µg/m³. However, after carefully considering public comments and relevant studies, including the uncertainties in interpreting the available long-term exposure epidemiologic studies, the Administrator decided to retain the level of the primary annual PM_{2.5} standard at 15 µg/m³ to protect public health with an adequate margin of safety from serious health effects. *See* 71 FR at 61177.

Despite the advances in knowledge about the effects of PM_{2.5} on human health, the 2005 SP noted the continued difficulty of being able to establish a dose-response relationship between PM_{2.5} concentrations and specific health-related effects. "The available toxicologic studies have generally not been designed to quantify dose-response relationships* * *. Among the studies reviewed [in the 2004 CD] are some that report no evidence of a dose-response relationship gradient, (CD, p. 7-152), while some do (CD, p. 7-155), and the CD draws no overall conclusions regarding dose-response relationships from toxicologic studies. Therefore, while epidemiologic studies provide clear indication of increasing response with increasing concentration, no conclusions can be drawn from toxicologic evidence." 2005 SP at 3-30.

(2) Welfare Effects

Ambient PM alone, and in combination with other pollutants, can have a variety of effects on public welfare. While visibility impairment is the most noticeable effect of fine particles present in the atmosphere, both fine and coarse particles can have other significant welfare-related effects, including effects on vegetation and ecosystems, materials (e.g., soiling and corrosion), and climate change processes. In 1997, EPA established a suite of secondary PM standards, including annual and 24-hour PM_{2.5} standards and annual and 24-hour PM₁₀ standards, to address visibility impairment associated with fine particles, and materials damage and soiling related to both fine and coarse particles. *See* 62 FR 38683. In 2006, EPA considered the then-currently available evidence and decided to revise the current suite of PM_{2.5} secondary standards by making them identical in all respects to the revised suite of primary PM_{2.5} standards, retain the current 24-hour PM₁₀ secondary

standard, and revoke the current annual PM₁₀ secondary standard.

In reaching our decision in 2006 to revise the suite of PM secondary standards, EPA factored in several key conclusions from the scientific and technical information contained in the 2004 CD and 2005 SP. These conclusions included the following: (1) PM-related visibility impairment is principally related to fine particle levels, and most directly related to instantaneous levels of visual air quality associated with short-term averaging periods; (2) PM_{2.5} concentrations can be used as a general surrogate for visibility impairment in urban areas; (3) any secondary NAAQS for visibility protection should be considered in conjunction with the regional haze program as a means of achieving appropriate levels of protection against PM-related visibility impairment in urban, non-urban, and Class I areas nationwide; (4) the available evidence is not sufficient to support distinct secondary standards for fine or coarse particles for any non-visibility related welfare effects; and (5) the secondary standards should be considered in conjunction with protection afforded by other programs intended to address various aspects of air pollution effects on ecosystems and vegetation, such as the acid deposition program and other regional approaches to reducing pollutants linked to nitrate or acidic deposition.

Notwithstanding the conclusions reached in setting the NAAQS for PM, EPA has reviewed the scientific and technical information concerning welfare related effects considered in the 2004 CD and 2005 SP to determine whether there is any basis for modifying the safe harbor increments developed for PM_{2.5} to satisfy the criteria under sections 166(c) and 160 of the Act. The EPA's review began with visibility impairment, followed by effects on vegetation and other ecosystem components, materials and soiling, and climate changes.

(a) Visibility impairment.

The EPA has long recognized that impairment of visibility is an important effect of PM on public welfare. Visibility can be defined as the degree to which the atmosphere is transparent to visible light. Visibility conditions are determined by the scattering and absorption of light by particles and gases from both natural and anthropogenic sources. The classes of fine particles principally responsible for visibility impairment are sulfates, nitrates, organic matter, elemental carbon, and soil dust.

Visibility impairment can occur in two principal ways: as local visibility impairment (e.g., localized plumes) and as regional haze. Local-scale impairment is generally the result of the plume from a single source or small group of local sources, rather than from long-range transport from more distant sources. With this type of impairment, a band or layer of discoloration can be observed well above the terrain, obscuring the sky or horizon relatively near the source, or sources, which cause it. Such visibility problems in urban areas are often dominated by local sources, which may include stationary, mobile and area sources. Visibility impairment from the combined effects of urban sources have been studied in several major cities because of concerns about fine particles and their significant impacts on residents of large metropolitan areas.

The second type of impairment, regional haze, generally results from pollutant emissions from a multitude of sources located across a broad geographic region. Regional haze can impair visibility in every direction over a relatively large area, in some cases over multi-state regions. Regional haze is principally responsible for impairment in national parks and wilderness areas (Class I areas) across the country where scenic views are considered an important attribute. Fine particles transported from urban and industrialized areas may, in some cases, be significant contributors to regional-scale impairment in Class I and other rural areas.

Annual average visibility conditions vary regionally across the United States. Higher visibility impairment tends to occur more in the East, and is due to generally higher concentrations of anthropogenic fine particles and higher relative humidity conditions. In addition, the rural East generally has higher levels of impairment than remote sites in the West. For Class I areas, visibility levels on the 20 percent haziest days in the West are about equal to levels on the 20 percent best days in the East. For urban areas, however, East/West visibility differences from fine particles are substantially smaller than they are in rural areas.

The EPA's latest PM NAAQS review focused on visibility impairment primarily in urban areas for the following reasons: (1) The efforts now underway to address all human-caused visibility impairment in Class I areas through regional strategies under the regional haze program (65 FR 35713, July 1, 1999), and (2) new information from visibility and fine particle monitoring networks since the last PM NAAQS review that has allowed for

updated characterizations of visibility trends and current levels in urban areas. Given the strong link between visibility impairment and short-term PM_{2.5} concentrations, EPA gave significant consideration to the question of whether visibility impairment in urban areas allowed by the original 24-hour secondary NAAQS for PM_{2.5} could be considered adverse to public welfare.

New data available on PM_{2.5}, primarily in urban areas, enabled EPA to better characterize urban visibility than was previously possible. Such data includes Federal Reference Method (FRM) measurements of PM_{2.5} mass, continuous measurements of hourly PM_{2.5} mass, and PM_{2.5} chemical speciation measurements. Using the new data EPA sought to explore the factors that historically complicated efforts to address visibility impairment nationally, including regional differences related to levels of primarily fine particles and relative humidity. Using the most recent monitoring information and analyses, as well as photographic representations of visibility impairment in several urban areas to help inform judgments about the acceptability of varying levels of visual air quality in urban areas, EPA observed that:

(1) At concentrations at or near the level of the 24-hour PM_{2.5} standard (65 µg/m³), which equates to visual ranges roughly around 10 kilometers (6 miles), scenic views around and within the urban areas, are significantly obscured from view.

(2) Appreciable improvement in the visual clarity of the scenic views occurs at PM_{2.5} concentrations below 35 to 40 µg/m³, which equates to visual ranges generally above 20 kilometers for the urban areas considered.

(3) Visual air quality appears to be good at PM_{2.5} concentrations generally below 20 µg/m³, corresponding to visual ranges of approximately 25 to 35 kilometers.

While being mindful of the limitations in using visual representations from a small number of areas as a basis for considering national visibility-based secondary standards, EPA concluded that the observations noted earlier supported consideration of revising the then current PM_{2.5} secondary standards to enhance visual air quality, particularly with a focus on urban areas. This led to the evaluation of information related to indicator, averaging time, level, and form to identify a range of alternative PM standards that would protect visual air quality, primarily in urban areas. Notwithstanding the selection process used in selecting the primary and

secondary NAAQS for PM, for this PM increment proposal we are examining the same information to determine whether it might justify modifying the safe harbor increments for PM_{2.5}, which follow the indicator, averaging times, and form of the NAAQS for PM_{2.5}, as described earlier as option 1.

PM indicator. While both fine and coarse particles contribute to visibility impairment, visibility impairment is the most noticeable effect of fine particles present in the atmosphere. Analyses of hourly PM_{2.5} measurements and other information demonstrate that fine particles contribute to visibility impairment directly in proportion to their concentration in the ambient air. Moreover, hygroscopic components of fine particles, in particular sulfates and nitrates, contribute disproportionately to visibility impairment under high humidity conditions, when such components reach particle diameters up to and even above 2.5 µm. The EPA's analyses of how well PM_{2.5} concentrations correlated with visibility in urban locations across the United States lead to the conclusion that the observed correlations were strong enough to support the use of PM_{2.5} as the indicator for standards to address visibility impairment in urban areas, especially when the indicator is defined for a relatively short period of daylight hours.

Averaging time. While EPA selected the 24-hour averaging time for the PM_{2.5} secondary standard to address visibility impairment primarily in urban areas, a range of shorter term (sub-daily) daylight averaging times were also considered. Strong correlations between visibility and PM_{2.5} concentrations were found to occur at the 24-hour averaging time, but the strongest correlations were found to occur at the sub-daily daylight averaging times, e.g., 4-to 8-hour daylight averaging times. In fact, the correlation was greatest in the 4-hour time period between 12 and 4 p.m. At the sub-daily daylight averaging times, correlations between PM_{2.5} concentrations and light extinction were less influenced by relative humidity and more consistent across regions.

A number of different daylight time periods was selected to compare correlations between visibility and hourly PM_{2.5} concentrations in urban areas across the United States and in eastern and western regions. Ultimately, EPA staff recommended consideration of a short-term averaging time, within the range of 4 to 8 hours, within a daylight time period between approximately 10 a.m. to 6 p.m., to target the driest part of the day. Most CASAC Panel members supported the

SP recommendation of a sub-daily averaging time.

Following careful consideration of the various sets of data and evidence concerning visibility impairment, the Administrator proposed to revise the secondary 24-hour standard for PM_{2.5} to make it identical to the proposed revised primary PM_{2.5} standard (based on a 24-hour averaging time for the short-term standard). Consistent with recommendations to consider a sub-daily averaging time, the Administrator also solicited comment on 4-to 8-hour averaging time for the secondary PM_{2.5} standard. In reaching his final decision to rely on the 24-hour averaging period to set the secondary standard for PM_{2.5}, the Administrator concluded that the relative protection against adverse effects on public welfare provided by the proposed primary standards was equivalent or more protective than several of the 4-hour secondary standard alternatives in the range recommended by CASAC and the SP. He also believed that caution was warranted in establishing a distinct secondary standard for visibility impairment primarily in urban areas, given the limitations in the underlying studies and the subjective nature of the judgment required.

Level of increment. In evaluating the adequacy of the levels of the contingent safe harbor increments for PM_{2.5}, we examined the range of PM_{2.5} concentrations considered in setting a national visibility standard primarily for urban areas. We had established that range of concentrations by using the results of public perception and attitude surveys conducted in the United States and Canada, State and local visibility standards within the United States, and visual inspection of photographic representations of several urban areas across the United States. These approaches are detailed in the 2005 SP (pp. 6–18 to 6–23.)

The public perception and attitude studies were used to gain an understanding of what the public regarded as an acceptable visible range. In some urban areas, poor visibility has led to more localized efforts to better characterize, as well as improve, urban visibility conditions. Public perception surveys used in Denver, Phoenix, and British Columbia studies yielded reasonably consistent results, with each study indicating that a majority of citizens find value in protecting local visibility to with a visual range of about 40 to 60 km. Visibility standards for the Lake Tahoe area in California and for areas within the State of Vermont are both targeted at a visual range of about 50 km. In contrast, California's

longstanding general state-wide visibility standard is a visual range of approximately 16 km.

Aided by photographic representations of varying levels of visual air quality developed for several cities across the United States, EPA staff reached the conclusion that a national visibility standard in the PM_{2.5} concentration range of 30 to 20 µg/m³ should be considered. Further analyses to characterize the distributions of PM_{2.5} concentrations, 4-hour averages in the 12 to 4 p.m. time frame, by region, that correspond to various visual range target levels, resulted in a finding that concentrations of 30, 25, and 20 µg/m³ correspond to the target visual ranges of approximately 25, 30 and 35 km, respectively. Thus, it was determined that a standard set within the range of 30 to 20 µg/m³ could be expected to correspond generally to media visual range levels of approximately 25 to 35 km in urban areas across the United States. This range was generally consistent with a national target visual range below 40 km, the level suggested by the public perception surveys and the local visibility standards and goals. Nevertheless, EPA staff noted that a standard set at any specific PM_{2.5} concentration will necessarily result in visual ranges that vary somewhat in urban areas across the country, reflecting in part the less-than-perfect correlation between PM_{2.5} concentrations and reconstructed light extinction. 2005 SP at page 7–8.

Form of increment. In considering a reasonable range of forms for a PM_{2.5} standard within the range of PM_{2.5} concentration levels being considered, EPA staff took into account the same general factors that were taken into account in considering an appropriate form for the primary PM_{2.5} standard. In that case, EPA staff concluded that a concentration-based form should be considered because of its advantages over the previously used expected-exceedance form.¹⁴ For visibility, the advantages are that the concentration-based form (1) Would give proportionally greater weight to days when the PM-related visibility impairment is substantially higher than to days just above the standard, and (2) has greater stability. 2005 SP at 7–11. To identify a range of concentration percentiles that would be appropriate for consideration, it was concluded that

¹⁴ The form of the 1987 24-hour PM₁₀ standard is based on the expected number of day per year (averaged over 3 years) on which the level of the standard is exceeded; thus, attainment with the one-expected exceedance form is determined by comparing the fourth-highest concentration in 3 years with the level of the standard.

the upper end of the range of consideration should be the 98th to 99th percentile, consistent with the forms being considered for the 24-hour primary PM_{2.5} standard. For the lower end of the range, EPA staff used the 92nd percentile because it represented the mean of the distribution of the 20 percent worst days, consistent with the fact that the regional haze program targets the 20 percent most impaired days for improvements in visual air quality in Class I areas. 2005 SP at 7–12.

While EPA staff regarded PM_{2.5} as the best indicator for addressing visibility impairment in urban areas, they considered a range of averaging times, levels, and forms for setting a PM_{2.5} secondary standard. In summary, EPA staff recommended that consideration be given to a short-term averaging time for a PM_{2.5} standard, within the range of 4 to 8 hours, within a daylight time period between approximately 10 a.m. to 6 p.m. In addition, they recommended that consideration should be given to the adoption of Federal equivalent methods for appropriate continuous methods for measurement of short-term average PM_{2.5} concentrations to facilitate implementation of the standard. Within the recommended 4- to 8-hour averaging time, the EPA staff recommended consideration of a standard level within the range of 30 to 20 µg/m³, depending in part on the form of the standard selected. Finally, staff recommended consideration of a percentile-based form, focusing on a range from the 92nd percentile up to the 98th percentile of the annual distribution of daily short-term PM_{2.5} concentrations averaged over 3 years. 2005 SP at 7–13.

(b) *Vegetation and other ecosystem components.*

The 2004 CD found that then-current PM_{2.5} levels in the United States “[had] the potential to alter ecosystem structure and function in ways that may reduce their ability to meet societal needs” (CD, p. 4–153). However, studies show that vegetation and other ecosystem components result predominantly from exposure to excess amounts of specific chemical species than from particle source, predominant form (particle, gas, or liquid) or size fraction. The 2004 CD discussed the effects of a number of different chemical species, including dust, trace metals, and organics, found within ambient PM, but ultimately focused on particulate nitrates and sulfates based on the conclusion that these latter constituents of PM_{2.5} were “of greatest and most widespread environmental significance.” Thus, the 2005 SP

focused on the welfare effects of particulate nitrates and sulfates, either individually, in combination, and/or as contributors to total reactive nitrogen deposition and total deposition of acidifying compounds on sensitive ecosystem components and essential ecological attributes.

Nitrogen and sulfur in varying amounts are necessary and beneficial nutrients for most organisms that make up ecosystems. It is when unintentional additions of atmospherically derived nutrient and acidifying compounds containing nitrogen and sulfur force unintended change on ecosystems, resulting in adverse impacts on essential ecological attributes, that deposited particulate nitrate and sulfate are termed ecosystem “stressors.” In order for any specific chemical stressor present in ambient PM to impact ecosystems, it must first be removed from the atmosphere through any of three different types of deposition: wet (rain/frozen precipitation), dry, or occult (fog, mist, or cloud). At the national scale, all types of deposition must be considered in determining potential impacts to vegetation and ecosystems because each type may dominate over specific intervals of time or space.

The most significant PM-related ecosystem-level effects result from long-term cumulative deposition of a given chemical species (e.g., nitrate) or mix (e.g., acidic or acidifying deposition) that exceeds the natural buffering or storage capacity of the ecosystem and/or affects the nutrient status of the ecosystem. The 2005 SP examined the environmental effects of both reactive nitrogen (of concern is the reactive nitrogen resulting from the conversion of both atmospheric nitrogen and fossil nitrogen during the combustion of fossil fuels) and PM-related acidic and acidifying deposition on various ecosystems, including vegetation, terrestrial ecosystems, threatened and endangered species, and aquatic habitat.

Vegetation. Various studies indicate that at current ambient levels, risks to vegetation from short-term exposures to dry deposited particulate nitrate or sulfate are low; however, when found in acidifying deposition, such particles do have the potential to cause direct foliar injury. The 2005 SP concluded on the basis of available information that the risk of injury occurring from acid precipitation in the eastern United States is high, noting that acid precipitation with levels of acidity associated with adverse foliar effects exist in some locations of the United States. Such adverse effects may include damage to leaf surface structure;

increased permeability of leaf surface to toxic material, water, and disease agents; increased leaching of nutrients from foliage; altered reproductive processes; and overall weakening of trees making them more susceptible to other stressors. Having said all this, the 2005 SP also found that the contribution of particulate sulfates and nitrates to the total acidity found in the acid precipitation impacting eastern vegetation is not clear.

Terrestrial ecosystems. The 2005 SP concluded that excess nitrogen deposition is having a “profound and adverse impact on the essential ecological attributes associated with terrestrial ecosystems.” Terrestrial ecosystems may be adversely impacted by (1) increased nitrogen associated with atmospheric deposition, surface runoff, or leaching from nitrogen saturated soils into ground or surface waters; and (2) acidic and acidifying deposition.

Long-term, chronic additions of reactive nitrogen (including nitrate deposition and ammonium from ambient PM) can cause the nitrogen input to plants to exceed the natural capacity of plants and soil microorganisms to utilize and retain the nitrogen needed for normal growth. As this excess occurs over time, a detrimental ecological condition known as “nitrogen saturation” is said to exist.

Nitrogen saturation does not occur at a specific point in time, but reflects a set of gradually developing critical changes in the ecosystem process. In addition, not all vegetation, organisms, or ecosystems react in the same manner to increased nitrogen availability from nitrogen deposition. Those plants that are predisposed to capitalize on any increases in nitrogen availability gain an advantage over those that are not as responsive to added nitrogen. Over time, this shift in the competitive advantage may lead to shifts in overall plant community composition. Whether this shift is considered adverse would depend on the management context within which that ecosystem falls and the ripple effects of this shift on other ecosystem components, essential ecosystem attributes, and ecosystems.

The addition of nitrogen on plant community succession patterns and biodiversity has been studied in several long-term nitrogen fertilization studies in both the United States and Europe. These studies suggest that some forests receiving chronic inputs of nitrogen may decline in productivity and experience greater mortality. Some of the U.S. forests that are showing severe symptoms of nitrogen saturation are: the northern hardwoods and mixed conifer

forests in the Adirondack and Catskill Mountains of New York; the red spruce forests at Whitetop Mountain, Virginia, and Great Smoky Mountains National Park, North Carolina; mixed hardwood watersheds at Fernow Experimental Forest in West Virginia; American beech forests in Great Smoky Mountains National Park, Tennessee; and mixed conifer forests and chaparral watersheds in southern California and the southwestern Sierra Nevada in Central California. 2005 SP at 6–31.

Studies have shown that acid deposition has changed the chemical composition of soils by depleting the content of available plant nutrient cations (e.g., Ca^{2+} , Mg^{2+} , and K^{+}) by increasing the mobility of aluminum, and by increasing the sulfur and nitrogen content. Effects of acidic deposition have been extensively documented, as discussed in the 2004 CD and reports referenced therein. For example, effects on some species of forest trees linked to acidic deposition include increased permeability of leaf surfaces to toxic materials, water, and disease agents; increased leaching of nutrients from foliage; and altered reproductive processes; all of which serve to weaken trees so that they are more susceptible to other stresses (e.g., extreme weather, pests, and pathogens). In particular, acidic deposition has been implicated as a causal factor in the northeastern high-elevation decline of red spruce. Although U.S. forest ecosystems other than the high-elevation spruce-fir forests are not currently manifesting symptoms of injury directly attributable to acid deposition, less sensitive forests throughout the United States are experiencing gradual losses of base cation nutrients, which in many cases will reduce the quality of forest nutrition over the long term.

Threatened and endangered species. The adverse ecological effects of PM include those effects on rare and unique ecosystems, including both plant and wildlife species. Nitrogen deposition, including particulate nitrate, may have a direct adverse effect on some plant species, while for others the harm results when added nitrogen serves as a nutrient for some invasive species that eventually replace the more sensitive, rare species.

In some instances, as sensitive vegetation is harmed or lost, wildlife species that depend on these plants are also adversely affected. Several threatened or endangered species listed by the U.S. Fish and Wildlife Service, such as the desert tortoise and checkerspot butterfly have declined as a result of native food supplies being

replaced by invasive plant species whose productivity is enhanced in part by nitrogen deposition.

Aquatic habitat. Adverse effects of PM on aquatic systems (streams, rivers, lakes, estuaries, and oceans) can be the result of either elevated levels of reactive nitrogen input or acidification. In either case, the nitrogen input contribution from PM may be the result of atmospheric deposition directly into the water body or on terrestrial ecosystems, reaching the water body via surface runoff or leaching from nitrogen saturated soils into ground or surface waters. However, it is not clear how much of the total nitrogen input to aquatic systems results from atmospheric deposition rather than from other nitrogen sources.

Estuaries receive far greater nutrient inputs than other systems. Excess nitrogen in estuaries results in eutrophic conditions whereupon dissolved oxygen is significantly reduced; yielding an environment that favors plant life over animal life. The 2005 SP describes research being done in the Pamlico Sound in North Carolina, which is a key fisheries nursery in the southeastern United States. Studies have shown that direct nitrogen deposition onto waterways feeding into the Pamlico Sound or onto the Sound itself and indirect nitrogen inputs via runoff from the upstream watersheds contribute to conditions of severe water oxygen depletion; formation of algae blooms in portions of the Pamlico Sound estuarine complex; altered fish distributions, catches, and physiological states; and increases in the incidence of disease. 2005 SP at p. 6–35.

Other studies have shown that under extreme rainfall events, massive influxes of reactive nitrogen (in combination with excess loadings of metals or other nutrients) into watersheds and sounds can lead to dramatic decreases of oxygen in water and the creation of widespread “dead zones” and/or increases of algae blooms that can cause extensive fish kills and damage to commercial fish and sea food harvesting. 2005 SP at p. 6–35.

The 2005 SP indicates that there is a clear link between acidic water, which results from atmospheric deposition of strong acids, and fish mortality. Studies have shown that inputs of acid deposition to regions with base-poor soils have resulted in the acidification of soil waters, shallow ground waters, streams, and lakes in a number of locations with the United States. This can result in lower pH and higher concentrations of inorganic monomeric aluminum, which causes changes in

chemical conditions that are toxic to fish and other aquatic animals.

(c) *Materials damage and soiling.*

As part of the review for setting secondary standards for PM, the 2004 CD and 2005 SP considered the adverse effects that the deposition of ambient PM can have on materials such as metals, paint finishes, and building stone and concrete. Substantial evidence exists to show that ambient PM plays a role in both physical damage and impaired aesthetic qualities of materials. Physical damage to materials, including corrosion, degradation, and deterioration, is known to result from exposure to environmental factors such as sunlight, moisture, fungi, and varying temperatures; however, to the extent that particles may cause or contribute to physical damage of building materials, such damage is primarily caused by chemically active—especially particulate nitrates and sulfates—fine particles or hygroscopic coarse particles. On the other hand, particles consisting of carbonaceous compounds are responsible for soiling of commonly used building materials and culturally important items (statues, works of art, etc.) Soiling or exposure to PM can affect the aesthetic appeal of surfaces by giving them a dirty appearance, resulting in an increased frequency of cleaning. Nevertheless, while the role of ambient PM in specific adverse effects is well documented in the available studies, the 2004 CD and 2005 SP also concluded that there remains insufficient evidence to establish a quantitative relationship between ambient PM and any of the various effects described.

The EPA believes that these observations and the underlying available evidence continue to support consideration of retaining an appropriate degree of control on both fine and coarse particles. Lacking any specific quantitative basis for establishing distinct standards to protect against PM related to adverse effects on materials, EPA believes that reductions in fine and coarse particles likely to result from the current suite of secondary PM standards, or the range of recommended revisions to the primary PM standards and to the secondary $\text{PM}_{2.5}$ standard to address visibility impairment, would contribute to protection against PM-related soiling and materials damage.

(d) *Climate and solar radiation effects.*

The effects of PM on climate result from either the scattering or absorption of radiation by ambient particles, resulting in a cooling or warming effect on climate, respectively. Studies suggest

that global and regional climate changes could have both positive and negative effects on human health and welfare, and the environment. Most components of ambient PM, especially sulfates, scatter and reflect incoming solar radiation back into space. However, some components of ambient PM, especially black carbon, absorb incoming solar radiation or outgoing terrestrial radiation. Sulfate particles indirectly affect climate by serving as condensation nuclei which alter the size distribution of cloud droplets (producing more droplets with smaller sizes), causing the amount of solar radiation that clouds reflect back to space to increase.

While substantial qualitative information has shown the important role that ambient PM plays in both global and regional climatic processes, that role is presently poorly quantified. There are considerable uncertainties and difficulties in projecting likely climate change impacts. The 2005 SP indicates that "any complete assessment of the direct radiative effects of PM would require computationally intensive calculations that incorporate the spatial and temporal behavior of particles of varying composition that have been emitted from, or formed by precursors emitted from, different sources." 2005 SP at 6–55. In addition, calculations of indirect physical effects of particles on climate are subject to much larger uncertainties than those related to the direct radiative effects of particles.

Exposure to solar radiation may have direct effects on human health and agricultural and ecological systems; indirect effects on human health and ecosystems, and effects on materials. 2005 SP at 6–56ff. Several studies cited in the 2004 CD reinforce the idea that particles can play an important role in affecting the transmission of solar UV–B radiation. However, none of these studies included measurements of ambient PM concentrations, so that direct relationships between PM levels and UV–B radiation transmission could not be determined. In addition, the relationships between particles and UV–B radiation transmission can vary considerably over location, conditions, and time. 2005 SP at 6–56. In summary, the EPA staff concluded that available information is insufficient to project the extent to which, or even whether, location-specific changes in ambient PM would indirectly affect human health or the environment.

e. Fundamental Elements of Increments

As we have previously noted, under the model established in the Act and

prior EPA regulations, the function of an increment is not like that of the NAAQS in that an increment is not intended to set a uniform ambient pollutant concentration "ceiling" across the United States. See 70 FR 59600. That is, while both increments and NAAQS generally serve to limit air pollution levels, increments are designed to allow a uniform degree of pollutant concentration increase for each area in the United States with a particular classification, with the allowable increase measured against a baseline air quality level for a particular area.¹⁵ Because the baseline air quality level varies from one location to another, and is not established until a PSD permit is submitted, it is not possible to determine what the maximum pollutant concentration attainable is for a given area (to be used to determine the protection afforded by an increment against potential adverse environmental effects) until the specific baseline air quality level is known.

For the reasons described in our increments rule for NO_x, our objective is to establish uniform increments that allow the same level of deterioration for each area of the country having the same classification. 70 FR 59601. Our goal is not to establish increments to reduce existing air pollutant concentrations below baseline levels in each area, but rather to define a level of increase in pollutant concentrations above baseline levels that represents "significant" deterioration for each area classification. 70 FR 59600.

f. Evaluation of the Safe Harbor Increments

Mindful of the considerations we previously described about the fundamental characteristics of the increments, we reviewed the scientific and technical evidence available for the 2005 review of the NAAQS for PM in order to determine whether, and to what extent, the "safe harbor" increments might need to be modified in order to protect air quality values, health and welfare, and parks while ensuring economic growth consistent with the preservation of clean air resources in accordance with sections 166(c) and 160 of the Act. As we did in our evaluation of the safe harbor NO₂ increments, we propose to rely on an approach that evaluates how protective the safe harbor PM_{2.5} increments are by trying to compare the marginal pollutant concentration increases allowed by the

¹⁵ It should be noted, however, that an increment does not allow air pollution levels in an area to increase beyond the ambient concentration of a pollutant that would exceed the level allowed by the NAAQS.

safe harbor increment levels against the pollutant concentrations at which various environmental responses occur. We analyzed the available evidence from both a quantitative and qualitative perspective to reach a decision about whether we should modify the contingent safe harbor PM_{2.5} increments and whether we have sufficient information to select a specific alternative level, averaging time, or pollutant indicator for the increments.

(1) Non-Visibility Related Effects

In quantitatively evaluating the adequacy of the contingent safe harbor increments for PM_{2.5} for non-visibility related welfare effects, we experienced difficulties with identifying the appropriate indicator, as well as to the level of the increments. In the most recent evaluation of the NAAQS for PM, EPA staff concluded that "sufficient information is not available at this time to recommend consideration of either an ecologically based indicator or an indicator based distinctly on soiling and materials damage, in terms of specific chemical components of PM." 2005 SP at 7–15. For consideration of the effects of ambient PM on vegetation and other ecosystems, the available data indicate that the chemical species of PM (especially particulate nitrate and sulfate) has more relevance than the size fraction (coarse or fine). Acid precipitation, including particulate sulfate, has been found to be particularly damaging to foliage, and along with ambient SO₂ contributes significantly to materials damage and soiling.

Determining the most effective levels for any indicator for PM from the available data is difficult because the evidence is insufficient to provide a quantitative relationship between ambient PM concentrations and known and observed adverse ecological effects. Fundamental areas of uncertainty preclude establishing predictable relationships between ambient concentrations of particulate nitrogen and sulfur compounds and associated ecosystem effects. One source of uncertainty hampering the characterization of such relationships is the extreme complexity and variability that exist in estimating particle deposition rates. These rates are affected by numerous factors, including particle size and composition, associated atmospheric conditions, and the properties of the surfaces being impacted. A related source of uncertainty is establishing the portion of the total nitrogen and sulfur deposition occurring at a given site is attributable to ambient PM. Though several national

deposition monitoring networks have been successfully measuring wet and dry deposition for several decades, they often do not distinguish the form (e.g., particle, wet, and dry gaseous) in which a given chemical species is deposited. Further, it is not clear how well data from monitoring sites may apply to non-monitored sites with different surface cover, meteorology, or other deposition related factors.

Another fundamental problem that makes it difficult to establish a meaningful dose-response relationship between ambient PM levels and specific adverse environmental effects is that ecosystems have different sensitivities and capacities to buffer or assimilate pollutants. Many of the documented ecosystem-level effects only became evident after long-term, chronic exposures to total annual loads of reactive nitrogen (Nr) or acidifying compounds that eventually exceeded the natural buffering or assimilative capacity of the system. In most cases, PM deposition is not the only contributor to the total load of Nr or acidifying compounds entering the affected system. Since it is difficult to predict the rate of PM deposition, and thus, the PM contribution to total deposition at a given site, it is difficult to predict the ambient concentration of PM that would likely lead to the observed adverse effects within any particular ecosystem. Equally difficult is the prediction of recovery rates for areas already affected, if PM deposition rates of various chemical species were to be reduced.

In response to our 2005 proposal for NO₂ increments, some commenters expressed the opinion that a better way of identifying acceptable pollutant loadings, particularly for protection against ecological effects, is the use of a "critical load" concept.¹⁶ 70 FR 59612. At that time, EPA expressed support for the concept, but indicated that our current knowledge about critical loads did not "provide a sufficient basis for establishing a uniform, national standard such as a PSD increment."

The critical load concept was once again reviewed in the 2005 SP for PM. It was noted in that document that the "[k]ey to the establishment of a critical load is the selection of appropriate ecological endpoints or indicators that are measurable characteristics related to

the structure, composition, or functioning of ecological systems (i.e., indicators of condition)." 2005 SP at 6–46. The EPA recognized the value of using critical loads and acknowledged that a number of different groups in the United States have begun to use or develop critical loads. Nevertheless, while recognizing that current activities "hold promise," EPA concluded that "widespread use of [critical loads] in the U.S. is not yet possible." Among other things, currently available data are insufficient to quantify the contribution of ambient PM to total Nr or acid deposition, and it is not clear whether a critical load could be developed just for the portion of the total N or S input that is contributed by PM. SP at 4–49. Research, in conjunction with the development of improved predictive models, could help in future consideration within the United States of the critical loads concept, and in determining how much of any given critical load is contributed by different sources of pollutants.

As explained earlier, the available scientific and technical data do not yet enable us to adequately relate ambient concentrations of PM_{2.5} to ecosystem responses. Without such key information, it is difficult to quantitatively evaluate the effectiveness of the "safe harbor" increments for protecting air quality values, health and welfare, and parks while ensuring economic growth consistent with the preservation of clean air resources. Alternatively, we must make a qualitative judgment as to whether the contingent safe harbor increments for PM_{2.5} or some alternative increments meet the applicable factors.

In this situation, we believe that the determination of the increment levels that satisfy the factors applicable under section 166(c) is ultimately a policy choice that the Administrator must make, similar to the policy choice the Administrator must make in setting a primary NAAQS "with an adequate margin of safety." See *Lead Industries Ass'n v. EPA*, 647 F.2d 1130, 1147 (D.C. Cir. 1980) (where information is insufficient to permit fully informed factual determinations, the Administrator's decisions rest largely on policy judgments). Using a similar approach is warranted because both section 109 and section 160(1) direct the Administrator to use his or her judgment in making choices regarding an adequate margin of safety or protecting against effects that may still occur notwithstanding compliance with the NAAQS—both areas of inquiry characterized by great uncertainty. Thus, in the process for setting NAAQS,

the Administrator looks to factors such as the uncertainty of the science, the seriousness of the health effects, and the magnitude of the environmental problem (isolated or commonplace). E.g., 62 FR 38652 (July 18, 1997) (PM_{2.5} NAAQS).

Bearing on this policy decision for increments are various considerations, based on the available information and the factors applicable under section 166(c). The factors establishing particular environmental objectives (protecting air quality values, health and welfare, and parks) might suggest that, in some areas, we permit little or no increase in PM_{2.5} emissions or establish an increment for another form of PM because there are data indicating that an effect may be attributable to PM emissions. However, as explained in the NO_x rule, we do not believe that Congress intended for the PSD program to eliminate all negative effects. Thus, rather than just seeking to eliminate all negative effects, we must attempt to identify a level of increase at which any additional effects beyond existing (or baseline) levels would be "significant" and protect against those "adverse" effects. Furthermore, we need to ensure that our increments provide room for some economic growth. Congress intended for EPA to weigh these considerations carefully and establish regulations that balance economic growth and environmental protection.

Since we are unable to establish a direct, widely applicable, quantitative relationship between particular levels of PM_{2.5} and specific negative effects, we give particular weight to the policy judgment that Congress made when it set the statutory increments as a percentage of the NAAQS and created increments for the same pollutant form and time period that was reflected in the NAAQS. In section 166 of the Act, Congress directed that EPA study the establishment of PSD regulations for other pollutants for which Congress did not wish to set increments at the time.

Congress's own reluctance to set increments to prevent significant deterioration of air quality due to emissions of NO_x, and the provisions ensuring time for Congressional review and action, suggest that Congress intended for EPA to avoid speculative judgments about the science where data are lacking. Thus, in the absence of specific data showing that an increment level that of the "safe harbor" level would better protect health, welfare, parks, and air quality values, while simultaneously maximizing opportunities for economic growth, we give weight in our qualitative analysis of the factors applicable under section

¹⁶ A "critical load" is a numerical estimate of the amount of pollution that a sensitive ecosystem can absorb on a sustained basis before it experiences a measurable amount of degradation. In contrast to the units for increments, μm^3 , a critical load is typically expressed as a loading rate in kilograms of a pollutant per hectare per year.

166(c) to the method that Congress used to establish the statutory increments.

In making this qualitative judgment, we also consider the overall regulatory framework that we have established in the PSD regulations for PM_{2.5}. This framework includes a case-by-case analysis of each permit application to identify additional impacts (e.g., soils and vegetation), a special review by the FLM and State reviewing authority of potential adverse effects on air quality values in parks and special areas, and a requirement that all new and modified sources install BACT. In addition, the area classification system ensures that there will be economic growth in particular areas that is consistent with the values of each State and its individual communities. Based on this qualitative analysis, we do not believe it is necessary to adopt more stringent increments to satisfy section 166(c) of the Act with respect to non-visibility related effects.

(2) Visibility Protection

In the case of visibility protection, the available evidence was strong enough to enable EPA to conclude that PM_{2.5} is the appropriate indicator for measuring the effects of ambient PM on visibility impairment. Accordingly, using PM_{2.5} concentrations as the basis for review, EPA evaluated a range of PM_{2.5} ambient concentrations, averaging times (24 hours and less), and a range of concentration percentiles (using a concentration-based form for the standard) in order to establish a recommendation for setting the secondary NAAQS for PM to address visibility impairment in urban areas. As explained in the 2005 SP, EPA considered, as a lower bound for setting the short-term secondary PM_{2.5} standard, a PM_{2.5} concentration of either 20 or 25 µg/m³, averaged over a 4- to 8-hour averaging time within daylight hours, depending on the percentile range considered for the form of the standard.

The Class II, short-term safe harbor increment for PM_{2.5} is 9 µg/m³. This level is well below the lower bound recommended for setting the secondary PM_{2.5} standard, but is based on a 24-hour averaging time at the 98th percentile. The 2005 SP also notes that the estimated 98th percentile values in distributions of daily background levels are below 10 µg/m³ in most areas. Thus, the allowable deterioration from the safe harbor increment in addition to the natural background level generally falls below the minimum values recommended in the 2005 SP for the secondary short-term standard for PM_{2.5}.

With regard to the Class I increments for PM_{2.5}, we note that Congress explicitly included visibility as an air quality related value (AQRV), enabling Federal land managers to protect significant attributes of Federal Class I areas. Act section 165(d)(2)(B). The FLM, assigned the affirmative responsibility to protect Federal Class I areas, are to use AQRVs which are separate and distinct from increments, to address individual Class I areas and the unique attributes identified for each Class I area. Congress recognized that AQRVs and increments were not the same thing and established independent procedures for the implementation of each. For example, the Act authorizes FLM to evaluate the effects of pollutant increases using AQRVs as the basis regardless of the effect of such pollutant increases on the increments. In using the AQRV, FLM are not limited in their evaluation by the maximum allowable pollutant increase set by the increment and may identify adverse impacts on visibility pursuant to AQRVs even when the pollution increase will not cause or contribute to an exceedance of an increment. Instead, the pollutant increase is evaluated against the AQRV which considers the specific conditions existing in the Class I area of concern. Thus, regardless of the increased amount of pollution that an increment may allow, the FLM may determine that the visibility in the Class I area is adversely affected by an amount of pollutant increase less than that allowed by the increment.

From a qualitative perspective, we believe that visibility protection in Class I areas is more adequately provided by the AQRV process, where each area can be addressed on the basis of the local situation and the FLM's assessment of potential ambient impacts by a particular source. Nevertheless, generally speaking an increment should not be so large that it routinely results in substantially more pollution in Class I areas than is generally acceptable under the AQRV approach. The contingent safe harbor PM_{2.5} increments for Class I areas are 1 µg/m³ and 2 µg/m³ for the annual and 24-hour averaging periods, respectively.

We believe the importance of using distinct PM_{2.5} increments to protect against visibility impairment is also lessened by the fact that Congress, aware of the statutory requirements for prevention of significant deterioration of air quality, established several visibility programs that specifically target emissions reductions to achieve the desired visibility benefits. Under the regional haze regulations, promulgated by EPA in 1999, States are required to

establish goals for improving visibility on the 20 percent most impaired days in each Class I area, and for allowing no degradation on the 20 percent least impaired days. Each State must adopt emission reduction strategies which, in combination with the strategies of contributing States, assure that Class I area visibility improvement goals are met. Five multi-state planning organizations are evaluating the sources of PM_{2.5} contributing to Class I area visibility impairment to lay the technical foundation for developing strategies, coordinated among many States, in order to make reasonable progress in Class I areas across the United States.

We believe it is also important to consider the fact that some State and local governments have also developed programs to improve visual air quality in specific urban areas. These programs are individually designed to focus on improving visibility to a visual range defined by the specific area of concern. Such local programs can more appropriately focus on the preferences of individual communities where a uniform national increment for visibility protection generally cannot.

In setting the NAAQS for PM, EPA ultimately concluded that a distinct secondary standard with a different averaging time or form was not warranted at that time. Instead, we concluded that a set of secondary PM_{2.5} standards set identical to the revised primary PM_{2.5} standards a reasonable approach when considered in conjunction with the regional haze program as a means of achieving appropriate levels of visibility protection in urban, non-urban, and Class I areas across the United States. With regard to evaluating the safe harbor increments for PM_{2.5}, we had to consider how much weight to give to visibility protection as a function of the increments. That is, whether the increments were the appropriate means of providing the most effective protection against visibility impairment in urban areas as well as in rural areas, including Federal Class I areas. In light of the other more direct approaches being used to address visibility problems across the United States, we believe that the use of distinct PM increments for visibility protection is not the most effective means of addressing the visibility problem. Thus, we do not believe it is necessary to modify the safe harbor increments for PM_{2.5} to further protect visibility.

3. Proposed Baseline Dates for PM_{2.5} Increments Under Option 1

If we adopt option 1, we propose to require the implementation of the PM_{2.5} increment system with new baseline areas, baseline dates and trigger dates. Specifically, we are proposing that the major source baseline date and trigger date, both fixed dates, will be defined as the effective date of this rule after promulgation.

In light of current and expected trends in PM_{2.5} concentrations, EPA's judgment is that starting with new baseline dates on or after the effective date of this rule would make the new PSD increments more protective. Under our proposed approach, any emissions reductions occurring prior to the effective date of this rule would be counted toward the baseline concentration rather than expanding the PM_{2.5} increment. If a retroactive baseline date were to apply, emissions reductions occurring prior to the effective date of this rule would serve to expand the available increments, enabling more pollution than would otherwise be allowed to occur.

In addition, we believe starting with new baseline dates to implement new increments for PM_{2.5} is appropriate under this option because we would treat PM_{2.5} essentially as a "new" pollutant for purposes of PSD and section 166 of the Act. We believe that establishing a new baseline overcomes significant implementation concerns that would otherwise exist if the existing PM baseline were maintained. If we were to require sources and reviewing authorities to conduct PM_{2.5} increment analyses based on the minor source baseline dates previously established under the TSP or PM₁₀ program, they would have to attempt to recreate the PM_{2.5} emissions inventory as of the minor source baseline date in order to determine the baseline PM_{2.5} concentration for the area. For early minor source baseline dates in particular (e.g., 1976 in areas of the United States), establishing the emissions inventory for PM_{2.5} would be extremely difficult, cumbersome and potentially inaccurate because historic emissions inventories did not include PM_{2.5} emissions. For all of these reasons, we are proposing option 1 as our preferred option and request comment on this contingent safe harbor approach under option 1.

4. Revocation of PM₁₀ Annual Increments

If we use option 1 to adopt additional increments for PM_{2.5}, we propose to revoke the annual increments for PM₁₀

based on the same technical evidence that led us to revoke the annual PM₁₀ NAAQS. As discussed earlier, we do not believe EPA is precluded from adopting new particular matter increments under section 166(a) of the Act because we promulgated a NAAQS for PM_{2.5} after 1977. However, if we read section 166(f) to address PM₁₀ alone, the interaction of sections 166(a) and 166(f) could suggest that pollutant-specific PSD regulations for PM promulgated on the basis of section 166(a) must be limited to regulations that address fine PM. However, this view would create tension with language in section 166(a) that calls for us to conduct a holistic evaluation to establish a system of PSD regulations (including numerical and other measures) for each pollutant covered by this provision. Since it would be preferable to develop a system of regulation for PM generally and select the appropriate indicator for PM increments based on a comprehensive review of the effects of all forms of PM (as we did in the recent NAAQS rule), we do not believe Congress could have intended to constrain EPA's discretion to consider the potentially differing effects of coarse and fine particles when developing pollutant-specific PSD regulations under section 166(a).

Since EPA recently revised the NAAQS for PM₁₀ and eliminated the annual PM₁₀ NAAQS, we believe it is permissible for the Agency to interpret the phrase "pollutants for which national ambient air quality standards are promulgated after August 7, 1977" to apply to revisions to PM₁₀ as well. In our 1989 proposal to adopt PM₁₀ increments, before the addition of section 166(f) to the Act, we construed the language in section 166(a) to be broad enough to support adoption of PM₁₀ increments. Under a holistic approach, considering all forms of PM, we do not believe the evidence supports retaining an annual increment for PM₁₀ under the PSD program. In our October 17, 2006 action on the PM NAAQS, the Administrator concluded that an annual coarse particle NAAQS was not warranted at this time. 71 FR 61198–99. The CD concluded that the available evidence does not suggest an association of adverse health effects with long-term exposure to coarse particles and the SP concluded there is no quantitative evidence that directly supports an annual standard. *Id.* at 61198. With respect to welfare effects, the evidence indicated that a short-term PM_{2.5} standard was the best approach for addressing visibility. *Id.* at 61280. For non-visibility welfare effects, the Administrator concluded that the

available evidence was not sufficient to support an additional indicator, but that a secondary NAAQS identical to the primary NAAQS directionally improves the level of protection afforded vegetation, ecosystems, and materials. *Id.* at 61210.

When the evidence described in the Criteria Document and Staff Paper is considered in light of the legal criteria applicable under section 166(c), we believe it supports the conclusion that an annual PM₁₀ increment is no longer needed under the PSD program. In the absence of a clear association between long-term exposure to coarse particles and adverse health effects, we do not see a justification for an annual PM₁₀ increment to protect public health, notwithstanding compliance with the NAAQS. In addition, the new increments for PM_{2.5} that we propose to adopt, in combination with the existing 24-hour increment for PM₁₀, will address welfare effects, air quality related values, and air quality in national parks and other special areas. As described earlier, visibility impacts are principally attributable to short-term fine particle concentrations and thus will be addressed by the new short-term PM_{2.5} increment. The evidence indicates that the non-visibility welfare effects of concern are primarily attributable to deposition of sulfate and nitrate particles of any size. Thus, the combination of the new PM_{2.5} increments and the existing 24-hour PM₁₀ increment will address non-visibility welfare impact attributable to deposition. Since we propose to retain the 24-hour PM₁₀ increment and adopt new annual and 24-hour fine particle increments that will target all of these effects, we do not consider it warranted to require continued tracking of changes in annual concentrations of PM₁₀ under the PSD program.

B. Option 2—Equivalent Substitution Approach for Annual Increments—Section 166(f)

Under this option, we would recognize PM_{2.5} as a new indicator for PM for NSR purposes, and develop annual PM_{2.5} increments to replace the annual PM₁₀ increments using the equivalent substitution approach under the authority of section 166(f) of the Act.

The approach proposed under this option in this proposed rule would be similar to the one we used in 1993, and discussed earlier to convert from TSP increments to PM₁₀ increments, to avoid having to implement increments based on standards that no longer existed. On October 17, 2006, EPA revoked the primary and secondary annual PM₁₀ standards and retained the primary and

secondary 24-hour PM₁₀ standards. 71 FR 61144.

In this case, we therefore are developing annual PM_{2.5} increments to replace the annual PM₁₀ increments. Also, consistent with our prior action in 1993, we are proposing to eliminate or revoke the PM₁₀ increments in this notice. However, for developing the 24-hour PM_{2.5} increments, we are proposing to use the increment values derived under the contingent safe harbor approach explained in option 1. We seek comment not only on the levels of the proposed "equivalent" increments, but also on our use of this equivalent increment option for only the annual PM_{2.5} increments. In addition, we seek comment on whether we should rely on section 166(f) to also propose the 24-hour PM_{2.5} increments, even though the primary and secondary 24-hour PM₁₀ NAAQS are not being revoked.

1. Development of Equivalent Increments

To establish equivalent PM₁₀ increments in the 1993 rule, EPA compared the TSP and PM₁₀ impacts of each of the 249 major sources subject to major NSR in our NSR database. EPA observed that, in principle, for any source the equivalent PM₁₀ increments was simply the product of the TSP increment to the source's PM₁₀/PM emissions ratio. 58 FR 31627.

In this rulemaking, EPA proposes to apply the same type of ratio approach to

establish equivalent increments for PM_{2.5} under section 166(f) of the Act. Unlike the 1993 analysis where we evaluated a database of 249 major sources, for this rulemaking EPA relied on a more comprehensive analysis of the "2001 National Emissions Estimates by Source Categories" for PM₁₀ and PM_{2.5}.¹⁷ From the 2001 National Emissions Inventory, the ratio of emission estimates from utilities and industrial point source categories were used to find the PM_{2.5} to the PM₁₀ emissions ratio. For purposes of deriving the ratio, area sources and non-road and mobile sources were not included on the basis that for NSR permitting virtually all of the permitted sources fall within the utility and industrial point source categories.

Utilities and industrial point source emission estimates were combined and a ratio of 0.8 was calculated as the ratio of emissions of PM_{2.5} to PM₁₀. Hence, the annual increments developed for PM_{2.5} would be equal to 0.8 multiplied by the increment value for PM₁₀. Although we believe that this approach is based on a permissible interpretation of the statute, we believe it results in increment values for PM_{2.5} that are much higher than the values Congress envisioned when it established the original increments for PM and SO₂ based on percentages of the then existing NAAQS. For example, an annual PM_{2.5} increment in Class II areas using this approach would be 13 µg/m³,

which is 87 percent of the annual PM_{2.5} NAAQS of 15 µg/m³. In contrast, Congress established the Class II Increments for PM and SO₂ to represent 25 percent of the NAAQS. To avoid such an unreasonable outcome for PM_{2.5}, we rejected this approach and instead are proposing two variations (options 2A & 2B) of the equivalent increment approach as the second and third option.

2. Proposed Annual Increments for PM_{2.5}

a. Option 2A

In addition to an emissions ratio to reflect the shift in the indicator from PM₁₀ to PM_{2.5}, we have also considered the shift in the stringency of the NAAQS that resulted when we changed the pollutant indicator from PM₁₀ to PM_{2.5}. Accordingly, the ratio of emissions (0.8) that we previously calculated would be multiplied by the ratio of the PM_{2.5} NAAQS over the PM₁₀ NAAQS (15/50 = 0.3 µg/m³ for the annual standard) to derive an adjustment factor (0.24 for the annual NAAQS) for calculating the Class I, II, and III annual PM_{2.5} increments. Hence, multiplying the Class I, II, and III annual PM₁₀ increments, 4, 17, and 34 µg/m³, respectively, by the new adjustment factor yields the following proposed increment values (rounded to the nearest whole number) under option 2A:

Averaging period	NAAQS µg/m ³	Increments (µg/m ³)		
		Class I	Class II	Class III
Annual	15	1	4	8
24-hr	35	2	9	18

Coincidentally, this new adjustment based on the PM_{2.5}-to-PM₁₀ NAAQS ratio results in annual PM_{2.5} increment values identical to the values derived using option 1, the percentage-of-NAAQS approach. As stated earlier, because the 24-hour PM₁₀ NAAQS have not been revoked, we do not consider section 166(f) to be the best fit for the development of the 24-hour PM_{2.5} increments. Thus, for new 24-hour

PM_{2.5} increments, we are proposing to rely on the authority of section 166(a) to derive 24-hour increments as proposed under option 1.

b. Option 2B

This option represents another variation on the section 166(f) equivalent increment approach. Under this option 2B, we are proposing to develop annual PM_{2.5} increments based

solely on the ratio of the annual PM_{2.5} NAAQS to the primary annual PM₁₀ NAAQS (15/50 = 0.3 µg/m³ for the annual NAAQS). The values for the annual PM_{2.5} increments derived by multiplying the Class I, II, and III annual PM₁₀ increments, 4, 17, and 34 µg/m³, respectively, by this adjustment ratio yields the following proposed increment levels (rounded to the nearest whole number) under option 2B:

Averaging period	NAAQS (µg/m ³)	Increments (µg/m ³)		
		Class I	Class II	Class III
Annual	15	1	5	10

¹⁷ 2001 National Emissions Estimates by Source Categories.

Averaging period	NAAQS ($\mu\text{g}/\text{m}^3$)	Increments ($\mu\text{g}/\text{m}^3$)		
		Class I	Class II	Class III
24-hr	35	2	9	18

As with option 2A, for the 24-hour $\text{PM}_{2.5}$ increments, we are proposing to use increment values developed via the contingent safe harbor approach as described in option 1.

3. Baseline Dates

Under these options (2A and 2B), since we will be replacing annual PM_{10} increments with annual $\text{PM}_{2.5}$ increments, we propose to retain the existing TSP/ PM_{10} baseline and trigger dates and baseline areas for the $\text{PM}_{2.5}$ program. Section 166(f) does not address how EPA should handle baseline dates for a substituted increment. In 1993, we decided to retain the existing baseline dates for TSP when we replaced the section 163 increment with PM_{10} increments. We propose the same approach under this option in this rulemaking because the continuation of the historic TSP/ PM_{10} baseline dates would ensure that no past case of increment consumption is abandoned and serve as the closest measure of a substitute. However, as discussed earlier, given $\text{PM}_{2.5}$ emissions trends, our judgment is that establishing baseline dates for $\text{PM}_{2.5}$ after the effective date of this rule may be more effective at preventing significant deterioration because the baseline concentrations will reflect emissions reductions. We request comment on whether this would provide sufficient justification for EPA to establish new baseline dates under the section 166(f) substitution approach.

However, in conjunction with the annual $\text{PM}_{2.5}$ increments discussed above, we are proposing to use option 1 increment levels for 24-hour $\text{PM}_{2.5}$ increments which would use new baseline areas, trigger and baseline dates. Thus, assuming the baseline date for the PM_{10} increments has already been triggered, this results in different baseline dates for the annual and 24-hour $\text{PM}_{2.5}$ increments. This would also require a PSD applicant to develop two separate emissions inventories of increment-consuming sources for evaluating a new source's cumulative $\text{PM}_{2.5}$ impacts in the area of concern. We seek comment on this issue of multiple inventories under the equivalent increments approach.

VI. Significant Impact Levels (SILs)

A. EPA's Guidance on SILs in the PSD Program

Significant Impact Levels or SILs are numeric values derived by EPA that may be used to evaluate the impact a proposed major source or modification may have on the NAAQS or PSD increment. The SILs currently appear in EPA's regulations in 40 CFR 51.165(b), which are the provisions that require States to operate a preconstruction review permit program for major stationary sources that wish to locate in an attainment or unclassifiable area but would cause or contribute to a violation of the NAAQS. The SILs in that regulation are the level of ambient impact that is considered to represent a "significant contribution" to nonattainment.

Although 40 CFR 51.165 is the regulation that establishes the minimum requirements for nonattainment NSR programs in SIPs, the provisions of 40 CFR 51.165(b) are actually applicable to sources located in attainment and unclassifiable areas. See 40 CFR 51.165(b)(4). Where a PSD source located in such areas may have an impact on an adjacent non-attainment area, the PSD source must still demonstrate that it will not cause or contribute to a violation of the NAAQS in the adjacent area. This demonstration may be made by showing that the emissions from the PSD source alone are below the significant impact levels set forth in 40 CFR 51.165(b)(2). However, where emissions from a proposed PSD source or modification would have an ambient impact in a non-attainment area that would exceed the SILs, the source is considered to cause or contribute to a violation of the NAAQS and may not be issued a PSD permit without obtaining emissions reductions to compensate for its impact. 40 CFR 51.165(b)(2)–(3).

The EPA has also applied SILs in other analogous circumstances under the PSD program. Based on EPA interpretations and guidance, SILs have also been widely used in the PSD program as a screening tool for determining when a new major source or major modification that wishes to locate in an attainment or unclassifiable area must conduct a more extensive air quality analysis to demonstrate that it

will not cause or contribute to a violation of the NAAQS or PSD increment in the attainment or unclassifiable area. SILs are also used to define the extent of the Significant Impact Area (SIA) where a cumulative air quality analysis accounting for emissions changes from all sources in the SIA is performed.

The EPA's historical application of SILs to the analysis of major source impacts on attainment and unclassifiable areas under the PSD program has largely been based on interpretations reflected in EPA guidance memorandum. The EPA has not previously incorporated the concept of a SIL into our PSD regulations at 40 CFR 51.166 and 40 CFR 52.21. Nevertheless, EPA has long considered the "significant contribution" test set forth in 40 CFR 51.165(b)(2) to apply to the impact of PSD sources on attainment areas as well, since that provision applies to major new sources and major modifications located in attainment and unclassifiable areas. Thus, EPA has also supported the use of SILs as screening mechanism when analyzing whether a source located in a PSD area will cause or contribute to a violation of the NAAQS or PSD increment in attainment or unclassifiable areas.

Although EPA's current PSD regulations do not contain SILs, EPA initially developed SILs for TSP and other pollutants under the PSD program in 1978. 43 FR 26380 (June 19, 1978). In the preamble to our 1978 regulations, EPA described SILs as a screening technique to alleviate resource burdens (the costs and time involved in sophisticated computer modeling of ambient air impacts) where there was little or no threat to the PSD increments or NAAQS. 45 FR 26398. However, as the threat to the increments increased, EPA intended for more sophisticated techniques to be used. *Id.* Since EPA's analysis indicated that the air quality impact of many sources fell off rapidly to insignificant levels, the Agency did not intend to analyze the impacts beyond the geographic point where the concentrations from the source fell below certain levels derived from the class I increments. *Id.* These levels were interpreted by EPA as representing the minimum amount of ambient impact that is significant and hence came to be

known as the significant impact levels or SILs. *Id.*

When EPA substantially revised our PSD regulations in 1980 to include significant emissions rates and significant monitoring concentrations, EPA did not include the SILs in our PSD regulations. At that time, EPA felt that there was no need for a separate table of SILs because of the adoption of “a *de minimis* exclusion for monitoring” otherwise known as SMCs (described later). 45 FR 52707. In addition, EPA saw little value in retaining SILs as an exemption from the air quality analysis because the demonstration necessary to qualify for the exemption was itself an air quality analysis. 45 FR 52707.

Subsequently, in draft guidance for permit writers, EPA advised that SILs may be used to determine whether a source needs to conduct a cumulative or “full” impact analysis to demonstrate that in conjunction with all other increment consuming sources, it will not cause or contribute to violation of the NAAQS or PSD increment in an attainment or unclassifiable areas. New Source Review Workshop Manual, at C.24-C.25 (Draft 1990); *See also* 40 CFR 51.166(k); 40 CFR 52.21(k). Permitting authorities followed this guidance, and this approach remains an accepted aspect of PSD program implementation. If based on a preliminary impact analysis, a source can show that its emissions alone will not increase ambient concentrations by more than the SILs, EPA considers this to be a sufficient demonstration that a source will not cause or contribute to a violation of the NAAQS or increment.

In light of the unique air quality considerations in Class I areas, EPA has drawn a distinction between the use of SILs in Class II areas and Class I areas. The EPA’s draft 1990 guidance only identified SILs to be used in Class II areas under the PSD program. Workshop Manual at C.28. However, in 1991, EPA advised the State of Virginia that the concept of a SIL might be applied to Class I areas if the levels were determined in a reasonable manner. Memorandum from John Calcagni, Air Quality Management Division, to Thomas J. Maslany, Air, Radiation, and Toxics Divisions (Sept. 10, 1991). The EPA did not support the use of SILs to determine whether a source should conduct an analysis of its impact on air-quality related values (AQRVs). Since there are currently no Class III areas for PSD in the United States, there has been no need for EPA to apply SILs in these areas.

B. Legal Basis for SILs

The concept of a significant impact level is grounded on the *de minimis* principles described by the court in *Alabama Power Co. v. Costle*, 636 F.2d 323, 360 (D.C. Cir. 1980). In this case reviewing EPA’s 1978 PSD regulations, the court recognized that “there is likely a basis for an implication of *de minimis* authority to provide exemption when the burdens of regulation yield a gain of trivial or no value.” 636 F.2d at 360. Based on this *de minimis* principle from the court’s opinion, EPA developed significant emissions rates and significant monitoring concentrations in our 1980s regulations for PSD. The significant emission rates reflect levels below which EPA considers an emissions increase to be *de minimis* and thus not a major modification that requires a PSD permit or NA-NSR permit. 45 FR 52676, 52705–07. *See also* 40 CFR 51.166(b)(23); 40 CFR 52.21(b)(23). As discussed further later, the significant monitoring concentrations in EPA regulations define a *de minimis* level of impact that EPA has concluded does not justify collecting pre-construction monitoring data for purposes of an air quality impact analysis. 45 FR 52710.

Similarly, significant impact levels are intended to identify a level of ambient impact on air quality concentrations that EPA regards as *de minimis*. The EPA considers a source whose individual impact falls below a SIL to have a *de minimis* impact on air quality concentrations. Thus, a source that demonstrates its impact does not exceed a SIL at the relevant location is not required to conduct more extensive air quality analysis or modeling to demonstrate that its emissions, in combination with the emissions of other sources in the vicinity, will not cause or contribute to a violation of the NAAQS at that location. In light of insignificance of the ambient impact from the source alone, EPA considers the conduct of a cumulative air quality analysis and modeling by such a source to yield information of trivial or no value with respect to the impact of the proposed source or modification. The EPA’s Environment Appeals Board has recently reiterated and affirmed EPA’s interpretation of the Act to allow EPA to evaluate the significance of a source’s impact when determining whether it would “cause or contribute” to a NAAQS or increment violation under section 165(a)(3) of the Act. *In Re: Prairie State Generating Company*, PSD Appeal No. 05–05, slip op. at 139–144 (Aug. 24, 2006).

Thus, in developing SILs for this proposal, EPA sought to derive SILs for PM_{2.5} utilizing methods that would identify levels representing a *de minimis* or insignificant impact on ambient air quality. In choosing among the options set forth later, EPA proposes to select an option that reflects the degree of ambient impact on PM_{2.5} concentrations that can be considered truly *de minimis* and would justify no further analysis or modeling of the air quality impact of a source in combination with other sources in the area because the source would not cause or contribute to an exceedance of the PM_{2.5} NAAQS or the PM_{2.5} increments established elsewhere in this proposal.

C. Relationship of SILs to AQRVs

We wish to emphasize that consistent with the original purpose of the Class I SILs, the Class I SILs for PM_{2.5} we are proposing are not intended to serve as thresholds for determining the need for an AQRV analysis or whether an adverse impact on an AQRV will occur. An adverse impact on an AQRV depends upon the sensitivity of the particular AQRV. An ambient concentration that is considered insignificant for purposes of increment consumption should not automatically be considered inconsequential relative to the inherently fact-specific demonstration upon which an adverse impact on an AQRV is to be based. Accordingly, the fact that a source’s predicted impact is less than the SIL in a Class I area would neither relieve the source from having to complete an analysis of impacts on AQRVs nor automatically allow the reviewing authority to reject the FLM’s demonstration of adverse impact on an AQRV. *See* 61 FR at 38292.

D. Proposed Options for PM_{2.5} SILs (for PSD and NA-NSR)

We are seeking comment on the relative merits of each of the following options for setting PM_{2.5} SILs.

1. Option 1. Propose SILs Using the Approach We Proposed for PM₁₀ in 1996

The first option that we are proposing utilizes the same approach we proposed for PM₁₀ in the 1996 NSR Reform proposal. For Class I areas we would set the SIL to 4 percent of the Class I PM_{2.5} increment. For Class II and Class III areas, we would codify the SIL values of 1.0 µg/m³ for the annual averaging period and 5.0 µg/m³ for the 24-hour averaging period, that already exist for PM₁₀ in 40 CFR 51.165(b)(2). If we adopt this option, we would set the Class I SILs based on the Class I increments

that we elect to adopt under the increment options. Based on the Class I

increment values proposed in the percent of NAAQS increment option 1,

the SILs under this option would be as follows:

Averaging period	Class I increment ($\mu\text{g}/\text{m}^3$)	SILs ($\mu\text{g}/\text{m}^3$)		
		Class I	Class II	Class III
Annual	1	0.04	1.0	1.0
24-hour	2	0.08	5.0	5.0

As stated earlier, we had proposed this approach for setting PM_{10} SILs in our 1996 NSR Reform proposal. Many commenters supported this approach and believed that the proposed SIL values would serve as appropriate *de minimis* values. In fact, EPA is aware that many States have been using these proposed SILs for PM_{10} as screening tools since 1996.

Regarding the proposal to set the level of Class I SILs at 4 percent of the Class I increments, we believe that where a proposed source contributes less than 4 percent to the Class I increment, concentrations are sufficiently low so as not to warrant a detailed analysis of the combined effects of the proposed source

and all other increment-consuming emissions. We previously used a similar rationale to establish the significant emissions rates for PSD applicability purposes, concluding in part that emissions rates that resulted in ambient impacts less than 4 percent of the 24-hour standards for PM and SO_2 were sufficiently small so as to be considered *de minimis*.

The original SIL values of 1.0 and 5.0 $\mu\text{g}/\text{m}^3$ for TSP and PM_{10} were interpreted by EPA as representing the minimum amount of ambient impact that is significant. This forms the basis of the proposed $\text{PM}_{2.5}$ SIL values of 1.0 and 5.0 $\mu\text{g}/\text{m}^3$ for the annual and 24-hour standard for Class II and III areas.

2. Option 2. $\text{PM}_{2.5}$ to PM_{10} Emissions Ratio

In our second proposed option for SILs, we would multiply the PM_{10} SILs (proposed in 1996) by the emissions ratio of $\text{PM}_{2.5}$ to PM_{10} for point sources in the 2001 extrapolation of the final 1999 NEI. This is very similar to option 2A for developing increments, and would use the same $\text{PM}_{2.5}/\text{PM}_{10}$ emissions ratio (0.8). The Class I PM_{10} SILs that we proposed in 1996 were 0.2 $\mu\text{g}/\text{m}^3$ (annual) and 0.3 $\mu\text{g}/\text{m}^3$ (24-hour). For Class II and III PM_{10} SILs, we proposed 1.0 $\mu\text{g}/\text{m}^3$ (annual) and 5.0 $\mu\text{g}/\text{m}^3$ (24-hour) levels. The SIL values determined in this option are as follows:

Averaging period	SILs ($\mu\text{g}/\text{m}^3$)		
	Class I	Class II	Class III
Annual	0.16	0.8	0.8
24-hour	0.24	4.0	4.0

The SILs derived under this option are slightly more stringent for Class II & III areas than those in option 1. Since $\text{PM}_{2.5}$ emissions are a subset of PM_{10} emissions, we believe that an emissions ratio of the PM_{10} SILs would serve as an appropriate *de minimis* SIL value and

represent insignificant impact on ambient air quality.

3. Option 3. $\text{PM}_{2.5}$ to PM_{10} NAAQS Ratio

Under the third option that we are proposing, we would multiply the PM_{10} SILs by the ratio of the $\text{PM}_{2.5}$ NAAQS to the PM_{10} NAAQS. This is very similar

to option 2B for developing $\text{PM}_{2.5}$ increments, and would use the same factors. We would start with the same values for the PM_{10} SILs that we used for option 2 above for SILs. The $\text{PM}_{2.5}$ SILs determined using this approach are as follows:

Averaging period	SILs ($\mu\text{g}/\text{m}^3$)		
	Class I	Class II	Class III
Annual	0.06	0.3	0.3
24-hour	0.07	1.2	1.2

The SILs derived under this option are very stringent for Class II and III areas compared to options 1 and 2. Nevertheless, we believe that the NAAQS ratio approach is an appropriate alternative to determine SILs, since it reflects the stringency in the NAAQS for $\text{PM}_{2.5}$ relative to that of PM_{10} . We believe that these SIL values would serve as appropriate *de minimis* values.

VII. Significant Monitoring Concentrations (SMCS)

A. Background on SMCs

1. Preconstruction Monitoring and Its Role in NSR Program

Under the Act and EPA regulations, an applicant for a PSD permit is required to gather preconstruction monitoring data in certain circumstances. Section 165(a)(7) calls for "such monitoring as may be necessary to determine the effect which emissions from any such facility may

have, or is having, on air quality in any areas which may be affected by emissions from such source." 42 U.S.C. 7475(a)(7). In addition, section 165(e) requires an analysis of the air quality in areas affected by a proposed major facility or major modification and calls for gathering 1 year of monitoring data unless the reviewing authority determines that a complete and adequate analysis may be accomplished in a shorter period. 42 U.S.C. 7575(e)(3). These requirements are codified in

EPA's PSD regulations at 40 CFR 51.166(m) and 40 CFR 52.21(m).

In accordance with EPA's Guideline for Air Quality Modeling (40 CFR part 51, Appendix W), the preconstruction monitoring data is primarily used to determine background concentrations in modeling conducted to demonstrate that the proposed source or modification will not cause or contribute to a violation of the NAAQS. 40 CFR part 51, Appendix W, section 9.2. For most areas where multiple sources of air pollution are present, EPA's Guideline recommends using monitoring data to identify the portion of background concentrations attributable to natural background, minor sources, and distant major sources. 40 CFR part 51, Appendix W, section 9.2.3.f. For nearby major sources, EPA recommends explicitly modeling the emissions of such sources rather than relying on monitored data as part of the NAAQS compliance demonstrations. As described earlier, the compliance demonstration with respect to the PSD increment compliance focuses on modeling the change in emissions from sources in the Significant Impact Area.

2. History of SMC Rules Adopted by EPA

In 1980, EPA adopted regulations that exempt sources from preconstruction monitoring requirements for a pollutant if the source can demonstrate that its ambient air impact is less than a value known as the Significant Monitoring Concentration or SMC. The pollutant-specific SMCs are codified at 40 CFR 51.166(i)(5)(i) and 40 CFR 52.21(i)(5)(i). The EPA developed SMCs as a screening tool for sources to determine whether they should conduct site-specific preconstruction ambient monitoring. At the time they were adopted, EPA described the SMCs as "air quality concentration *de minimis* level[s] for each pollutant * * * for the purpose of providing a possible exemption from monitoring requirements." 45 FR 52676, 52707 (Aug. 7, 1980). The EPA explained that it believed there was "little to be gained from preconstruction monitoring" where a source could show that its projected impact on the affected area was below these *de minimis* levels. 45 FR 52710.

In 1980, EPA determined the SMCs based on the current capability of providing a meaningful measure of the pollutants. The EPA promulgated values that represented five times the lowest detectable concentration in ambient air that could be measured by the instruments available for monitoring the pollutants. 45 FR 52710. The EPA chose

the factor of five after reviewing test data for various methods and considering instrument sensitivity, potential for sampling error, instrument variability, and the capability to read recorded data. *Id.*

For PM, EPA set the SMCs for TSP at five times the lowest detectable ambient concentration for TSP ($2.0 \mu\text{g}/\text{m}^3$) using the Reference Method 5 for ambient sampling at that time. Memorandum from Rehme, K. A., EPA/EMSL/QAD/MSB, to Peters, W., EPA/OAQPS/CPDD, on PSD Monitoring (May 20, 1980). We set a SMC only for the 24-hour averaging period, at a level of $10 \mu\text{g}/\text{m}^3$. We retained the same numerical level when we replaced the TSP NAAQS and increments with the PM_{10} NAAQS and increments.

B. Legal Basis for SMCs

As with the SMCs adopted by EPA in 1980, the SMCs for $\text{PM}_{2.5}$ proposed in this action are supported by the *de minimis* doctrine set forth in the *Alabama Power v. Costle* opinion. Like the other pollutants for which EPA has promulgated SMCs, EPA believes there is little to be gained from preconstruction monitoring of $\text{PM}_{2.5}$ concentrations when the increased emissions of $\text{PM}_{2.5}$ from a proposed source or modification has a *de minimis* impact on ambient concentrations of $\text{PM}_{2.5}$. If a source can show through modeling of its emissions alone that its impacts are less than the corresponding SMC, there is little to be gained by requiring that source to collect additional monitoring data on $\text{PM}_{2.5}$ emissions to establish background concentrations for further analysis.

Therefore, in developing SMCs for this proposal, EPA sought to use methods that would identify levels representing a *de minimis* or insignificant impact on $\text{PM}_{2.5}$ ambient air quality that makes the collection of additional monitoring data extraneous. In choosing among the options set forth later, EPA proposes to select an option that reflects the degree of ambient impact on $\text{PM}_{2.5}$ concentrations that can be considered truly *de minimis* and would not justify the gathering of monitoring data to establish background concentrations for a demonstration of compliance with the NAAQS.

C. Proposed Options for $\text{PM}_{2.5}$ SMC

1. Option 1. Lowest Detectable Concentration

For this approach, we would use the same methodology originally used in 1980 to set the SMC for TSP, *i.e.*, determining the lowest detectable concentration and multiplying this

value by five. The lowest detectable 24-hour average concentration for $\text{PM}_{2.5}$ is $2.0 \mu\text{g}/\text{m}^3$ (40 CFR 50 App L, section 3). Thus, applying this methodology for $\text{PM}_{2.5}$ yields an SMC of $10 \mu\text{g}/\text{m}^3$ for the 24-hour averaging period.

As we indicated in 1980 when we originally used this methodology to set the SMCs for TSP and the other PSD pollutants, the use of five times the lowest detectable concentration was chosen to realistically reflect pollutant levels at which low level concentrations or small incremental changes in pollutant concentrations can reasonably be determined. The factor of five takes into account the measurement errors associated with the monitoring of these low pollutant levels or small incremental changes in concentration. These measurement errors arise from various sources, such as sample collection, analytical measurement, calibration, and interferences (See Memorandum from Rehme, K. A. mentioned earlier). We believe this is a reasonable approach, since it has also been used for $\text{PM}_{2.5}$ and TSP. We seek comment on this approach.

2. Option 2. $\text{PM}_{2.5}$ to $\text{PM}_{2.5}$ Emissions Ratio

Proposed option 2 establishes the SMC for $\text{PM}_{2.5}$ by multiplying the existing PM_{10} SMC ($10 \mu\text{g}/\text{m}^3$) by the ratio of $\text{PM}_{2.5}$ emissions to PM_{10} emissions in the 2001 extrapolation of the final 1999 NEI. This is the same methodology used in Increments option 2A and SIL option 2, and uses the same emissions ratio (0.8). This yields a SMC value of $8.0 \mu\text{g}/\text{m}^3$ for $\text{PM}_{2.5}$ for the 24-hour averaging period.

This approach gives a $\text{PM}_{2.5}$ SMC value that is equivalent, in terms of emissions, to the existing PM_{10} SMC. We believe that this approach is consistent with the approach that Congress set out for increments in section 166(f) of the Act and is, as such, a reasonable approach for developing $\text{PM}_{2.5}$ SMCs. We seek comment on this approach.

3. Option 3. $\text{PM}_{2.5}$ to PM_{10} NAAQS Ratio

Under the third option, we propose to multiply the PM_{10} SMC by the ratio of the $\text{PM}_{2.5}$ NAAQS to the PM_{10} NAAQS. This is the same approach proposed for Increment option 2B and SIL option 3. Because the PM_{10} SMC is for the 24-hour averaging period, we would use the ratio of the 24-hour NAAQS for $\text{PM}_{2.5}$ ($35 \mu\text{g}/\text{m}^3$) and PM_{10} ($150 \mu\text{g}/\text{m}^3$). The resulting factor is 0.233. Thus, the $\text{PM}_{2.5}$ SMC developed using this option would be $2.3 \mu\text{g}/\text{m}^3$, for the 24-hour averaging period.

The SMC developed using this approach is very stringent compared to options 1 and 2, since it reflects the stringency of the 24-hour NAAQS of PM_{2.5} relative to PM₁₀. Nevertheless, we believe this to be also a reasonable approach and seek comments on it.

D. Correction of Cross References

In addition to exempting sources that have emissions increases below the SMCs, EPA also exempts sources from preconstruction monitoring where the source demonstrates that existing ambient concentrations of a pollutant in the affected area are currently below the SMCs. 40 CFR 51.166(i)(5)(ii); 52.21(i)(5)(ii). This aspect of the monitoring exemption was also adopted in the 1980 rulemaking. 45 FR 52710.

The EPA also proposes in this rulemaking to correct a cross reference contained in these parts of the regulations. Paragraphs (ii) and (iii) in 40 CFR 51.166(i)(5) and paragraph (ii) in 40 CFR 52.21(i)(5) each refer to concentrations listed in paragraphs (i)(8)(i). However, there is no paragraph (i)(8)(i) in § 51.166 and no concentration values are contained in section (i)(8)(i) of § 52.21. The cross references in these provisions were intended to reference the SMCs in paragraph (i)(5)(i), but EPA failed to make this change when the paragraphs were renumbered in a prior rulemaking. We propose to correct that oversight in this rule.

VIII. Effective Date of the Final Rule, SIP Submittal/Approval Deadlines and PM₁₀ Revocation Deadline

This section sets forth EPA's proposed effective dates for the PM_{2.5} increments (under different options), SILs and SMC. In addition, we are setting forth the proposed deadlines for States to submit revisions to their SIPs incorporating these changes to the PSD regulations, and for EPA to approve or disapprove the revised plans. Finally, this section describes EPA's proposed schedule for revoking the PM₁₀ annual increments in conjunction with the commencement of the PM_{2.5} increment system under the part 51 and part 52 PSD regulations and we request comment on establishing a transition period for processing complete permit applications. Please see Table 1 in the docket (Docket ID No. EPA-HQ-OAR-2006-0605) for a summary of the proposed options and alternatives on which we seek comment.

A. Option 1: Increments Promulgated Pursuant to Section 166(a) of the Act

1. Effective Date of Final Rule

As described in section III.E.2.a of this preamble, section 166(b) of the Act

specifies that new regulations for increments promulgated pursuant to section 166(a) of the Act become effective 1 year after the date of promulgation. Accordingly, if we promulgate the new PM_{2.5} increment under the authority of Section 166(a) following Option 1, we propose a year's delay in the effective date.

Alternatively, EPA seeks comments on whether we could make the new increment regulations effective 60 days from promulgation. Considering the various timeframes outlined in section 166, it is clear that Congress envisioned that increments or other measures would become effective within 3 years of the promulgation of a NAAQS. In the current circumstance, due to prolonged litigation and other implementation concerns, there has been an extended delay of over 10 years since we established the PM_{2.5} NAAQS. Given this extended delay, we believe that the overall Congressional intent reflected in section 166 may best be met by advancing the effective date of the proposed regulations.

States have to submit SIPs by April 5, 2008 to address the NSR provisions of the final PM_{2.5} implementation rule after the Federal NSR implementation rule is promulgated later this year. If EPA decides to promulgate option 1 for increments and section 166(b) timelines, the increments rule would not be implemented in SIP-approved States until approximately January 2010 (assuming promulgation of this rule in Spring 2008 and allowing 21 months for SIP submittal). Thus from April 2008 to January 2010, PSD sources would be subject to a PM_{2.5} applicability program, but would need to continue the current PM₁₀ air quality impacts analysis. Under these circumstances, we expect that States, affected industry, and environmental groups will see value in advancing the effective date of the promulgated increments.

Legislative history indicates that, when section 166(b) was first enacted in 1977, Congress established the delayed effective date in order to allow time for "contrary Congressional action." H.R. Conf. Rep. 95-564, at 151 (1977). The Congressional Review Act (CRA) provides Congress with an expedited means of reviewing and potentially disapproving final actions issued by Federal agencies. Under the CRA, a member of Congress can introduce a joint resolution to disapprove a particular rule and have that resolution considered using expedited procedures if the resolution is introduced within the designated time period (generally 60 days depending on the Congressional calendar). Furthermore, an agency rule

meeting the CRA definition of "major" cannot take effect for 60 days. We request comment on whether, given these procedures under the CRA, a 60-day delay in the effective date of the proposed rule could satisfy the Congressional intent reflected in section 166(b).

2. State Program

In this action, we propose to establish final PM_{2.5} increments as minimal program element for all State Programs. Accordingly, States must submit revised SIPs for EPA's approval that incorporate the final PM_{2.5} increments, or demonstrate that an alternative approach is at least equivalent to this minimum program element. Irrespective of whether we establish an effective date of the final rule that falls 1 year after or 60 days after we promulgate the final rule, we propose to require States to submit revised implementation plans to EPA for approval within 21 months of promulgation (9 months after the effective date of such regulations) in accordance with the time frames specified in section 166(b) of the Act. Section 166(b) also specifies that we must approve or disapprove these revisions within 25 months of promulgation (4 months from the statutory deadline for SIP submittal). We regard these statutory deadlines as maximum allowed timeframes for action and do not believe that the Act restricts our ability to approve SIP revisions requested by a State at any time before these deadlines. We also propose to change the regulatory provisions at 40 CFR 166(a)(6) to specifically articulate these deadlines for these State SIP submittals.

3. Federal Program

The EPA must also decide how to apply the procedures set forth in section 166(b) of the Act to the new PM_{2.5} increments under our 40 CFR part 52 PSD regulations, which apply for States without approved PSD programs as well as for Indian lands. We propose to begin to implement the Part 52 PSD program upon the effective date of the final rule. Accordingly, if we delay the effective date for 1 year after the date of promulgation in accordance with Section 166(b), then the Part 52 PSD program would become effective and implemented in the applicable areas, on this date. Alternatively, if we establish an effective date 60 days after we promulgate the final rules, the Part 52 PSD program would become effective on this same date.

Alternatively, we request comment on whether we should delay implementation of the Federal Part 52

PSD program until 25 months after promulgation, or the outside date by which EPA is required to approve State SIP revisions. This is the same approach we took in 1988 to implement the then new NO₂ increments. 53 FR at 40658. We are not offering this as our proposed approach because of the significant delay that has already occurred between the time we promulgated the PM_{2.5} NAAQS and the time we will finalize this rule. However, we recognize that it may not be equitable to begin implementation of the new program requirements in those few areas where the Federal program applies before the majority of States are required to implement the program. Nonetheless, we seek comment on applying this alternative approach for the Federal Part 52 PSD program and specifically on the consequences of potential inequities.

B. Option 2: Increments Promulgated Pursuant to Section 166(f) of the Act

1. Effective Date of Final Rule

In contrast to the proposed delay of the effective date of the new PM_{2.5} increments under option 1, we propose to make the new PM_{2.5} increments proposed under option 2 effective 60 days from the date of promulgation, consistent with the CRA timeframe. We do not interpret section 166(b) of the Act to apply to increments promulgated under the authority of section 166(f) because the first sentence in section 166(b) describes only “[r]egulations referred to in subsection (a).”

2. State Program

We previously stated that we believe that it is appropriate to establish a deadline for States to submit required SIP revisions analogous to the deadline that applies to States when we promulgate or revise a NAAQS. 67 FR 80241. We previously codified, conforming regulatory text at 40 CFR 166(a)(6). Under Option 2 of this proposal, we propose to follow the existing regulatory provisions that require a State to adopt and submit for EPA approval its PM_{2.5} plan revisions no later than 3 years after the date on which we promulgate (i.e., publish in the **Federal Register**) the new regulations in the 40 CFR part 51 PSD regulations. Alternatively, we request comment on whether we should require a timeframe shorter than 36 months, such as the statutory maximum of 21 months required under Option 1. Given the limited nature of the required changes, we believe that States generally may not need more than 21 months to adopt and submit revised plans to EPA for approval. If we select this alternative

approach, we propose to make conforming regulatory changes to 40 CFR 166(a)(6).

3. Federal Program

For the Federal part 52 PSD regulations, we propose under Option 2 to make the new PM_{2.5} increments effective 60 days from the date we promulgate the final rules. However, unlike the proposed 3-year period being proposed for States to submit their plan revisions to EPA for review and approval, we propose to implement the new increments under the part 52 PSD regulations upon the effective date of the final rules. Since it would be difficult to know when States are planning to revise their own PSD programs consistent with the new increment regulations, it is not possible to ensure a consistent implementation date between approved State programs and programs being implemented under the part 52 PSD regulations unless we delayed implementation for a full 4 years (3 years for SIP submission and 1 year for EPA to approve the revision). We believe that this delay is excessive and does not accomplish the goal of expedient implementation of a PM_{2.5} PSD program. We request comment on this approach.

C. Revocation of the PM₁₀ Increment

While we believe it is appropriate to revoke the annual PM₁₀ increment as explained earlier in this preamble, we propose to retain the PM₁₀ increments in both 40 CFR part 51 and part 52 PSD regulations until the new PM_{2.5} increments are being implemented either by a State through an approved SIP, or by EPA through the Federal Part 52 PSD program. Accordingly, we propose to approve the removal of the annual PM₁₀ increments from any SIP on or after the date we approve the new PM_{2.5} increments in the same plan. We believe that States should request the removal of the annual PM₁₀ increments from their PSD programs at the same time they submit plan revisions containing the new PM_{2.5} increments, allowing EPA to act on both actions simultaneously.

Similarly, we propose to retain the annual PM₁₀ increments in the Part 52 PSD regulations until the effective date of the new PM_{2.5} increments.

D. Transition Period

We believe that it is appropriate to establish a transition period to clarify when PSD permit applications must contain an increment analysis for the new PM_{2.5} increments following the date they become effective and are approved as part of any State or Federal

PSD program. In the past, we have allowed for permit applications submitted before the implementation date of new increment regulations to continue to be processed under the existing rules, so long as the reviewing authority has determined that the application is complete before the implementation date. See e.g., existing 40 CFR 51.166(a)(i)(8) and (9).

Consequently, we are also proposing a new provision in both the 40 CFR parts 51 and 52 PSD regulations to provide a transition process for initiating the requirement for analysis of the new PM_{2.5} increments. Under the Part 51 regulations, we are proposing that during the transition period, States have discretion to continue the existing PM₁₀ increment program or begin implementing the new PM_{2.5} increment program. For the federally administered programs under the Part 52 PSD regulations, the provision would apply to each new PSD permit applicant upon the effective date of the rule. However, we are also proposing a similar transition period in these programs. See proposed 40 CFR 51.166(i)(10) and 40 CFR 52.21(i)(11), respectively.

E. Effective Date for SILs and SMCs

Unlike the approach we propose for PM_{2.5} increments, we are not proposing to make SILs and SMCs a minimum element of an approved SIP. Accordingly, we are not proposing to establish specific deadlines for submission of revisions to incorporate the final rules into SIPs. We do not believe that SILs or SMCs are required elements of an approvable State program because in the absence of these requirements, States can satisfy the statutory requirements by obtaining pre-construction monitoring data and conducting a cumulative air quality analysis for every PSD permit application.

Nonetheless, we believe that availability of SILs and SMCs greatly improve program implementation by streamlining the permit process and reducing the labor hours necessary to submit and review a complete permit application where the projected impact of the proposed source is *de minimis* in the relevant area. For these reasons, we request comment on whether we have authority to establish these as minimum program elements based on the improved efficiency of the permit process. If we require States to incorporate SILs and SMCs as mandatory elements of an approvable program, then we would apply the existing regulations at 40 CFR 166(a)(6) for establishing the SIP submittal deadline. Under either approach, the

final rules would become effective 60 days after we promulgate the final rules.

IX. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is a significant regulatory action because it raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principle set forth in the EO. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under EO 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

The information collection requirements in this rule have been submitted for approval to the OMB under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* The information collection requirements are not enforceable until OMB approves them. The Information Collection Request (ICR) document prepared by EPA has been assigned EPA ICR number 2276.01.

Certain records and reports are necessary for the State or local agency (or the EPA Administrator in non-delegated States), for example, to: (1) Confirm the compliance of status of stationary sources, identify any stationary sources not subject to the standards, and identify stationary sources subject to the rules; and (2) ensure that the stationary source control requirements are being achieved. The information would be used by EPA or State enforcement personnel to (1) Identify stationary sources subject to the rules, (2) ensure that appropriate control technology is being properly applied, and (3) ensure that the emission control devices are being properly operated and maintained on a continuous basis.

The proposed rule would increase the PSD permitting burden for owners and operators of major stationary sources of PM_{2.5} emissions by adding PM_{2.5} to the list of regulated NSR pollutants for which air quality impact analyses must be carried out to track increment consumption and demonstrate compliance with the NAAQS. At the same time, there would be a reduction in burden directly associated with the revocation of the annual increment for PM₁₀, as proposed in this proposed rule. Over the 3-year period covered by the ICR, we estimate an average annual burden totaling about 14,000 hours and

\$920,000 for all industry entities that would be affected by the proposed rule. For the same reasons, we also expect the proposed rule (when fully implemented) to increase burden for the State and local authorities reviewing PSD permit applications. In addition, there would be additional burden for State and local agencies to revise their SIPs to incorporate the proposed changes. Over the 3-year period covered by the ICR, we estimate that the average annual burden for all State and local reviewing authorities will total about 4,150 hours and \$180,000.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Any agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID number EPA-HQ-OAR-2007-0628. Submit any comments related to the ICR for this proposed rule to EPA and OMB. See 'Addresses' section at the beginning of this notice for where to submit comments to EPA. Send comments to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Office for EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after September 21, 2007, a comment to OMB is best assured of having its full effect if OMB receives it by October 22, 2007. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this proposed rule on small entities, "small entity" is defined as: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government or a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule on small entities, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This proposed rule will not impose any requirements on small entities. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in aggregate, or to the private sector, of \$100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205

allows us to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before we establish any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, we must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

We have determined that this proposed rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. The proposed rule adds only a relatively small number of new requirements to the existing permit requirements already in place under the PSD program, since States are currently implementing a PM₁₀ surrogate program pursuant to EPA guidance. Thus, this proposed rulemaking is not subject to the requirements of sections 202 and 205 of the UMRA. We have also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments because this rule applies only to new major stationary sources. Thus, this proposed rulemaking is not subject to the requirements of section 203 of the UMRA.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that 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."

This proposed rule does not have federalism implications. It would 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. Pursuant to the terms of Executive Order 13132, it has been determined that this proposed rule does not have "federalism implications" because it does not meet the necessary criteria. Thus, the requirements of section 6 of the Executive Order do not apply to this proposed rule.

In the spirit of Executive Order 13132, and consistent with our policy to promote communications between us and State and local governments, we specifically solicit comment on this proposed rule from State and local officials.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Government" (65 FR 67249, November 6, 2000), requires us to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications."

This proposed rule does not have tribal implications as defined in Executive Order 13175. This rule provides the elements to implement a PM_{2.5} PSD program in attainment areas. The CAA provides for States to develop plans to regulate emissions of air pollutants within their jurisdictions. The Tribal Air Rule (TAR) under the CAA gives tribes the opportunity to develop and implement CAA programs such as programs to attain and maintain the PM_{2.5} NAAQS, but it leaves to the discretion of the Tribe the decision of whether to develop these programs and which programs, or appropriate elements of a program, they will adopt.

Although Executive Order 13175 does not apply to this rule, EPA did reach out to national tribal organizations in 2006 to provide a forum for tribal professionals to provide input to the rulemaking. However, not much participation or input was received. It will neither impose substantial direct compliance costs on tribal governments, nor preempt tribal law. The EPA specifically solicits additional comment on this proposed rule from tribal officials.

G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that:

(1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This proposed rule is not subject to the EO because it is not economically significant as defined in EO 12866, and because the Agency does not have a reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children because one of the basic requirements of the PSD program is that new and modified major stationary sources must demonstrate that any new emissions do not cause or contribute to air quality in violation of the national ambient air quality standards. The public is invited to submit or identify peer-reviewed studies and data, of which EPA may not be aware, that assessed resolutions of early life exposure to ambient concentrations of fine particulate measured as PM_{2.5}.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not a "significant energy action" as defined in Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, we have concluded that this rule is not likely to have any adverse energy effects.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104-113, 12(d) (15 U.S.C. 272 note) directs us to use voluntary consensus standards (VCS) in our regulatory and procurement activities unless to do so would be inconsistent with applicable law or otherwise impractical. The VCS are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) developed or adopted by one or more voluntary consensus bodies. The NTTAA directs us to provide Congress, through annual reports to OMB, with explanations when we do not use

available and applicable VCS. This proposed rule does not involve technical standards. Therefore, we are not considering the use of any VCS.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (59 FR 7629 (February 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this proposed rule will not have disproportionately high and adverse human health environmental effects on minority or low-income populations because it does not affect the level of

protection provided to human health or the environment. This regulation would provide regulatory certainty for implementing the preconstruction NSR permitting program for PM_{2.5}. However, the requirements would be similar to the existing requirements of the PM₁₀ program and hence does not impact the human health environmental effects.

X. Statutory Authority

The statutory authority for this proposed action is provided by sections 101, 160, 163, 165, 166, 301, and 307(d) of the Act as amended (42 U.S.C. 7401, 7470, 7473, 7475, 7476, 7601, and 7607(d)).

List of Subjects

40 CFR Part 51

Administrative practices and procedures, Air pollution control, Environmental protection, Intergovernmental relations.

40 CFR Part 52

Administrative practices and procedures, Air pollution control,

Environmental protection, Intergovernmental relations.

Dated: September 12, 2007.

Stephen L. Johnson,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 51—[AMENDED]

1. The authority citation for part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart I—[Amended]

2. Section 51.165 is amended by revising the table in paragraph (b)(2) to read as follows:

§ 51.165 Permit requirements.

* * * * *

(b) * * *

(2) * * *

Option 1 for the table in paragraph (b)(2):

Pollutant	Annual	Averaging time (hours)			
		24	8	3	1
SO ₂	1.0 µg/m ³	5 µg/m ³ .....	.....	25 µg/m ³ .	5 µg/m ³ .
PM ₁₀ .....	.....	.....	.....	.....	
PM _{2.5}	1.0 µg/m ³	5 µg/m ³.	.....	.....	
NO ₂	1.0 µg/m ³.	.....	0.5 mg/m ³ .....	.....	2 mg/m ³ .
CO .....	.....	.....		.....	

Option 2 for the table in paragraph (b)(2):

Pollutant	Annual	Averaging time (hours)			
		24	8	3	1
SO ₂	1.0 µg/m ³	5 µg/m ³ .....	.....	25 µg/m ³ .	
PM ₁₀ .....	.....	5 µg/m ³.	.....	.....	
PM _{2.5}	0.8 µg/m ³	4 µg/m ³.	.....	.....	
NO ₂	1.0 µg/m ³.	.....	0.5 mg/m ³ .....	.....	2 mg/m ³ .
CO .....	.....	.....		.....	

Option 3 for the table in paragraph (b)(2):

Pollutant	Annual	Averaging time (hours)			
		24	8	3	1
SO ₂	1.0 µg/m ³	5 µg/m ³ .....	.....	25 µg/m ³ .	
PM ₁₀ .....	.....	5 µg/m ³.	.....	.....	
PM _{2.5}	0.3 µg/m ³	1.2 µg/m ³.	.....	.....	
NO ₂	1.0 µg/m ³.	.....	0.5 mg/m ³ .....	.....	2 mg/m ³ .
CO .....	.....	.....		.....	

* * * * *

3. Section 51.166 is amended as follows:

a. By revising the table in paragraph (c);

b. By revising paragraph (i)(5)(i)(c);

c. By revising paragraphs (i)(5)(ii) and (iii);

d. By revising paragraphs (i)(8) and (9);

e. By adding paragraph (i)(10);

f. By revising paragraph (k); and

g. By revising the table in paragraph (p)(4).

§ 51.166 Prevention of significant deterioration of air quality.

* * * * *

(c) * * *

Option 1 for the table in paragraph (c):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class I	
PM _{2.5} :	
Annual arithmetic mean	1
24-hr maximum	3
PM ₁₀ :	
24-hr maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
Class II	
PM _{2.5} :	
Annual arithmetic mean	4
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide:	
Annual arithmetic mean	25
Class III	
PM _{2.5} :	
Annual arithmetic mean	8
24-hr maximum	18
PM ₁₀ :	
PM ₁₀ , 24-hr maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50

Option 2A for the table in paragraph (c):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class I	
PM _{2.5} :	
Annual arithmetic mean	1
24-hr maximum	2
PM ₁₀ :	
24-hr maximum	8
Sulfur dioxide:	

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
Class II	
PM _{2.5} :	
Annual arithmetic mean	4
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide:	
Annual arithmetic mean	25
Class III	
PM _{2.5} :	
Annual arithmetic mean	8
24-hr maximum	18
PM ₁₀ :	
24-hr maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50

Option 2B for the table in paragraph
(c):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class I	
PM _{2.5} :	
Annual arithmetic mean	1
24-hr maximum	2
PM ₁₀ :	
24-hr maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
Class II	
PM _{2.5} :	
Annual arithmetic mean	5
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Nitrogen dioxide: Annual arithmetic mean	25
Class III	
PM _{2.5} : Annual arithmetic mean	10
24-hr maximum	18
PM ₁₀ : 24-hr maximum	60
Sulfur dioxide: Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide: Annual arithmetic mean	50

* * * * *

(i) * * *

(5) * * *

(i) * * *

(c) Particulate matter:

(1) 10 µg/m³ of PM₁₀, 24-hour average;

Option 1 for paragraph (i)(5)(i)(c)(2):

(2) 10 µg/m³ of PM_{2.5}, 24-hour

average;

Option 2 for paragraph (i)(5)(i)(c):

(2) 8.0 µg/m³ of PM_{2.5}, 24-hour

average;

Option 3 for paragraph (i)(5)(i)(c):

(2) 2.3 µg/m³ of PM_{2.5}, 24-hour

average;

* * * * *

(ii) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in paragraph (i)(5)(i) of this section; or

(iii) The pollutant is not listed in paragraph (i)(5)(i) of this section.

* * * * *

(8) The plan may provide that the permitting requirements equivalent to those contained in paragraph (k)(1)(b) of this section do not apply to a stationary source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted an application for a permit under the applicable permit program approved or promulgated under the Act before the provisions embodying the maximum allowable increase took effect as part of the plan and the reviewing authority subsequently determined that the application as submitted before that date was complete.

(9) The plan may provide that the permitting requirements equivalent to those contained in paragraph (k)(1)(b) of this section shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM₁₀ if (i) the owner or operator of the source or modification submitted an application for a permit under the applicable permit program approved under the Act before the provisions embodying the maximum allowable increases for PM₁₀ took effect as part of the plan, and (ii) the reviewing authority subsequently determined that the application as submitted before that date was complete. Instead, the applicable requirements equivalent to paragraph (k)(1)(b) shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

(10) The plan may provide that the permitting requirements equivalent to those contained in paragraph (k)(1)(b) of this section shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM_{2.5} if (i) the owner or operator of the source or modification submitted an application for a permit under the applicable permit program approved under the Act before the provisions embodying the maximum allowable increases for PM_{2.5} took effect as part of the plan, and (ii) the reviewing authority subsequently determined that the application as submitted before that date was

complete. Instead, the applicable requirements equivalent to paragraph (k)(1)(b) shall apply with respect to the maximum allowable increases for PM₁₀ as in effect on the date the application was submitted.

* * * * *

(k) *Source impact analysis*—(1) *Required demonstration.* The plan shall provide that the owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reduction (including secondary emissions), would not cause or contribute to air pollution in violation of:

(a) Any national ambient air quality standard in any air quality control region; or

(b) Any applicable maximum allowable increase over the baseline concentration in any area.

(2) *Significant impact levels.* The plan shall provide that, for purposes of PM_{2.5}, the demonstration required in paragraph (k)(1) of this section is deemed to have been made if the emissions increase of direct PM_{2.5} emissions from the new stationary source alone or the net emissions increase of direct PM_{2.5} emissions from the modification alone would cause, in all areas, air quality impacts less than the following amounts:

Option 1 for the table in paragraph (k)(2):

Averaging time	Class I significant impact levels	Class II significant impact levels	Class III significant impact levels
Annual	0.04 µg/m ³	1.0 µg/m ³	1.0 µg/m ³ .
24-hour	0.08 µg/m ³	5.0 µg/m ³	5.0 µg/m ³ .

Option 2 for the table in paragraph (k)(2):

Averaging time	Class I significant impact levels	Class II significant impact levels	Class III significant impact levels
Annual	0.16 µg/m ³	0.8 µg/m ³	0.8 µg/m ³ .
24-hour	0.24 µg/m ³	4.0 µg/m ³	4.0 µg/m ³ .

Option 3 the table in paragraph (k)(2):

Averaging time	Class I significant impact levels	Class II significant impact levels	Class III significant impact levels
Annual	0.06 µg/m ³	0.3 µg/m ³	0.3 µg/m ³ .
24-hour	0.07 µg/m ³	1.2 µg/m ³	1.2 µg/m ³ .

* * * * *

Option 1 for the table in paragraph (p)(4):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
PM _{2.5} :	
Annual arithmetic mean	4
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

Option 2A for the table in paragraph (p)(4):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
PM _{2.5} :	
Annual arithmetic mean	4
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

Option 2B for the table in paragraph (p)(4):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
PM _{2.5} :	
Annual arithmetic mean	5
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

* * * * *

4. Appendix S to part 51 is amended by revising the table in Section III.A to read as follows:

Appendix S to Part 51—Emission Offset Interpretative Ruling

* * * * *
III. * * *

A. * * *

Option 1 for the table in Section III.A:

Pollutant	Annual	Averaging time (hours)			
		24	8	3	1
SO ₂	1.0 µg/m ³	5 µg/m ³		25 µg/m ³	2 mg/m ³ .
PM ₁₀ .....	.....	5 µg/m ³. ....	.....	.....	
PM _{2.5}	1.0 µg/m ³	5 µg/m ³. ....	.....	.....	
NO ₂	1.0 µg/m ³. ....	.....	.....	.....	
CO .....	.....	.....	0.5 mg/m ³ .....	.....	

Option 2 for the table in Section III.A:

Pollutant	Annual	Averaging time (hours)			
		24	8	3	1
SO ₂	1.0 µg/m ³	5 µg/m ³		25 µg/m ³	2 mg/m ³ .
PM ₁₀ .....	.....	5 µg/m ³. ....	.....	.....	
PM _{2.5}	0.8 µg/m ³	4 µg/m ³. ....	.....	.....	
NO ₂	1.0 µg/m ³. ....	.....	.....	.....	
CO .....	.....	.....	0.5 mg/m ³ .....	.....	

Option 3 for the table in Section III.A:

Pollutant	Annual	Averaging time (hours)			
		24	8	3	1
SO ₂	1.0 µg/m ³	5 µg/m ³		25 µg/m ³	2 mg/m ³ .
PM ₁₀ .....	.....	5 µg/m ³. ....	.....	.....	
PM _{2.5}	0.3 µg/m ³	1.2 µg/m ³. ....	.....	.....	
NO ₂	1.0 µg/m ³. ....	.....	.....	.....	
CO .....	.....	.....	0.5 mg/m ³ .....	.....	

* * * * *

PART 52—[AMENDED]

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

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

Subpart A—[Amended]

6. Section 52.21 is amended as follows:

a. By revising the table in paragraph (c);

b. By revising the third entry in paragraph (i)(5)(i);

c. By revising paragraphs (i)(5)(ii) and (iii);

d. By revising paragraphs (i)(9) and (10);

e. By adding paragraph (i)(11);

f. By revising paragraph (k); and

g. By revising the table in paragraph (p)(5).

§ 52.21 Prevention of significant deterioration of air quality.

* * * * *
(c) * * *

Option 1 for the table in paragraph (c):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class I	
PM _{2.5} :	
Annual arithmetic mean	1
24-hr maximum	2
PM ₁₀ :	
24-hr maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
Class II	
PM _{2.5} :	
Annual arithmetic mean	4
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide:	
Annual arithmetic mean	25
Class III	
PM _{2.5} :	
Annual arithmetic mean	8
24-hr maximum	18
PM ₁₀ :	
PM ₁₀ 24-hr maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50

Option 2A for the table in paragraph (c):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class I	
PM _{2.5} :	
Annual arithmetic mean	1
24-hr maximum	2
PM ₁₀ :	
24-hr maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class II	
PM _{2.5} :	
Annual arithmetic mean	4
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide:	
Annual arithmetic mean	25
Class III	
PM _{2.5} :	
Annual arithmetic mean	8
24-hr maximum	18
PM ₁₀ :	
24-hr maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50

Option 2B for the table in paragraph (c):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class I	
PM _{2.5} :	
Annual arithmetic mean	1
24-hr maximum	2
PM ₁₀ :	
24-hr maximum	8
Sulfur dioxide:	
Annual arithmetic mean	2
24-hr maximum	5
3-hr maximum	25
Nitrogen dioxide:	
Annual arithmetic mean	2.5
Class II	
PM _{2.5} :	
Annual arithmetic mean	5
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	512
Nitrogen dioxide:	
Annual arithmetic mean	25

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Class III	
PM _{2.5} :	
Annual arithmetic mean	10
24-hr maximum	18
PM ₁₀ :	
24-hr maximum	60
Sulfur dioxide:	
Annual arithmetic mean	40
24-hr maximum	182
3-hr maximum	700
Nitrogen dioxide:	
Annual arithmetic mean	50

* * * * *

(i) * * *

(5) * * *

(i) * * *

Option 1 for the third entry in paragraph (i)(5)(i):

Particulate matter:

(a) 10 µg/m³ of PM₁₀, 24-hour average;

(b) 10 µg/m³ of PM_{2.5}, 24-hour average;

Option 2 for the third entry in paragraph (i)(5):

Particulate matter:

(a) 10 µg/m³ of PM₁₀, 24-hour average;

(b) 8.0 µg/m³ of PM_{2.5}, 24-hour average;

Option 3 for the third entry in paragraph (i)(5):

Particulate matter:

(a) 10 µg/m³ of PM₁₀, 24-hour average;

(b) 2.3 µg/m³ of PM_{2.5}, 24-hour average;

* * * * *

(ii) The concentrations of the pollutant in the area that the source or modification would affect are less than the concentrations listed in paragraph (i)(5)(i) of this section; or

(iii) The pollutant is not listed in paragraph (i)(5)(i) of this section.

* * * * *

(9) The requirements of paragraph (k)(1)(a) of this section shall not apply to a stationary source or modification with respect to any maximum allowable increase for nitrogen oxides if the owner or operator of the source or modification submitted an application for a permit under this section before the provisions

embodying the maximum allowable increase took effect as part of the applicable implementation plan and the Administrator subsequently determined that the application as submitted before that date was complete.

(10) The requirements in paragraph (k)(1)(b) of this section shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM₁₀ if (i) the owner or operator of the source or modification submitted an application for a permit under this section before the provisions embodying the maximum allowable increases for PM₁₀ took effect in an implementation plan to which this section applies, and (ii) the Administrator subsequently determined that the application as submitted before that date was otherwise complete. Instead, the requirements in paragraph (k)(1)(b) shall apply with respect to the maximum allowable increases for TSP as in effect on the date the application was submitted.

(11) The requirements in paragraph (k)(1)(b) of this section shall not apply to a stationary source or modification with respect to any maximum allowable increase for PM_{2.5} if (i) the owner or operator of the source or modification submitted an application for a permit under this section before the provisions embodying the maximum allowable increases for PM_{2.5} took effect in an implementation plan to which this section applies, and (ii) the Administrator subsequently determined

that the application as submitted before that date was otherwise complete.

Instead, the requirements in paragraph (k)(1)(b) shall apply with respect to the maximum allowable increases for PM₁₀ as in effect on the date the application was submitted.

* * * * *

(k) *Source impact analysis*—(1) *Required demonstration.* The owner or operator of the proposed source or modification shall demonstrate that allowable emission increases from the proposed source or modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), would not cause or contribute to air pollution in violation of:

(a) Any national ambient air quality standard in any air quality control region; or

(b) Any applicable maximum allowable increase over the baseline concentration in any area.

(2) *Significant impact levels.* For purposes of PM_{2.5}, the demonstration required in paragraph (k)(1) of this section is deemed to have been made if the emissions increase of direct PM_{2.5} emissions from the new stationary source alone or the net emissions increase of direct PM_{2.5} emissions from the modification alone would cause, in all areas, air quality impacts less than the following amounts:

Option 1 for the table in paragraph (k)(2):

Averaging time	Class I significant impact levels	Class II significant impact levels	Class III significant impact levels
Annual	0.04 µg/m ³	1.0 µg/m ³	1.0 µg/m ³ .
24-hour	0.08 µg/m ³	5.0 µg/m ³	5.0 µg/m ³ .

Option 2 for the table in paragraph (k)(2):

Averaging time	Class I significant impact levels	Class II significant impact levels	Class III significant impact levels
Annual	0.16 µg/m ³	0.8 µg/m ³	0.8 µg/m ³ .
24-hour	0.24 µg/m ³	4.0 µg/m ³	4.0 µg/m ³ .

Option 3 for the table in paragraph
(k)(2):

Averaging time	Class I significant impact levels	Class II significant impact levels	Class III significant impact levels
Annual	0.06 µg/m ³	0.3 µg/m ³	0.3 µg/m ³ .
24-hour	0.07 µg/m ³	1.2 µg/m ³	1.2 µg/m ³ .

* * * * *

Option 1 for the table in paragraph
(p)(5):

(p) * * *
(5) * * *

Pollutant	Maximum allowable increase (micrograms per cubic meter)
PM _{2.5} :	
Annual arithmetic mean	4
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

Option 2 for the table in paragraph
(p)(5):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
PM _{2.5} :	
Annual arithmetic mean	4
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

Option 3 for the table in paragraph
(p)(5):

Pollutant	Maximum allowable increase (micrograms per cubic meter)
PM _{2.5} :	

Pollutant	Maximum allowable increase (micrograms per cubic meter)
Annual arithmetic mean	5
24-hr maximum	9
PM ₁₀ :	
24-hr maximum	30
Sulfur dioxide:	
Annual arithmetic mean	20
24-hr maximum	91
3-hr maximum	325
Nitrogen dioxide:	
Annual arithmetic mean	25

* * * * *

[FR Doc. E7-18346 Filed 9-20-07; 8:45 am]

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Federal Register

**Friday,
September 21, 2007**

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Final Rule

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 20**

RIN 1018-AV12

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 2007–08 season.

DATES: This rule is effective on September 22, 2007.

ADDRESSES: You may inspect comments received on the migratory bird hunting regulations during normal business hours at the Service's office in room 4107, Arlington Square Building, 4501 N. Fairfax Drive, Arlington, Virginia. You may obtain copies of referenced reports from the address above or from the Division of Migratory Bird Management's Web site at <http://www.fws.gov/migratorybirds/reports/reports.html>.

FOR FURTHER INFORMATION CONTACT: Robert Blohm, Chief, or Ron W. Kokel, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:**Regulations Schedule for 2007**

On April 11, 2007, we published in the **Federal Register** (72 FR 18328) a proposal to amend 50 CFR part 20. The proposal provided a background and overview of the migratory bird hunting regulations process, and dealt with the establishment of seasons, limits, proposed regulatory alternatives for the 2007–08 duck hunting season, and other regulations for hunting migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. Major steps in the 2007–08 regulatory cycle relating to open public meetings and **Federal Register** notifications were also identified in the April 11 proposed rule.

On June 8, 2007, we published in the **Federal Register** (72 FR 31789) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations and

the regulatory alternatives for the 2007–08 duck hunting season. The June 8 supplement also provided detailed information on the 2007–08 regulatory schedule and announced the Service Migratory Bird Regulations Committee (SRC) and Flyway Council meetings.

On June 20 and 21, we held open meetings with the Flyway Council Consultants, at which the participants reviewed information on the current status of migratory shore and upland game birds and developed recommendations for the 2007–08 regulations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 2007–08 regular waterfowl seasons. On July 23, 2007, we published in the **Federal Register** (72 FR 40194) a third document specifically dealing with the proposed frameworks for early-season regulations. In the August 28, 2007, **Federal Register** (72 FR 49622), we published final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected 2007–08 early-season hunting dates, hours, areas, and limits. On August 30, 2007, we published a final rule in the **Federal Register** (72 FR 50164) amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons.

On August 1–2, 2007, we held open meetings with the Flyway Council Consultants, at which the participants reviewed the status of waterfowl and developed recommendations for the 2007–08 regulations for these species. On August 31, 2007, we published in the **Federal Register** (72 FR 50613) the proposed frameworks for the 2007–08 late-season migratory bird hunting regulations. We published final late-season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 2007–08, in a September 2007, **Federal Register**.

The final rule described here is the final in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for 2007–08 and deals specifically with amending

subpart K of 50 CFR part 20. It sets hunting seasons, hours, areas, and limits for species subject to late-season regulations and those for early seasons that States previously deferred.

National Environmental Policy Act (NEPA) Consideration

NEPA considerations are covered by the programmatic document “Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSSES 88–14),” filed with the Environmental Protection Agency on June 9, 1988. We published a Notice of Availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). Annual NEPA considerations are covered under a separate Environmental Assessment (EA), “Duck Hunting Regulations for 2007–08,” and an August 27, 2007, Finding of No Significant Impact (FONSI). Copies of the EA and FONSI are available upon request from the address indicated under **ADDRESSES**.

In a notice published in the September 8, 2005, **Federal Register** (70 FR 53376), we announced our intent to develop a new Supplemental Environmental Impact Statement for the migratory bird hunting program. Public scoping meetings were held in the spring of 2006, as we announced in a March 9, 2006, **Federal Register** notice (71 FR 12216). A scoping report summarizing the scoping comments and scoping meetings is available either at the address indicated under **ADDRESSES** or on our Web site at <http://www.fws.gov/migratorybirds>.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531–1543; 87 Stat. 884), provides that, “The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act” (and) shall “insure that any action authorized, funded, or carried out * * * is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat * * *.” Consequently, we conducted formal consultations to ensure that actions resulting from these regulations would not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion, which concluded

that the regulations are not likely to adversely affect any endangered or threatened species. Additionally, these findings may have caused modification of some regulatory measures previously proposed, and the final frameworks reflect any such modifications. Our biological opinions resulting from this section 7 consultation are public documents available for public inspection at the address indicated under **ADDRESSES**.

Executive Order 12866

The migratory bird hunting regulations are economically significant and were reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. As such, a cost/benefit analysis was initially prepared in 1981. This analysis was subsequently revised annually from 1990–96, updated in 1998, and updated again in 2004. It is further discussed below under the heading Regulatory Flexibility Act. Results from the 2004 analysis indicate that the expected welfare benefit of the annual migratory bird hunting frameworks is on the order of \$734 million to \$1.064 billion, with a mid-point estimate of \$899 million. Copies of the cost/benefit analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at <http://www.fws.gov/migratorybirds/reports/SpecialTopics/EconomicAnalysis-Final-2004.pdf>.

This year, due to limited data availability, we partially updated the 2004 analysis, but restricted our analysis to duck hunting. Results indicate that the total consumer surplus of the annual duck hunting frameworks is on the order of \$222 to \$360 million, with a mid-point estimate of \$291 million. We plan to perform a full update of the analysis in 2008. Copies of the updated analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at <http://www.fws.gov/migratorybirds/reports/SpecialTopics/EconomicAnalysis-2007Update.pdf>.

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail as part of the 1981 cost-benefit analysis discussed under Executive Order 12866. This analysis was revised annually from 1990–95. In 1995, the Service issued a Small Entity Flexibility Analysis (Analysis), which was

subsequently updated in 1996, 1998, and 2004. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The 2004 Analysis was based on the 2001 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns, from which it was estimated that migratory bird hunters would spend between \$481 million and \$1.2 billion at small businesses in 2004. Copies of the Analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at <http://www.fws.gov/migratorybirds/reports/SpecialTopics/EconomicAnalysis-Final-2004.pdf>.

This year, due to limited data availability, we partially updated the 2004 analysis, but restricted our analysis to duck hunting. Results indicate that the duck hunters would spend between \$291 million and \$473.5 million at small businesses in 2007. We plan to perform a full update of the analysis in 2008, when the full results from the 2006 National Hunting and Fishing Survey are available. Copies of the updated analysis are available upon request from the address indicated under **ADDRESSES** or from our Web site at <http://www.fws.gov/migratorybirds/reports/SpecialTopics/EconomicAnalysis-2007Update.pdf>.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of \$100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995 (PRA). There are no new information collections in this rule that would require OMB approval under the PRA. The existing various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, are utilized in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the surveys associated with the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 2/29/2008). This information is used to

provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State government or private entities. Therefore, this rule is not a “significant regulatory action” under the Unfunded Mandates Reform Act.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that this rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, this rule, authorized by the Migratory Bird Treaty Act, does not have significant takings implications and does not affect any constitutionally protected property rights. This rule will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise otherwise unavailable privileges and, therefore, reduce restrictions on the use of private and public property.

Energy Effects—Executive Order 13211

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. While this rule is a significant regulatory action under Executive Order 12866, it is not expected to adversely affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action and no Statement of Energy Effects is required.

Government-to-Government Relationship With Tribes

Due to the migratory nature of certain species of birds, the Federal Government has been given

responsibility over these species by the Migratory Bird Treaty Act. Thus, in accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, in the April 11 proposed rule we solicited proposals for special migratory bird hunting regulations for certain Tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 2007–08 migratory bird hunting season. The resulting proposals were contained in a separate rulemaking. By virtue of these actions, we have consulted with all the Tribes affected by this rule.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal Government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections regarding the hunting of migratory birds, and we employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and tribes to determine which seasons meet their individual needs. Any State or Indian tribe may be more restrictive than the Federal frameworks

at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This process allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 13132, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In ensuring the maximum opportunity for public involvement in the annual process, we recognize that it limits the amount of lead time for final establishment of these seasons. That is, if there were a delay in the effective date of the State selections of season dates and limits, the opening of these seasons and the opportunity for the public to hunt migratory birds would be delayed.

We, therefore, find that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will take effect immediately upon publication.

Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 14, 2007.

David M. Verhey,

Acting Assistant Secretary for Fish and Wildlife and Parks.

PART 20—[AMENDED]

■ For the reasons set out in the preamble, title 50, chapter I, subchapter B, part 20, subpart K of the Code of Federal Regulations is amended as follows:

■ 1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703–712 and 16 U.S.C. 742 a–j, Pub. L. 106–108.

BILLING CODE 4310–55–P

Note - The following annual regulations provided for by §§20.104, 20.105, 20.106, 20.107, and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

2. Section 20.104 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations.

Area descriptions were published in the August 28, 2007 (72 FR 49622) and a September 2007, Federal Registers.

NOTE: The following seasons are in addition to the seasons published previously in the August 30, 2007, Federal Register (72 FR 50164).

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Daily bag limit	25 (1)	15 (2)	3	8
Possession limit	25 (1)	30 (2)	6	16

ATLANTIC FLYWAY

		* * * * *		
<u>Maine</u>	Sept. 1-Nov. 9	Closed	Oct. 1-Oct. 27 & Oct. 29-Oct. 31	Sept. 1-Dec. 15
		* * * * *		
<u>Massachusetts</u> (4)	Sept. 1-Nov. 9	Closed	Oct. 13-Oct. 27 & Oct. 29-Nov. 12	Sept. 1-Dec. 15
		* * * * *		
<u>Vermont</u>	Closed	Closed	Oct. 6-Nov. 4	Oct. 10-Dec. 20
		* * * * *		

MISSISSIPPI FLYWAY

		* * * * *		
<u>Louisiana</u>	Sept. 15-Sept. 30 & Nov. 10-Jan. 2	Sept. 15-Sept. 30 & Nov. 10-Jan. 2	Dec. 18-Jan. 31	Nov. 3-Dec. 3 Dec. 15-Feb. 28
		* * * * *		

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
<u>Tennessee</u>				
Reelfoot Zone	Nov. 10-Nov. 11 & Dec. 1-Jan. 27	Closed	Oct. 27-Dec. 10	Nov. 14-Feb. 28
State Zone	Nov. 24-Nov. 25 & Dec. 1-Jan. 27	Closed	Oct. 27-Dec. 10	Nov. 14-Feb. 28
<u>Wisconsin</u>				
North Zone	Sept. 22-Nov. 20	Closed	Sept. 22-Nov. 5	Sept. 22-Nov. 20
South Zone	Sept. 29-Oct. 7 & Oct. 13-Dec. 2	Closed	Sept. 22-Nov. 5	Sept. 29-Oct. 7 & Oct. 13-Dec. 2
		* * * * *		
<u>PACIFIC FLYWAY</u>				
<u>Arizona (17)</u>				
North Zone	Closed	Closed	Closed	Oct. 5-Jan. 13
South Zone	Closed	Closed	Closed	Oct. 19-Jan. 27
		* * * * *		
<u>Idaho</u>				
Zone 1 & 2	Closed	Closed	Closed	Oct. 6-Jan. 18
Zones 3	Closed	Closed	Closed	Oct. 13-Jan. 25
		* * * * *		
<u>Nevada</u>				
Lincoln and Clark Counties	Closed	Closed	Closed	Oct. 13-Jan. 25
Rest of State	Closed	Closed	Closed	Oct. 13-Jan. 26
		* * * * *		
<u>Oregon</u>				
Zone 1	Closed	Closed	Closed	Oct. 13-Oct. 28 & Oct. 31-Jan. 27
Zone 2	Closed	Closed	Closed	Oct. 6-Dec. 4 & Dec. 7-Jan. 20
		* * * * *		
<u>Washington</u>				
East Zone	Closed	Closed	Closed	Oct. 13-Oct. 17 & Oct. 20-Jan. 27

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
<u>Washington</u> (cont.)				
West Zone	Closed	Closed	Closed	Oct. 13-Oct. 17 & Oct. 20-Jan. 27
		* * * * *		

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.

(2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States. In Connecticut, Delaware, Maryland, and New Jersey, the limits for clapper and king rails are 10 daily and 20 in possession.

* * * * *

(4) In Massachusetts, the sora daily limits are 5 daily and 5 in possession; the Virginia rail limits are 10 daily and 10 in possession.

* * * * *

(17) In Arizona, Ashurst Lake in Unit 5B is closed to common snipe hunting.

3. In § 20.105, paragraphs (a), (b), and (f) are amended by adding the entries for the following States in alphabetical order and paragraph (e) is revised to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 28, 2007 (72 FR 49622) and a September 2007, Federal Registers.

(a) Common Moorhens and Purple Gallinules
(Atlantic, Mississippi, and Central Flyways)

NOTE: The following seasons are in addition to the seasons published previously in the August 30, 2007 Federal Register (72 FR 50164). The zones named in this paragraph are the same as those used for setting duck seasons.

	Season Dates	Bag	Limits Possession
<u>ATLANTIC FLYWAY</u>			
			* * * * *
<u>Georgia</u>	Nov. 17-Nov. 25 & Dec. 8-Jan. 27	15	30

	Season Dates	Bag	Limits	
			Possession	
	* * * * *			
<u>Virginia</u>	Oct. 4-Oct. 8 &	15	30	
	Nov. 17-Dec. 1 &	15	30	
	Dec. 8-Jan. 26	15	30	
<u>West Virginia</u>				
Zone 1	Oct. 1-Oct. 13 &	15	30	
	Dec. 11-Jan. 26	15	30	
Zone 2	Oct. 1-Oct. 13 &	15	30	
	Nov. 27-Jan. 12	15	30	
	* * * * *			
<u>MISSISSIPPI FLYWAY</u>				
	* * * * *			
<u>Louisiana</u>	Sept. 15-Sept. 30 &	15	30	
	Nov. 10-Jan. 2	15	30	
<u>Michigan</u>				
North Zone	Sept. 29-Nov. 27	15	30	
Middle Zone	Sept. 29-Nov. 25 &	15	30	
	Dec. 1-Dec. 2	15	30	
South Zone	Oct. 6-Dec. 7 &	15	30	
	Jan. 5-Jan. 6	15	30	
<u>Minnesota (3)</u>	Sept. 29-Nov. 27	15	30	
	* * * * *			
<u>Tennessee</u>				
Reelfoot Zone	Nov. 10-Nov. 11 &	15	30	
	Dec. 1-Jan. 27	15	30	
State Zone	Nov. 24-Nov. 25 &	15	30	
	Dec. 1-Jan. 27	15	30	
<u>Wisconsin</u>				
North Zone	Sept. 22-Nov. 20	15	30	
South Zone	Sept. 29-Oct. 7 &	15	30	
	Oct. 13-Dec. 2			
	* * * * *			
<u>PACIFIC FLYWAY</u>				
All States	Seasons are in aggregate with coots and listed in paragraph (e).			
	* * * * *			

(3) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.

(b) Sea Ducks (scoter, eider, and oldsquaw ducks in Atlantic Flyway)

NOTE: The following seasons are in addition to the seasons published previously in the August 30, 2007 Federal Register (72 FR 50164).

Within the special sea duck areas, the daily bag limit is 7 sea ducks of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

	Season Dates	Limits	
		Bag	Possession
<u>Georgia</u>	Nov. 17-Nov. 25 &	7	14
	Dec. 8-Jan. 27	7	14
	* * * * *		
<u>Maine</u> (3)	Oct. 1-Jan. 31	7	14
<u>Maryland</u>	Oct. 6-Jan. 26	5	10
<u>Massachusetts</u> (4)	Oct. 5-Jan. 19	7	14
	* * * * *		
<u>North Carolina</u>	Oct. 3-Jan. 31	7	14
	* * * * *		
<u>South Carolina</u>	Oct. 13-Jan. 27	7	14
<u>Virginia</u>	Oct. 4-Jan. 26	7	14

Note: Notwithstanding the provisions of this part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

* * * * *

(3) In Maine, the daily bag limit for eiders is 5, possession 10.

(4) In Massachusetts, the daily bag limit may include no more than 4 eiders (only 1 of which may be a hen) and 4 long-tailed ducks.

* * * * *

(e) Waterfowl, Coots, and Pacific-Flyway Seasons for Common Moorhens and Purple Gallinules**Definitions**

The Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

The Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Light Geese: Includes lesser snow (including blue) geese, greater snow geese, and Ross' geese.

Dark Geese: Includes Canada geese, white-fronted geese, emperor geese, brant (except in California, Oregon, Washington, and the Atlantic Flyway), and all other geese except light geese.

ATLANTIC FLYWAY**Flyway-wide Restrictions**

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (2 hen mallards), 2 scaup, 1 black duck, 1 pintail, 2 canvasbacks, 1 mottled duck, 2 wood ducks, 2 redheads, and 1 fulvous tree duck. The possession limit is twice the daily bag limit.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The daily bag limit is 5 mergansers with 10 in possession and may include no more than 2 hooded mergansers daily and 4 in possession. In States that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 1 daily and 2 in possession may be hooded mergansers.

	Season Dates	Limits	
		Bag	Possession
<u>Connecticut</u>			
Ducks and Mergansers:		6	12
North Zone	Oct. 17-Oct. 27 & Nov. 14-Jan. 10		
South Zone	Oct. 17-Oct. 24 & Nov. 20-Jan. 19		
Coots	Same as for Ducks	15	30
Canada Geese:			
NAP Zone:			
L-Unit	Oct. 1-Oct. 31 & Nov. 22-Jan. 10	3 3	6 6

	Season Dates	Bag	Limits Possession
<u>Connecticut (cont.)</u>			
H-Unit			
North Zone	Oct. 1-Oct. 19 & Nov. 22-Jan. 10	2 2	4 4
South Zone	Oct. 1-Oct. 19 & Nov. 22-Jan. 10	2 2	4 4
(special season)	Jan. 15-Feb. 15	5	10
AP Unit	Oct. 27-Nov. 3 & Nov. 22-Jan. 4	3 3	6 6
Light Geese:			
North Zone	Oct. 9-Jan. 10 & Feb. 16-Mar. 8	15 15	-- --
South Zone	Oct. 9-Nov. 30 & Jan. 1-Mar. 8	15 15	-- --
Brant:			
North Zone	Nov. 16-Jan. 12	2	4
South Zone	Nov. 23-Jan. 19	2	4
<u>Delaware</u>			
Ducks	Oct. 26-Nov. 6 & Nov. 19-Dec. 1 & Dec. 14-Jan. 26	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Nov. 19-Dec. 1 & Dec. 14-Jan. 21	2 2	4 4
Light Geese:			
Bombay Hook NWR Zone (1)	Oct. 8-Jan. 21 & Feb. 8-Mar. 5	15 15	-- --
Rest of State (2)	Oct. 15-Nov. 8 & Nov. 19-Jan. 26 & Jan. 28-Mar. 10	15 15 15	-- -- --
Brant	Dec. 5-Jan. 31	2	4
<u>Florida</u>			
Ducks	Nov. 17-Nov. 25 & Dec. 8-Jan. 27	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese (3)	Nov. 17-Nov. 25 & Dec. 1-Jan. 30	5 5	10 10
Light Geese	Same as for Ducks	15	--
<u>Georgia</u>			
Ducks	Nov. 17-Nov. 25 & Dec. 8-Jan. 27	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese (special season)	Same as for Ducks	5	10
Light Geese	Same as for Ducks	5	10
Brant	Closed	--	--

	Season Dates	Bag	Limits Possession
<u>Maine</u>			
Ducks (4):		6	12
North Zone	Oct. 1-Dec. 8		
South Zone	Oct. 1-Oct. 27 & Nov. 12-Dec. 22		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	5	10
Canada Geese:			
North Zone	Same as for Ducks	2	4
South Zone	Same as for Ducks	2	4
Light Geese	Oct. 1-Jan. 31	15	--
Brant	Nov. 12-Dec. 22	2	4
<u>Maryland</u>			
Ducks and Mergansers (5)	Oct. 13-Oct. 20 & Nov. 10-Nov. 23 & Dec. 11-Jan. 26	6	12
Coots	Same as for Ducks	15	30
Canada Geese:			
RP Zone	Nov. 15-Nov. 23 & Nov. 26-Feb. 15	5 5	10 10
AP Zone	Nov. 15-Nov. 23 & Dec. 15-Jan. 26	2 2	4 4
Light Geese (6)	Oct. 27-Nov. 23 & Dec. 4-Jan. 31 & Feb. 1-Mar. 8	15 15 15	-- -- --
Brant	Nov. 15-Nov. 23 & Dec. 10-Jan. 26	2 2	4 4
<u>Massachusetts</u>			
Ducks (7):		6	12
Western Zone	Oct. 12-Nov. 24 & Dec. 7- Jan. 1		
Central Zone	Oct. 15-Nov. 24 & Dec. 10-Jan. 5		
Coastal Zone	Oct. 18-Oct. 27 & Nov. 22-Jan. 19		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
NAP Zone			
Central Zone:	Oct. 15-Nov. 24 & Dec. 10-Jan. 5	2 2	4 4
(special season)	Jan. 15-Feb. 13	5	10
Coastal Zone:	Oct. 18-Oct. 27 & Nov. 22-Jan. 19	2 2	4 4
(special season)	Jan. 21-Feb. 15	5	10
AP Zone	Oct. 20-Nov. 24 & Dec. 7-Dec. 22	3 3	6 6

	Season Dates	Bag	Limits Possession
<u>Massachusetts (cont.)</u>			
Light Geese:			
Western Zone	Same as for Ducks	15	30
Central Zone	Same as for Ducks & Jan. 15-Feb. 14	15 15	30 30
Coastal Zone	Same as for Ducks & Jan. 21-Feb. 15	15 15	30 30
Brant:			
Western & Central Zone	Closed	--	--
Coastal Zone	Nov. 22-Dec. 1 & Dec. 4-Jan. 19	2 2	4 4
<u>New Hampshire</u>			
Ducks:		6	12
Inland Zone	Oct. 3-Nov. 4 & Nov. 21-Dec. 17		
Coastal Zone	Oct. 4-Oct. 8 & Nov. 21-Jan. 14		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Inland Zone	Same as for Ducks	2	4
Coastal Zone	Same as for Ducks	2	4
Light Geese:			
Inland Zone	Oct. 3-Dec. 17	15	--
Coastal Zone	Oct. 4-Jan. 14	15	-
Brant:			
Inland Zone	Oct. 3-Nov. 4 & Nov. 21-Dec. 7	2 2	4 4
Coastal Zone	Oct. 4-Oct. 8 & Nov. 21-Jan. 4	2 2	4 4
<u>New Jersey</u>			
Ducks:		6	12
North Zone	Oct. 13-Nov. 3 & Nov. 15-Jan. 1		
South Zone	Oct. 20-Nov. 3 & Nov. 13-Jan. 5		
Coastal Zone	Nov. 3-Nov. 10 & Nov. 22-Jan. 22		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	15
Canada and White-fronted Geese:			
North Zone	Nov. 10-Nov. 24 & Dec. 14-Jan. 19	3 3	6 6
South Zone	Nov. 17-Dec. 1 & Dec. 14-Jan. 19	3 3	6 6
Coastal Zone	Nov. 22-Dec. 1 & Dec. 10-Jan. 19	3 3	6 6
(special season)	Jan. 21-Feb. 15	5	10

	Season Dates	Bag	Limits Possession
<u>New Jersey (cont.)</u>			
Light Geese:			
North Zone	Nov. 8-Mar. 10	15	--
South Zone	Nov. 8-Mar. 10	15	--
Coastal Zone	Oct. 13-Feb. 14	15	--
Brant:			
North Zone	Oct. 13-Nov. 3 &	2	4
	Nov. 27-Jan. 1	2	4
South Zone	Oct. 20-Nov. 3 &	2	4
	Nov. 22-Jan. 3	2	4
Coastal Zone	Nov. 3-Nov. 10 &	2	4
	Nov. 22-Jan. 10	2	4
<u>New York</u>			
Ducks and Mergansers:		6	12
Long Island Zone	Nov. 29-Jan. 27		
Lake Champlain Zone	Oct. 10-Oct. 14 &		
	Oct. 27-Dec. 20		
Northeastern Zone	Oct. 6-Oct. 14 &		
	Oct. 24-Dec. 13		
Southeastern Zone	Oct. 13-Oct. 21 &		
	Nov. 10-Dec. 30		
Western Zone	Oct. 23-Dec. 6 &		
	Dec. 29-Jan. 12		
Coots	Same as for Ducks	15	30
Canada Geese:			
Western Long Island (NAP-L)	Nov. 29-Feb. 6	3	6
Eastern Long Island (NAP-H)	Nov. 29-Jan. 27	2	4
Lake Champlain (AP) Zone	Oct. 20-Dec. 3	3	6
Northeast (AP) Zone	Oct. 27-Dec. 10	3	6
East Central (AP) Zone	Oct. 27-Nov. 16 &	3	6
	Nov. 24-Dec. 17	3	6
Hudson Valley (AP) Zone	Oct. 27-Nov. 16 &	3	6
	Dec. 15-Jan. 7	3	6
West Central (AP) Zone	Nov. 3-Dec. 2 &	3	6
	Dec. 29-Jan. 12	3	6
South (RP)	Oct. 27-Dec. 16 &	5	10
	Dec. 26-Jan. 13	5	10
	Mar. 1-Mar. 10	5	10
(Special season)	Feb. 7-Feb. 14	5	10
Light Geese:			
Long Island Zone	Nov. 1-Feb. 15	15	--
Lake Champlain Zone	Oct. 10-Dec. 29	15	--
Northeastern Zone	Oct. 6-Dec. 10 &	15	--
	Jan. 30-Mar. 10	15	--
Southeastern Zone	Oct. 27-Jan. 19 &	15	--
	Feb. 18-Mar. 10	15	--
Western Zone	Nov. 3-Dec. 6 &	15	--
	Dec. 29-Mar. 10	15	--

	Season Dates	Bag	Limits Possession
<u>New York (cont.)</u>			
Brant:			
Long Island Zone	Dec. 9-Jan 27	2	4
Lake Champlain Zone	Oct. 10-Nov. 28	2	4
Northeastern Zone	Oct. 6-Nov. 24	2	4
Southeastern Zone	Oct. 13-Oct. 21 & Nov. 10-Dec. 20	2	4
Western Zone	Oct. 1-Nov. 19	2	4
<u>North Carolina</u>			
Ducks (8)	Oct. 3-Oct. 6 & Nov. 10-Dec. 1 & Dec. 15-Jan. 26	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Resident Population Hunt Zone	Oct. 3-Oct. 27 & Nov. 10-Dec. 1 & Dec. 15-Jan. 26	5	10
		5	10
		5	10
Southern James Bay Hunt Zone	Oct. 3-Oct. 27 & Nov. 10-Dec. 31	2	4
		2	4
Northeast Hunt Zone	Dec. 24-Jan. 26	1 per season	
Light Geese	Oct. 17-Oct. 27 & Nov. 10-Mar. 1	15	--
		15	--
Brant	Nov. 17-Dec. 1 & Dec. 15-Jan. 26	2	4
		2	4
<u>Pennsylvania</u>			
Ducks:		6	12
North Zone	Oct. 13-Oct. 27 & Nov. 8-Jan. 1		
South Zone	Oct. 13-Oct. 20 & Nov. 15-Jan. 15		
Northwest Zone	Oct. 13-Nov. 24 & Dec. 10-Jan. 4		
Lake Erie Zone	Oct. 29-Jan. 5		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Eastern (AP) Zone	Nov. 15-Nov. 24 & Dec. 13-Jan. 23	3	6
		3	6
SJBP Zone	Oct. 27-Nov. 24 & Dec. 10-Jan. 14	2	4
		2	4
(special season)	Jan. 15-Jan. 30	5	10
Pymatuning Zone	Oct. 27-Nov. 24 & Dec. 10-Jan. 5	2	4
		2	4
Resident (RP) Zone	Nov. 15-Feb. 15	5	10
Light Geese	Nov. 7-Mar. 10	15	--
Brant	Oct. 13-Dec. 10	2	4

	Season Dates	Bag	Limits Possession
<u>Rhode Island</u>			
Ducks	Oct. 5-Oct. 8 & Nov. 21-Nov. 25 & Dec. 1-Jan. 20	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese	Nov. 17-Nov. 25 & Dec. 1-Jan. 20	2	4
(special season)	Jan. 25-Feb. 10	2	4
Light Geese	Oct. 6-Jan. 20	5	10
Brant	Oct. 6-Jan. 20 Dec. 2-Jan. 20	15 2	-- 4
<u>South Carolina</u>			
Ducks (9)(10)	Nov. 21-Nov. 25 & Dec. 8 only & Dec. 14-Jan. 27	6	12
Mergansers (11)	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada and White-fronted Geese (12)	Nov. 21-Nov. 25 & Dec. 8 only & Dec. 14-Feb. 15	5 5 5	10 10 10
Light Geese	Same as for Ducks	15	--
Brant	Nov. 21-Nov. 25 & Dec. 14-Jan. 27	2 2	4 4
<u>Vermont</u>			
Ducks:		6	12
Lake Champlain Zone	Oct. 10-Oct 14 & Oct. 27-Dec. 20		
Interior Zone	Oct. 10-Dec. 8		
Connecticut River Zone	Oct. 3-Nov. 4 & Nov. 21-Dec. 17		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese			
Lake Champlain Zone:	Oct. 20-Dec. 3	3	6
Interior Zone:	Oct. 20-Dec. 3	3	6
Connecticut River Zone	Oct. 3-Nov. 4 & Nov. 21-Dec. 17	2 2	4 4
Light Geese			
Lake Champlain Zone	Oct. 10-Dec. 29	15	-
Interior Zone	Oct. 10-Dec. 29	15	-
Connecticut River Zone	Oct. 3-Dec. 17	15	-
Brant			
Lake Champlain Zone	Oct. 10-Nov. 28	2	4
Interior Zone	Oct. 10-Nov. 28	2	4
Connecticut River Zone	Oct. 3-Nov. 4 & Nov. 21-Dec. 7	2 2	4 4

	Season Dates	Bag	Limits Possession
<u>Virginia</u>			
Ducks (13):	Oct. 4-Oct. 8 & Nov. 17-Dec. 1 & Dec. 8-Jan. 26	5	10
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Back Bay Area	Dec. 24-Jan. 26	2	4
Eastern (AP) Zone	Nov. 17-Dec. 1 & Dec. 21-Jan. 26	2 2	4 4
Western Zone	Nov. 17-Dec. 1 & Dec. 15-Jan. 14	2 2	4 4
(Special season)	Jan. 15-Feb. 15	5	10
Light Geese	Nov. 1-Dec. 1 & Dec. 8-Mar. 10	15 15	-- --
Brant	Nov. 24-Dec. 1 & Dec. 8-Jan. 26	2 2	4 4
<u>West Virginia</u>			
Ducks (14):		6	12
Zone 1	Oct. 1-Oct. 13 & Dec. 11-Jan. 26		
Zone 2	Oct. 1-Oct. 13 & Nov. 27-Jan. 12		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Canada Geese:			
Zone 1	Oct. 1-Oct. 13 & Nov. 26-Jan. 31	5 5	10 10
Zone 2	Oct. 1-Oct. 27 & Dec. 10-Jan. 31	5 5	10 10
Light Geese:			
Zone 1	Same as for Canada geese	5	10
Zone 2	Same as for Canada geese	5	10
Brant			
Zone 1	Dec. 11-Jan. 26	2	4
Zone 2	Nov. 27-Jan. 12	2	4

(1) In Delaware, the February 8 to March 5 Bombay Hook NWR snow goose season is open Mondays, Wednesdays, and Fridays only.

(2) In Delaware, the January 22 to March 10 Rest of State snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.

(3) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR2, north of the Jim Woodruff Dam, and east of CR271.

(4) In Maine, the daily bag limit may include no more than 4 of any species, with no more than 8 of any one species in possession; the daily bag limit on teal may not include more than 4 birds (blue-winged and green-winged teal, singly or in the aggregate), with no more than 8 teal in possession.

(5) In Maryland, the black duck season is closed October 13 through October 20.

(6) In Maryland, the February 1 to March 8 snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.

- (7) In Massachusetts, the daily bag limit may include no more than 4 of any single species in addition to the flyway-wide bag restrictions.
- (8) In North Carolina, the season is closed for black ducks October 3 through October 6 and November 10 through November 30. The daily bag limit for Black and Mottled ducks are combined with no more than 1 allowed in the bag.
- (9) In South Carolina, the daily bag limit of 6 may not exceed 1 black-bellied whistling duck, 1 female mallard and 1 black duck or 1 mottled duck in the aggregate.
- (10) In South Carolina, on December 8, 2007, only youth less than 18 years of age may hunt, but they must be accompanied by an adult of at least 21 years of age who is fully licensed. Youth who are 16 and 17 years of age, who hunt, must possess a Federal Waterfowl Stamp and HIP permit.
- (11) In South Carolina, the daily bag limit for mergansers may include no more than 1 hooded merganser.
- (12) In South Carolina, the daily bag limit may include no more than 2 white-fronted geese.
- (13) In Virginia, the season is closed for black ducks October 4 through October 8.
- (14) In West Virginia, the daily bag limit may include no more than 4 long-tailed ducks and the season is closed for eiders, whistling ducks, and mottled ducks.

MISSISSIPPI FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 3 mottled ducks, 1 black duck, 1 pintail, 2 canvasbacks, 2 redheads, 2 scaup, and 2 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 2 hooded mergansers daily and 4 in possession. In states that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 daily and 4 in possession may be hooded mergansers.

	Season Dates	Bag	Limits Possession
<u>Alabama</u>			
Ducks:		6	12
North Zone	Nov. 23-Nov. 24 & Dec. 1-Jan. 27		
South Zone	Same as North Zone		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Dark Geese:			
North Zone:			
SJBP Zone	Dec. 9-Jan. 27	2	4
Rest of North Zone	Sept. 29-Oct. 10 & Dec. 1-Jan. 27	2 2	4 4
South Zone	Same as Rest of North Zone	2	4
Light Geese:			
North Zone:			
SJBP Zone	Same as Rest of North Zone	5	5
Monroe and Escambia Counties	Sept. 29-Oct. 10 & Nov. 3-Nov. 16 & Dec. 1-Jan. 27	5 5 5	5 10 5
Rest of North Zone	Same as for Dark Geese	5	5
South Zone	Same as for Dark Geese	5	5

	Season Dates	Bag	Limits Possession
<u>Arkansas</u>			
Ducks (1)	Nov. 17-Dec. 18 & Dec. 26-Jan. 6 & Jan. 12-Jan. 27	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
Northwest Zone	Sept. 29-Oct. 8 & Dec. 26-Feb. 3	2 2	4 4
Remainder of State	Dec. 26-Feb. 3	2	4
White-fronted	Nov. 17-Dec. 18 & Dec. 26-Feb. 3	2 2	4 4
Brant	Closed	--	--
Light Geese	Nov. 8-Dec. 21 & Dec. 26-Feb. 3	20 20	-- -
<u>Illinois</u>			
Ducks:		6	12
North Zone	Oct. 20-Dec. 18		
Central Zone	Oct. 27-Dec. 25		
South Zone	Nov. 22-Jan. 20		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
North Zone	Oct. 20-Jan. 12	2	4
Central Zone	Oct. 27-Nov. 8 & Nov. 21-Jan. 31	2 2	4 4
South Zone	Nov. 22-Nov. 25 & Dec. 1-Jan. 31	2 2	4 4
White-fronted:			
North Zone	Nov. 2-Jan. 12	2	4
Central Zone	Nov. 21-Jan. 31	2	4
South Zone	Nov. 22-Jan. 31	2	4
Brant	Same as for Light Geese	1	2
Light Geese			
North Zone	Oct. 20-Jan. 12	20	--
Central Zone	Oct. 27-Jan. 31	20	-
South Zone	Nov. 22-Jan. 31	20	-
<u>Indiana</u>			
Ducks:		6	12
North Zone	Oct. 13-Oct. 19 & Oct. 27-Dec. 18		
South Zone	Oct. 20-Oct. 28 & Nov. 21-Jan. 10		
Ohio River Zone	Oct. 27-Oct. 28 & Nov. 24-Jan. 20		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30

	Season Dates	Bag	Limits Possession
<u>Indiana (cont.)</u>			
Geese:			
Canada:			
North Zone:			
SJBP Zone	Oct. 13-Oct. 14 & Oct. 27-Oct. 28 & Nov. 21-Jan. 5	2 2 2	4 4 4
Rest of North Zone	Oct. 13-Oct. 14 & Oct. 27-Oct. 28 & Nov. 3-Jan. 11	2 2 2	4 4 4
South Zone:	Oct. 20-Oct. 21 & Nov. 21-Jan. 31	2 2	4 4
Ohio River Zone:	Oct. 27-Oct. 28 & Nov. 21-Jan. 31	2 2	4 4
Late Season Zone	Feb. 1-Feb. 15	5	10
White-fronted	Nov. 3-Jan. 27	1	2
Brant	Oct. 13-Jan. 25	1	2
Light Geese	Oct. 13-Jan. 25	20	--
<u>Iowa</u>			
Ducks:		6	12
North Duck Zone	Sept. 22-Sept. 26 & Oct. 13-Dec. 6		
South Duck Zone	Sept. 22-Sept. 26 & Oct. 20-Dec. 13		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
North Goose Zone	Sept. 29-Dec. 9 & Dec. 15-Jan. 1	2 2	4 4
South Goose Zone	Sept. 29-Oct. 7 & Oct. 20-Jan. 8	2 2	4 4
White-fronted:			
North Goose Zone	Sept. 29-Dec. 9	2	4
South Goose Zone	Sept. 29-Dec. 9	2	4
Brant:			
North Goose Zone	Same as for Canada geese	1	2
South Goose Zone	Same as for Canada geese	1	2
Light Geese	Sept. 29-Jan. 13	20	--
<u>Kentucky</u>			
Ducks:		6	12
West Zone	Nov. 22-Nov. 25 & Dec. 3-Jan. 27		
East Zone	Same as for West Zone		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30

	Season Dates	Bag	Limits Possession
<u>Kentucky (cont.)</u>			
Geese:			
Canada:			
Western Goose Zone:			
Fulton County	Nov. 23-Jan. 31	2	4
Rest of Zone	Nov. 23-Jan. 31	2	4
Pennyroyal/Coalfield Zone	Dec. 13-Jan. 31	2	4
Rest of State	Dec. 13-Jan. 31	2	4
White-fronted	Nov. 23-Jan. 31	2	4
Brant	Nov. 23-Jan. 31	2	4
Light Geese			
Western Goose Zone:			
Fulton County	Nov. 23-Jan. 31	20	-
Rest of Zone:	Nov. 23-Jan. 31	20	-
Rest of State	Nov. 23-Jan. 31	20	-
<u>Louisiana</u>			
Ducks:		6	12
West Zone	Nov. 10-Dec. 2 & Dec. 15-Jan. 20		
East Zone (including Catahoula Lake)	Nov. 17-Dec. 2 & Dec. 15-Jan. 27		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada (3)	Jan. 12-Jan. 27	1	2
White-fronted:			
West Zone	Nov. 10-Dec. 2 & Dec. 15-Feb. 1	2 2	4 4
East Zone	Nov. 5-Dec. 2 & Dec. 15-Jan. 27	2 2	4 4
Brant	Closed	-	--
Light Geese	Same as for White-fronted	20	--
<u>Michigan</u>			
Ducks (1):		6	12
North Zone	Sept. 29-Nov. 27		
Middle Zone	Sept. 29-Nov. 25 & Dec. 1-Dec. 2		
South Zone	Oct. 6-Dec. 2 & Jan. 5-Jan. 6		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada (2):			
Upper Peninsula MVP Zone	Sept. 18-Nov. 1	2	4
Lower Peninsula MVP Zone:			
Muskegon Wastewater Goose Management Unit (GMU) (2)	Oct. 16-Nov. 13 & Dec. 1-Dec. 16	2 2	4 4
Allegan County GMU (2)	Nov. 24-Dec. 2 & Dec. 27-Jan. 31	2 2	4 4

	Season Dates	Bag	Limits Possession
<u>Michigan (cont.)</u>			
Rest of Zone	Oct. 6-Nov. 12 & Nov. 22-Nov. 28	2 2	4 4
SJBP Zone:			
Saginaw County GMU (2)	Oct. 6-Nov. 24	1	2
Tuscola/Huron GMU (2)	Oct. 6-Nov. 24	1	2
Rest of SJBP Zone	Oct. 6-Oct. 14 & Nov. 22-Dec. 12	2 2	4 4
Special Late Season Zone	Jan. 5-Feb. 3	5	10
White-fronted and Brant	Sept. 22-Dec. 3	1	2
Light Geese	Sept. 22-Dec. 3	10	30
<u>Minnesota</u>			
Ducks (1)	Sept. 29-Nov. 27	6	12
Mergansers	Same as for Ducks	5	10
Coots (4)	Same as for Ducks	15	30
Geese:			
Canada:			
West Zone:			
West Central Zone	Oct. 18-Nov. 27	2	4
Rest of West Zone	Sept. 29-Nov. 27	2	4
(Special season)	Dec. 8-Dec. 17	5	10
Southeast Zone	Sept. 29-Nov. 27	2	4
(Special season)	Dec. 14-Dec. 23	2	4
Rest of State	Sept. 29-Dec. 7	2	4
(Special season)	Dec. 8-Dec. 17	5	10
White-fronted	Sept. 29-Dec. 23	1	2
Brant	Sept. 29-Dec. 23	1	2
Light Geese	Sept. 29-Dec. 23	20	40
<u>Mississippi</u>			
Ducks	Nov. 23-Nov. 25 & Dec. 1-Dec. 3 & Dec. 5-Jan. 27	6	12
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada			
	Nov. 14-Nov. 25 & Dec. 1-Jan. 27	3 3	6 6
White-fronted	Nov. 12-Nov. 25 & Dec. 1-Jan. 27	2 2	4 4
Brant	Same as for Canada geese	2	4
Light Geese	Same as for White-fronted	20	-
<u>Missouri</u>			
Ducks and Mergansers:		6	12
North Zone	Oct. 27-Dec. 25		
Middle Zone	Nov. 3-Jan. 1		
South Zone	Nov. 23-Jan. 21		
Coots	Same as for Ducks	15	30

	Season Dates	Bag	Limits Possession
<u>Missouri (cont.)</u>			
Geese:			
Canada	Sept. 29-Oct. 8 & Nov. 23-Jan. 30	3 2	6 4
White-fronted	Nov. 23-Jan. 30	2	4
Brant	Same as for Canada geese	1	2
Light Geese	Oct. 27-Jan. 30	20	--
<u>Ohio</u>			
Ducks (1):		6	12
North Zone	Oct. 20-Dec. 9 & Dec. 22-Dec. 30		
South Zone	Oct. 20-Nov. 4 & Dec. 15-Jan. 27		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
North Zone:			
Lake Erie SJBZ Zone	Oct. 20-Nov. 4 & Dec. 8-Dec. 31	2 2	4 4
Rest of North Zone	Oct. 20-Dec. 3 & Dec. 22-Jan. 6	2 2	4 4
(special season)	Jan. 12-Feb. 2	2	4
South Zone	Oct. 20-Nov. 4 & Dec. 15-Jan. 27	2 2	4 4
White-fronted and Brant	Same as for Canada geese	2	4
Light Geese	Same as for Canada geese	10	30
<u>Tennessee</u>			
Ducks:		6	12
Reelfoot Zone	Nov. 10-Nov. 11 & Dec. 1-Jan. 27		
State Zone	Nov. 24-Nov. 25 & Dec. 1-Jan. 27		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada:			
Northwest Zone	Dec. 1-Feb. 10	2	4
Southwest Zone	Oct. 1-Oct. 9 & Nov. 30-Jan. 31	2 2	4 4
Kentucky/Barkley Lakes Zone	Oct. 1-Oct. 9 & Dec. 9-Jan. 27	2 2	4 4
Rest of State	Oct. 1-Oct. 9 & Nov. 30-Jan. 31	2 2	4 4
White-fronted	Dec. 1-Feb. 10	2	4
Brant	Nov. 23-Jan. 31	2	4
Light Geese	Nov. 25-Mar. 10	20	--

	Season Dates	Bag	Limits Possession
<u>Wisconsin</u>			
Ducks:		6	12
North Zone	Sept. 22-Nov. 20		
South Zone	Sept. 29-Oct. 7 & Oct. 13-Dec. 2		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada (2):			
Horicon Zone	Sept. 16-Dec. 15	Tag System--See State Regulations	
Collins Zone	Sept. 16-Nov. 16	Tag System--See State Regulations	
Exterior Zone (2):			
North Duck Zone	Sept. 16-Dec. 9	2	4
Brown County Subzone		2	4
South Duck Zone	Sept. 16-Oct. 7 & Oct. 13-Dec. 14	2	4
Brown County Subzone		2	4
Rock Prairie Subzone	Same as South Duck Zone	2	4
Mississippi River Subzone	Sept. 29-Oct. 7 & Oct. 13-Dec. 27	2	4
White-fronted:			
Horicon Zone	Sept. 22-Dec. 16	1	2
Collins and Exterior Zones	Same as for Canada geese	1	2
Brant	Same as for Canada geese	1	2
Light Geese	Same as for Canada geese	20	40

(1) In Arkansas, Michigan, Minnesota, and Ohio, the daily bag limit may include no more than one hen mallard.

(2) Harvests of Canada geese will be limited by quotas established in the September 2007, Federal Register. When it has been determined that the quota of Canada geese allotted to the Allegan County, Muskegon Wastewater, Saginaw County, and Tuscola/Huron Goose Management Units in Michigan and the Exterior Zone in Wisconsin will have been filled, the season for taking Canada geese in the respective unit/zone will be closed either by the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

(3) In Louisiana, during the Canada goose season, a special permit is required by the State.

(4) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.

CENTRAL FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit is either (1) 6 ducks, which may include no more than 5 mallards (2 female mallards), 1 mottled duck, 1 pintail, 1 canvasback, 2 redheads, 2 scaup, and 2 wood ducks; or (2) 5 ducks, which may include no more than 2 redheads, 2 scaup, and 2 wood ducks, and only 1 from the following group - hen mallard, pintail, mottled duck, or canvasback. The possession limit is twice the daily bag limit.

Merganser Limits: The daily bag limit is 5 mergansers with 10 in possession and may include no more than 2 hooded mergansers daily and 4 in possession. In states that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 2 daily and 4 in possession may be hooded mergansers.

	Season Dates	Bag	Limits Possession
<u>Colorado</u>			
Ducks:		6	12
Eastern Plains Zone:			
Canvasbacks	Oct. 6-Oct. 22 & Nov. 10-Dec. 1	1 1	2 2
Pintails	Same as for Canvasbacks	1	2
Other ducks	Oct. 6-Oct. 22 & Nov. 10-Jan. 27		
Mountain/Foothills Zone:			
Canvasbacks	Sept. 29-Nov. 6	1	2
Pintails	Same as for Canvasbacks	1	2
Other ducks	Sept. 29-Nov. 25 & Dec. 21-Jan. 27		
Coots	Same as for Other ducks	15	30
Mergansers	Same as for Other ducks	5	10
Dark Geese:			
Northern Front Range Unit	Sept. 29-Oct. 8 & Nov. 17-Feb. 17	4 4	8 8
South Park/San Luis Valley Unit	Same as N. Front Range Unit	4	8
North Park Unit	Same as N. Front Range Unit	4	8
Rest of State in Central Flyway	Nov. 17-Feb. 17	4	8
Light Geese:			
Northern Front Range Unit	Nov. 3-Feb. 17	20	--
South Park/San Luis Valley Unit	Same as N. Front Range Unit	20	--
North Park Unit	Same as N. Front Range Unit	20	--
Pueblo County	Same as N. Front Range Unit	20	--
Rest of State in Central Flyway	Same as N. Front Range Unit	20	--
<u>Kansas</u>			
Ducks (1):		5	10
High Plains	Oct. 6-Jan. 1 & Jan. 19-Jan. 27		
Low Plains:			
Early Zone	Oct. 13-Dec. 9 & Dec. 15-Dec. 30		
Late Zone	Oct. 27-Dec. 30 & Jan. 19-Jan. 27		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Dark Geese (2):			
Canada	Oct. 27-Oct. 28 & Nov. 7-Feb. 17	3 3	6 6
White-fronted	Oct. 27-Oct. 28 & Nov. 7-Jan. 6 & Feb. 9-Feb. 17	2 2 2	4 4 4
Light Geese	Oct. 27-Oct. 28 & Nov. 7-Feb. 17	20 20	-- --

	Season Dates	Bag	Limits Possession
<u>Montana</u>			
Ducks and Mergansers:		6	12
Zone 1:			
Canvasbacks	Sept. 29-Nov. 6	1	2
Pintails	Sept. 29-Nov. 6	1	2
Other ducks	Sept. 29-Jan. 3		
Zone 2	Same as for Zone 1		
Coots	Same as Other ducks	15	30
Dark Geese	Sept. 29-Jan. 11	4	8
Light Geese	Sept. 29-Jan. 11	5	10
<u>Nebraska</u>			
Ducks:		6	12
High Plains:			
Canvasbacks	Oct. 6-Nov. 13	1	2
Pintails	Oct. 6-Nov. 13	1	2
Other ducks	Oct. 6-Dec. 16 & Dec. 22-Jan. 14		
Low Plains:			
Zones 1 and 2:			
Canvasbacks	Oct. 20-Nov. 27	1	2
Pintails	Same as for Canvasbacks	1	2
Other ducks	Oct. 20-Jan. 1		
Zones 3 and 4:			
Canvasbacks	Oct. 6-Nov. 13	1	2
Pintails	Oct. 6-Nov. 13	1	2
Other ducks	Oct. 6-Dec. 16 & Dec. 22-Dec. 23		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada:			
Niobrara Unit	Oct. 20-Oct. 21 & Oct. 27-Feb. 6	3 3	6 6
East Unit	Oct. 20-Jan. 23	3	6
North Central Unit	Oct. 6-Jan. 18	3	6
Platte River Unit	Same as for Niobrara Unit	3	6
White-fronted	Oct. 6-Dec. 16	2	4
Light Geese	Oct. 6-Jan. 6 & Jan. 26-Feb. 6	20 20	-- --
<u>New Mexico</u>			
Ducks and Mergansers (3):		6	12
North Zone:			
Canvasbacks	Oct. 6-Nov. 13	1	2
Pintails	Oct. 6-Nov. 13	1	2
Other ducks/mergansers	Oct. 6-Jan. 9		
South Zone:			
Canvasbacks	Dec. 20-Jan. 27	1	2
Pintails	Dec. 20-Jan. 27	1	2
Other ducks/mergansers	Oct. 24-Jan. 27		

	Season Dates	Bag	Limits Possession
<u>New Mexico</u> (cont.)			
Coots	Same as for Other ducks	15	30
Dark Geese (4):			
Middle Rio Grande Valley Unit (4)	Dec. 27-Jan. 6	2	2
Rest of State	Oct. 17-Jan. 31	4	8
Light Geese	Oct. 17-Jan. 31	20	80
<u>North Dakota</u>			
Ducks (1):		5	10
High Plains	Sept. 22-Dec. 2 & Dec. 8-Dec. 30		
Remainder of State	Sept. 22-Dec. 2		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
Canada Geese (5):			
High Plains Unit	Sept. 22-Dec. 21	3	6
Rest of State	Sept. 22-Dec. 21	3	6
White-fronted (5)	Sept. 22-Dec. 2	2	4
Light Geese (5)	Sept. 22-Dec. 21	20	--
<u>Oklahoma</u>			
Ducks:		6	12
High Plains:			
Canvasbacks	Oct. 6-Nov. 13	1	2
Pintails	Oct. 6-Nov. 13	1	2
Other ducks	Oct. 6-Jan. 4		
Low Plains:			
Zone 1:			
Canvasbacks	Oct. 27-Nov. 25 & Dec. 8-Dec. 16	1 1	2 2
Pintails	Same as Canvasbacks	1	2
Other ducks	Oct. 27-Nov. 25 & Dec. 8-Jan. 20		
Zone 2:			
Canvasbacks	Dec. 20-Jan. 27	1	2
Pintails	Dec. 20-Jan. 27	1	2
Other ducks	Nov. 3-Nov. 25 & Dec. 8-Jan. 27		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada	Nov. 3-Nov. 25 & Dec. 8-Feb. 17	3 3	6 6
White-fronted	Nov. 3-Nov. 25 & Dec. 8-Feb. 8	2 1	4 2
Light Geese	Same as for Canada geese	20	-
<u>South Dakota</u>			
Ducks (1):		5	10
High Plains	Sept. 29-Dec. 11 & Dec. 12-Jan. 3		

	Season Dates	Bag	Limits Possession
<u>South Dakota (cont.)</u>			
Low Plains:			
North Zone	Sept. 29-Dec. 11		
Middle Zone	Same as for North Zone		
South Zone	Oct. 13-Dec. 25		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
White-fronted	Sept. 29-Dec. 23	1	2
Canada:			
Unit 1	Sept. 29-Dec. 23	3	6
Unit 2	Oct. 27-Feb. 8	3	6
Unit 3	Oct. 20-Dec. 16 & Jan. 12-Jan. 20	3 3	6 6
Light Geese	Sept. 29-Dec. 23	20	--
<u>Texas</u>			
Ducks (6):		5	10
High Plains	Oct. 20-Oct. 21 & Oct. 26-Jan. 27		
Low Plains:			
North Zone	Nov. 3-Nov. 25 & Dec. 8-Jan. 27		
South Zone	Same as North Zone		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Geese:			
East Tier:			
South Zone:			
Canada geese and Brant	Nov. 3-Jan. 27	3	6
White-fronted	Nov. 3-Jan. 13	2	4
Light Geese	Nov. 3-Jan. 27	20	--
North Zone	Same as for South Zone		
West Tier:			
Dark Geese:			
Canada geese and Brant	Nov. 3-Feb. 5	4	8
White-fronted	Same as for Canada geese	1	2
Light Geese	Same as for Canada geese	20	--
<u>Wyoming</u>			
Ducks (1):		5	10
Zone 1	Oct. 6-Oct. 23 & Nov. 3-Jan. 20		
Zone 2	Sept. 29-Oct. 21 & Nov. 3-Jan. 15		
Mergansers	Same as for Ducks	5	10
Coots	Same as for Ducks	15	30
Dark Geese:			
Zone 1	Oct. 6-Oct. 23 & Nov. 3-Dec. 9 & Dec. 15-Feb. 3	5 5 5	10 10 10

	Season Dates	Bag	Limits Possession
<u>Wyoming</u> (cont.)			
Zone 2	Sept. 29-Dec. 2 &	5	10
	Dec. 15-Jan. 24	5	10
Zone 3 (2)	Oct. 6-Oct. 23 &	2	4
	Nov. 17-Feb. 12	3	6
Zone 4	Sept. 29-Oct. 21 &	5	10
	Nov. 3-Dec. 9 &	5	10
	Dec. 15-Jan. 29	5	10
Light Geese	Oct. 6-Jan. 1 &	10	40
	Jan. 26-Feb. 12	10	40

(1) In Kansas, North Dakota, South Dakota, and Wyoming, the daily bag limit is 5 ducks, which may include no more than 2 redheads, 2 scaup, and 2 wood ducks, and only 1 from the following group - hen mallard, pintail, mottled duck, or canvasback. The possession limit is twice the daily bag limit.

(2) See State regulations for additional restrictions.

(3) In New Mexico, the daily bag limit of 6 ducks consists of no more than 5 mallards (of which only 2 may be hen mallards), 2 redheads, 2 scaup, 2 wood ducks, 2 hooded mergansers, 1 canvasback, and 1 northern pintail (see dates by zone).

(4) In New Mexico, the season for dark geese is closed in Bernalillo and Sandoval Counties. In the Middle Rio Grande Valley Unit, a state permit is required.

(5) In North Dakota, the shooting hours for geese are one-half hour before sunrise to 1 p.m. through November 3 and until 2 p.m. the remainder of the season, except that beginning September 22, shooting hours are one-half hour before sunrise to sunset on Saturdays and Wednesdays for Canada geese (through December 21) and white-fronted geese (through December 2).

(6) In Texas, the daily bag limit is 5 ducks, which may include no more than 2 redheads, 2 scaup, and 2 wood ducks, and only 1 from the following group - hen mallard, pintail, canvasback, or dusky duck (mottled duck, black duck and their hybrids, or Mexican-like duck). The possession limit is twice the daily bag limit.

PACIFIC FLYWAY

Flyway-wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 2 female mallards, 1 pintail, 2 canvasbacks, 2 redheads, and 3 scaup. The possession limit is twice the daily bag limit.

Coot and Common Moorhen Limits: Daily bag and possession limits are in the aggregate for the two species.

Goose Limits: Daily bag limits for geese may not exceed 2 white-fronted geese and 3 light geese. The possession limit is twice the daily bag limit.

		Limits	
	Season Dates	Bag	Possession
<u>Arizona</u>			
Ducks (1):		7	14
North Zone	Oct. 5-Jan. 13		
South Zone	Oct. 19-Jan. 27		
Coots and moorhens	Same as Ducks	25	25

	Season Dates	Bag	Limits Possession
<u>Arizona (cont.)</u>			
Geese (2):			
North Zone	Oct. 5-Jan. 13	3	3
South Zone	Oct. 19-Jan. 27	3	3
<u>California</u>			
Ducks:		7	14
Northeastern Zone	Oct. 6-Jan. 18		
Colorado River Zone	Oct. 19-Jan. 27		
Southern Zone	Oct. 20-Jan. 27		
Southern San Joaquin Valley Zone	Oct. 6-Oct. 28 & Nov. 10-Jan. 27		
Balance-of-State Zone	Oct. 20-Jan. 27		
Coots and moorhens:			
Northeastern Zone	Same as for Ducks	25	25
Colorado River Zone	Same as for Ducks	25	25
Southern Zone	Same as for Ducks	25	25
Southern San Joaquin Valley Zone	Same as for Ducks	25	25
Balance-of-State Zone	Same as for Ducks	25	25
Geese:			
Northeastern Zone:		6	12
Canada Geese:			
Small Canada Geese (3)	Oct. 6-Jan. 13	1	2
Large Canada Geese (4)	Oct. 6-Jan. 13	2	4
White-fronted Geese	Oct. 6-Jan. 13	4	8
Light Geese	Oct. 6-Jan. 13	4	8
Colorado River Zone:		6	12
Dark Geese	Oct. 19-Jan. 27	3	6
Light Geese	Oct. 19-Jan. 27	4	8
Southern Zone:		5	10
Dark Geese	Oct. 20-Jan. 27	3	6
Light Geese	Oct. 20-Jan. 27	4	8
Balance-of-State Zone:		6	12
Canada Geese:	Oct. 20-Jan. 27		
Small Canada geese (3)		6	12
Large Canada geese (4)		4	8
White-fronted Geese:			
Sacramento Valley	Oct. 27-Dec. 14	2	4
Rest of Zone	Oct. 20-Jan. 27	4	8
Light Geese	Oct. 20-Jan. 27	4	8
Del Norte & Humboldt Counties:		6	12
Canada:	Nov. 1-Jan. 27 & Feb. 23-Mar. 10		
Small Canada geese (3)		6	12
Large Canada geese (4)		1	2
White-fronted Geese	Oct. 20-Jan. 27	4	8
Light Geese	Oct. 20-Jan. 27	4	8
Brant			
North Zone	Nov. 3-Dec. 2	2	4
South Zone	Nov. 10-Dec. 9	2	4

	Season Dates	Bag	Limits Possession
<u>Colorado</u>			
Ducks	Sept. 29-Oct. 14 & Oct. 31-Jan. 27	7	14
Coots	Same as for Ducks	25	25
Dark Geese	Sept. 29-Oct. 5 & Oct. 31-Jan. 27	3	6
Light Geese	Same as for Dark Geese	3	6
		4	8
<u>Idaho</u>			
Ducks:		7	14
Zone 1	Oct. 6-Jan. 18		
Zone 2	Oct. 6-Jan. 18		
Zone 3	Oct. 13-Jan. 25		
Coots	Same as for Ducks	25	25
Geese:			
Zone 1	Oct. 6-Jan. 18	4	8
Zone 2	Oct. 13-Jan. 25	4	8
Zone 3	Same as for Zone 2	3	6
Zone 4 (5)	Same as for Zone 1	4	8
Zone 5	Same as for Zone 1	4	8
<u>Montana</u>			
Ducks	Sept. 29-Jan. 11	7	14
Coots	Sept. 29-Jan. 11	25	25
Geese (6):			
Dark	Sept. 29-Jan. 11	4	8
Light	Sept. 29-Jan. 11	4	8
<u>Nevada</u>			
Ducks:		7	14
Lincoln & Clark Counties	Oct. 13-Jan. 25		
Rest of State	Oct. 13-Jan. 26		
Coots and moorhens	Same as for Ducks	25	25
Dark Geese:			
Lincoln & Clark Counties	Oct. 20-Jan. 27	3	6
Rest of State	Oct. 20-Jan. 27	3	6
Light Geese:			
Lincoln & Clark Counties	Oct. 20-Jan. 27	4	8
Rest of State (7)	Oct. 20-Jan. 27	4	8
<u>New Mexico</u>			
Ducks (8)	Oct. 15-Jan. 27	7	14
Coots	Same as for Ducks	12	24
Moorhens and gallinules	Same as for Ducks	12	24
Dark Geese:			
North Zone	Sept. 22-Oct. 7 & Oct. 29-Jan. 27	3	6
South Zone	Oct. 13-Jan. 27	3	6
Light Geese:			
North Zone	Same as Dark Geese	2	4
South Zone	Same as Dark Geese	1	2

	Season Dates	Bag	Limits Possession
<u>Oregon</u>			
Ducks:		7	14
Zone 1:			
Columbia Basin Unit:	Oct. 13-Oct. 28 & Oct. 31-Jan. 27		
Rest of Zone 1	Same as for Columbia Basin Unit		
Zone 2	Oct. 6-Dec. 4 & Dec. 7-Jan. 20		
Coots	Same as for Ducks	25	25
Geese:			
Northwest General Goose Zone:			
Dark Geese	Oct. 13-Oct. 28 & Nov. 7-Jan. 27	4 4	8 8
Small Canada Geese (3)		1	2
Light Geese	Same as for Dark Geese	4	8
Northwest Special Permit Zone (9):			
Dark Geese	Oct. 20-Nov. 4 & Nov. 17-Jan. 13 & Feb. 9-Mar. 2	4 4 4	8 8 8
Dusky Canada geese		1 per season	
Small Canada geese (3)		2	4
Light Geese	Oct. 20-Nov. 4 & Nov. 17-Jan. 13	4 4	8 8
Southwest General Zone:			
Dark Geese	Oct. 13-Nov. 27 & Dec. 6-Jan. 27	4 4	8 8
Light Geese	Same as for Dark Geese	4	8
South Coast Zone:			
Dark Geese	Sept. 29-Oct. 21 & Nov. 17-Jan. 20 & Feb. 23-Mar. 10	4 4 4	8 8 8
Light Geese	Sept. 29-Oct. 21 & Nov. 17-Jan. 20	4 4	8 8
Harney, Lake, and Malheur County Zone:			
Dark Geese	Oct. 6-Nov. 27 & Dec. 13-Jan. 27	4 4	8 8
Small Canada geese		1	2
White-fronted geese:			
Lake County		2	4
Rest of Zone		4	8
Light Geese	Same as Dark Geese	4	8
Klamath County Zone:			
Dark Geese	Oct. 6-Nov. 25 & Dec. 22-Jan. 27 & Feb. 23-Mar. 10	4 4 4	8 8 8
Small Canada geese		1	2
White-fronted geese (special season)	Feb. 23-Mar. 10	2	4
Light Geese	Same as Dark Geese	4	8
Eastern Zone:			
Dark Geese	Oct. 13-Oct. 21 & Oct. 30-Jan. 27	4 4	8 8
Small Canada geese		1	2

	Season Dates	Bag	Limits Possession
<u>Oregon (cont.)</u>			
Light Geese	Same as Dark Geese	4	8
Tillamook County (9):			
Dark Geese	Dec. 15-Mar. 2	2	4
Light Geese	Dec. 15-Jan. 13	4	8
Brant	Nov. 10-Nov. 25	2	4
<u>Utah (10)</u>			
Ducks:		7	14
Zone 1	Oct. 6-Jan. 19		
Zone 2	Same as for Zone 1		
Coots	Same as for Ducks	25	25
Geese:			
Light:			
North Goose Zone	Oct. 6-Jan. 19	4	8
Rest of State	Oct. 6-Oct. 18 & Oct. 27-Jan. 27	4 4	8 8
Dark:			
North Goose Zone	Same as Light Geese	3	6
Rest of State	Same as Light Geese	3	6
<u>Washington</u>			
Ducks:		7	14
East Zone	Oct. 13-Oct 17 & Oct. 20-Jan. 27		
West Zone (11)	Same as the East Zone		
Coots	Same as for Ducks	25	25
Geese:			
Management Area 1 (12):		4	8
Light Geese	Oct 20-Jan. 27		
Dark Geese	Oct 13-Oct. 25 & Nov. 3-Jan. 27		
Management Area 2A (13)	Nov. 10-Nov. 21 & Nov. 24-Nov. 25 & Dec. 5-Jan. 27	4 4 4	8 8 8
Dusky Canada geese		1 per season	
Late-Season Canada Geese	Feb. 2-Mar. 5	4	8
Dusky Canada geese		1 per season	
Management Area 2B (13)	Oct. 13-Jan. 12	4	8
Dusky Canada geese		1 per season	
Management Areas 3 (12)	Oct. 13-Oct. 25 & Nov. 3-Jan. 27	4 4	8 8
Management Areas 4 & 5 (12)	Oct. 13-Oct. 15 & Oct. 20-Jan. 27	4 4	8 8
Brant (14):			
Skagit County	Jan. 17-Jan. 27	2	4
Pacific County	Jan. 10-Jan. 20	2	4
<u>Wyoming</u>			
Ducks:		7	14
Snake River Zone	Sept. 22-Jan. 5		
Balance of State Zone	Sept. 22-Jan. 5		

	Season Dates	Bag	Limits Possession
<u>Wyoming</u> (cont.)			
Coots	Same as for Other ducks	25	25
Dark Geese:			
Snake River Zone	Sept. 22-Dec. 28	3	6
Balance of State Zone	Sept. 22-Dec. 28	3	6

- (1) In Arizona, the daily limit may include no more than either 2 hen mallards or 2 Mexican-like ducks, or 1 of each; and not more than 4 hen mallards and Mexican-like ducks, in the aggregate, may be in possession.
- (2) In Arizona, in Yuma County, La Paz County, Game Management Units 13B, 15, and that portion of Unit 16 lying within Mohave County, the bag and possession limits are 3 and 6 for Canada geese and 4 and 8 for light geese, respectively.
- (3) In California and Oregon, small Canada geese are Cackling and Aleutian Canada geese.
- (4) In California, large Canada geese are Western and Lesser Canada geese.
- (5) In Idaho, the season on light geese is closed in Fremont and Teton Counties.
- (6) In Montana, check State regulations for special seasons/exceptions in Freezeout Lake WMA; Canyon Ferry; Flathead; Deer Lodge County; and Missoula County.
- (7) In Nevada, there is no open season on light geese in Ruby Valley within Elko and White Pine Counties.
- (8) In New Mexico, the daily bag limit consists of no more than 7 mallards (of which only 2 may be hen mallards), 2 redheads, 2 scaup, 2 canvasbacks, and 1 northern pintail.
- (9) In Oregon, the Northwest Special Permit Zone is closed to all goose hunting, except for designated areas. See State regulations for specific boundary descriptions, times, days, and other conditions of the special permit season.
- (10) In Utah, the shooting hours are 8:00 a.m. to sunset on October 6 in Cache, Salt Lake, Davis, Weber, and Box Elder Counties, and November 4 statewide.
- (11) In Washington, the daily bag limit in the West Zone may include no more than 4 scoters and 4 oldsquaws, with the possession limit twice the daily bag limit. The daily bag and possession limit, and the season limit, for harlequins is 1.
- (12) In Washington, in State Goose Area 4, hunting is only on Saturdays, Sundays, Wednesdays, and certain holidays. In State Goose Areas 1, 3, and 5, hunting is everyday. See State regulations for details, including shooting hours.
- (13) In Washington, see State regulations for specific dates and conditions of permit hunts and closures for Canada geese.
- (14) In Washington, brant may be hunted in Skagit and Pacific Counties only; see State regulations for specific dates.

(f) Youth Waterfowl Hunting Days

The following seasons are open only to youth hunters. Youth Hunters must be accompanied into the field by an adult at least 18 years of age. This adult can not duck hunt but may participate in other open seasons.

Definition

Youth Hunters: Includes youths 15 years of age or younger.

NOTE: The following seasons are in addition to the seasons published previously in the August 30, 2007 Federal Register (72 FR 50164). Bag and possession limits will conform to those set for the regular season.

Season Dates

ATLANTIC FLYWAY

Connecticut

Ducks, mergansers, coots, and geese

Oct. 6 & 8

					Season Dates
* * * * *					
<u>Florida</u>					
Ducks, mergansers, coots, moorhens, and geese (9)					Feb. 2 & 3
* * * * *					
<u>Maryland</u>					
Ducks, coots, snow geese, Canada geese, sea ducks, and brant (10)					Nov. 3
<u>Massachusetts</u>					
Ducks, mergansers, coots, and geese					Oct. 6 & 8
* * * * *					
<u>North Carolina</u>					
Ducks, mergansers, Canada geese (11), tundra swans (12), and coots					Feb. 2
* * * * *					
<u>South Carolina</u>					
Ducks, geese, mergansers, and coots					Feb. 2 & 3
* * * * *					
<u>Virginia</u>					
Ducks, mergansers, coots, moorhens, gallinules, tundra swans (12) and Canada geese (13)					Oct. 20
* * * * *					
<u>MISSISSIPPI FLYWAY</u>					
* * * * *					
<u>Arkansas</u>					
Ducks, geese, mergansers, coots, moorhens, and gallinules					Dec. 22 & 23
* * * * *					
<u>Indiana</u>					
Ducks, mergansers, coots, moorhens, gallinules, and geese:					
North Zone					Oct. 6 & 7
South Zone					Oct. 13 & 14
Ohio River Zone					Oct. 20 & 21
* * * * *					
<u>Louisiana</u>					
Ducks, mergansers, coots, moorhens, gallinules, and geese:					
West Zone					Nov. 3 & 4
East Zone					Nov. 10 & 11

Season Dates

* * * * *

Mississippi

Ducks, mergansers, coots, moorhens, gallinules, and geese

Feb. 2 & 3

Missouri

Ducks, coots, and geese:

North Zone

Oct. 20 & 21

Middle Zone

Oct. 27 & 28

South Zone

Nov. 17 & 18

Ohio

Ducks, mergansers, coots, moorhens, gallinules, and geese

Oct. 6 & 7

Tennessee

Ducks, mergansers, and coots:

Reelfoot Zone

Feb. 9 & 10

Remainder of State

Feb. 2 & 3

* * * * *

CENTRAL FLYWAY

* * * * *

Kansas (5)

Ducks, dark geese, mergansers and coots:

High Plains

Sept. 29 & 30

Low Plains

Early Zone

Oct. 6 & 7

Late Zone

Oct. 20 & 21

* * * * *

Oklahoma

Ducks, mergansers, coots, and geese:

High Plains

Sept. 29 & 30

Low Plains:

Zone 1

Oct. 20 & 21

Zone 2

Oct. 27 & 28

* * * * *

Texas

Ducks, mergansers, and coots:

High Plains

Oct. 13 & 14

Low Plains:

North Zone

Oct. 27 & 28

South Zone

Oct. 27 & 28

* * * * *

Season Dates

PACIFIC FLYWAY

* * * * *

California

Ducks, geese, brant, mergansers, coots, moorhens, and gallinules

Northeastern Zone

Sept. 22 & 23

Colorado River Zone

Feb. 2 & 3

Southern Zone

Feb. 2 & 3

Southern San Joaquin Valley

Feb. 2 & 3

Balance-of-State Zone

Feb. 2 & 3

* * * * *

Nevada

Ducks, geese, mergansers, coots, moorhens, and gallinules

Lincoln and Clark Counties

Feb. 2 & 3

Rest of State

Sept. 29

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(5) In Kansas, the adult accompanying the youth and nonresident youth, must be licensed and possess state and federal duck stamps as required by state or federal regulation to hunt waterfowl.

* * * * *

(9) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR 2, north of Jim Woodruff Dam, and east of CR271.

(10) In Maryland, the adult must also possess a valid Maryland hunting license or be exempt from hunting license requirements.

(11) In North Carolina, the daily bag limit in the Northeast Hunt Zone may not include Canada geese or tundra swans except by permit.

(12) In North Carolina and Virginia, the daily bag limit may not include tundra swans except by permit.

(13) In Virginia, the daily bag limit for Canada geese is 2.

4. Section 20.106 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 28, 2007 (72 FR 49622) Federal Register.

Note: The following seasons are in addition to the seasons published previously in the August 30, 2007 Federal Register (72 FR 50164).

	Season Dates	Bag	Limits Possession
<u>CENTRAL FLYWAY</u>			
	* * * * *		
<u>Oklahoma</u> (1)	Oct. 27-Jan. 27	3	6
	* * * * *		
<u>Texas</u> (1):			
Zone A	Nov. 3-Feb. 3	3	6
Zone B	Nov. 23-Feb. 3	3	6
Zone C	Dec. 22-Jan. 27	2	4
	* * * * *		

(1) Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to any authorized law enforcement official upon request.

* * * * *

5. Section 20.107 is revised to read as follows:

§20.107 Seasons, limits, and shooting hours for swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

NOTE: Successful permittees must immediately validate their harvest by that method required in State regulations.

	Season Dates	Bag	Limits Possession
<u>ATLANTIC FLYWAY</u>			
<u>North Carolina</u>	Nov. 3-Jan. 31	1 tundra swan per season	
<u>Virginia</u>	Dec. 1-Jan 31	1 tundra swan per season	
<u>CENTRAL FLYWAY</u> (1)			
<u>Montana</u>	Sept. 29-Jan. 3	1 tundra swan per season	
<u>North Dakota</u>	Sept. 29-Dec. 9	1 tundra swan per season	
South Dakota	Sept. 29-Dec. 15	1 tundra swan per permit	

	Season Dates	Limits	
		Bag	Possession
<u>PACIFIC FLYWAY</u> (1)(2)			
<u>Montana</u> (3)	Oct. 13-Dec. 1	1 swan per season	
<u>Nevada</u> (4)(5)	Oct. 20-Jan. 6	2 swans per season	
<u>Utah</u> (3)(5)	Oct. 6-Dec. 9	1 swan per season	

(1) See State regulations for description of area open to swan hunting.

(2) Any species of swan may be taken.

(3) All harvested swans and tags must be checked or registered within 3 days of harvest.

(4) All harvested swans and tags must be checked or registered within 5 days of harvest.

(5) Harvests of trumpeter swans are limited to 5 in Nevada and 10 in Utah. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah will have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

6. Section 20.109 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations. Area descriptions were published in the August 28, 2007 (72 FR 49622) and a September 2007 Federal Registers.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit. These limits apply to falconry during both regular hunting seasons and extended falconry seasons -- unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits. Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas. Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

NOTE: The following seasons are in addition to the seasons published previously in the August 30, 2007 Federal Register (72 FR 50164).

Extended Falconry Dates

ATLANTIC FLYWAY

Delaware

* * * * *

Ducks, mergansers, and coots

Jan. 28-Mar. 10

Brant

Feb. 1-Mar. 10

Extended Falconry Dates

Florida

* * * * *

Ducks, mergansers, light geese, and coots

Oct. 30-Nov. 12 &
Feb. 4-Feb. 29Georgia

* * * * *

Ducks, mergansers, gallinules, coots, and sea ducks

Nov. 26-Dec. 7 &
Jan. 28-Feb. 1Maine

Ducks, mergansers, and coots (4):

North Zone

Dec. 10-Jan. 31

South Zone

Jan. 7-Feb. 28

Maryland

* * * * *

Ducks

Oct. 6-Oct. 11 &
Feb. 2-Mar. 10

Brant

Jan. 29-Mar. 10

Massachusetts

Ducks, mergansers, sea ducks, and coots

Oct. 5 only &
Oct. 9-Oct. 11
Jan. 21-Feb. 6New Hampshire

Ducks, mergansers, and coots:

Inland Zone

Nov. 5-Nov. 20 &
Dec. 18-Jan. 15

Coastal Zone

Jan. 26-Mar. 10

New Jersey

Woodcock:

North Zone

Oct. 1-Oct. 17 &
Nov. 11-Jan. 15

South Zone

Oct. 1-Nov. 9 &
Nov. 25-Dec. 20 &
Dec. 30-Jan. 15

Extended Falconry Dates

New Jersey (cont.)

Ducks, mergansers, coots, and brant:

North Zone	Jan. 2-Feb. 8
South Zone	Jan. 6-Feb. 12
Coastal Zone	Jan. 23-Feb. 26

New York

Ducks, mergansers and coots:

Long Island Zone	Nov. 1-Nov. 28 & Jan. 28-Feb. 13
Northeastern Zone	Oct. 1-Oct. 5 & Oct. 15-Oct. 23 & Dec. 14-Jan. 13
Southeastern Zone	Oct. 1-Oct. 12 & Oct. 22-Nov. 9 & Dec. 31-Jan. 13
Western Zone	Oct. 1-Oct. 22 & Dec. 7-Dec. 28 & Jan. 13 only

Pennsylvania

* * * * *

Ducks, mergansers, and coots:

North Zone	Oct. 29-Nov. 7 & Jan. 2-Jan. 12 & Feb. 8-Mar. 10
South Zone	Oct. 22-Nov. 14 & Feb. 11-Mar. 10
Northwest Zone	Nov. 26-Dec. 8 & Jan. 5-Jan. 15 & Feb. 11-Mar. 10
Lake Erie Zone	Jan. 17-Mar. 10

Canada Geese:

SJBP Zone	Feb. 26-Mar. 10
Pymatuning Zone	Feb. 2-Mar. 10
AP Zone	Jan. 28-Mar. 10
RP Zone	Mar. 8-Mar. 10

South Carolina

Ducks, mergansers, and coots

Oct. 24-Nov. 20 & Nov. 26-Dec. 7 & Dec. 9-Dec. 13

Extended Falconry Dates

Virginia

* * * * *

Moorhens and gallinules	Dec. 3-Dec. 7 & Jan. 28-Feb. 27

Ducks, mergansers, and coots	Dec. 3-Dec. 7 & Jan. 28-Feb. 29

Canada Geese:	
Eastern (AP) Zone	Dec. 3-Dec. 20 & Jan. 28-Feb. 15
Western Zone	Dec. 3-Dec. 14

Brant	Nov. 1-Nov. 23 & Jan. 28-Mar. 10

MISSISSIPPI FLYWAYArkansas

Ducks, mergansers, and coots	Dec. 19-Dec. 21 & Jan. 7-Jan. 11 & Jan. 28-Feb. 17

* * * * *

Illinois

* * * * *

Ducks, mergansers, and coots	Feb. 11-Mar. 10

Indiana

* * * * *

Ducks, mergansers, and coots:	
North Zone	Sept. 27-Sept. 30 & Feb. 15-Mar. 10
South Zone	Oct. 6-Oct. 12 & Feb. 18-Mar. 10
Ohio River Zone	Oct. 13-Oct. 19 & Feb. 18-Mar. 10

Extended Falconry Dates

Iowa

Ducks, mergansers, and coots

North Zone

Dec. 15-Jan. 28

South Zone

Dec. 15-Jan. 28

Canada Geese:

North Goose Zone

Jan. 2-Jan. 3

South Goose Zone

Jan. 9-Jan. 10

White-fronted Geese:

North Goose Zone

Dec. 10-Jan. 13

South Goose Zone

Dec. 10-Jan. 13

Kentucky

Ducks, mergansers, and coots

Nov. 5-Nov. 21 &

Nov. 26-Dec. 2 &

Jan. 28-Feb. 1

Canada Geese:

Western Goose Zone:

Fulton County

Nov. 10-Dec. 2

Rest of Zone

Nov. 5-Dec. 2

Pennyroyal/Coalfield Zone

Nov. 5-Dec. 12

Rest of State

Nov. 5-Dec. 12

White-fronted geese, brant, and light geese

Nov. 5-Nov. 22

Louisiana

Rails and moorhens

Nov. 3-Nov. 9 &

Jan. 3-Feb. 1

Ducks

West Zone

Nov. 3-Nov. 9 &

Dec. 3-Dec. 14 &

Jan. 21-Feb. 1

East Zone

Nov. 3-Nov. 16 &

Dec. 3-Dec. 14 &

Jan. 28-Feb. 1

Michigan

Ducks, mergansers, coots, and moorhens

Jan. 25-Mar. 9

Minnesota

* * * * *

Ducks, mergansers, coots, moorhens, and gallinules

Nov. 28-Jan. 12

Extended Falconry Dates

Mississippi

Mourning Doves	Dec. 8-Dec. 16 & Jan. 19-Feb. 15
Ducks, mergansers and coots	Feb. 9-Mar. 8

Missouri

* * * * *

Ducks, mergansers, and coots: Statewide	Sept. 8-Sept. 23 & Feb. 11-Mar. 10

Ohio

Ducks, mergansers, and coots	Sept. 1-Sept. 16 & Oct. 6-Oct. 7 & Jan. 13-Feb. 10

Tennessee

* * * * *

Ducks, mergansers, and coots	Sept. 13-Oct. 22

Wisconsin

Rails, snipe, moorhens, and gallinules North Duck Zone	Sept. 1-Sept. 21 & Nov. 21-Dec. 16
South Duck Zone	Sept. 1-Sept. 28 & Oct. 8-Oct. 12 & Dec. 3-Dec. 16
Woodcock	Sept. 1-Sept. 21 & Nov. 6-Dec. 16
Ducks, mergansers, and coots	Sept. 15-Sept. 16 & Jan. 11-Feb. 24

CENTRAL FLYWAYKansas

Ducks, mergansers, and coots: Low Plains: Early Zone and Late Zone	Feb. 25-Mar. 10

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Extended Falconry Dates

Oklahoma

Ducks, mergansers, and coots:

Low Plains:

Zones 1 and 2

Feb. 16-Mar. 1

South Dakota

Ducks, mergansers, and coots (1)

High Plains

Sept. 4-Sept. 11

Low Plains

North Zone

Sept. 4-Sept. 21 &
Sept. 24-Sept. 28 &
Dec. 12-Dec. 19

Middle Zone

Sept. 4-Sept. 21 &
Sept. 24-Sept. 28 &
Dec. 12-Dec. 19

South Zone

Sept. 4-Sept. 21 &
Sept. 24-Oct. 6Texas

* * * * *

Ducks, mergansers, and coots:

Low Plains:

North Zone and South Zone

Jan. 28-Feb. 11

* * * * *

PACIFIC FLYWAYArizona

* * * * *

Ducks and mergansers:

North Zone

Oct. 1-Oct. 4

South Zone

Jan. 28-Jan. 31

California

Ducks, mergansers, and coots:

Colorado River Zone

Jan. 28-Jan. 31

Southern Zone

Jan. 28-Feb. 3

Balance-of-State Zone

Jan. 28-Feb. 3

Southern San Joaquin Zone

Jan. 28-Jan. 30

Extended Falconry Dates

California (cont.)

Canada Geese and White-fronted Geese:

Northeastern Zone	Jan. 14-Jan. 18
Southern Zone	Same as for Ducks
Balance-of-State Zone (5)	Same as for Ducks
Southern San Joaquin Zone	Closed

Brant

Northern Zone	Oct. 20-Nov. 2 & Dec. 3-Feb. 3
Southern Zone	Oct. 20-Nov. 9 & Dec. 10-Feb. 3

Light Geese:

Northeastern Zone	Jan. 14-Jan. 18
Southern Zone	Same as for Ducks
Balance-of-State Zone (5)	Same as for Ducks
Southern San Joaquin Zone	Closed

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New Mexico

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Rails

Nov. 24-Dec. 30

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Utah

Ducks, mergansers, coots, geese, snipe

Sept. 24

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(2) In Montana, the bag limit is 2 and the possession limit is 6.

* * * * *

(4) In Maine, the daily bag and possession limits for black ducks are 1 and 2, respectively.

(5) In California, the falconry season for geese is concurrent with the regular season for small Canada geese in Del Norte and Humboldt counties.



Federal Register

**Friday,
September 21, 2007**

Part IV

The President

**Notice of September 20, 2007—
Continuation of the National Emergency
With Respect to Persons Who Commit,
Threaten To Commit, or Support
Terrorism**

Presidential Documents

Title 3—

Notice of September 20, 2007

The President

Continuation of the National Emergency With Respect to Persons Who Commit, Threaten To Commit, or Support Terrorism

On September 23, 2001, by Executive Order 13224, I declared a national emergency with respect to persons who commit, threaten to commit, or support terrorism, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks against United States nationals or the United States. Because the actions of these persons who commit, threaten to commit, or support terrorism continue to pose an unusual and extraordinary threat to the United States, the national emergency declared on September 23, 2001, and the measures adopted on that date to deal with that emergency, must continue in effect beyond September 23, 2007. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons who commit, threaten to commit, or support terrorism.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
September 20, 2007.

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Federal Register

Vol. 72, No. 183

Friday, September 21, 2007

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