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Contents

Federal Register

Vol. 72, No. 242

Tuesday, December 18, 2007

Agency for International Development
NOTICES
Privacy Act; systems of records, 71615

Agricultural Marketing Service
NOTICES
Grade standards:
Tomatoes on the vine, 71616–71617

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Commodity Credit Corporation
See Farm Service Agency
See Federal Crop Insurance Corporation
See Rural Business-Cooperative Service
See Rural Housing Service
See Rural Utilities Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71615–71616

Animal and Plant Health Inspection Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71617–71618

Architectural and Transportation Barriers Compliance Board

PROPOSED RULES
Telecommunications Act accessibility guidelines and electronic and information technology accessibility standards:
Telecommunications and Electronic and Information Technology Advisory Committee
Meetings, 71613–71614

Army Department
See Engineers Corps

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

Centers for Medicare & Medicaid Services
RULES
Medicare:
Revisit User Fee Program; Medicare Survey and certification activities, 71579–71583

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See Minority Business Development Agency
See National Oceanic and Atmospheric Administration

Commodity Credit Corporation
PROPOSED RULES
Future Farm Programs:
Cash and share lease provisions, 71606

Consumer Product Safety Commission
NOTICES
Privacy Act; systems of records, 71645–71646

Defense Department
See Engineers Corps
NOTICES
Arms sales notification; transmittal letter, etc., 71646–71662
Privacy Act; systems of records, 71662–71666

Education Department
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71667
Grants and cooperative agreements; availability, etc.:
Safe and drug-free schools programs—
School-Based Student Drug-Testing Programs, 71668–71671

Employee Benefits Security Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71699–71700

Employment and Training Administration
NOTICES
Meetings:
Native American Employment and Training Council, 71700

Energy Department
See Federal Energy Regulatory Commission

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
Washington County, PA; Southern Beltway Transportation Project from I-79 to Mon/Fayette Expressway, 71666–71667

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
West Virginia, 71576–71579
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71682–71686
Meetings:
Scientific Counselors Board, 71686–71687

Farm Service Agency
PROPOSED RULES
Future Farm Programs:
Cash and share lease provisions, 71606

Federal Aviation Administration
PROPOSED RULES
Class D airspace, 71606–71610

Federal Communications Commission
NOTICES
Meetings; Sunshine Act, 71687–71688

Rulemaking proceedings; petitions filed, granted, denied, etc., 71688

Federal Crop Insurance Corporation
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71618

Federal Deposit Insurance Corporation
NOTICES
Meetings: Sunshine Act, 71689
Meetings; Sunshine Act, 71689

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation combined filings, 71675–71676
Environmental statements; notice of intent:
El Paso Natural Gas Pipeline Co., 71677–71678
Leaf River Energy Center LLC, 71678–71680
Meetings:
Rockies Express Pipeline LLC; technical conference, 71680
Meetings; Sunshine Act, 71680–71682
Applications, hearings, determinations, etc.:
Colorado Interstate Gas Co., 71671–71672
FirstEnergy Generation Mansfield Unit 1 Corp., 71672–71673
Magic Valley Pipeline, L.P., 71673
New York Independent System Operator, Inc., 71673
Northern Renewable Energy (USA) Ltd., 71673–71674
Southern Company Services, Inc., 71674

Federal Railroad Administration
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71732–71733

Federal Reserve System
NOTICES
Banks and bank holding companies:
Change in bank control, 71689
Permissible nonbanking activities, 71689–71690

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
South Carolina
ZF Lemforder Corp.; automotive suspension systems manufacturing facility, 71620

General Services Administration
NOTICES
Environmental statements; record of decision:
Derby Line, VT; U.S. Commercial Port of Entry; construction, 71690–71696

Health and Human Services Department
See Centers for Medicare & Medicaid Services

Interior Department
See Land Management Bureau
See Minerals Management Service
NOTICES
Meetings:
Exxon Valdez Oil Spill Trustee Council, 71696–71697

Internal Revenue Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71739–71741

International Trade Administration
NOTICES
Antidumping:
Magnesium metal from—
Russian Federation, 71620–71621

International Trade Commission
NOTICES
Import investigations:
Low-antimony phosphoric acid, 71698–71699

Labor Department
See Employee Benefits Security Administration
See Employment and Training Administration

Land Management Bureau
NOTICES
Committees; establishment, renewal, termination, etc.:
Santa Rosa and San Jacinto Mountains National Monument Advisory Committee, 71697

Maritime Administration
NOTICES
Coastwise trade laws; administrative waivers:
ALL GOOD, 71733
WINDY DAY, 71733–71734

Minerals Management Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71697–71698
Outer Continental Shelf; development operations coordination:
Central Gulf of Mexico OCS—
Oil and gas lease sales, 71698

Minority Business Development Agency
NOTICES
Grants and cooperative agreements; availability, etc.:
Minority Business Enterprise Center Program, 71621–71625

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Humanities Panel, 71701

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards; exemption petitions, etc.:
Bentley Motors, Inc., 71734–71735

National Labor Relations Board
NOTICES
Senior Executive Service Performance Review Board; membership, 71701

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Bering Sea and Aleutian Islands groundfish and halibut, 71601–71605

West Coast States and Western Pacific fisheries—
Pacific Coast groundfish, 71583–71600
NOTICES
Marine mammals:
Incidental taking; authorization letters, etc.—
Lamont-Doherty Earth Observation; marine seismic survey off Central America, February-April 2008, 71625–71644
Meetings:
Gulf of Mexico Fishery Management Council, 71644–71645
Scientific research permit applications, determinations, etc., 71645

Nuclear Regulatory Commission
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71701–71702
Environmental statements; availability, etc.:
Southern Nuclear Operating Co., 71702–71703
Operating licenses, amendments; no significant hazards considerations; biweekly notices, 71703–71719
Reports and guidance documents; availability, etc.:
Antitrust license conditions and antitrust enforcement; standard review plan, 71719–71720

Pipeline and Hazardous Materials Safety Administration
NOTICES
Hazardous materials:
Special permit applications; list, 71735–71736
Special permit modification applications; list, 71736–71738

Rural Business-Cooperative Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71618–71619

Rural Housing Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71618–71620

Rural Utilities Service
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71618–71619

Securities and Exchange Commission
PROPOSED RULES
Securities:
Oil and gas reserves; disclosure requirements revisions; concept release, 71610–71613
NOTICES
Options Price Reporting Authority:
Consolidated Options Last Sale Reports and Quotation Information; Reporting Plan; amendments, 71720–71723
Regulatory responsibility allocation plan:
American Stock Exchange LLC et al., 71723–71725
Securities:
Suspension of trading—
Avitech LifeSciences, Inc., 71725
Green Machine Development Corp., 71725
Xiiva Holdings, Inc., 71725–71726
Self-regulatory organizations; proposed rule changes:
Chicago Board Options Exchange, Inc., 71726–71727
NASDAQ Stock Market LLC, 71727–71729
Philadelphia Stock Exchange, Inc., 71729

Small Business Administration
NOTICES
Disaster loan areas:
Oregon, 71729–71730
Small business investment companies:
Maximum leverage ceiling increase, 71730

State Department
RULES
International Traffic in Arms Regulations:
Embargoed countries; list, 71575–71576
NOTICES
Culturally significant objects imported for exhibition:
Poussin and Nature: Arcadian Visions, 71730
Intercountry Adoption Act of 2000:
Hague Convention—
United States; instrument of ratification deposit, 71730–71731
Meetings:
Overseas Schools Advisory Council, 71731
Reports and guidance documents; availability, etc.:
Foreign assistance; standardized program structure; dialogue, 71731–71732

Surface Transportation Board
NOTICES
Railroad operation, acquisition, construction, etc.:
Union Pacific Railroad Co., 71738
Railroad services abandonment:
Norfolk Southern Railway Co., 71738–71739

Thrift Supervision Office
NOTICES
Agency information collection activities; proposals, submissions, and approvals, 71741

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See Maritime Administration
See National Highway Traffic Safety Administration
See Pipeline and Hazardous Materials Safety Administration
See Surface Transportation Board

Treasury Department
See Internal Revenue Service
See Thrift Supervision Office

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR

Proposed Rules:

718.....71606
1412.....71606
1427.....71606

14 CFR

Proposed Rules:

71 (3 documents) 71606, 71607, 71608

17 CFR

Proposed Rules:

210.....71610
229.....71610
231.....71610
241.....71610

22 CFR

126.....71575

36 CFR

Proposed Rules:

1193.....71613
1194.....71613

40 CFR

52.....71576
97.....71576

42 CFR

488.....71579

50 CFR

660.....71583
679.....71601

Rules and Regulations

Federal Register
Vol. 72, No. 242
Tuesday, December 18, 2007

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF STATE

22 CFR Part 126

[Public Notice: 6027]

Amendment to the International Arms Traffic in Arms Regulations: UN Embargoed Countries

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the text of the International Traffic in Arms Regulations (ITAR), Exports and Sales Prohibited by United Nations Security Council Embargoes, to add a list of the countries subject to such United Nations embargoes.

EFFECTIVE DATE: This rule is effective December 18, 2007.

ADDRESSES: Interested parties may submit comments at any time by any of the following methods:

- *E-mail:* *DDTCResponseTeam@state.gov* with an appropriate subject line.
- *Mail:* Department of State, Directorate of Defense Trade Controls, Office of Defense Trade Controls Policy, ATTN: Regulatory Change, ITAR § 126.1(c), SA–1, 12th Floor, Washington, DC 20522–0112.
- *Hand Delivery or Courier (regular work hours only):* Department of State, Directorate of Defense Trade Controls, Office of Defense Trade Controls Policy, ATTENTION: Regulatory Change, ITAR § 126.1(c), SA–1, 12th Floor, 2401 E Street, NW., Washington, DC 20037.

Persons with access to the Internet may also view this notice by going to the regulations.gov Web site at *http://regulatons.gov/index.cfm*.

FOR FURTHER INFORMATION CONTACT: Director Ann Ganzer, Office of Defense Trade Controls Policy, Department of State, Telephone (202) 663–2792 or Fax (202) 261–8199; E-mail *DDTCResponseTeam@state.gov*. ATTN: Regulatory Change, ITAR § 126.1(c)

SUPPLEMENTARY INFORMATION: Regulations concerning exports and sales prohibited by United Nations Security Council embargoes are amended to add a list of the countries subject to such United Nations embargoes. United Nations Arms Embargoes include, but are not necessarily limited to the following countries: Cote d'Ivoire, Democratic Republic of Congo, Iraq, Iran, Lebanon, Liberia, North Korea, Rwanda, Sierra Leone, Somalia, and Sudan.

Regulatory Analysis and Notices

Administrative Procedure Act

This amendment involves a foreign affairs function of the United States and, therefore, is not subject to the procedures required by 5 U.S.C. 553 and 554.

Regulatory Flexibility Act

This rule does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Act of 1995

This rule does not require analysis under the Unfunded Mandates Reform Act.

Small Business Regulatory Enforcement Fairness Act of 1996

This amendment has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996. It will not have substantial direct effects on the States, the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Orders 12372 and 13132

It is determined that this rule does not have sufficient federalism implications to warrant application of the consultation provisions of Executive Orders 12372 and 13132.

Executive Order 12866

This amendment is exempt from review under Executive Order 12866, but has been reviewed internally by the Department of State to ensure consistency with the purposes thereof.

Paperwork Reduction Act

This rule does not impose any new reporting or recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

■ Accordingly, for the reasons set forth above, Title 22, Chapter I, Subchapter M, part 126 is amended as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

■ 1. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791, and 2797); E.O. 11958, 42 FR 4311; 3 CFR, 1977 Comp., p. 79; 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108–375.

■ 2. Section 126.1 is amended by revising paragraph (c) to read as follows:

§ 126.1 Prohibited exports and sales to certain countries.

* * * * *

(c) *Exports and sales prohibited by United Nations Security Council embargoes.* Whenever the United Nations Security Council mandates an arms embargo, all transactions that are prohibited by the embargo and that involve U.S. persons anywhere, or any person in the United States, and defense articles or services of a type enumerated on the United States Munitions List (22 CFR part 121), irrespective of origin, are prohibited under the ITAR for the duration of the embargo, unless the Department of State publishes a notice in the **Federal Register** specifying different measures. This would include, but is not limited to, transactions involving trade by U.S. persons who are located inside or outside of the United States in defense articles or services of U.S. or foreign origin that are located inside or outside of the United States. United Nations Arms Embargoes include, but are not necessarily limited to, the following countries:

(1) Cote d'Ivoire
(2) Democratic Republic of Congo (see also paragraph (i) of this section)
(3) Iraq
(4) Iran
(5) Lebanon
(6) Liberia
(7) North Korea
(8) Rwanda (see also paragraph (h) of this section)
(9) Sierra Leone
(10) Somalia
(11) Sudan

* * * * *

Dated: November 30, 2007.

John C. Rood,

Acting Under Secretary for Arms Control and International Security, Department of State.

[FR Doc. E7–24352 Filed 12–17–07; 8:45 am]

BILLING CODE 4710–25–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 97

[EPA–R03–OAR–2007–0448; FRL–8506–4]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Clean Air Interstate Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a revision to the West Virginia State Implementation Plan (SIP) submitted on June 8, 2007. This revision incorporates provisions related to the implementation of EPA's Clean Air Interstate Rule (CAIR), promulgated on May 12, 2005 and subsequently revised on April 28, 2006 and December 13, 2006, and the CAIR Federal Implementation Plan (CAIR FIP) concerning sulfur dioxide (SO_2), nitrogen oxides (NO_X) annual, and NO_X ozone season emissions for the State of West Virginia, promulgated on April 28, 2006 and subsequently revised on December 13, 2006. West Virginia is subject to the CAIR FIP that implements the CAIR requirements by requiring certain EGUs to participate in the EPA-administered Federal CAIR SO_2, NO_X annual, and NO_X ozone season cap-and-trade programs. In accordance with the Clean Air Act, EPA is approving this West Virginia SIP revision as an abbreviated SIP revision which addresses the methodology to be used to allocate annual and ozone season NO_X allowances under the CAIR FIPs. In this action, EPA is not making any changes to the CAIR FIP, but is amending the appropriate appendices in the CAIR FIP trading rules simply to note that approval.

EFFECTIVE DATE: The final rule is effective on December 18, 2007.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2007–0448. All documents in the electronic docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE., Charleston, West Virginia 25304.

FOR FURTHER INFORMATION CONTACT: Marilyn Powers, (215) 814–2308 or by e-mail at *powers.marilyn@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On June 1, 2006, West Virginia submitted a full SIP revision to meet the requirements of CAIR as promulgated on May 12, 2005. The SIP revision is comprised of three regulations: 45CSR39 (NO_X annual trading program); 45CSR40 (NO_X ozone season trading program); and 45CSR41 (SO_2 annual trading program). The regulations adopted the 40 CFR part 96 model rules as set forth in the May 12, 2005 rulemaking, however, because revisions to 40 CFR part 96 were finalized after the State had started its rulemaking process, did not include the changes to the model rules that were made as part of the April 28, 2006 CAIR FIP. Consistent with the provisions of the CAIR, West Virginia submitted a letter on June 8, 2007, requesting that portions of its June 1, 2006 SIP revision be considered as an abbreviated SIP revision. The June 8, 2007 letter designated the NO_X allocation methodology provisions applicable to EGUs under the CAIR FIP and originally submitted as part of its June 1, 2006 CAIR SIP revision as replacing the corresponding provisions of the CAIR FIPs. Consistent with this request, EPA is treating the following provisions of West Virginia's CAIR rules an abbreviated SIP revision: §§ 45–39–40, 45–39–41, and 45–39–42 ; and §§ 45–40–40, 45–40–41, and 45–40–42, except for paragraphs 40.3, 42.2.c, 42.2.d, 42.2.e, 42.3.a.2, and 42.4.b. The NO_X allowance allocation methodology in these provisions of West Virginia's June 1, 2006 SIP revision is consistent with the methodology in part 96 and the FIP.

On September 13, 2007 (72 FR 52289), EPA published a direct final rulemaking notice (DFRN) to approve the June 8, 2007 revision to West Virginia's SIP. The DFRN approved, as an abbreviated SIP, West Virginia's methodology for allocating NO_X allowances for the NO_X annual and NO_X ozone season trading programs, which will be used to allocate NO_X allowances to sources in West Virginia, instead of the federal allocation methodology otherwise provided in the FIP. A detailed discussion of the CAIR requirements, West Virginia's CAIR submittals, and EPA's rationale for approval of the West Virginia's abbreviated SIP may be found in the DFRN and will not be repeated here. In the DFRN, EPA stated that if adverse comment was received, it would publish a timely withdrawal in the **Federal Register** informing the public that the rule would not take effect. On October 12, 2007, EPA received an adverse comment from the State of Connecticut Department of Environmental Protection. EPA therefore withdrew the DFRN on November 7, 2007 (72 FR 62788).

II. Public Comments and EPA Responses

Comment: On October 12, 2007, the Connecticut Department of Environmental Protection (CTDEP) submitted adverse comments on EPA's DFR notice approving West Virginia's abbreviated CAIR SIP. CTDEP encourages EPA to approve state programs adopted to meet the emission reduction requirements of CAIR. However, it argues that before approving state CAIR plans, EPA should evaluate individually and in the aggregate each state's clean air programs. They argue such evaluation is necessary to ensure that each state's emissions do not significantly contribute to downwind nonattainment. CTDEP asserts its belief that the CAIR program does not ensure that the CAA section 110(a)(2)(D)(i) requirements to prohibit transported emissions that significantly contribute to nonattainment in Connecticut and other states will be met. CTDEP expresses concern that EPA is determining through this and other similar rulemakings that CAIR programs are sufficient to meet States' section 110(a)(2)(D)(i) obligations. CTDEP asserts, based on EPA and State modeling for CAIR, that the levels of transported pollution remaining after CAIR implementation are large enough that, even with local controls, it may be difficult for Connecticut to attain the 8-hour ozone NAAQS by 2010. Finally, CTDEP questions EPA's determination that highly cost effective controls are adequate to address States' section 110(a)(2)(D)(i) obligations as compared to ''reasonable cost'' controls that could be achieved to effect more stringent NO_X reductions.

Response: EPA does not agree that it is appropriate or necessary for EPA to conduct additional analysis before approving the West Virginia abbreviated CAIR SIP for NO_X allowances and NO_X allowance methodology. West Virginia has chosen an abbreviated SIP for NO_X allowances and NO_X allocation methodology, one of four SIP elements for which states may request an abbreviated SIP. With an abbreviated SIP, the CAIR FIP remains in place for West Virginia. EPA's proposed approval of West Virginia's abbreviated SIP would therefore only have the effect of replacing, as provided for in the CAIR FIP, the corresponding FIP provisions with the State's preferred allocations and methodology. EPA has evaluated this abbreviated SIP revision and determined that it complies with the requirements of the CAIR FIP provisions regarding abbreviated SIPs. CTDEP does not challenge this determination. Thus, CTDEP's comments do not specifically pertain to any aspect of EPA's proposed action to approve the West Virginia CAIR SIP revision. Rather, the comments appear to be directed broadly at EPA's decisions with regard to states' section 110(a)(2)(D)(i) obligations. These decisions were made by EPA in the context of the CAIR rulemaking, which was promulgated on May 12, 2005 (70 FR 25162), not in the proposed action to approve West Virginia's abbreviated CAIR SIP revision. Therefore, CTDEP's comments are not relevant to the proposed action. CTDEP had ample opportunity to submit comments both during the comment period for the proposed CAIR rulemaking of January 30, 2004 (69 FR 4566) and during the comment period for the proposed CAIR FIP of August 24, 2005 (70 FR 49708). EPA's proposal to approve West Virginia's abbreviated CAIR SIP did not reopen either the CAIR or CAIR FIP rulemakings. Consequently, CTDEP's comments are not relevant to this rulemaking, or timely with respect to the CAIR and CAIR FIP rulemakings. Thus, EPA does not believe it is necessary to conduct additional analysis on whether West Virginia or any other state satisfies the requirements of 110(a)(2)(D)(i) before approving the West Virginia's abbreviated CAIR SIP submission.

III. Final Action

EPA is approving West Virginia's abbreviated CAIR SIP revision submitted on June 8, 2007, as discussed above. West Virginia is subject to the CAIR FIPs, which require participation in the EPA-administered SO_2, NO_X annual, and NO_X ozone season cap-and-trade programs. Under this abbreviated SIP revision and, consistent with the flexibility given to States in the FIPs, West Virginia has adopted provisions for allocating allowances under the CAIR FIP NO_X annual and ozone season trading programs. As provided for in the CAIR FIPs, these provisions in the abbreviated SIP revision will replace or supplement the corresponding provisions of the CAIR FIPs in West Virginia. The abbreviated SIP revision meets the applicable requirements in 40 CFR 51.123(p) and (ee), with regard to NO_X annual and NO_X ozone season emissions. In this final action, EPA is not making any changes to the CAIR FIP, but is amending the appropriate appendices in the CAIR FIP trading rules simply to note approval of West Virginia's abbreviated CAIR SIP.

EPA is today taking action only on this request for an abbreviated SIP revision and not the full CAIR SIP revision originally submitted, which will be the subject of a separate rulemaking action. In the June 8, 2007 letter, West Virginia states that it will revise and promulgate its CAIR rules 45CSR39, 45CSR40, and 45CSR41 to incorporate the revisions to part 96 and indicates that it plans to submit an amended CAIR SIP revision to EPA in 2008.

IV. Effective Date

EPA finds that there is good cause for this approval to become effective on the date of publication because a delayed effective date is unnecessary due to the nature of the approval, which allows the Commonwealth to make allocations under its CAIR rules. The expedited effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rule actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction'' and section 5 U.S.C. 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.''

CAIR SIP approvals relieve states and CAIR sources within states from being subject to allowance allocation provisions in the CAIR FIPs that otherwise would apply to it, allowing States to make their own allowance allocations based on their SIP-approved State rule. The relief from these obligations is sufficient reason to allow an expedited effective date of this rule under 5 U.S.C. 553(d)(1).

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the

State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 19, 2008. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve West Virginia's abbreviated CAIR SIP revision may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 97

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

Dated: December 6, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR parts 52 and 97 are amended as follows:

PART 52—[AMENDED]

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

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

Subpart XX—West Virginia

■ 2. Section 52.2520 is amended as follows:

■ a. The table in paragraph (c) by adding entries for 45 CSR 39 and 45 CSR 40 at the end of the table.

■ b. The table in paragraph (e) by adding the entry for Article 3, Chapter 64 of the Code of West Virginia at the end of the table.

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR § 52.2565
*	*	*	*	*
[45 CSR] Series 39 Control of Annual Nitrogen Oxide Emissions to Mitigate Interstate Transport of Fine Particulate Matter and Nitrogen Ozides			
Section 45–39–40	CAIR NO_X Annual Trading Budget	5/1/06	12/18/07 [Insert page number where the document begins].	Only Phase I (2009–2014).
Section 45–39–41	Timing Requirements for CAIR NO_X Annual Allowance Allocations.	5/1/06	12/18/07 [Insert page number where the document begins].	Only Phase I (2009–2014).
Section 45–39–42	CAIR NO_X Annual Allowance Allocations.	5/1/06	12/18/07 [Insert page number where the document begins].	Only for Phase I (2009–2014).
[45 CSR] Series 40 Control of Ozone Season Nitrogen Oxide Emissions to Mitigate Interstate Transport of Ozone and Nitrogen Oxides				
Section 45–40–40	CAIR NO_X Ozone Season Trading Budget.	5/1/06	12/18/07 [Insert page number where the document begins].	1. Except for subsection 40.3, and non-EGUs in subsection 40.1 table 2. Only Phase I (2009–2014).
Section 45–40–41	Timing Requirements for CAIR NO_X Ozone Season Allowance Allocations.	5/1/06	12/18/07 [Insert page number where the document begins].	Only Phase I (2009–2014).

EPA-APPROVED REGULATIONS IN THE WEST VIRGINIA SIP—Continued

State citation [Chapter 16–20 or 45 CSR]	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR § 52.2565
Section 45–40–42	CAIR NO_X Ozone Season Allowance Allocations.	5/1/06	12/18/07 [Insert page number where the document begins].	1. Except for subsections 42.2.d, 42.2.e, 42.3.a.2, and 42.4.b. 2. Only Phase I (2009–2014).

* * * * * (e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Article 3, Chapter 64 of the Code of West Virginia, 1931.	Statewide	5/1/06	12/18/07 [Insert page number where the document begins].	Effective date of March 11, 2006.

PART 97—[AMENDED]

■ 3. The authority citation for 40 CFR part 97 continues to read as follows:

Authority: 42 U.S.C. 7401, 7403, 7410, 7426, 7601, and 7651, *et seq.*

■ 4. Appendix A to Subpart EE is amended by adding the entry for ''West Virginia'' in alphabetical order under paragraph 1. to read as follows:

Appendix A to Subpart EE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations

1. * * *

West Virginia (for control periods 2009–2014)

* * * * *

■ 5. Appendix A to Subpart EEEE is amended by adding the entry for West Virginia in alphabetical order to read as follows:

Appendix A to Subpart EEEE of Part 97—States With Approved State Implementation Plan Revisions Concerning Allocations

* * * * *

West Virginia (for control periods 2009–2014)

* * * * *

[FR Doc. E7–24367 Filed 12–17–07; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 488

[CMS–2278–IFC2]

RIN 0938–AP22

Revisit User Fee Program for Medicare Survey and Certification Activities

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule with comment period implements the continuation of the revisit user fee program for Medicare Survey and Certification activities, in accordance with the statutory authority in the Further Continuing Appropriations, 2008 Resolution (''Continuing Resolution'') budget legislation passed by the Congress and signed by the President on November 13, 2007. On September 19, 2007, we published a final rule that established a system of revisit user fees applicable to health care facilities that have been cited for deficiencies during initial certification, recertification or substantiated complaint surveys and require a revisit to confirm that previously-identified deficiencies have been corrected.

DATES: *Effective date:* These regulations are effective December 14, 2007, and applicable beginning November 17, 2007.

Comment date: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on February 19, 2008.

ADDRESSES: In commenting, please refer to file code CMS–2278–IFC2. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (no duplicates, please):

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to *http://www.cms.hhs.gov/eRulemaking.* Click on the link ''Submit electronic comments on CMS regulations with an open comment period.'' (Attachments should be in Microsoft Word, WordPerfect, or Excel; however, we prefer Microsoft Word.)

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2278–IFC2, P.O. Box 8010, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2278–IFC2, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the

comment period to one of the following addresses. If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201; or

7500 Security Boulevard, Baltimore, MD 21244–1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Kelley Tinsley, (410) 786–6664.

SUPPLEMENTARY INFORMATION:

Submitting Comments: As the public was provided an opportunity to comment on the substance of the rule during the comment period prior to the publication of the September 19, 2007 final rule, and as the substance of the rule is not changed by this interim final rule with comment period, we are accepting comments only to the extent that they pertain to the applicability of the new authority for the rule. You can assist us by referencing the file code CMS–2278–IFC2.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.cms.hhs.gov/eRulemaking*. Click on the link ''Electronic Comments on CMS Regulations'' on that Web site to view public comments.

Comments received timely will be available for public inspection as they are received, generally beginning approximately three weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

SUPPLEMENTARY INFORMATION:

I. Background

In the June 29, 2007 **Federal Register** (72 FR 35673), we published the proposed rule entitled, ''Establishment of Revisit User Fee Program for Medicare Survey and Certification Activities' and provided for a 60-day comment period. In the September 19, 2007 **Federal Register** (72 FR 53628) we published the Revisit User Fee Program final rule. That final rule set forth final requirements and a final fee schedule for providers and suppliers who require a revisit survey as a result of deficiencies cited during an initial certification, recertification, or substantiated complaint survey.

The Centers for Medicare & Medicaid Services (CMS) has in place an outcome-oriented survey process that is designed to ensure that existing Medicare-certified providers and suppliers or providers and suppliers seeking initial Medicare certification, meet statutory and regulatory requirements, conditions of participation, or conditions for coverage. These health and safety requirements apply to the environments of care and the delivery of services to residents or patients served by these facilities and agencies. The Secretary of the Department of Health and Human Services (HHS) has designated CMS to enforce the conditions of participation/coverage and other requirements of the Medicare program. The revisit user fee will be assessed for revisits conducted in order to determine whether deficiencies cited as a result of failing to satisfy federal quality of care requirements have been corrected.

Pursuant to the requirements of the Continuing Appropriations Resolution budget bill for fiscal year (FY) 2007, the Secretary directed CMS to implement the revisit user fees for FY 2007 for certain providers and suppliers for which a revisit was required to confirm that previously-identified failures to meet federal quality of care requirements had been remedied. The fees recover the costs associated with the Medicare Survey and Certification program's revisit surveys. The primary purpose for implementing the revisit user fees is to ensure the continuance of CMS Survey and Certification quality assurance functions that improve patient care and safety. The fees became effective upon publication September 19, 2007, when the final rule was published.

II. Provisions of the Interim Final Rule

The current Continuing Resolution Pub. L. 110–16 Division B of HR 3222 which amends Pub. L. 110–92 H. J. Res. 52 §§ 101 & 106(2007), authorizes HHS to continue to impose revisit user fees until December 14, 2007, as follows:

* * *

Sec. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2007 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2007, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

* * *

(3) The Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5). (*H.J.Res.20, § 101(2007)*).

Sec. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2008, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs:

* * *

(3) December 14, 2007.

As directed by the Secretary, in the September 19, 2007 **Federal Register** (72 FR 53628), we established the revisit user fee program for revisit surveys. We put forth in regulation the relevant definitions, criteria for determining the fees, the fee schedule, procedures for the collection of fees, the reconsideration process, enforcement and regulatory language addressing enrollment and billing privileges, and provider agreements. In the September 19, 2007 final rule, cost projections were based on FY 2006 actual data and were expected to amount to $37.3 million for FY 2007. These calculations were included in section IV of the final rule (72 FR 53642).

We stated in the final rule that, ''if authority for the revisit user fee is continued, we will use the current fee schedule in [the final rule] for the assessment of such fees until such time as a new fee schedule notice is proposed and published in final form.'' (72 FR 53628). The current Continuing Resolution continues the authority of the FY 2007 Continuing Resolution from November 17, 2007 through December 14, 2007. Accordingly, the revisit fees will continue to be assessed for the entire time period authorized by the current Continuing Resolution.

III. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

IV. Waiver of Proposed Rulemaking and Delay in Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the proposed rule in accordance with 5 U.S.C. 553(b) of the Administrative Procedure Act (APA). The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed, and the terms and substance of the proposed rule or a description of the subjects and issues involved. This procedure can be waived, however, if an agency finds good cause that a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued. We find that the notice-and-comment procedure is unnecessary in this circumstance because providers and suppliers have already been provided notice and an opportunity to comment on the substance of this rule. This interim final rule with comment merely updates the Congressional authority under which the rule operates.

Therefore, we find good cause to waive the notice of proposed rulemaking and to issue this final rule on an interim basis. We are providing a 60-day public comment period.

We ordinarily provide a 30-day delay in the effective date of the provisions of a rule in accordance with the Administrative Procedure Act (APA), 5 U.S.C. 553(d). However, the delay in the effective date may be waived as, in pertinent part, ''provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(3). The Secretary finds that good cause exists to waive the 30-day effective date delay.

The good cause exception to the 30 day effective date delay provision of section 553(d) of the APA is read to be broader than the good cause exception to the notice and comment provision of section 553(b) of the APA.

The legislative history of the APA indicates that the purpose for deferring the effectiveness of a rule under section 553(d) was to ''afford persons affected a reasonable time to prepare for the effective date of a rule or rules or to take other action which the issuance may prompt.'' S. Rep. No. 752, 79th Cong., 1st Sess. 15 (1946); H.R. Rep. No. 1980, 79th Cong. 2d Sess. 25 (1946). In this case, affected parties do not need time to adjust their behavior before this rule takes effect. This rule merely updates the authority under which the revisit fee is assessed and does not provide any additional requirements for the affected parties. Moreover, with or without a revisit fee, a provider or supplier must be found to have corrected significant deficiencies in order to avoid termination. Additionally, the application of a fee for the revisit does not place appreciable administrative burdens on the affected providers or suppliers. We do not expect appreciable cost to State survey agencies because we are undertaking the billing and collection of the revisit user fee.

We identified in the September 19, 2007 final rule the immediacy of this revisit user fee program and the specific statutory requirement contained limited in the Continuing Resolution that required us to implement the revisit user fee program in FY 2007. Accordingly, providers and suppliers have been on notice for some time that these fees will be imposed, and do not need additional time to be prepared to comply with the requirements of this regulation. We believe that given the short timeframe that we have to collect fees before the statutory authority of the current Continuing Resolution expires, there is good cause to waive the 30-day effective date.

V. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

VI. Regulatory Impact Analysis

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

Executive Order 12866 (as amended by Executive Order 13258, which merely reassigns responsibility of duties) directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any one year). This rule is not a major rule. The aggregate costs will total approximately $37.3 million in any one year.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Individuals and States are not included in the definition of a small entity. Small businesses are small entities, either by nonprofit status or by having revenues of $6.5 million to $31.9 million or less in any one year for purposes of the RFA. The September 19, 2007 final rule provided an analysis on the impact of small entities (72 FR 53642–3). The analysis published in the final rule remains valid. Since this interim final rule with comment merely updates the Congressional authority under which the rule operates, we have determined that this rule will not have a significant impact on small entities based on the overall effect on revenues.

Section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan statistical Area (superseded by Core Based Statistical Areas) and has fewer than 100 beds. This rule affects those small rural hospitals that have been cited for a deficiency based on noncompliance with required conditions of participation and for which a revisit is needed to ensure that the deficiency has been corrected. We identified in the September 19, 2007 final rule that for the effective period of that rule that less than 3 percent of all hospitals may be assessed a revisit user fee and that less than 1 percent of those hospitals would be rural hospitals (72 FR 53643). The analysis published in the final rule remains valid. Since this interim final rule with comment merely updates the Congressional authority under which the rule operates, we maintain that this rule will not have a

significant impact on small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any one year of $100 million in 1995 dollars, updated annually for inflation. That threshold level is currently approximately $120 million. This interim final rule with comment will have no mandated effect on State, local, or tribal governments and the impact on the private sector is estimated to be less than $120 million and will only effect those Medicare providers or suppliers for which a revisit user fee is assessed based on the need to conduct a revisit survey to ensure deficient practices that were cited have been corrected.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This interim final rule with comment will not substantially affect State or local governments. This rule establishes user fees for providers and suppliers for which CMS has identified deficient practices and requires a revisit to assure that corrections have been made. Therefore, we have determined that this interim final rule with comment will not have a significant affect on the rights, roles, and responsibilities of State or local governments.

B. Impact on Providers/Suppliers

There is no change on the impact on providers and suppliers with the publication of this interim final rule with comment. The impact remains as discussed in the final rule (72 FR 53643).

Final Fee Schedule for Onsite and Offsite Revisit Surveys

The FY 2007 fee schedule published on September 19, 2007 (72 FR 53647) in the final rule will be retained. As noted in the final rule, the published fee schedule will be utilized by CMS for the assessment of such fees until such time as a new fee schedule notice is proposed and published in final form. The calculations utilized to determine the fee as identified in the final rule will be the same (72 FR 53645–6). We will continue to assess a flat fee based on provider or supplier type and type of revisit survey conducted. Table A below identifies the final fee schedule.

TABLE A.—FINAL FEE SCHEDULE

Facility	Fee assessed per offsite revisit survey	Fee assessed per onsite revisit survey
SNF & NF	$168	$2,072
Hospitals ...	168	2,554
HHA	168	1,613
Hospice	168	1,736
ASC	168	1,669
RHC	168	851
ESRD	168	1,490

Costs for All Revisit User Fees Assessed

We anticipated that the combined costs for all providers and suppliers for all revisit surveys in FY 2007 would total approximately $37.3 million on an annual basis, with onsite revisit surveys amounting to approximately $34.6 million and offsite revisit surveys totaling approximately $2.7 million. (72 FR 53645). However, actual fees assessed in FY 2007 were much less than this amount, since CMS did not charge for revisits that occurred prior to publication of the final regulation. Since we continue to operate under this same estimate for FY 07, we provide below monthly estimates of the impact for the period of the current Continuing Resolution in Tables B and C. For the period of the current Continuing Resolution, we will use the FY 2007 fee schedule established in the final rule for the assessment of fees until a new fee schedule notice is proposed and published as final.

In Table B below, we provide the projected costs for the period of this current Continuing Resolution based on the fee schedule of the final rule. We expect the combined costs for all providers and suppliers for all onsite revisit surveys for the period of this current Continuing Resolution to total approximately $2.9 million. We first multiplied the total number of onsite revisit surveys in one year by the expected revisit user fees assessed per revisits as finalized in Table A above, estimated by provider or supplier, to obtain the annual cost of revisit surveys. We then divided this number by 12 to obtain the monthly cost per provider or supplier of onsite revisit surveys to obtain the total costs for onsite revisit surveys for the period of the current Continuing Resolution (roughly 1 month). We then totaled all providers and suppliers to achieve the total costs for all onsite revisit surveys for the period of this current Continuing Resolution.

TABLE B.—ONSITE REVISIT SURVEYS—ESTIMATED MONTHLY COSTS

Facility	Monthly number of onsite revisit surveys	Fee assessed per onsite revisit surveys (hrs × $112)	Monthly costs for onsite revisit surveys *
SNF & NF	1,191	$2,072	$2,467,061
Hospitals	48	2,554	122,379
HHA	89	1,613	143,557
Hospice	21	1,736	37,035
ASC	8	1,669	13,213
RHC	12	851	10,567
ESRD	58	1,490	86,668
Total	1,427	.....	2,880,480

* Monthly costs may differ from the multiple of monthly revisits and fee per revisit due to rounding. The time period of this CR is roughly 1 month. Total numbers of onsite revisit surveys were rounded up based on FY 2006 actual data presented in the final rule.

We expect the combined costs for all providers and suppliers for all offsite revisit surveys to total $229,250 for the period of the current Continuing Resolution. In Table C below, we first estimated by provider or supplier the number of offsite revisit surveys expected for an entire fiscal year, and multiplied this number by the expected revisit user fee of $168 per offsite revisit survey to obtain the annual cost of surveys. We then divided this number

by 12 to obtain the monthly cost of offsite revisit surveys to obtain the total costs for offsite revisit surveys for the period of the current Continuing Resolution (roughly 1 month).

TABLE C.—OFFSITE REVISIT SURVEYS—ESTIMATED MONTHLY COSTS

Facility	Monthly number of offsite revisit surveys	Fee assessed per offsite revisit survey ($112 × 1.5 hrs)	Monthly costs for offsite revisit surveys*
SNF & NF	1,262	$168	$211,932
Hospitals	23	168	3,892
HHA	43	168	7,238
Hospice	4	168	714
ASC	8	168	1,302
RHC	6	168	938
ESRD	19	168	3,234
Total	1,365	.....	229,250

*Monthly costs may differ from the multiple of monthly revisits and fee per revisit due to rounding. The time period of this CR is roughly 1 month.

As shown in Table D below, we provide the aggregate costs expected as projected for the entire FY 2007, as well as the costs we would expect to offset for the period of the current Continuing Resolution.

TABLE D.—TOTAL COSTS COMBINED FOR ALL REVISITS SURVEYS PER FISCAL YEAR & PERIOD OF CR

	FY 2007	Period of CR*
Onsite Revisit Surveys	$34,565,760	$2,880,480
Offsite Revisit Surveys	2,751,000	229,250
Total Costs All Revisits	37,316,760	3,109,730

*CR period's costs are based on CR period revisit surveys rounded up to the nearest whole number as shown in Table B & C.

E. Alternatives Considered

We considered a number of alternatives to the revisit user fee program. Such alternatives were discussed in the final rule published on September 19, 2007 (72 FR 53647). We affirm the continuing validity of that analysis. The current Continuing Resolution provides CMS with the authority to continue projects or activities as was otherwise provided for in FY 2007, and as such CMS is required to publish an interim final rule with comment. This interim final rule with comment merely updates the Congressional authority under which the rule operates.

In accordance with Executive Order 12866, this rule has been reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 488

Administrative practice and procedure, Health facilities, Medicare, Reporting and Recording requirements.

■ For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services amends 42 CFR chapter IV, part 488 as set forth below:

PART 488—SURVEY, CERTIFICATION, AND ENFORCEMENT PROCEDURES

■ 1. The authority citation for part 488 is revised to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act, unless otherwise noted (42 U.S.C. 1302 and 1395(hh)); Continuing Resolution Pub. L. 101–16 Division B of HR 3222.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: December 3, 2007.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: December 13, 2007.

Michael O. Leavitt,

Secretary.

[FR Doc. 07–6093 Filed 12–14–07; 12:13 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 060824226 6322 02]

RIN 0648–AW34

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments

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

ACTION: Final rule; inseason adjustments to biennial groundfish management measures; request for comments.

SUMMARY: This final rule announces inseason changes to management measures in the commercial Pacific Coast groundfish fishery. These actions, which are authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP), are intended to allow fisheries to access more abundant

groundfish stocks while protecting overfished and depleted stocks.

DATES: Effective 0001 hours (local time) January 1, 2008. Comments on this final rule must be received no later than 5 p.m., local time on January 17, 2008.

ADDRESSES: You may submit comments, identified by RIN 0648–AW34 by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal *http://www.regulations.gov*.
- Fax: 206–526–6736, Attn: Gretchen Arentzen
- Mail: D. Robert Lohn, Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115–0070, Attn: Gretchen Arentzen.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Gretchen Arentzen (Northwest Region, NMFS), phone: 206–526–6147, fax: 206–526–6736 and e-mail *gretchen.arentzen@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Electronic Access

This final rule is accessible via the Internet at the Office of the **Federal Register**'s Website at *http://www.gpoaccess.gov/fr/index.html*. Background information and documents are available at the Pacific Fishery Management Council's website at *http://www.pcouncil.org/*.

Background

The Pacific Coast Groundfish FMP and its implementing regulations at title 50 in the Code of Federal Regulations (CFR), part 660, subpart G, regulate fishing for over 90 species of groundfish off the coasts of Washington, Oregon, and California. Groundfish specifications and management measures are developed by the Pacific Fishery Management Council (Council), and are implemented by NMFS. A proposed rule to implement the 2007–2008 specifications and management measures for the Pacific Coast groundfish fishery and Amendment 16–4 of the FMP was published on September 29, 2006 (71 FR 57764). The final rule to implement the 2007–2008 specifications and management measures for the Pacific Coast Groundfish Fishery was published on December 29, 2006 (71 FR 78638). These specifications and management measures were codified in the CFR (50 CFR part 660, subpart G). The final rule was subsequently amended on: March 20, 2007 (71 FR 13043); April 18, 2007 (72 FR 19390); July 5, 2007 (72 FR 36617); August 3, 2007 (72 FR 43193); September 18, 2007 (72 FR 53165); and October 4, 2007 (72 FR 56664); and December 4, 2007 (72 FR 68097).

Changes to the biennial groundfish management measures implemented by this action were recommended by the Council, in consultation with Pacific Coast Treaty Indian Tribes and the States of Washington, Oregon, and California, at its November 5–9, 2007, meeting in San Diego, California. At that meeting, the Council recommended adjusting the biennial groundfish management measures for December 2007 to respond to updated fishery information, and these measures were published in a separate rulemaking on December 4, 2007 (72 FR 68097). At that same meeting, the Council recommended adjusting the biennial groundfish management measures for the remainder of the biennial period to respond to updated fishery information and other inseason management needs.

The Council recommended the following adjustments beginning January 1, 2008: (1) Setting the trawl Rockfish Conservation Area (RCA) boundaries such that they take into account recent scientific information on constraining overfished species bycatch early in the year; (2) adjusting trip limits for sablefish, longspine thornyheads, shortspine thornyheads, Dover sole, petrale sole, arrowtooth flounder, Other Flatfish, minor slope and darkblotched rockfish, Pacific ocean perch, and chilipepper rockfish in the limited entry trawl fishery; (3) recombining chilipepper rockfish into a single limited entry fixed gear cumulative limit for minor shelf, shortbelly and widow rockfish, and bocaccio between 40°10.00′ N. lat. and 34°27.00′ N. lat.; (4) increasing shortspine thornyhead limits in the limited entry fixed gear fishery south of 34°27.00′ N. lat.; (5) setting differential open access sablefish daily trip limits north of 36° N. lat. and decreasing the daily trip limits north and south of 36° N. lat.; (6) removing trip limit requirements for lingcod in the tribal fishery.

NMFS has considered these recommendations, and is implementing them as described below. Pacific Coast groundfish landings will be monitored throughout the remainder of the biennial period, and further adjustments to trip limits or management measures may be made as necessary to allow achievement of, or to avoid exceeding, optimum yields (OYs).

Fishery Management Measures for the Limited Entry Non-Whiting Trawl Fishery

At its November 2007 meeting, the Council reviewed the 2007 limited entry trawl fisheries by considering: 1) the fishery management measures initially set for 2007, 2) modifications to management measures that were needed inseason in 2007 as new data became available throughout the season, and 3) retrospective total catch pattern data from the 2007 year-to-date. A noticeable feature of the 2007 fishing season was that the Council had to, on several occasions, recommend inseason adjustments to constrain either trip limits or fishing areas in order to ensure that the total catch for 2007 of overfished species would stay within their allowable harvest levels for their rebuilding plans. This practice is in keeping with the Council's rebuilding goals for overfished species, but is challenging for an industry trying to predict whether and how much fish will be available for harvest in the next month of the year. The Council's goal in scrutinizing the 2007 fishery was to develop a set of management measures for the remainder of the biennial period, for implementation on January 1, 2008, that would take into account new knowledge gained in 2007 to better structure the fishery so initial 2008 management measures would continue to keep total catch of managed species within their optimum yield levels, and would be conservative enough to reduce the frequency with which management measure adjustments would be needed inseason.

Trawl management measures for the 2007–2008 biennium were initially set using fishery data available through the June and September 2006 Council meetings. In late January 2007, NMFS's West Coast Groundfish Observer Program (WCGOP) released new fishery data that showed that canary bycatch rates for vessels using selective flatfish bycatch gear were higher than was shown in the data available for development of management measures in 2006. The Council's first opportunity to respond to this new WCGOP data was at its March 2007 meeting, after the 2007 fishery had been underway for

over two months. In order to take into account estimated canary rockfish bycatch for the early part of 2007 and to ultimately keep the 2007 and 2008 fisheries from exceeding the canary rockfish OY, the Council recommended a strict series of area closures and trip limit revisions for implementation in April 2007 (71 FR 19390, April 18, 2007).

The Council's goal in reviewing 2007 fishery data in preparation for recommending management measures for January 1, 2008, was to ensure that management measures in place for the remainder of the biennial period reflect the best available science and are appropriately designed to constrain total catch during the year for all species. To that end, the Council's Groundfish Management Team (GMT) incorporated additional new data from WCGOP, released in October 2007, and the most recently available state logbook data on trawl fishing areas. Based on 2007 fishery landed catch information received to date and on WCGOP data in combination with new logbook data, the GMT recommended that the Council consider measures to protect canary rockfish in 2008 that primarily focused on adjustments to the trawl RCA boundaries coastwide. Incidental catch of canary rockfish is of higher concern in the non-whiting trawl fishery compared to incidental catch of other overfished species because they are a shelf species that commonly co-occur with target species taken with trawl gear. Canary rockfish are the most constraining of the overfished species, based on incidental catch projections in the non-whiting trawl fishery. A GMT review of the trip limits implemented for target species in 2007 found that arrowtooth flounder was the primary species that needed adjustments to its trip limits in order to gain savings of canary rockfish bycatch in addition to the savings that the GMT estimated would be achieved from modifying the trawl RCA. Upon reviewing this analysis, the Council recommended reducing the arrowtooth flounder trip limits for selective flatfish gear in northern waters, and provided an RCA schedule for the remainder of the biennial period as next described.

The Council also received the most recent Pacific Fishery Information Network's (PacFIN) and Quota Species Monitoring (QSM) data, which estimated catch through the end of October, and considered trip limit adjustments based on the performance of the fishery during the first 10 months of the biennial period.

Limited Entry Trawl Rockfish Conservation Area

North of 40°10.00′ N. lat. The Council determined that, in order to constrain the incidental catch of canary rockfish and to prevent exceeding the 2008 canary rockfish OY, the limited entry trawl RCA north of 40°10.00′ N. lat. should be modified, using a similar approach to what was ultimately implemented in April 2007 (72 FR 19390, April 18, 2007). In some areas, the RCA would be expanded to eliminate fishing opportunity where trawl data shows higher canary rockfish bycatch rates, shifting fishing effort to depths exhibiting relatively lower canary rockfish bycatch rates. In some areas, the RCA would be liberalized to allow effort shifts and targeting opportunities in depths with relatively lower canary bycatch rates. The Council considered modification of the shoreward RCA boundaries in areas north of 40°10.00′ N. lat. that would close or substantially restrict areas with the highest bycatch rates, as identified from WCGOP data. The areas of highest canary rockfish bycatch rates included the area shoreward of the RCA north of Leadbetter Point (46°38.17′ N. lat.) and the area shoreward of the RCA between Cape Arago (43°20.83′ N. lat.) and Humbug Mountain (42°40.50′ N. lat.). The GMT analyzed the effect of relatively greater restrictions in these areas and, based on that analysis, recommended closing the shoreward area north of Cape Alava (48°10.00′ N. lat.) in the winter. For the area between Cape Alava south to Cape Arago where canary rockfish bycatch is relatively lower, yet where softshell Dungeness crab can occur, the GMT recommended a combined strategy of 75–fm (137–m) and 60–fm (110–m) shoreward RCA boundaries throughout the year.

Trawl fishing opportunities seaward of the trawl RCA are primarily constrained by measures intended to minimize the incidental catch of darkblotched rockfish. Data from the NMFS trawl survey, logbook data, and WCGOP data show that various continental slope target species and darkblotched rockfish are found in shallower depths in the north and move deeper toward the south. The GMT analyzed the effects of shifting the seaward boundary of the trawl RCA shoreward to accommodate a shift in fishing effort from nearshore to offshore waters and recommended concentrating most fishing effort throughout the year offshore of a boundary line approximating the 200–fm (366–m) depth contour, with some seasonal modifications to allow greater access to petrale sole and Other Flatfish. The Council adopted these recommendations for the seaward boundary of the RCA to allow increased fishing opportunity in offshore waters while maintaining RCA protections for darkblotched rockfish.

Based on the information and analysis described above, the Council recommended and NMFS is implementing the following changes to the trawl RCA north of 40°10.00′ N. lat. for the remainder of the biennial period: for the area north of Cape Alava, an RCA closure from the shoreline to the boundary line approximating the 200–fm (366–m) depth contour, with a winter modification to accommodate petrale sole fishing, and a summer modification to accommodate greater flatfish fishing; for the area between Cape Alava and Cape Arago, an RCA closure from a boundary line approximating the 75–fm (137–fm) depth contour to a boundary line approximating the 200–fm (366–fm) depth contour, with modifications in the spring through fall months for the Cape Alava to the Washington-Oregon border (46°16.00' N. lat.) sub-area to protect soft-shell crab and allow access to flatfish and slope target species where canary bycatch is low, and with a winter modification to accommodate petrale sole fishing; for the area between Cape Arago and Humbug Mountain, an RCA closure from the shoreline to a boundary line approximating the 200–fm (366–m) depth contour, with a winter modification to accommodate petrale sole fishing; and for the area between Humbug Mountain and 40°10.00′ N. lat., an RCA closure from a boundary line approximating the 75–fm (137–fm) depth contour to a boundary line approximating the 200–fm (366–fm) depth contour, with a winter modification to accommodate petrale sole fishing.

South of 40°10.00′ N. lat. Trawl effort seaward of the trawl RCA is primarily constrained by incidental catch of darkblotched rockfish. Incidental catch of darkblotched rockfish between 40°10.00′ N. lat. and 38° N. lat. was lower than originally predicted at the start of the biennial period. The Council determined that liberalizing the seaward boundary of the trawl RCA during winter in this area would allow increased targeting opportunities while keeping darkblotched rockfish within the 2008 OY. This would also establish a constant seaward boundary of the trawl RCA. Therefore, the Council recommended and NMFS is implementing an adjustment of the seaward boundary of the trawl RCA between 40°10.00′ N. lat. and 38° N. lat.

to a boundary line approximating the 150–fm (274–m) depth contour during winter.

Limited Entry Trawl Trip Limits

North of 40°10.00′ N. lat. In addition to RCA modifications north of 40°10.00′ N. lat., the Council determined that cumulative limits in the limited entry trawl fishery should be modified to: Reduce total impacts and keep canary rockfish within the 2008 OY; provide increased access to target species in areas with lower canary bycatch rates; reduce a restriction by allowing fishermen increased opportunities to harvest available healthy stocks; reduce complexity of the cumulative limit structure and provide year round fishing opportunity; eliminate targeting of species subject to rebuilding requirements; reduce unnecessary discards; and reduce overall catches to keep stocks within their 2008 OYs.

The Council considered various combinations of cumulative limit adjustments paired with RCA modifications and area closures to reduce fishery impacts to canary rockfish. As with the RCA boundary revisions, the Council's GMT analyzed revisions to trip limits intended to shift fishing effort away from areas where canary rockfish are more commonly taken as bycatch. The Council considered and recommended a more conservative schedule of RCA boundaries, and, when paired with the reductions that had been made to other target species taken with selective flatfish trawl gear in April 2007, there were few additional trip limit reductions necessary to keep the fisheries within the 2008 canary rockfish OY. As a result, the Council recommended reducing arrowtooth flounder limits taken with selective flatfish trawl gear north of 40°10.00′ N. lat. because arrowtooth flounder are a target species more highly associated with canary rockfish bycatch and selective flatfish trawl gear is used to target arrowtooth shoreward of the trawl RCA, where canary rockfish bycatch rates are highest. The Council also recommended continuing the reduction in sablefish cumulative limits taken with selective flatfish trawl implemented in April 2007. Reducing these limits is estimated to reduce impacts on canary rockfish from status quo management measures.

In April 2007, arrowtooth flounder cumulative limits for all gear types were combined into a single cumulative limit with Other Flatfish north of 40°10.00′ N. lat. to reduce total catch and, in turn, reduce impacts on canary rockfish. The most recently available catch data indicate that an unintentional consequence of this combined limit was that arrowtooth was being discarded for other higher-priced species in the combined cumulative limit. Therefore, the Council considered separating these limits to eliminate unnecessary discards, in conjunction with reducing canary rockfish impacts with gear-specific reductions in trip limits.

To reduce the negative economic impacts of decreases to arrowtooth flounder cumulative limits taken with selective flatfish trawl gear north of 40°10.00′ N. lat., the Council recommended increasing Dover sole cumulative limits taken with selective flatfish trawl gear in that area. Dover sole are a target species not strongly associated with incidental catch of canary rockfish. The Council also recommended increasing arrowtooth flounder cumulative limits taken seaward of the RCA with large footrope trawl gear north of 40°10.00′ N. lat. to provide additional fishing opportunity for these healthy target species in waters where they are least likely to co-occur with canary rockfish. In combination with the schedule of RCAs recommended by the Council and described above, the GMT projected that an increase in the Dover sole limits using selective flatfish trawl gear could be accommodated in the nearshore areas that remain open without exceeding the 2008 canary rockfish OY, and an increase in the arrowtooth flounder cumulative limit using large and small footrope trawl gear could be accommodated in offshore areas without exceeding the 2008 darkblotched rockfish OY.

The Council also considered whether decreases in cumulative limits for petrale sole taken with selective flatfish trawl gear might reduce fishery impacts on canary rockfish. However, the Council concluded that the schedule of RCAs described above are adequate to protect the canary rockfish OY while maintaining the overall catch limits of petrale sole for the year in the nearshore areas that remain open.

Based on these analyses, the Council recommended and NMFS is implementing changes in the limited entry trawl flatfish fishery north of 40°10.00′ N. lat. for the remainder of the biennial period that increase arrowtooth flounder trip limits for waters offshore of the trawl RCA, yet decrease arrowtooth flounder trip limits in the area shoreward of the trawl RCA and for selective flatfish trawl gear, and that stabilize Dover sole and Other Flatfish cumulative limits throughout the year, also with greater Dover sole opportunities offshore than nearshore, beginning January 1, 2008.

In 2007, landings and total mortality estimates were lower than had been initially estimated for continental slope species Dover sole, longspine and shortspine thornyheads, and sablefish (DTS complex species) taken seaward of the trawl RCA with large and small footrope trawl gear north of 40°10.00′ N. lat. and limits for these DTS species were increased inseason in 2007. Under status quo regulations, total catch projections for these species are estimated to be below the 2008 OYs. Therefore, the Council developed a strategy for the remainder of the biennial period to re-distribute catch levels for DTS species more evenly over the entire period, reducing complexity in the cumulative limit structure and providing year round fishing opportunity. As discussed above, the Council recommended a stabilized trip limit strategy for Dover sole, beginning January 1, 2008. Dover sole is broadly distributed over a wide range of depths, and associates both with Other Flatfish species and, in deep water with the other species in the DTS complex. Consistent with its 2008 strategy for flatfish, the Council also recommended, and NMFS is implementing, a DTS complex strategy of stabilizing trip limits throughout the year and maintaining low status quo trip limits in offshore areas where overfished species are less likely to be taken, beginning January 1, 2008.

In March 2007, the Council recommended and NMFS implemented a decrease in the minor slope and darkblotched rockfish combined cumulative limit north of 40°10.00′ N. lat. to reduce the impact of greater effort occurring in offshore areas where darkblotched rockfish are found, and considered how increased trawl effort seaward of the RCA would affect the incidental impacts to Pacific ocean perch (POP); however, inseason adjustments were anticipated to keep POP total catch well within its 2007 OY of 150 mt (72 FR 19390, April 18 2007). At its November 2007 meeting, the Council considered continuing the lower minor slope and darkblotched rockfish limits for the remainder of the biennial period, since management measures that shift fishing effort into deeper waters to protect canary rockfish can also increase bycatch of deepwater overfished species, such as darkblotched and POP. To prevent vessels from targeting darkblotched rockfish and POP, the Council recommended and NMFS is implementing a strategy for the remainder of the biennial period for

slope rockfish species taken north of 40°10.00′ N. lat. that, beginning January 1, 2008, maintains the lower status quo trip limits.

South of 40°10.00′ N. lat. The Council determined that cumulative limits in the limited entry trawl fishery south of 40°10.00′ N. lat. should be modified to: reduce unnecessary discards; reduce a restriction by allowing fishermen increased opportunities to harvest available healthy stocks; and, reduce complexity of the cumulative limit structure and provide year round fishing opportunity.

In May 2007, arrowtooth flounder cumulative limits were combined into a single cumulative limit with Other Flatfish south of 40°10.00′ N. lat. to increase targeting flexibility while reducing total catch. The most recently available catch data indicate that an unintentional consequence of this combined limit was that arrowtooth was being discarded for other higher-priced species in the combined cumulative limit. As in the north, the Council recommended separating these limits to eliminate unnecessary discards by setting the cumulative limit for the year as it was set prior to inseason changes in May 2007.

In addition, the Council considered the strategy of separate chilipepper rockfish limits for the remainder of the biennial period. Chilipepper rockfish are an abundant species taken in common with other rockfish in the southern shelf rockfish complex. Based on the most recently available WCGOP data, chilipepper rockfish are being regularly discarded under current trip limits for small footrope trawl gear south of 40°10.00′ N. lat. OYs for chilipepper rockfish have not come close to being achieved in recent years. For example, in the 2005 limited entry trawl and fixed gear fishery, the chilipepper rockfish landings were 28 mt, less than 3 percent of the 1099 mt chilipepper rockfish OY. In June 2007, the Council recommended and NMFS implemented an increase in chilipepper rockfish limits to allow some of this discard to be retained while keeping limits low enough to prevent targeting, and a modest increase in monthly limits for small footrope trawl gear south of 40°10.00′ N. lat. (72 FR 36617, July 5, 2007). Catch estimates indicate that targeting did not occur under this higher limit, and there was little increase in the catch of co-occurring bocaccio and widow rockfish. At their November 5–9 meeting, the Council considered increasing chilipepper limits, and catch projections estimate that less than 54 percent of the 2008 bocaccio OY and less than 79 percent of the 2008 widow rockfish OY will be obtained for either bocaccio or widow rockfish by the end of 2008 with these changes. This means that, even if catch of chilipepper rockfish were to increase in 2008, and higher than expected bycatch of bocaccio and widow rockfish occurs, bocaccio and widow rockfish total catch would still remain within their 2008 OYs.

Therefore, the Council recommended and NMFS is implementing a fishing strategy for the remainder of the biennial period for both arrowtooth flounder and chilipepper rockfish for the limited entry trawl fishery south of 40°10.00′ N. lat. that separates arrowtooth flounder from Other Flatfish limits, beginning January 1, 2008 and that increases the chilipepper rockfish limits using small footrope trawl gear to 2,000 lb (907 kg) per two months, beginning January 1, 2008.

In 2007, landings and total mortality estimates were lower than had been estimated preseason for DTS complex species and Other Flatfish south of 40°10.00′ N. lat. and limits for these species were increased inseason. If the limits for DTS complex species were maintained for early 2008, total catch projections were estimated to be below the 2008 OYs for these species. In addition, status quo cumulative limits for DTS complex species and Other Flatfish would ramp up throughout the year, providing less fishing opportunity early in the year. Therefore, the Council recommended and NMFS is implementing a strategy for DTS complex species and Other Flatfish taken with trawl gear south of 40°10.00′ N. lat. to stabilize tip limit levels for these species throughout the year, with lower limits for sablefish in winter months, beginning January 1, 2008.

At its March 2007 meeting, the Council received preliminary landings data indicating higher than expected petrale sole catch through February and recommended reducing summer petrale sole trip limits coastwide to keep total catch within the 2007 petrale sole OY. At its November 2007 meeting, the Council considered the most recent fishery data and performance of the 2007 fishery and did not recommend this strategy for the remainder of the biennial period. Instead, the Council recommended and NMFS is implementing petrale sole trip limits south of 40°10.00′ N. lat. equivalent to the levels established at the beginning of the biennial period and continuing the status quo strategy of providing greater petrale sole fishing limits in the offshore areas in winter months, when overfished species bycatch is lowest.

Trip limits for minor slope and darkblotched rockfish south of 38° N. lat. were increased inseason in 2007 after the Council considered data at their September meeting indicating that only 16 percent (286 mt out of 1,786 mt) of the 2007 minor slope rockfish OY south of 38° N. lat. was expected to be taken through the end of 2007. At their November 2007 meeting, the Council considered the most recent fishery data and performance of the 2007 fishery and recommended continuing higher trip limits and stabilizing limits for minor slope and darkblotched rockfish for the remainder of the biennial period to allow fishermen to access available healthy stocks while keeping catch of overfished and depleted species within 2008 OYs. Darkblotched rockfish and POP are overfished slope species within this complex; however, these species are much less abundant south of 38° N. lat. Yelloweye rockfish, impacts to which are of concern in hook-and-line fisheries like the California recreational fishery, are rarely taken in trawl fisheries. Therefore, the Council recommended and NMFS is implementing a strategy that stabilizes the combined cumulative limit for minor slope and darkblotched rockfish south of 38° N. lat. at 55,000 lb (24,948 kg) for the remainder of the biennial period.

Limited Entry Fixed Gear Trip Limits South of 40°10.00′ N. Lat.

As described in the section above (Limited Entry Trawl Trip Limits South of 40°10.00′ N. lat.), chilipepper rockfish are an abundant species taken in common with other rockfish in the southern shelf rockfish complex. Chilipepper rockfish taken in the limited entry fixed gear fishery south of 40°10.00′ N. lat. were removed from the combined cumulative limit for minor shelf rockfish, shortbelly and widow rockfish at the beginning of the 2005 fishing season to allow increased targeting opportunities. In June 2007, the Council received a request to recombine chilipepper rockfish into the combined cumulative limit to allow increased targeting opportunities and reduced discards. The Council had concerns, however, with the impacts to overfished species that might occur from combining chilipepper rockfish cumulative limits into a single cumulative limit with minor shelf rockfish, bocaccio and widow rockfish, since the high abundance of chilipepper rockfish would result in a combined limit too high to be supported by less abundant species in the complex. At their November 2007 meeting, the Council discussed recombining chilipepper rockfish into a single

combined cumulative limit, but with a sub-limit for all species other than chilipepper rockfish, to constrain catch of overfished species in the combined limit but allow additional opportunity for chilipepper rockfish. Therefore, the Council recommended and NMFS is implementing the following trip limit changes for the limited entry fixed gear fishery between 40°10.00′ N. lat. and 34°27.00' N. lat.: modify the chilipepper rockfish limit of 2,000 lb (907 kg) per two months by recombining it into a single combined cumulative limit with minor shelf rockfish, shortbelly, widow rockfish and bocaccio, and increase the trip limit from 500 lb (267 kg) per two months to ''2,500 lb (1,134 kg) per two months of which no more than 500 lb (267 kg) per two months may be any species other than chilipepper rockfish,'' beginning January 1, 2008.

In June 2007, the Council recommended a short term increase in shortspine thornyhead cumulative limits south of 34°27.00′ N. lat. during Period 4 (July 1 through August 31). The Council had considered whether increases in effort in this area could result in higher incidental catches of sablefish and other species; however, estimates at that time showed that sablefish catches in this area were actually lower than had been estimated preseason for 2007. In September 2007, the most recent catch data indicated that the Period 4 increases in the shortspine thornyhead cumulative limit did not result in a large effort shift, and only slightly increased the catch rate in this area. Therefore, the Council recommended continuing the Period 4 increases to the shortspine thornyhead cumulative limit south of 34°27.00′ N. lat. through the end of 2007. At the November 2007 Council meeting, the GMT recommended continuing the higher limit for the remainder of the biennial period because a change in behavior relative to the 2007 fishing season is not expected. Therefore, the Council recommended, and NMFS is implementing the following changes for the limited entry fixed gear fishery south of 34°27.00′ N. lat.: increase the shortspine thornyhead limits from 2,000 lb (907 kg) per 2 months to 3,000 lb (1,361 kg) per 2 months, beginning January 1, 2008.

Open Access Fishery Management Measures

At their June 2007 meeting, the Council recommended and NMFS implemented an increase in the daily and weekly limits in the open access sablefish daily trip limit (DTL) fishery south of 36° N. lat. on August 1. The most recent catch information indicates that there have been increased sablefish landings in this area in 2007. In November 2007, the GMT compared current trip limits with historical catches and trip limits. An analysis of 2003 through 2006 catch information indicates that increased effort and increased per-vessel catch have been responsible for the increased landings of sablefish in this area, in particular after the August 1, 2007, increases in daily and weekly trip limits. If catch rates seen during 2007 were to continue for the remainder of the biennial period, the 2008 sablefish OY could be exceeded. The Council considered decreasing the weekly limits to 800 lb (363 kg) and implementing a two month cumulative limit of 2,400 lb (1,089 kg) per two months to keep catch projections within the 2008 sablefish OY; however, industry testimony stated that introducing a two month cumulative limit would force many long-time fishermen out of this fishery.

The Council also considered using differential trip limits for open access sablefish north and south of 36° N. lat. to control shifts in effort that were seen in 2007. The Council discussed keeping weekly and daily limits equal to deter effort shifts; however, the bimonthly limit north of 36° N. lat. and the lack of a bimonthly limit south of 36° N. lat. will likely cause a shift of some effort to the south even when daily and weekly limits are equal. The GMT reviewed sablefish catch projections relative to overfished species impacts and an increase in trip limits can be accommodated north of 36° N. lat., which may reduce incentives for fishermen to shift their effort south where there is no bi-monthly limit for sablefish. Therefore, the Council recommended, and NMFS is implementing a sablefish limit strategy for the open access fishery that decreases the sablefish DTL limits south of 36° N. lat. from ''350 lb (159 kg) per day, or 1 landing per week of up to 1,050 lb (476 kg)'' to ''300 lb (136 kg) per day, or 1 landing per week of up to 700 lb (318 kg)'', and increases the sablefish DTL limits north of 36° N. lat. from ''300 lb (136 kg) per day, or 1 landing per week of up to 700 lb (318 kg), not to exceed 2,100 lb (953 kg) per two months'' to ''300 lbs (136 kg) per day, or 1 landing per week up to 800 lbs (363 kg), not to exceed 2,400 lbs per two months,'' beginning January 1, 2008.

Tribal Fishery Management Measures

At their November 2007 meeting, the Council was informed of unnecessary discards of lingcod in tribal fisheries as they reached their lingcod limits in some sectors of the fishery. Other sectors reduced target opportunities on associated species to avoid unnecessary lingcod discards. The tribes proposed to change lingcod management in 2008 to avoid unnecessary discards of lingcod. Rather than maintaining the current trip limits of 1,000 lb (454 kg) per day and 4,000 lb (1,814 kg) per week in the troll fishery and 600 lb (272 kg) per day and 1,800 lb (816 kg) per week for all other sectors, the tribes will manage all tribal fisheries to stay within an expected total lingcod catch of 250 mt. The tribes will continue to manage their fisheries to stay within the current catch estimates of canary and yelloweye rockfish impacts, regardless of any new targeting strategies for lingcod.

Classification

These actions are taken under the authority of 50 CFR 660.370(c) and are exempt from review under Executive Order 12866.

These actions are authorized by the Pacific Coast groundfish FMP and its implementing regulations, and are based on the most recent data available. The aggregate data, upon which these actions are based, are available for public inspection at the Office of the Administrator, Northwest Region, NMFS, (see **ADDRESSES**) during business hours.

For the following reasons, NMFS finds good cause to waive prior public notice and comment on the revisions to biennial groundfish management measures under 5 U.S.C. 553(b)(3)(B) because notice and comment would be impracticable and contrary to the public interest. Also for the same reasons, NMFS finds good cause to waive the 30–day delay in effectiveness pursuant to 5 U.S.C. 553(d)(1) and 5 U.S.C. 553(d)(3).

The data upon which these recommendations were based was provided to the Council and the Council made its recommendations at its November 5–9, 2007, meeting in San Diego, California. There was not sufficient time after that meeting to draft this notice and undergo proposed and final rulemaking before these actions need to be in effect. For the actions to be implemented in this notice, affording the time necessary for prior notice and opportunity for public comment would be impractical and contrary to the public interest because it would prevent the Agency from managing fisheries using the best available science to approach without exceeding the OYs for Federally managed species. The adjustments to management measures in this document affect commercial and tribal groundfish fisheries off Washington, Oregon, and California.

Changes to cumulative limits for the remainder of the biennial period in the limited entry non-whiting trawl fishery and to the trawl RCA north of 40°10.00′ N. lat. are based on the most recently available fishery information and must be implemented by January 1, 2008 to adequately constrain the projected bycatch of canary rockfish, a groundfish species that is currently subject to rebuilding requirements, and to provide increased access to fishing in areas with lower canary rockfish bycatch rates. The projected bycatch of canary rockfish must be reduced in order to keep coastwide fisheries from exceeding that species rebuilding OY. Shoreward boundaries of the trawl RCA and cumulative limit adjustments for arrowtooth flounder caught with selective flatfish trawl gear must be restricted to lower canary rockfish impacts. Seaward boundaries of the trawl RCA and cumulative limit adjustments for the following species must be liberalized to relieve a restriction and allow fishing opportunities in areas where fishing can occur with relatively lower canary rockfish impacts: arrowtooth flounder using large and small footrope trawl gear; and Dover sole using selective flatfish trawl gear. Changes to the trawl RCA to reduce the bycatch of canary and darkblotched rockfish must be implemented by January 1, 2008, so that the total catch of canary and darkblotched rockfish stays within their 2008 OYs, as defined in the rebuilding plan for this species. It would be contrary to the public interest to wait to implement these RCA revisions until after public notice and comment, because making this regulatory change as soon as possible relieves a regulatory restriction for fisheries that are important to coastal communities.

Liberalizing the seaward boundary of the limited entry trawl RCA between 40°10.00′ N. lat. and 38° N. lat. and changes to all other cumulative limits in the non-whiting commercial fisheries must be implemented in a timely manner to: reduce a restriction by allowing fishermen increased opportunities to harvest available healthy stocks; reduce complexity of the cumulative limit structure and provide year round fishing opportunity; eliminate targeting of species subject to rebuilding requirements; reduce unnecessary discards; and reduce overall catches to keep stocks within their 2008 OYs. Changes to commercial cumulative limits for the following stocks must be implemented in a timely manner by January 1, 2008: (1) sablefish, longspine thornyhead, shortspine thornyhead, Dover sole, Other Flatfish, petrale sole, arrowtooth flounder, Pacific ocean perch (POP), chilipepper rockfish, and minor slope rockfish in the limited entry trawl fishery; (2) chilipepper and shortspine thornyheads in the limited entry fixed gear fishery; and (3) sablefish in the open access daily trip limit fishery. Some of these changes allow fishermen an opportunity to harvest higher trip limits for stocks with lower than expected projected catch, and open some areas seaward of the trawl RCA south of 40°10.00′ N. lat. based on availability of incidentally caught overfished species; therefore, it would be contrary to the public interest to fail to increase these limits and open these areas to reduce the current restrictions in a timely manner. Some of these changes implement restrictions for target species to keep 2008 projected total mortality for these species within their 2008 OYs. Changes in cumulative limits for the following species do not result in a total reduction or increase in per-vessel catch, but re-distribute cumulative limits to provide more stable year round fishing opportunities: (1) petrale sole and (2) Other Flatfish taken with selective flatfish trawl gear in the limited entry trawl fishery north of 40°10.00′ N. lat.; and, (3) Dover sole in the limited entry trawl fishery south of 40°10.00′ N. lat. Changes in cumulative limits for minor slope rockfish and POP to eliminate targeting opportunities for darkblotched rockfish and POP must be implemented as close as possible to January 1, 2008, so that the total catch of darkblotched rockfish and POP stay within their 2008 OYs, as defined in the rebuilding plans for these species. All of these cumulative limit changes keep projected mortality for overfished species within current estimates.

Changes to lingcod trip limits in the tribal fishery must be implemented in a timely manner to: reduce unnecessary discards; and reduce a restriction by allowing fishermen in the tribal fishery increased flexibility in lingcod targeting opportunities. Changes to tribal lingcod cumulative limits are within projected mortality for overfished species.

It would be contrary to the public interest to wait to implement these trip limit changes until after public notice and comment, because making these regulatory changes as soon as possible reduces regulatory restriction for fisheries that are important to coastal communities and fishery participants. For the same reasons, allowing a 30–day delay in effectiveness would be contrary to the public interest.

Delaying these changes would keep management measures in place that are not based on the best available data, which could risk fisheries exceeding OYs, or deny fishermen access to available harvest. Such delay would impair achievement of one of the Pacific Coast Groundfish FMP objectives of providing for year-round harvest opportunities or extending fishing opportunities as long as practicable during the fishing year.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, Fisheries, Reporting and recordkeeping requirements.

Dated: December 11, 2007.

Emily H. Menashes,

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

■ For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

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

■ 2. In § 660.385 paragraph (c) is revised to read as follows:

§ 660.385 Washington coastal tribal fisheries management measures.

* * * * *

(c) *Lingcod.* Lingcod taken in the treaty fisheries are subject to an overall expected total lingcod catch of 250 mt.

* * * * *

■ 3. Tables 3 (North), 3 (South), 4 (South), 5 (North), and 5 (South) to part 660 subpart G are revised to read as follows.

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Table 3 (North) to Part 660, Subpart G -- 2007-2008 Trip Limits for Limited Entry Trawl Gear North of 40°10' N. Lat.

Other Limits and Requirements Apply – Read § 660.301 - § 660.399 before using this table 113007

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[6/]:						
1	North of 48°10.00' N. lat.	shore - modified 200 fm [7/]	shore - 200 fm	shore - 150 fm			shore - modified 200 fm [7/]
2	48°10.00' N. lat. - 46°16.00 N. lat.	75 fm - modified 200 fm [7/]	60 fm - 200 fm	60 fm - 150 fm		75 fm - 150 fm	75 fm - modified 200 fm [7/]
3	46°16.00 N. lat. - 43°20.83' N. lat.		75 fm - 200 fm				
4	43°20.83' N. lat. - 42°40.50' N. lat.	shore - modified 200 fm [7/]	shore - 200fm				shore - modified 200 fm [7/]
5	42°40.50' N. lat. -40°10.00' N. lat.	75 fm - modified 200 fm [7/]	75 fm - 200 fm				75 fm - modified 200 fm [7/]

Selective flatfish trawl gear is required shoreward of the RCA; all trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope trawl gear is prohibited shoreward of the RCA. Midwater trawl gear is permitted only for vessels participating in the primary whiting season.

See § 660.370 and § 660.381 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.390-660.394 and §§ 660.396-660.399 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).

State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.

6	**Minor slope rockfish[2/] & Darkblotched rockfish**	1,500 lb/ 2 months					
7	**Pacific ocean perch**	1,500 lb/ 2 months					
8	**DTS complex**						
9	Sablefish						
10	large & small footrope gear	14,000 lb/ 2 months		17,000 lb/ 2 months			14,000 lb/ 2 months
11	selective flatfish trawl gear	5,000 lb/ 2 months					
12	multiple bottom trawl gear [8/]	5,000 lb/ 2 months					
13	Longspine thornyhead						
14	large & small footrope gear	25,000 lb/ 2 months					
15	selective flatfish trawl gear	3,000 lb/ 2 months					
16	multiple bottom trawl gear [8/]	3,000 lb/ 2 months					
17	Shortspine thornyhead						
18	large & small footrope gear	12,000 lb/ 2 months					
19	selective flatfish trawl gear	3,000 lb/ 2 months					
20	multiple bottom trawl gear [8/]	3,000 lb/ 2 months					
21	Dover sole						
22	large & small footrope gear	80,000 lb/ 2 months					
23	selective flatfish trawl gear	40,000 lb/ 2 months	50,000 lb/ 2 months			40,000 lb/ 2 months	
24	multiple bottom trawl gear [8/]	40,000 lb/ 2 months	50,000 lb/ 2 months			40,000 lb/ 2 months	

TABLE 3 (North)

Table 3 (North). Continued

25	**Whiting**				
26	midwater trawl	Before the primary whiting season: CLOSED. – During the primary season: mid-water trawl permitted in the RCA. See §660.373 for season and trip limit details. – After the primary whiting season: CLOSED.			
27	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. -- During the primary season: 10,000 lb/trip. – After the primary whiting season: 10,000 lb/trip.			
28	**Flatfish** (except Dover sole)				
29	Arrowtooth flounder				
30	large & small footrope gear	150,000 lb/ 2 months			
31	selective flatfish trawl gear	10,000 lb/ 2 months			
32	multiple bottom trawl gear [8/]	10,000 lb/ 2 months			
33	Other flatfish [3/], English sole, starry flounder, & Petrale sole				
34	large & small footrope gear for Other flatfish [3/], English sole, & starry flounder	110,000 lb/ 2 months	110,000 lb/ 2 months, no more than 30,000 lb/ 2 months of which may be petrale sole.	110,000 lb/ 2 months, no more than 20,000 lb/ 2 months of which may be petrale sole.	110,000 lb/ 2 months
35	large & small footrope gear for Petrale sole	40,000 lb/ 2 months			40,000 lb/ 2 months
36	selective flatfish trawl gear for Other flatfish [3/], English sole, & starry flounder	70,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.	70,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	70,000 lb/ 2 months, no more than 22,000 lb/ 2 months of which may be petrale sole.	70,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.
37	selective flatfish trawl gear for Petrale sole				
38	multiple bottom trawl gear [8/]	70,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.	70,000 lb/ 2 months, no more than 18,000 lb/ 2 months of which may be petrale sole.	70,000 lb/ 2 months, no more than 20,000 lb/ 2 months of which may be petrale sole.	70,000 lb/ 2 months, no more than 10,000 lb/ 2 months of which may be petrale sole.
39	**Minor shelf rockfish [1/], Shortbelly, Widow & Yelloweye rockfish**				
40	midwater trawl for Widow rockfish	Before the primary whiting season: CLOSED. – During primary whiting season: In trips of at least 10,000 lb of whiting, combined widow and yellowtail limit of 500 lb/ trip, cumulative widow limit of 1,500 lb/ month. Mid-water trawl permitted in the RCA. See §660.373 for primary whiting season and trip limit details. -- After the primary whiting season: CLOSED.			
41	large & small footrope gear	300 lb/ 2 months			
42	selective flatfish trawl gear	300 lb/ month		1,000 lb/ month, no more than 200 lb/ month of which may be yelloweye rockfish	300 lb/ month
43	multiple bottom trawl gear [8/]	300 lb/ month		300 lb/ 2 months, no more than 200 lb/ month of which may be yelloweye rockfish	300 lb/ month

TABLE 3 (North) con't

Table 3 (North). Continued

44	**Canary rockfish**				
45	large & small footrope gear	CLOSED			
46	selective flatfish trawl gear	100 lb/ month	300 lb/ month	100 lb/ month	
47	multiple bottom trawl gear [8/]	CLOSED			
48	**Yellowtail**				
49	midwater trawl	Before the primary whiting season: CLOSED. – During primary whiting season: In trips of at least 10,000 lb of whiting: combined widow and yellowtail limit of 500 lb/ trip, cumulative yellowtail limit of 2,000 lb/ month. Mid-water trawl permitted in the RCA. See §660.373 for primary whiting season and trip limit details. – After the primary whiting season: CLOSED.			
50	large & small footrope gear	300 lb/ 2 months			
51	selective flatfish trawl gear	2,000 lb/ 2 months			
52	multiple bottom trawl gear [8/]	300 lb/ 2 months			
53	**Minor nearshore rockfish & Black rockfish**				
54	large & small footrope gear	CLOSED			
55	selective flatfish trawl gear	300 lb/ month			
56	multiple bottom trawl gear [8/]	CLOSED			
57	**Lingcod**[4/]				
58	large & small footrope gear	1,200 lb/ 2 months	4,000 lb/ 2 months		
59	selective flatfish trawl gear		1,200 lb/2 months		
60	multiple bottom trawl gear [8/]				
61	**Pacific cod**	30,000 lb/ 2 months	70,000 lb/ 2 months		30,000 lb/ 2 months
62	**Spiny dogfish**	200,000 lb/ 2 months	150,000 lb/ 2 months	100,000 lb/ 2 months	
63	**Other Fish** [5/]	Not limited			

TABLE 3 (North) con't

1/ Bocaccio, chilipepper and cowcod are included in the trip limits for minor shelf rockfish.
2/ Splitnose rockfish is included in the trip limits for minor slope rockfish.
3/ "Other flatfish" are defined at § 660.302 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.
4/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
5/ "Other fish" are defined at § 660.302 and include sharks, skates, ratfish, morids, grenadiers, and kelp greenling. Cabezon is included in the trip limits for "other fish."
6/ The Rockfish Conservation Area is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at §§ 660.391-660.394.
7/ The "modified 200 fm" line is modified to exclude certain petrale sole areas from the RCA.
8/ If a vessel has both selective flatfish gear and large or small footrope gear on board during a cumulative limit period (either simultaneously or successively), the most restrictive cumulative limit for any gear on board during the cumulative limit period applies for the entire cumulative limit period.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 3 (South) to Part 660, Subpart G -- 2007-2008 Trip Limits for Limited Entry Trawl Gear South of 40°10' N. Lat.

Other Limits and Requirements Apply – Read § 660.301 - § 660.399 before using this table

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		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[6/]:						
1	South of 40°10' N. lat.	100 fm - 150 fm [7/]					
	All trawl gear (large footrope, selective flatfish trawl, and small footrope trawl gear) is permitted seaward of the RCA. Large footrope trawl gear is prohibited shoreward of the RCA. Midwater trawl gear is permitted only for vessels participating in the primary whiting season.						
	See § 660.370 and § 660.381 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.390-660.394 and §§ 660.396-660.399 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
2	**Minor slope rockfish[2/] & Darkblotched rockfish**						
3	40°10' - 38° N. lat.	15,000 lb/ 2 months			10,000 lb/ 2 months		15,000 lb/ 2 months
4	South of 38° N. lat.	55,000 lb/ 2 months					
5	**Splitnose**						
6	40°10' - 38° N. lat.	15,000 lb/ 2 months			10,000 lb/ 2 months		15,000 lb/ 2 months
7	South of 38° N. lat.	40,000 lb/ 2 months					
8	**DTS complex**						
9	Sablefish	14,000 lb/ 2 months		17,000 lb/ 2 months			14,000 lb/ 2 months
10	Longspine thornyhead	25,000 lb/ 2 months					
11	Shortspine thornyhead	12,000 lb/ 2 months					
12	Dover sole	80,000 lb/ 2 months					
13	**Flatfish** (except Dover sole)						
14	Other flatfish[3/], English sole, & starry flounder	110,000 lb/ 2 months	110,000 lb/ 2 months, no more than 30,000 lb/ 2 months of which may be petrale sole.				110,000 lb/ 2 months
15	Petrale sole	50,000 lb/ 2 months					50,000 lb/ 2 months
16	Arrowtooth flounder	10,000 lb/ 2 months					
17	**Whiting**						
18	midwater trawl	Before the primary whiting season: CLOSED. – During the primary season: mid-water trawl permitted in the RCA. See §660.373 for season and trip limit details. – After the primary whiting season: CLOSED.					
19	large & small footrope gear	Before the primary whiting season: 20,000 lb/trip. – During the primary season: 10,000 lb/trip. -- After the primary whiting season: 10,000 lb/trip.					

TABLE 3 (South)

Table 3 (South). Continued

20	**Minor shelf rockfish[1/], Chilipepper, Shortbelly, Widow, & Yelloweye rockfish**				TABLE 3 (South) con't
21	large footrope or midwater trawl for Minor shelf rockfish & Shortbelly	300 lb/ month			
22	large footrope or midwater trawl for Chilipepper	2,000 lb/ 2 months	12,000 lb/ 2 months	8,000 lb/ 2 months	
23	large footrope or midwater trawl for Widow & Yelloweye	CLOSED			
24	small footrope trawl for Minor Shelf, Shortbelly, Widow & Yelloweye	300 lb/ month			
25	small footrope trawl for Chilipepper	2,000 lb/ 2 months			
26	**Bocaccio**				
27	large footrope or midwater trawl	300 lb/ 2 months			
28	small footrope trawl	CLOSED			
29	**Canary rockfish**				
30	large footrope or midwater trawl	CLOSED			
31	small footrope trawl	100 lb/ month	300 lb/ month	100 lb/ month	
32	**Cowcod**	CLOSED			
33	**Minor nearshore rockfish & Black rockfish**				
34	large footrope or midwater trawl	CLOSED			
35	small footrope trawl	300 lb/ month			
36	**Lingcod[4/]**				
37	large footrope or midwater trawl	1,200 lb/ 2 months	4,000 lb/ 2 months		
38	small footrope trawl		1,200 lb/ 2 months		
39	**Pacific cod**	30,000 lb/ 2 months	70,000 lb/ 2 months		30,000 lb/ 2 months
40	**Spiny dogfish**	200,000 lb/ 2 months	150,000 lb/ 2 months	100,000 lb/ 2 months	
41	**Other Fish[5/] & Cabezon**	Not limited			

1/ Yellowtail is included in the trip limits for minor shelf rockfish.
2/ POP is included in the trip limits for minor slope rockfish
3/ "Other flatfish" are defined at § 660.302 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.
4/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
5/ Other fish are defined at § 660.302 and include sharks, skates, ratfish, morids, grenadiers, and kelp greenling.
6/ The Rockfish Conservation Area is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at §§ 660.391-660.394.
7/ South of 34°27' N. lat., the RCA is 100 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 4 (South) to Part 660, Subpart G -- 2007-2008 Trip Limits for Limited Entry Fixed Gear South of 40°10' N. Lat.

Other Limits and Requirements Apply -- Read § 660.301 - § 660.399 before using this table 113007

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[5/]:						
1	40°10' - 34°27' N. lat.	30 fm - 150 fm					
2	South of 34°27' N. lat.	60 fm - 150 fm (also applies around islands)					
	See § 660.370 and § 660.382 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.390-660.394 and §§ 660.396-660.399 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
3	**Minor slope rockfish[2/] & Darkblotched rockfish**	40,000 lb/ 2 months					
4	**Splitnose**	40,000 lb/ 2 months					
5	**Sablefish**						
6	40°10' - 36° N. lat.	300 lb/ day, or 1 landing per week of up to 1,000 lb, not to exceed 5,000 lb/ 2 months					
7	South of 36° N. lat.	350 lb/ day, or 1 landing per week of up to 1,050 lb					
8	**Longspine thornyhead**	10,000 lb / 2 months					
9	**Shortspine thornyhead**						
10	40°10' - 34°27' N. lat.	2,000 lb/ 2 months					
11	South of 34°27' N. lat.	3,000 lb/ 2 months					
12	**Dover sole**	5,000 lb/ month South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 11 mm (0.44 inches) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
13	**Arrowtooth flounder**						
14	**Petrale sole**						
15	**English sole**						
16	**Starry flounder**						
17	**Other flatfish[1/]**						
18	**Whiting**	10,000 lb/ trip					
19	**Minor shelf rockfish[2/], Shortbelly, Widow rockfish, and Bocaccio (including Chilipepper between 40°10' - 34°27' N. lat.)**						
20	40°10' - 34°27' N. lat.	Minor shelf rockfish, shortbelly, widow rockfish, bocaccio & chilipepper: 2,500 lb/ 2 months, of which no more than 500 lb/ 2 months may be any species other than chilipepper.					
21	South of 34°27' N. lat.	3,000 lb/ 2 months	CLOSED		3,000 lb/ 2 months		
22	**Chilipepper rockfish**						
23	40°10' - 34°27' N. lat.	Chilipepper included under minor shelf rockfish, shortbelly, widow and bocaccio limits - - See above					
24	South of 34°27' N. lat.	2,000 lb/ 2 months, this opportunity only available seaward of the nontrawl RCA					
25	**Canary rockfish**	CLOSED					
26	**Yelloweye rockfish**	CLOSED					
27	**Cowcod**	CLOSED					
28	**Bocaccio**						
29	40°10' - 34°27' N. lat.	Bocaccio included under Minor shelf rockfish, shortbelly, widow & chilipepper limits -- See above					
30	South of 34°27' N. lat.	300 lb/ 2 months	CLOSED		300 lb/ 2 months		

TABLE 4 (South)

Table 4 (South). Continued

TABLE 4 (South)

31	**Minor nearshore rockfish & Black rockfish**										
32	Shallow nearshore	600 lb/ 2 months	CLOSED	800 lb/ 2 months	900 lb/ 2 months	800 lb/ 2 months	600 lb/ 2 months				
33	Deeper nearshore										
34	40°10' - 34°27' N. lat.	700 lb/ 2 months	CLOSED	700 lb/ 2 months		600 lb/ 2 months	700 lb/ 2 months				
35	South of 34°27' N. lat.	500 lb/ 2 months		600 lb/ 2 months							
36	California scorpionfish	600 lb/ 2 months	CLOSED	600 lb/ 2 months	800 lb/ 2 months		600 lb/ 2 months				
37	**Lingcod**[3/]	CLOSED		800 lb/ 2 months			400 lb/ month	CLOSED			
38	**Pacific cod**	1,000 lb/ 2 months									
39	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months						
40	**Other fish**[4/] **& Cabezon**	Not limited									

1/ "Other flatfish" are defined at § 660.302 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.
2/ POP is included in the trip limits for minor slope rockfish. Yellowtail is included in the trip limits for minor shelf rockfish.
3/ The minimum size limit for lingcod is 24 inches (61 cm) total length.
4/ "Other fish" are defined at § 660.302 and include sharks, skates, ratfish, morids, grenadiers, and kelp greenling.
5/ The Rockfish Conservation Area is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at §§ 660.391-660.394, except that the 20-fm depth contour off California is defined by the depth contour and not coordinates.

To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 5 (North) to Part 660, Subpart G -- 2007-2008 Trip Limits for Open Access Gears North of 40°10' N. Lat.

Other Limits and Requirements Apply -- Read § 660.301 - § 660.399 before using this table 113007

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[6/]:						
1	North of 46°16' N. lat.	shoreline - 100 fm					
2	46°16' N. lat. - 40°10' N. lat.	30 fm - 100 fm					
	See § 660.370 and § 660.383 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.390-660.394 and §§ 660.396-660.399 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
3	**Minor slope rockfish[1/] & Darkblotched rockfish**	Per trip, no more than 25% of weight of the sablefish landed					
4	**Pacific ocean perch**	100 lb/ month					
5	**Sablefish**	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months					
6	**Thornyheads**	CLOSED					
7	**Dover sole**	3,000 lb/month, no more than 300 lb of which may be species other than Pacific sanddabs. South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 11 mm (0.44 inches) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
8	**Arrowtooth flounder**						
9	**Petrale sole**						
10	**English sole**						
11	**Starry flounder**						
12	**Other flatfish[2/]**						
13	**Whiting**	300 lb/ month					
14	**Minor shelf rockfish[1/], Shortbelly, Widow, & Yellowtail rockfish**	200 lb/ month					
15	**Canary rockfish**	CLOSED					
16	**Yelloweye rockfish**	CLOSED					
17	**Minor nearshore rockfish & Black rockfish**						
18	North of 42° N. lat.	5,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish [3/]					
19	42° - 40°10' N. lat.	6,000 lb/ 2 months, no more than 1,200 lb of which may be species other than black or blue rockfish [3/]					
20	**Lingcod[4/]**	CLOSED		400 lb/ month			CLOSED
21	**Pacific cod**	1,000 lb/ 2 months					
22	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
23	**Other Fish[5/]**	Not limited					

TABLE 5 (North)

Table 5 (North). Continued

TABLE 5 (North) con't

24	**PINK SHRIMP NON-GROUNDFISH TRAWL** *(not subject to RCAs)*	
25	North	**Effective April 1 - October 31:** Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/month (minimum 24 inch size limit); sablefish 2,000 lb/month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.
26	**SALMON TROLL**	
27	North	Salmon trollers may retain and land up to 1 lb of yellowtail rockfish for every 2 lbs of salmon landed, with a cumulative limit of 200 lb/month, both within and outside of the RCA. This limit is within the 200 lb per month combined limit for minor shelf rockfish, widow rockfish and yellowtail rockfish, and not in addition to that limit. All groundfish species are subject to the open access limits, seasons and RCA restrictions listed in the table above.

1/ Bocaccio, chilipepper and cowcod rockfishes are included in the trip limits for minor shelf rockfish. Splitnose rockfish is included in the trip limits for minor slope rockfish.
2/ "Other flatfish" are defined at § 660.302 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.
3/ For black rockfish north of Cape Alava (48°09.50' N. lat.), and between Destruction Is. (47°40' N. lat.) and Leadbetter Pnt. (46°38.17' N. lat.), there is an additional limit of 100 lbs or 30 percent by weight of all fish on board, whichever is greater, per vessel, per fishing trip.
4/ The minimum size limit for lingcod is 22 inches (56 cm) total length North of 42° N. lat. and 24 inches (61 cm) total length south of 42° N. lat.
5/ "Other fish" are defined at § 660.302 and include sharks, skates, ratfish, morids, grenadiers, and kelp greenling. Cabezon is included in the trip limits for "other fish."
6/ The Rockfish Conservation Area is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at §§ 660.391-660.394.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

Table 5 (South) to Part 660, Subpart G -- 2007-2008 Trip Limits for Open Access Gears South of 40°10' N. Lat.

Other Limits and Requirements Apply -- Read § 660.301 - § 660.399 before using this table 113007

		JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
	Rockfish Conservation Area (RCA)[5/]:						
1	40°10' - 34°27' N. lat.	30 fm - 150 fm					
2	South of 34°27' N. lat.	60 fm - 150 fm (also applies around islands)					
	See § 660.370 and § 660.383 for Additional Gear, Trip Limit, and Conservation Area Requirements and Restrictions. See §§ 660.390-660.394 and §§ 660.396-660.399 for Conservation Area Descriptions and Coordinates (including RCAs, YRCA, CCAs, Farallon Islands, Cordell Banks, and EFHCAs).						
	State trip limits and seasons may be more restrictive than federal trip limits, particularly in waters off Oregon and California.						
3	**Minor slope rockfish[1/] & Darkblotched rockfish**						
4	40°10' - 38° N. lat.	Per trip, no more than 25% of weight of the sablefish landed					
5	South of 38° N. lat.	10,000 lb/ 2 months					
6	**Splitnose**	200 lb/ month					
7	**Sablefish**						
8	40°10' - 36° N. lat.	300 lb/ day, or 1 landing per week of up to 800 lb, not to exceed 2,400 lb/ 2 months					
9	South of 36° N. lat.	300 lb/ day, or 1 landing per week of up to 700 lb					
10	**Thornyheads**						
11	40°10' - 34°27' N. lat.	CLOSED					
12	South of 34°27' N. lat.	50 lb/ day, no more than 1,000 lb/ 2 months					
13	**Dover sole**	3,000 lb/month, no more than 300 lb of which may be species other than Pacific sanddabs. South of 42° N. lat., when fishing for "other flatfish," vessels using hook-and-line gear with no more than 12 hooks per line, using hooks no larger than "Number 2" hooks, which measure 11 mm (0.44 inches) point to shank, and up to two 1 lb (0.45 kg) weights per line are not subject to the RCAs.					
14	**Arrowtooth flounder**						
15	**Petrale sole**						
16	**English sole**						
17	**Starry flounder**						
18	**Other flatfish[2/]**						
19	**Whiting**	300 lb/ month					
20	**Minor shelf rockfish[1/], Shortbelly, Widow & Chilipepper rockfish**						
21	40°10' - 34°27' N. lat.	300 lb/ 2 months	CLOSED	200 lb/ 2 months		300 lb/ 2 months	
22	South of 34°27' N. lat.	750 lb/ 2 months		750 lb/ 2 months			
23	**Canary rockfish**	CLOSED					
24	**Yelloweye rockfish**	CLOSED					
25	**Cowcod**	CLOSED					
26	**Bocaccio**						
27	40°10' - 34°27' N. lat.	200 lb/ 2 months	CLOSED	100 lb/ 2 months		200 lb/ 2 months	
28	South of 34°27' N. lat.	100 lb/ 2 months		100 lb/ 2 months			

TABLE 5 (South)

Table 5 (South). Continued

TABLE 5 (South) con't

29	**Minor nearshore rockfish & Black rockfish**						
30	Shallow nearshore	600 lb/ 2 months	CLOSED	800 lb/ 2 months	900 lb/ 2 months	800 lb/ 2 months	600 lb/ 2 months
31	Deeper nearshore						
32	40°10' - 34°27' N. lat.	700 lb/ 2 months	CLOSED	700 lb/ 2 months		600 lb/ 2 months	700 lb/ 2 months
33	South of 34°27' N. lat.	500 lb/ 2 months		600 lb/ 2 months			
34	California scorpionfish	600 lb/ 2 months	CLOSED	600 lb/ 2 months	800 lb/ 2 months		600 lb/ 2 months
35	**Lingcod**[3/]	CLOSED		400 lb/ month			CLOSED
36	**Pacific cod**	1,000 lb/ 2 months					
37	**Spiny dogfish**	200,000 lb/ 2 months		150,000 lb/ 2 months	100,000 lb/ 2 months		
38	**Other Fish**[4/] **& Cabezon**	Not limited					
39	**RIDGEBACK PRAWN AND, SOUTH OF 38°57.50' N. LAT., CA HALIBUT AND SEA CUCUMBER NON-GROUNDFISH TRAWL**						
40	**NON-GROUNDFISH TRAWL Rockfish Conservation Area (RCA) for CA Halibut, Sea Cucumber & Ridgeback Prawn:**						
41	40°10' - 38° N. lat.	100 fm - modified 200 fm [6/]	100 fm - 150 fm				100 fm - modified 200 fm [6/]
42	38° - 34°27' N. lat.	100 fm - 150 fm					
43	South of 34°27' N. lat.	100 fm - 150 fm along the mainland coast; shoreline - 150 fm around islands					
44		Groundfish: 300 lb/trip. Trip limits in this table also apply and are counted toward the 300 lb groundfish per trip limit. The amount of groundfish landed may not exceed the amount of the target species landed, except that the amount of spiny dogfish landed may exceed the amount of target species landed. Spiny dogfish are limited by the 300 lb/trip overall groundfish limit. The daily trip limits for sablefish coastwide and thornyheads south of Pt. Conception and the overall groundfish "per trip" limit may not be multiplied by the number of days of the trip. Vessels participating in the California halibut fishery south of 38°57.50' N. lat. are allowed to (1) land up to 100 lb/day of groundfish without the ratio requirement, provided that at least one California halibut is landed and (2) land up to 3,000 lb/month of flatfish, no more than 300 lb of which may be species other than Pacific sanddabs, sand sole, starry flounder, rock sole, curlfin sole, or California scorpionfish (California scorpionfish is also subject to the trip limits and closures in line 31).					
45	**PINK SHRIMP NON-GROUNDFISH TRAWL GEAR** *(not subject to RCAs)*						
46	South	**Effective April 1 - October 31:** Groundfish: 500 lb/day, multiplied by the number of days of the trip, not to exceed 1,500 lb/trip. The following sublimits also apply and are counted toward the overall 500 lb/day and 1,500 lb/trip groundfish limits: lingcod 300 lb/ month (minimum 24 inch size limit); sablefish 2,000 lb/ month; canary, thornyheads and yelloweye rockfish are PROHIBITED. All other groundfish species taken are managed under the overall 500 lb/day and 1,500 lb/trip groundfish limits. Landings of these species count toward the per day and per trip groundfish limits and do not have species-specific limits. The amount of groundfish landed may not exceed the amount of pink shrimp landed.					

1/ Yellowtail rockfish is included in the trip limits for minor shelf rockfish and POP is included in the trip limits for minor slope rockfish.
2/ "Other flatfish" are defined at § 660.302 and include butter sole, curlfin sole, flathead sole, Pacific sanddab, rex sole, rock sole, and sand sole.
3/ The size limit for lingcod is 24 inches (61 cm) total length.
4/ "Other fish" are defined at § 660.302 and include sharks, skates, ratfish, morids, grenadiers, and kelp greenling.
5/ The Rockfish Conservation Area is a gear and/or sector specific closed area generally described by depth contours but specifically defined by lat/long coordinates set out at §§ 660.391-660.394, except that the 20-fm depth contour off California is defined by the depth contour and not coordinates.
6/ The "modified 200 fm" line is modified to exclude certain petrale sole areas from the RCA.
To convert pounds to kilograms, divide by 2.20462, the number of pounds in one kilogram.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 070705262–7683–03]

RIN 0648–AV38

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish and Halibut Fisheries of the Bering Sea and Aleutian Islands Management Area and Gulf of Alaska, Seabird Avoidance Measures Revisions

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

ACTION: Final rule.

SUMMARY: NMFS issues a final rule that revises the seabird avoidance measures for the Alaska hook-and-line groundfish and halibut fisheries. The final rule strengthens gear standards for small vessels and eliminates certain seabird avoidance requirements that are not needed. This action is necessary to revise seabird avoidance measures based on the latest scientific information and to reduce unnecessary regulatory burdens and associated costs.

DATES: Effective on January 17, 2008.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) and the Final Regulatory Flexibility Analysis (FRFA) for this action may be obtained from NMFS Alaska Region, P.O. Box 21668, Juneau, AK 99802, or from the NMFS Alaska Region website at *http://www.fakr.noaa.gov*.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to the NMFS Alaska Region and by e-mail to *David__Rostker@omb.eop.gov*, or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Melanie Brown, 907–586–7228 or e-mail at *melanie.brown@noaa.gov*.

SUPPLEMENTARY INFORMATION: The groundfish fisheries in the exclusive economic zone (EEZ) off Alaska are managed under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area and the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). The North Pacific Fishery Management Council (Council) prepared the FMPs under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801, *et seq*. Regulations implementing the FMPs appear at 50 CFR part 679. General regulations governing U.S. fisheries also appear at 50 CFR part 600.

Management of the Pacific halibut fisheries in and off Alaska is governed by an international agreement between Canada and the United States. This agreement, entitled the ''Convention Between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea Convention'' (Convention), was signed at Ottawa, Canada, on March 2, 1953, and was amended by the ''Protocol Amending the Convention,'' signed at Washington, D.C., March 29, 1979. The Convention is implemented in the United States by the Northern Pacific Halibut Act of 1982 (Halibut Act). The directed commercial Pacific halibut fishery in Alaska is managed under an individual fishing quota (IFQ) program, as is the fixed gear sablefish fishery. The IFQ Program is a limited access management system. This program is codified at 50 CFR part 679.

Background

Background on the seabird avoidance measures revisions is in the proposed rule for this action (72 FR 53516, September 19, 2007). The purpose of the action is to revise the seabird avoidance measures based on the best available information regarding seabird occurrence and efficient application of the avoidance measures. Seabird avoidance measures reduce the incidental mortality of seabirds in the hook-and-line fisheries off Alaska. The action eliminates certain provisions that are unnecessary and strengthens standards to ensure effective seabird avoidance gear for the Alaska hook-and-line fisheries for groundfish and halibut. These revisions are detailed below.

Eliminating certain unnecessary seabird avoidance measures is intended to remove associated economic burdens on affected vessels. Increased measures for certain small vessels in the EEZ would require specific deployment procedures intended to improve the effectiveness of avoidance devices in reducing seabird bycatch. These revisions are an example of adaptive management using the best available information to focus regulatory requirements where they are needed and to ensure requirements are effective and efficient. Seabird avoidance measures research results and the environmental and economic considerations of the action are in the EA/RIR/IRFA for this action (see **ADDRESSES**).

Regulatory Amendments

In February 2007, the Council unanimously recommended revisions to the seabird avoidance measures. These measures continue to apply to operators of vessels fishing for (1) Pacific halibut in the IFQ and Community Development Quota (CDQ) management programs in Convention waters in and off Alaska; (2) IFQ sablefish in and off Alaska out to 200 nm offshore, except waters of Prince William Sound and areas in which sablefish fishing is managed under a State of Alaska (State) limited entry program (Clarence Strait, Chatham Strait); and (3) groundfish with hook-and-line gear in the EEZ.

The Council recommended that NMFS request that the Alaska Board of Fisheries consider modifying the current State regulations on seabird avoidance for groundfish vessels operating in State waters to match the Federal requirements. The Board of Fisheries has scheduled this issue for their March 2008 meeting. Information regarding this meeting is available from the State website at *http://www.boards.adfg.state.ak.us/fishinfo/meetinfo/fcal.php*. The State's adoption of the seabird avoidance measures revisions in this final rule would ensure consistent requirements to avoid seabirds for groundfish vessels operating in State and Federal waters of Alaska.

The final rule revises § 679.24(e) to eliminate redundant paragraphs, match subparagraph citations to the new section structure, and make the text more concise. No substantive changes were made in the final rule from the proposed rule. Minor changes were made to regulations regarding applicability (§ 679.24(e)(1)) and ''other methods'' for seabird avoidance measures (§ 679.24(e)(5)) to clarify that only one of the several items listed would be required to meet the intent of the paragraph. The change to the applicability paragraph clarifies that the seabird avoidance measures applies to vessels using hook-and-line gear and fishing for Individual Fishing Quota (IFQ) halibut, Community Development Quota halibut, IFQ sablefish, or groundfish in the exclusive economic zone off Alaska. The change to the ''other methods'' paragraph clarifies that night-setting, line shooter, or lining tube may be used as an ''other method'' for seabird avoidance measures.

Gear Requirements

The final rule revises § 679.24(e)(4)(i) and Table 20 to 50 CFR part 679 to require seabird avoidance gear standards for hook-and-line vessels greater than 26 ft (7.9 m) length overall (LOA) and less than or equal to 55 ft (16.8 m) LOA fishing in the EEZ as follows:

1. Vessels with masts, poles, or rigging using snap-on hook-and-line gear are required to use standards when deploying one streamer line. The streamer line must be at least 147.6 ft (45 m) in length and must be deployed before the first hook is set in such a way that streamers are in the air for 65.6 ft (20 m) aft of the stern and within 6.6 ft (2 m) horizontally of the point where the main groundline enters the water.

2. Vessels with masts, poles, or rigging using conventional hook-and-line gear (vessels not using snap-on gear) are required to use standards when deploying one streamer line. The streamer line must be a minimum of 300 ft (91.4 m) in length and must be in the air for a minimum of 131.2 ft (40 m) aft of the stern.

3. Vessels without masts, poles, or rigging and not capable of adding poles or davits to accommodate a streamer line (including bowpickers) must tow a buoy bag line.

The best available scientific information indicates that vessels greater than 26 ft (7.9 m) LOA and less than or equal to 55 ft (16.8 m) LOA are capable of meeting these standards, and that these standards are effective at reducing potential seabird incidental takes.

The final rule also revises § 679.24(e)(4)(i) and Table 20 to 50 CFR part 679 to eliminate seabird avoidance gear requirements for all hook-and-line vessels fishing in Prince William Sound (NMFS Area 649), the State waters of Cook Inlet, and Southeast Alaska (NMFS Area 659) with certain area exceptions in the inside waters of Southeast Alaska. Three exception areas exist:

1. Lower Chatham Strait south of a straight line between Point Harris (latitude 56° 17.25 N.) and Port Armstrong,

2. Dixon Entrance defined as the State groundfish statistical areas 325431 and 325401, and

3. Cross Sound west of a straight line from Point Wimbledon extending south through the Inian Islands to Point Lavinia (longitude 136° 21.17 E.).

Maps of these exception areas are in the EA/RIR/IRFA for this action (see **ADDRESSES**) and are available from the NMFS Alaska Region website at *http://www.fakr.noaa.gov*.

To prevent potential seabird mortality in the exception areas, hook-and-line vessels must meet the same seabird avoidance gear requirements and standards in these exception areas as when fishing in the EEZ. The best available scientific information regarding seabird observations in the State waters of Prince William Sound, Cook Inlet, and Southeast Alaska indicate that Endangered Species Act (ESA)-listed seabirds and other seabird species of concern are not likely to occur in these waters, except for the areas listed above in NMFS Area 659. Therefore, the final rule eliminates seabird avoidance measures where seabird mortality is not likely to occur and ensures that they are used in waters where ESA-listed seabirds and seabird species of concern are likely to occur.

Seabird Avoidance Plan

The final rule removes § 679.24(e)(3) and rescinds the Seabird Avoidance Plan (SAP) requirement for all vessels. The Council recommended eliminating the SAP requirement based on recommendations from the NOAA Office of Law Enforcement and the NMFS Alaska Region Protected Resources Division. A number of vessels had technical SAP violations but were in compliance with the substantive seabird avoidance gear requirements. Because the requirement for a SAP does not seem to impact the use of seabird avoidance gear, removing this requirement should have no effect on seabird mortality.

Other Seabird Avoidance Device

The final rule removes the requirement to use one ''other device'' (weighted groundline, buoy bag, streamer line, or strategic offal discharge) as described in § 679.24(e)(4)(ii), (e)(4)(iii), (e)(6), and Table 20 to 50 CFR part 679. NOAA Office of Law Enforcement reports that the ''other device'' requirement is difficult to enforce. Reduced seabird mortality from the gear standards for small vessels likely would offset any protection lost by removing the ''other device'' requirement.

Weather Exception

The final rule revises § 679.24(e)(5) to allow discretion for vessels more than 26 ft (7.9 m) LOA to less than or equal to 55 ft (16.8 m) LOA to use seabird avoidance devices when winds exceed 30 knots (near gale or Beaufort 7 conditions). The Council raised concerns that the use of seabird avoidance gear on these small vessels in winds exceeding 30 knots may be unsafe because most or all small vessel crew members need to be engaged fully in vessel operations during inclement weather, rather than deploying and retrieving seabird avoidance gear. Information in the EA/RIR/IRFA indicates that seabird foraging activity on hook-and-line gear is likely to decrease with increased wind speeds. Also, streamer lines and buoy bags pose a greater risk of fouling on the fishing gear during high winds. The weather exception addresses potential small vessel safety issues related to deploying seabird avoidance gear during high winds and ensures devices are used when seabirds are more likely to be interacting with hook-and-line gear.

Comments and Responses

NMFS received four letters that contained two separate comments on the proposed rule. The comments are summarized and responded to below.

Comment 1: We are in support of the proposed action. The action will strengthen gear standards for small vessels. To remove unnecessary requirements, the proposed action would eliminate the seabird avoidance plan and the use of avoidance gear where seabirds of concern are not present. The weather exemption for certain vessels is reasonable and helpful.

Response: Support is noted.

Comment 2: The incidental catch of seabirds remains too high.

Response: The proposed action is likely to reduce the incidental catch of seabirds by strengthening the gear standards applied to small vessels. Large reductions in the incidental catch of seabirds have occurred after implementation of the seabird avoidance measures (62 FR 23176, April 29, 1997), and NMFS and the Council continue to support research in the continued reduction of seabirds incidental takes in Alaska fisheries. The number of seabirds taken in the fisheries is a very small proportion of the populations of seabird species. NMFS has determined that the incidental take of seabirds in the Alaska fisheries does not result in a significant impact on the human environment, including on seabird species, as described in the EA/RIR/IRFA for this action (see **ADDRESSES**).

Classification

The Administrator, Alaska Region, NMFS, determined that this final rule is necessary for the conservation and management of the Alaska groundfish and halibut fisheries, and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for the purposes of Executive Order (E. O.) 12866.

A final regulatory flexibility analysis (FRFA) was prepared. 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. A copy of the FRFA is available from NMFS (see **ADDRESSES**).

The need for and objectives of the rule are detailed in the preamble to this rule. No significant issues were raised by the public comments in response to the IRFA during the public comment period. No substantive changes were made from the proposed rule to the final rule.

The vessels that are directly regulated by the action fish for groundfish or halibut with hook-and-line gear in the waters off Alaska. The seabird avoidance measures presently in place, and the alternatives and options considered, apply directly to the operator of a vessel deploying hook-and-line gear in the waters off Alaska. These regulations apply to the operation of a vessel and not directly to the holder of an IFQ for halibut or sablefish unless the holder is also the owner/operator of a vessel. Multiple IFQs may be used on a single vessel. Thus, the FRFA analysis of large and small entities is conducted at the vessel level and not the IFQ level. This analysis is complicated by the fact that the halibut fishery is managed somewhat separately than the Federal groundfish fisheries. Thus, data from multiple sources and years have been used to estimate the numbers of large and small entities.

In 2004, approximately 1,523 vessels participated in the Pacific halibut fishery off Alaska, and 674 vessels participated in the Federal hook-and-line groundfish fisheries off Alaska. Logbook research indicates that 506 of the hook-and-line vessels that caught halibut also harvested groundfish in the waters off Alaska that year. Because of overlap between these two fishery groups, the total count of unique vessels is 1,691.

The FRFA uses actual revenue reported by fishing entities for the year 2005 as compiled and supplied in a comprehensive database by the Alaska Fish Information Network (AKFIN). Vessels were considered small entities, according to the Small Business Administration criteria, if they had estimated 2004 gross revenues less than or equal to $4 million, and were not known to be affiliated with other firms whose combined receipts exceeded $4 million. The analysis revealed that 141 eligible vessels had total gross revenue from all directed fishing sources that was greater than $4 million in 2005. This implies that, ignoring affiliations, 1,550 vessels could be considered small entities. A review of American Fisheries Act (AFA) permit data revealed that none of the vessels with gross revenue less than $4 million in 2004 are AFA-permitted vessels. Because AFA affiliations are relatively stable across years, it is unlikely any of the vessels with gross revenues less than $4 million are AFA-permitted vessels. Therefore, these vessels are unlikely to be large because of AFA affiliations.

The FRFA indicated that this action is not likely to impose significant costs on directly regulated small entities. The action reduces the regulatory burden on some vessels by eliminating all seabird avoidance requirements for vessels operating in State waters of Prince William Sound, Cook Inlet and most of Southeast Alaska. In addition, vessels operating in the EEZ and State waters may benefit by elimination of the need for an ''other'' seabird avoidance device. Vessel operational cost of production data are not presently collected, making it impossible to quantify the net effect on operational costs that might occur under each alternative and option. However, the alternatives and options to the status quo are expected to impose only a slight additional burden, if any. The increased requirement to meet the gear standards for smaller vessels is likely to result in minimal additional costs because these vessels are already using gear manufactured to meet the standards and vessel crew are experienced with using the gear. Any additional costs in training and labor to ensure gear deployment meets the standards would be offset by the reduced costs from no longer being required to deploy the ''other device.''

Since the initial adoption of seabird avoidance regulations, research has been conducted to more precisely identify the geographical distribution and range of seabirds of concern, and on the efficacy of required seabird avoidance devices. Recent research has addressed whether small vessels can properly deploy seabird avoidance devices, given a small vessel's inherent physical limitations, and whether those devices are effective and necessary. The action, which is partly intended to reduce the economic, operational, and reporting burden placed on small entities operating in these fisheries, is a direct result of this research.

Including status quo, this action has three alternatives and three options. Alternative 2 reduces the regulatory burden on small entities by eliminating seabird avoidance measures in the inside waters of Prince William Sound, Cook Inlet, and Southeast Alaska. Alternative 3 reduces the seabird avoidance measures in the same locations except for three areas of the Southeast Alaska inside waters where seabirds of concern have been observed. Both Alternatives 2 and 3 increase the regulatory burden on small entities by requiring vessels more than 26 ft (7.9 m) LOA to less than or equal to 55 ft (16.8 m) LOA to meet gear standards while operating in the EEZ and certain State waters. Options 1 and 2 to Alternatives 2 and 3 reduce the regulatory burden and improve safety by removing the Seabird Avoidance Plan requirement and providing discretion for using seabird avoidance gear in high winds, respectively. Option 3 would reduce burden by reducing seabird avoidance gear requirements to only a buoy bag line for hook-and-line vessels more than 26 ft (7.9 m) LOA to less than or equal to 32 ft (16.8 m) LOA operating in the EEZ waters of International Pacific Halibut Commission (IPHC) Area 4E. The suboption to Option 3 would further reduce the regulatory burden in IPHC Area 4E by eliminating the seabird avoidance measures for vessels between 26 ft (7.9 m) LOA and 32 ft (16.8 m) LOA.

One of the objectives of the action was to use new information to better protect seabirds of concern while reducing the burden on fishermen. The status quo does not meet the objectives of the action because it does not reflect new information on the range and geographic distribution of seabirds of concern nor does it reflect new research on the efficacy of seabird avoidance devices. The status quo alternative was rejected in part because it imposed a heavier burden on fishing operations. Alternative 2 was rejected because it did not provide for seabird avoidance measures in those State waters of Southeast Alaska with observed ESA-listed seabirds and other seabird species of concern and, thus, did not meet the objectives of the action. Option 3 and its suboption also were rejected because available information was insufficient to support reducing or eliminating seabird avoidance measures for IPHC Area 4E, and therefore did not meet the objectives of the action. The Council recommended Alternative 3 with options 1 and 2 because it would meet the objective to use the latest scientific information available regarding seabird occurrence and effective gear standards for small vessels and to reduce regulatory burden, where possible.

The action alleviates the small entity compliance burden by eliminating seabird avoidance measures in certain State waters where seabirds of concern are absent or very rarely present and where many small entities operate. The action also adopts performance standards, rather than design standards in the EEZ and in State waters. The use of performance standards allows flexibility in the type of avoidance gear used while ensuring an acceptable level of avoidance is achieved. The action also bases requirements on vessel capability (e.g., superstructure configuration, vessel length). Basing the requirements on vessel capability ensures that vessel owners are able to meet the seabird avoidance gear requirements without making costly changes to the vessel structure. Further, the action would eliminate preparation of a seabird avoidance plan, which eases the compliance and reporting requirements for all affected entities, including the large number of small entities that are potentially directly regulated by the action. No other alternatives or options were identified that would meet the objectives of the action and provide additional regulatory relief.

There are no Federal rules that duplicate, overlap, or conflict with this action.

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, NMFS Alaska Region has developed a website that provides easy access to details of this final rule, including links to the final rule, maps of areas, and frequently asked questions regarding seabird avoidance gear and use of such gear. The relevant information available on the website is the Small Entity Compliance Guide. The website address is *http://www.fakr.noaa.gov/protectedresources/seabirds/guide.htm*. Copies of this final rule are available upon request from the NMFS Alaska Regional Office (see **ADDRESSES**).

This final rule removes a collection-of-information requirement subject to the Paperwork Reduction Act (PRA), which has been approved by Office of Management and Budget (OMB) under Control Number 0648–474. Public reporting burden for the Seabird Avoidance Plan is estimated to average 8 hours 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.

An informal consultation under the ESA was concluded for this action on August 8, 2007. As a result of the informal consultation, NMFS determined that fishing activities under this rule are not likely to adversely affect endangered or threatened species or their designated critical habitat. By requiring gear performance standards for vessels more than 26 ft (7.9 m) and less than or equal to 55 ft (16.8 m) LOA, this action should result in reduced potential for incidental takes of ESA-listed seabirds. Other provisions of this final rule would have no effect on ESA-listed species.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Recordkeeping and reporting requirements.

Dated: December 12, 2007.

Samuel D. Rauch III,

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

■ For reasons set out in the preamble, NMFS amends 50 CFR part 679 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 1. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108 447.

■ 2. Section 679.24 is amended by:

a. Removing paragraphs (e)(3) and (e)(6).

b. Redesignating paragraphs (e)(4) and (e)(5) as paragraphs (e)(3) and (e)(4), respectively.

c. Redesignating paragraphs (e)(7) and (e)(8) as paragraphs (e)(5) and (e)(6), respectively.

d. Revising paragraphs (e)(1), (e)(2)(i), (e)(2)(iii), and newly redesignated paragraphs (e)(3), and (e)(5).

e. Adding paragraph (e)(4)(v).

The revisions and additions read as follows:

§ 679.24 Gear limitations.

* * * * *

(e) * * *

(1) *Applicability.* The operator of a vessel that is longer than 26 ft (7.9 m) LOA fishing with hook-and-line gear must comply with the seabird avoidance requirements as specified in paragraphs (e)(2) and (e)(3) of this section while fishing for any of the following species:

(i) IFQ halibut or CDQ halibut.

(ii) IFQ sablefish.

(iii) Groundfish in the EEZ off Alaska.

(2) * * *

(i) *Gear onboard.* Have onboard the vessel the seabird avoidance gear as specified in paragraph (e)(3) of this section;

* * * * *

(iii) *Gear use.* Use seabird avoidance gear as specified in paragraph (e)(3) of this section that meets standards as specified in paragraph (e)(4) of this section, while hook-and-line gear is being deployed.

* * * * *

(3) *Seabird avoidance gear requirements.* (See also Table 20 to this part.) The operator of a vessel identified in paragraph (e)(1) of this section must comply with the following requirements while fishing with hook-and-line gear for groundfish, IFQ halibut, CDQ halibut, or IFQ sablefish in Federal waters (EEZ) and for IFQ halibut, CDQ halibut, or IFQ sablefish in the State of Alaska waters, excluding NMFS Reporting Area 649 (Prince William Sound), State waters of Cook Inlet, and NMFS Reporting Area 659 (Eastern GOA Regulatory Area, Southeast Inside District), but including waters in the areas south of a straight line at 56°17.25 N. lat. between Point Harris and Port Armstrong in Chatham Strait, State statistical areas 325431 and 325401, and west of a straight line at 136°21.17 E. long. from Point Wimbledon extending south through the Inian Islands to Point Lavinia:

(i) Using other than snap gear,

(A) A minimum of 1 buoy bag line as specified in paragraph (e)(4)(i) of this section must be used by vessels greater than 26 ft (7.9 m) LOA and less than or equal to 55 ft (16.8 m) LOA without masts, poles, or rigging.

(B) A minimum of a single streamer line as specified in paragraph (e)(4)(ii)

of this section must be used by vessels greater than 26 ft (7.9 m) LOA and less than or equal to 55 ft (16.8 m) LOA with masts, poles, or rigging.

(C) A minimum of a paired streamer line of a standard as specified in paragraph (e)(4)(iii) of this section must be used by vessels greater than 55 ft (16.8 m) LOA.

(ii) Using snap gear,

(A) A minimum of 1 buoy bag line as specified in paragraph (e)(4)(i) of this section must be used by vessels greater than 26 ft (7.9 m) LOA and less than or equal to 55 ft (16.8 m) LOA without masts, poles, or rigging.

(B) A minimum of a single streamer line as specified in paragraph (e)(4)(iv) of this section must be used by vessels greater than 26 ft (7.9 m) LOA and less than or equal to 55 ft (16.8 m) LOA with masts, poles, or rigging.

(C) A minimum of a single streamer line as specified in paragraph (e)(4)(iv) of this section must be used by vessels greater than 55 ft (16.8 m) LOA.

(4) * * *

(v) *Weather safety standard.* The use of seabird avoidance devices required by paragraph (e)(3) of this section is discretionary for vessels greater than 26 ft (7.9 m) LOA and less than or equal to 55 ft (16.8 m) LOA in conditions of wind speeds exceeding 30 knots (near gale or Beaufort 7 conditions).

(5) *Other methods.* Any of the following measures or methods must be accompanied by the applicable seabird avoidance gear requirements as specified in paragraph (e)(3) of this section:

(i) Night-setting.

(ii) Line shooter.

(iii) Lining tube.

* * * * *

■ 3. Table 20 to part 679 is revised to read as follows:

TABLE 20 TO PART 679-- SEABIRD AVOIDANCE GEAR REQUIREMENTS FOR VESSELS, BASED ON AREA, GEAR, AND VESSEL TYPE. (SEE § 679.24(E) FOR COMPLETE SEABIRD AVOIDANCE PROGRAM REQUIREMENTS; SEE 679.24(E)(1) FOR APPLICABLE FISHERIES)

If you operate a vessel deploying hook-and-line gear, other than snap gear, in waters specified at § 679.24(e)(3), and your vessel is.....	**Then you must use this seabird avoidance gear in conjunction with requirements at § 679.24(e)...**
>26 ft (7.9 m) to 55 ft (16.8 m) LOA and without masts, poles, or rigging	minimum of one buoy bag line
>26 ft (7.9 m) to 55 ft (16.8 m) LOA and with masts, poles, or rigging	minimum of a single streamer line of a standard specified at § 679.24(e)(4)(ii)
>55 ft (16.8 m) LOA	minimum of paired streamer lines of a standard specified at § 679.24(e)(4)(iii)
If you operate a vessel deploying hook-and-line gear and use snap gear in waters specified at § 679.24(e)(3), and your vessel is...	**Then you must use this seabird avoidance gear in conjunction with requirements at § 679.24(e)...**
>26 ft (7.9 m) to 55 ft (16.8 m) LOA and without masts, poles, or rigging	minimum of one buoy bag line
>26 ft (7.9 m) to 55 ft (16.8 m) LOA and with masts, poles, or rigging	minimum of a single streamer line of a standard specified at § 679.24(e)(4)(iv)
>55 ft (16.8 m) LOA	minimum of a single streamer line of a standard specified at § 679.24(e)(4)(iv)

TABLE 20 TO PART 679-- SEABIRD AVOIDANCE GEAR REQUIREMENTS FOR VESSELS, BASED ON AREA, GEAR, AND VESSEL TYPE. (SEE § 679.24(E) FOR COMPLETE SEABIRD AVOIDANCE PROGRAM REQUIREMENTS; SEE 679.24(E)(1) FOR APPLICABLE FISHERIES)—Continued

If you operate a vessel < 32 ft (9.8 m) LOA in the State waters of IPHC Area 4E, or operate a vessel in NMFS Reporting Area 649 (Prince William Sound), State waters of Cook Inlet, and NMFS Reporting Area 659 (Eastern GOA Regulatory Area, Southeast Inside District), but not including waters in the areas south of a straight line at latitude 56 deg. 17.25 N between Point Harris and Port Armstrong in Chatham Strait, State statistical areas 325431 and 325401, and west of a straight line at longitude 136 deg. 21.17 E from Point Wimbledon extending south through the Inian Islands to Point Lavinia	**Then you are exempt from seabird avoidance regulations.**

[FR Doc. E7–24505 Filed 12–17–07; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 72, No. 242
Tuesday, December 18, 2007

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Part 718

COMMODITY CREDIT CORPORATION

7 CFR Parts 1412, and 1427

RIN 0560–AH75

Cash and Share Lease Provisions for Future Farm Programs

AGENCIES: Farm Service Agency and Commodity Credit Corporation, USDA.

ACTION: Advance notice of proposed rulemaking; reopening and extension of comment period.

SUMMARY: The Farm Service Agency (FSA) and the Risk Management Agency (RMA) are reopening and extending the comment period for the advance notice of proposed rulemaking, Cash and Share Lease Provisions for Future Farm Programs. The original comment period closed November 27, 2007. FSA and RMA are reopening and extending it for 30 days from the date of this notice. We will also consider any comments received from November 27, 2007 to this date of this notice. This extension responds to requests from the public to provide more time to comment.

DATES: Submit comments on the advance proposed rule published on September 28, 2007 (72 FR 55105–55108) by January 17, 2008.

ADDRESSES: We invite you to submit comments on this notice. In your comment, include the volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

E-Mail: *Salomon.Ramirez@wdc.usda.gov.*

Mail: Director, Production, Emergencies, & Compliance Division, Farm Service Agency (FSA), United States Department of Agriculture (USDA), STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517.

Fax: Submit comments by facsimile transmission to (202) 690–2130.

Hand Delivery or Courier: Deliver comments to the above address.

Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Comments may be inspected in the Office of the Director, PECD, FSA, USDA, Room 3752–S South Building, Washington, DC, between 8 a.m. and 4:30 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Salomon Ramirez, Director, Production Emergencies and Compliance Division, USDA, FSA, PECD, STOP 0517, 1400 Independence Avenue, SW., Washington, DC 20250–0517, (202) 720–7641, e-mail: *Salomon.Ramirez@wdc.usda.gov*.

SUPPLEMENTARY INFORMATION: On September 28, 2007, FSA and RMA published advance notice of proposed rulemaking for Cash and Share Lease Provisions for Future Farm Programs, in the **Federal Register** (72 FR 55105–55108). FSA and RMA are reviewing current regulations to determine the feasibility of developing a standardized regulation for defining various lease agreements. The advance notice of proposed rulemaking discussed the following:

- Types of leases;
- Current treatment of leases by FSA and CCC in provisions applicable to multiple programs;
- CCC noninsured crop disaster assistance program (NAP) payments;
- Ad hoc disaster payments;
- Marketing assistance loans (MLA) and loan deficiency payment (LDP);
- Cash-rent tenant rule; and
- Impact on small and beginning producers.

FSA and RMA believe the request for additional time to comment on the advance notice of proposed rulemaking is reasonable and will benefit the rulemaking process. As a result of reopening and extension, the comment period for this notice will close on January 17, 2008.

Glen L. Keppy,

Executive Vice President, Commodity Credit Corporation, Administrator, Acting, Farm Service Agency.

Eldon Gould,

Administrator, Risk Management Agency, Manager, Federal Crop Insurance Corporation.

[FR Doc. E7–24492 Filed 12–17–07; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–29372; Airspace Docket No. 7–ASW–09]

Proposed Establishment of Class D Airspace; New Braunfels, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class D airspace at New Braunfels, TX. The establishment of an air traffic control tower at New Braunfels Municipal Airport, TX has made this action necessary for the safe control of aircraft within this airspace.

DATES: Comments must be received on or before February 1, 2008.

ADDRESSES: Send comments on this proposal 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. You must identify the docket number FAA–2007–29372/Airspace Docket No. 7–ASW–09, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Rich Hall, Central Service Center, System Support Group, Federal Aviation

Administration, Southwest Region, Fort Worth, TX 76193–0530; at telephone: (817) 222–5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No: FAA–2007–29372/Airspace Docket No. 7–ASW–09.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR) part 71 by establishing a Class D airspace area extending upward from the surface to and including 2,700 feet MSL within a 4.1-mile radius of New Braunfels Municipal Airport, TX. The establishment of an air traffic control tower has made this action necessary. The intended effect of this proposal is to provide controlled airspace for flight operations at New Braunfels Municipal Airport, TX. The area would be depicted on appropriate aeronautical charts.

Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it improves the safety of aircraft executing IFR procedures at New Braunfels Municipal Airport, TX.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, dated August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW TX D New Braunfels, TX [New]

New Braunfels Municipal Airport, TX
(Lat. 29°42′16″ N., long. 98°02′32″ W.)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.1-mile radius of New Braunfels Municipal Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on December 5, 2007.

Rick Farrell,

Acting Manager, System Support Group, ATO Central Service Center.

[FR Doc. 07–6066 Filed 12–17–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–29374; Airspace Docket No. 7–ASW–11]

Proposed Establishment of Class D Airspace; Sherman, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class D airspace at Sherman/Denison, Grayson County Airport, TX. The establishment of an air trffic control tower has made this action necessary for the safe control of aircraft within this airspace.

DATES: Comments must be received on or before February 1, 2008.

ADDRESSES: Send comments on this proposal 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. You must identify the docket number FAA–2007–29374/Airspace Docket No. 7–ASW–11,

at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Rich Hall, Central Service Center, System Support Group, Federal Aviation Administration, Southwest Region, Fort Worth, Texas 76193–0530; telephone (817) 222–5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No: FAA–2007–29374/Airspace Docket No. 7–ASW–11.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Documents' Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR) part 71 by establishing a Class D airspace area extending upward from the surface to and including 3,300 feet MSL within a 5.0-mile radius of Sherman/Denison, Grayson County Airport, TX. The establishment of an air traffic control tower has made this action necessary. The intended effect of this proposal is to provide controlled airspace for flight operations at Grayson County Airport, TX. The area would be depicted on appropriate aeronautical charts.

Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it improves the safety of aircraft executing IFR procedures at Sherman/Denison, Grayson County Airport, TX.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, dated August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW TX D Sherman, TX [New]

Sherman/Denison, Grayson County Airport, TX
(Lat. 33°42′51″ N., long. 96°40′25″ W.)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 5.0-mile radius of Grayson County Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on December 5, 2007.

Rick Farrell,

Acting Manager, System Support Group, ATO Central Service Center.

[FR Doc. 07–6065 Filed 12–17–07; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–29373; Airspace Docket No. 7–ASW–10]

Proposed Establishment of Class D Airspace; Georgetown, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish Class D airspace at Georgetown Municipal Airport, TX. The establishment of an air traffic control tower has made this action necessary for the safe control of aircraft within this airspace.

DATES: Comments must be received on or before February 1, 2008

ADDRESSES: Send comments on this proposal 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. You must identify the docket number FAA–2007–29373/Airspace Docket No. 7–ASW–10, at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov*. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the ground floor of the building at the above address.

FOR FURTHER INFORMATION CONTACT: Rich Hall, Central Service Center, System Support Group, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0530; at telephone: (817) 222–5561

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No: FAA–2007–29373/Airspace Docket No. 7–ASW–10.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov* or the Superintendent of Document's Web page at *http://www.access.gpo.gov/nara.*

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR) part 71 by establishing a Class D airspace area extending upward from the surface to and including 3,300 feet MSL within a 5.0-mile radius of Georgetown Municipal Airport, Georgetown, TX. The establishment of an air traffic control tower has made this action necessary. The intended effect of this proposal is to provide controlled airspace for flight operations at Georgetown Municipal Airport, TX. The area would be depicted on appropriate aeronautical charts.

Class D airspace are published in Paragraph 5000 of FAA Order 7400.9R, dated August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority since it improves the safety of aircraft executing IFR procedures at Georgetown Municipal Airport, TX.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, dated August 15, 2007, and effective September 15, 2007, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ASW TX D Georgetown, TX [New]

Georgetown Municipal Airport, TX
(Lat. 30°40′44″ N., long. 97°40′46″ W.)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 5.0-mile radius of Georgetown Municipal Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX on December 5, 2007.

Rick Farrell,

Acting Manager, System Support Group, ATO Central Service Center.

[FR Doc. 07–6064 Filed 12–17–07; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 210, 229, 231 and 241

[Release Nos. 33–8870; 34–56945; File No. S7–29–07]

RIN 3235–AK00

Concept Release on Possible Revisions to the Disclosure Requirements Relating to Oil and Gas Reserves

AGENCY: Securities and Exchange Commission.

ACTION: Concept release.

SUMMARY: The Commission is publishing this Concept Release to obtain information about the extent and nature of the public's interest in revising oil and gas reserves disclosure requirements which exist in their current form in Regulation S–K and Regulation S–X under the Securities Act of 1933 and the Securities Exchange Act of 1934. The Commission adopted the current oil and gas reserves disclosure requirements between 1978 and 1982. In the decades that have passed since the adoption of these rules, there have been significant changes in the oil and gas industry. Some commentators have expressed concern that the Commission's rules have not adapted to current practices and may not provide investors with the most useful picture of oil and gas reserves public companies hold.

DATES: Comments should be received on or before February 19, 2008.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/concept.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number S7–XX–07 on the subject line; or

Use the Federal e-Rulemaking Portal *http://www.regulations.gov.* Follow the instructions for submitting comments.

Paper Comments

- Send paper submissions 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 S7–XX–07. This file number should be included on the subject line if e-mail is used. To help us 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/concept.shtml*). Comments also are available for public 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. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Questions on this Concept Release should be directed to Mellissa Campbell Duru, Attorney-Advisor or Dr. W. John Lee, Academic Petroleum Engineering Fellow at (202) 551–3740, Division of Corporation Finance; or Mark Mahar, Associate Chief Accountant, Office of the Chief Accountant at (202) 551–5300; U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Definition of Oil and Gas Reserves
III. The Impact of Technology
IV. Alternative Classification Systems
V. Independent Preparation, Assessment or Evaluation of Reserves Disclosure
VI. General Request for Comment

I. Introduction

Throughout the Commission's history, our focus on the information needs of investors in public companies has caused us to continually re-evaluate the disclosure requirements of the federal securities laws. The extent and pace of changes in the oil and gas industry, and public concern that our oil and gas reserves disclosure requirements are not fully aligned with current industry practice, have led us to reconsider those requirements. Through this Concept Release, the Commission seeks public comment on our oil and gas reserves disclosure requirements.[1] While we set forth a number of general and specific questions, we welcome comments on any other concerns commenters may have related to these issues.

The current oil and gas reserves disclosure requirements have been in place for some time. The Energy Policy and Conservation Act of 1975 directed the Commission to ''take such steps as may be necessary to assure the development and observance of accounting practices to be followed in the preparation of accounts by persons engaged, in whole or in part, in the production of crude oil or natural gas in the United States.'' [2] In 1978, the Commission issued Accounting Series Release No. 253, which amended Regulation S–X by adding new Rule 3–18,[3] the precursor to Rule 4–10 of Regulation S–X.[4] Rule 4–10 prescribes the financial and reporting standards for companies engaged in oil and gas producing activities. Rule 4–10 defines what constitutes oil and gas producing activities and proved reserves.[5] Item 102 of Regulation S–K, which the Commission adopted in 1982, requires that companies disclose their proved reserves and prohibits them from disclosing other categories of reserves.[6] There have been significant technological advancements, changes in the oil and gas markets, and changes in the types of projects in which companies invest since the Commission adopted these rules and disclosure requirements. Many in the oil and gas industry, including some oil and gas companies, professional organizations and analysts, believe that our oil and gas reserves disclosure requirements have not kept pace with industry changes.[7]

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[1] The Commission is currently considering the use of International Financial Reporting Standards as published by the International Accounting Standards Board by U.S. public companies. The International Accounting Standards Board is also undertaking a project with respect to the convergence of accounting and disclosure reporting practices related to all extractive industries. This concept release is not seeking comment with respect to those matters.

[2] See 42 U.S.C. 6201–6422.

[3] See Accounting Series Release No. 253 (August 31, 1978) [43 FR 40688]. See also Accounting Series Release No. 257 (December 19, 1978) [43 FR 60404] (further amending Rule 3–18 of Regulation S–X and revising the definition of proved reserves).

[4] 17 CFR 210.4–10. See Release No. 33–6233 (Sept. 25, 1980) [45 FR 63660] (adopting amendments to Regulation S–X, including Rule 4–10).

[5] 17 CFR 210.4–10(a).

[6] Item 102 of Regulation S–K [17 CFR 229.102]. In 1982, the Commission adopted Item 102 of Regulation S–K. Item 102 contains the disclosure requirements previously located in Item 2 of Regulation S–K. See Release No. 33–6383 (March 16, 1982) [47 FR 11380]. The Commission also ''recast[] * * * the disclosure requirements for oil and gas operations, formerly contained in Item 2(b) of Regulation S–K, as an industry guide.'' See Release No. 33–6384 (March 16, 1982) [47 FR 11476].

[7] See, for example, Steve Levine, ''Tracking the Numbers: Oil Firms Want SEC to Loosen Reserves Rules,'' Wall Street Journal (February 7, 2006); Christopher Hope, ''Oil Majors Back Attack on SEC

Other commentators suggest that our reserves disclosure requirements prevent an investor from viewing the company through management's eyes. These commentators also believe that our rules prevent companies from fully presenting the reasons for their oil and gas project investment decisions.[8]

II. Definition of Oil and Gas Reserves

Even though they do not appear on a company's balance sheet, oil and gas reserves are among the most significant assets of an oil and gas company. Given that they lie in deeply buried geological formations, oil and gas reserves are difficult to measure and, until a company extracts them, it can only estimate their volume.

Item 102 of Regulation S–K sets forth the disclosure requirements for the physical property of a company. Instruction 3 to Item 102 requires an oil and gas company to disclose material information about its proved reserves. Instruction 5 to Item 102 prohibits a company from disclosing reserves estimates other than proved reserves in any filing it makes with the Commission. Instruction 6 to Item 102 states that the definitions in Rule 4–10 of Regulation S–X shall apply to Item 102 with respect to oil and gas operations.[9]

Rule 4–10(a)(2) defines proved reserves as ''the estimated quantities of crude oil, natural gas, and natural gas liquids which geological and engineering data demonstrate with reasonable certainty to be recoverable in future years from known reservoirs under existing economic and operating conditions, *i.e.* prices and costs as of the date the estimate is made.''[10] While the rule does not define ''reasonable certainty,'' the staff has interpreted this term to mean a level of certainty such that, as more information about a reservoir becomes available, it is more likely than not that the additional data will confirm or enhance the company's original estimate of the quantity it can ultimately recover.[11] The staff has historically interpreted the requirement that the reserves be recoverable ''under existing economic * * * conditions,'' referred to in Rule 4–10(a)(2)(i) as ''economic producibility,'' to mean that the company can sell the resources for more than its cost to extract and transport them to market.[12] In other words, the company may classify its reserves as proved only if it can economically produce them. Although Rule 4–10 does not specify the price a company should use to make this determination, the staff has historically applied the fiscal year end price requirements set forth in two related accounting standards—Statement of Financial and Accounting Standard No. 19 and Statement of Financial and Accounting Standard No. 69.[13]

Rule 4–10(a)(2) also requires that a company be able to recover resources ''under existing * * * operating conditions'' before classifying them as proved reserves. In the absence of a definition of ''existing operating conditions,'' the staff has historically interpreted this to include a ready market and a means to transport resources to that market.[14] For oil, these conditions are generally deemed to be met because a company can easily transport oil to a sales point. For gas, there must be a pipeline to transport the gas to a sales point.[15] If a company does not have a current means to transport gas, the staff assumes a ready market for gas does not exist.[16] Therefore, the staff does not consider gas without a means of transport, known as stranded gas, to qualify for classification as proved reserves under Rule 4–10.[17]

To estimate whether it can economically produce its oil and gas resources, a company relies on different methods to evaluate a reservoir where it believes reserves exist. Rule 4–10(a)(2)(i) specifies the tests a company must conduct and the type of data it must consider to estimate, with reasonable certainty, its proved reserves. The company must support its economic producibility conclusion by either actual production from a reservoir or by a conclusive formation test. Although not defined in Rule 4–10, the staff has historically considered a conclusive formation test to include a combination of drilling and well flow testing.[18]

Rule 4–10(a)(4) allows a company to classify, as part of its proved reserves, the proved undeveloped reserves that it expects to recover from ''new wells on undrilled acreage, or from existing wells where a relatively major expenditure is required.''[19] Proved undeveloped reserves are restricted to ''offsetting productive units that are reasonably certain of production when drilled.''[20] In the absence of a definition of the term ''offsetting'' in Rule 4–10(a)(4), the staff has historically interpreted this to mean immediately adjacent.[21] Rule 4–10(a)(4) does not specify a period of time during which a company should expect to commence drilling the new well or the period of time in which a company will incur a relatively major expenditure. Some industry commentators have expressed concern that companies continue to categorize quantities of proved undeveloped reserves for extended periods of time without taking any action to develop these reserves.[22] This raises the question as to whether such quantities originally met, or currently meet, the reasonable certainty requirement.

Finally, Rule 4–10(a)(4) allows a company to claim resources as proved undeveloped reserves for other undrilled units ''only where it can be demonstrated with certainty that there is continuity of production from the existing productive formation.''[23] Many companies are utilizing new technologies, such as 3–D seismic, to provide estimates, which they believe are reasonably certain, of proved undeveloped reserves more than one offset away. Nevertheless, given Rule 4–10(a)(4)'s requirement of certainty

Rules,'' The Daily Telegraph (London) (February 24, 2005); ''Deloitte Calls on Regulators to Update Rules for Oil and Gas Reserves Reporting,'' (February 9, 2005) Business Wire Inc. available at *http://biz.yahoo.com/bw/050209/95991_1.html.*

[8] See, for example, Christopher Hope, ''Oil Majors Back Attack on SEC Rules,'' The Daily Telegraph (London)(February 24, 2005).

[9] 17 CFR 229.102.

[10] 17 CFR 210.4–10(a)(2).

[11] See Division of Corporation Finance, Current Issues and Rulemaking Projects (November 14, 2000) available at *http://www.sec.gov/divisions/corpfin/guidance/cfoilgasinterps.htm.*

[12] *Id.*

[13] See Financial Accounting Standards Board, Statement of Financial Accounting Standard No. 19: Financial Accounting and Reporting by Oil and Gas Producing Companies (December 1977); and Financial Accounting Standards Board, Statement of Financial Accounting Standard No. 69: Disclosures About Oil and Gas Producing Activities-an Amendment of FASB Statements 19, 25, 33, 39 (November 1982). These standards set forth the year-end price requirement used for calculating discounted future net cash flows of proved reserves.

[14] See Division of Corporation Finance, Current Issues and Rulemaking Projects (November 14, 2000) available at *http://www.sec.gov/divisions/corpfin/guidance/cfoilgasinterps.htm.*

[15] An alternative is to convert the gas to a liquid. Historically, however, such conversion projects have been capital intensive and have not always been economically justified given the quantity of reserves.

[16] See Division of Corporation Finance, Current Issues and Rulemaking Projects (November 14, 2000) available at *http://www.sec.gov/divisions/corpfin/guidance/cfoilgasinterps.htm.*

[17] *Id.*

[18] Under a particular set of circumstances, the staff viewed this requirement slightly differently. See the subsequent discussion in note 24 for details regarding companies operating in the deepwater Gulf of Mexico.

[19] 17 CFR 210.4–10(a)(4).

[20] *Id.*

[21] See Division of Corporation Finance, Current Issues and Rulemaking Projects (November 14, 2000) available at *http://www.sec.gov/divisions/corpfin/guidance/cfoilgasinterps.htm.*

[22] See, for example, Leslie Haynes, ''Defining PUDs,'' Oil & Gas Investor; Volume 244; Issue 5 (May 1, 2004).

[23] 17 CFR 210.4–10(a)(4).

versus reasonable certainty, the staff has considered the requirement of certainty to have a relatively higher threshold than *reasonable* certainty and, therefore, has not accepted estimates of proved undeveloped reserves based on such technologies. Some commentators have expressed concern that, in practice, this constitutes absolute certainty which they believe is too stringent a criterion.

III. The Impact of Technology

Technological advances since 1978 have improved how companies may identify oil and gas resources. Advances such as 3–D and 4–D seismic interpretation provide increased information about reservoirs and their boundaries. Reservoir description tools and computer reservoir simulation models continue to improve as technology changes.

While a company may currently choose to use new techniques to help it decide where to drill additional wells, the staff has, in nearly all cases, continued to require that, in the absence of actual production, a company support economic producibility through a conclusive formation test. With one exception, the staff interprets this to mean direct contact with the reservoir through drilling and a well-flow test.[24]

Given the scarcity of relatively accessible petroleum reserves that companies can extract using conventional techniques, companies are increasingly looking to resources that are more difficult to access due to their geologic or geographical location or require specialized extraction techniques. Among these resources are tar sands and oil shales, both of which contain chemical compounds which can be processed into oil. When the Commission adopted the proved reserves definitions in 1978, the only effective way to extract these compounds was through traditional mining techniques. Since 1978, however, companies have developed techniques to extract these compounds using oil and gas drilling techniques. Despite these technological advances, Rule 4–10 prohibits a company from including the oil it extracts from tar sands and oil shales in its estimation of proved reserves. Rule 4–10 states that ''oil and gas producing activities do not include * * * [t]he extraction of hydrocarbons from shale, tar sands, or coal.'' [25] Rule 4–10 excludes ''crude oil, natural gas, and natural gas liquids, that may be recovered from oil shales, coal, gilsonite and other such sources'' from the definition of proved reserves.[26] Notwithstanding a company's ability to economically extract oil from tar sands and oil shales, Rule 4–10 prevents it from including these amounts in its estimates of proved reserves.[27]

IV. Alternative Classification Systems

The Commission's proved reserves definitions are those used by the Department of Energy in 1978 and were based upon definitions used by the Society of Petroleum Engineers and the general industry at that time. Since 1978, the Society of Petroleum Engineers has made several significant revisions to its classification framework. It released its most recent version, the ''Petroleum Resources Management System,'' in February 2007.[28] This system was jointly sponsored by the World Petroleum Council, the American Association of Petroleum Geologists and the Society of Petroleum Evaluation Engineers. The classification framework defines a broad range of reserves categories, contingent resources and prospective resources.[29] We understand that oil and gas companies may use this classification framework to prepare reserves estimates for purposes other than their SEC filings and that investors in private financing transactions and participants in business combinations may use this framework as well.

The International Accounting Standards Board is currently consulting with the Society of Petroleum Engineers Oil and Gas Reserves Committee regarding oil and gas company accounting requirements.[30] The United Nations Economic Commission for Europe and the United Nations Economic and Social Council are currently working together to establish an international classification system to classify resources in the oil and gas and mining industries.[31] Finally, other jurisdictions, such as Canada, have adopted disclosure requirements that share characteristics with the Petroleum Resources Management System.[32]

V. Independent Preparation, Assessment or Evaluation of Reserves Disclosure

Although a company may engage a third party to prepare its reserves estimates, assess its estimates, or evaluate the proved reserves information in the filings that it makes with us, our rules do not require it to do so. While some professional organizations may require their members to follow certain standards in providing such services, it does not appear that these standards are binding or that these professional organizations have any specialized enforcement mechanisms to assure compliance with them.

VI. General Request for Comment

As noted above, in light of the extent and pace of changes in the oil and gas industry and public concern that our oil and gas reserves disclosure requirements are not fully aligned with current industry practice, we are reconsidering our oil and gas reserves disclosure requirements. The Commission seeks public comment on our oil and gas reserves disclosure requirements and related issues.

Questions

1. Should we replace our rules-based current oil and gas reserves disclosure requirements, which identify in specific terms which disclosures are required and which are prohibited, with a

[24] In a particular set of circumstances, the staff does not object to companies operating in the deepwater Gulf of Mexico asserting reasonable certainty and economic producibility without a well-flow test. In 2002 and 2003, the staff reviewed the disclosure of oil and gas companies operating in the deepwater Gulf of Mexico. In response to staff comments, companies provided extensive data from open hole logs, core samples, wire line conveyed sampling and seismic surveys to support their position that a traditional well-flow test was not necessary in that specific location. Given the results of this data, the staff does not object to classification of proved reserves in the absence of a traditional well flow test as long as a company's conclusions are supported by all four tests. This position, however, is limited to this specific geographic location. See the Division of Corporation Finance: Letter to Companies With Oil and Gas Operations in the Gulf of Mexico (April 15, 2004) available at *http://www.sec.gov/divisions/corpfin/guidance/oilgasltr04152004.htm.*

[25] 17 CFR 210.4–10(a)(1)(ii)(D).

[26] 17 CFR 210.4–10(a)(2)(iii)(D).

[27] Canadian regulators have revised their definitions of oil reserves to include non-traditional resources such as bitumen, which is extracted from tar sands. See, for example, Statements of the Alberta Securities Commission with respect to National Instrument (NI) 51–101 (National Instrument 51–101 Standards of Disclosure for Oil and Gas Activities) available at *www.albertasecurities.com.*

[28] See Society of Petroleum Engineers, the World Petroleum Council, American Association of Petroleum Geologists, and the Society of Petroleum Evaluation Engineers, *Petroleum Resources Management System,* SPE/WPC/AAPG/SPEE (2007).

[29] *Id.*

[30] See, for example, American Association of Petroleum Geologists and Society of Petroleum Engineers International Multidisciplinary Conference on Oil and Gas Reserves and Resources, Washington, DC (June 24–26, 2007) available at *http://www.spe.org/spe-site/spe/spe/industry/reserves/AAPG-SPE_EXECUTIVE_SUMMARY_29AUG07.pdf.*

[31] See United Nations Framework Classification System for Fossil Energy and Mineral Resources, United Nations Economic Council for Europe (March, 2006) available at *http://www.unece.org/ie/se/pdfs/UNFC/UNFCemr.pdf.*

[32] See SPE Oil and Gas Reserves Committee, Mapping Subcommittee Final Report (December 2005)—Comparisons of Selected Reserves of Selected Reserves and Resources Classifications and Associated Definitions.

principles-based rule? If yes, what primary disclosure principles should the Commission consider? If the Commission were to adopt a principles-based reserves disclosure framework, how could it affect disclosure quality, consistency and comparability?

2. Should the Commission consider allowing companies to disclose reserves other than proved reserves in filings with the SEC? If we were to allow companies to include reserves other than proved reserves, what reserves disclosure should we consider? Should we specify categories of reserves? If so, how should we define those categories?

3. Should the Commission adopt all or part of the Society of Petroleum Engineers—Petroleum Resources Management System? If so, what portions should we consider adopting? Are there other classification frameworks the Commission should consider? If the Commission were to adopt a different classification framework, how should the Commission respond if that framework is later changed?

4. Should we consider revising the current definition of proved reserves, proved developed reserves and proved undeveloped reserves? If so, how? Is there a way to revise the definition or the elements of the definition, to accommodate future technological innovations?

5. Should we specify the tests companies must undertake to estimate reserves? If so, what tests should we require? Should we specify the data companies must produce to support reserves conclusions? If so, what data should we require? Should we specify the process a company must follow to assess that data in estimating its reserves?

6. Should we reconsider the concept of reasonable certainty? If we were to replace it, what should we replace it with? How could that affect disclosure quality? Should we consider requiring companies to make certain assumptions? Should we prohibit others?

7. Should we reconsider the concept of certainty with regard to proved undeveloped reserves? Should we allow companies to indefinitely classify undeveloped reserves as proved?

8. Should we reconsider the concept of economic producibility? If we were to replace it, what should we replace it with? How could that affect disclosure quality? Should we consider requiring companies to make certain assumptions? Should we prohibit others?

9. Should we reconsider the concept of existing operating conditions? If we were to replace it, what should we replace it with? How could that affect disclosure quality? Should we consider requiring companies to make certain assumptions? Should we prohibit others?

10. Should we reconsider requiring companies to use a sale price in estimating reserves? If so, how should we establish the price framework? Should we require or allow companies to use an average price instead of a fixed price or a futures price instead of a spot price? Should we allow companies to determine the price framework? How would allowing companies to use different prices affect disclosure quality and consistency? Regardless of the pricing method that is used, should we allow or require companies to present a sensitivity analysis that would quantify the effect of price changes on the level of proved reserves?

11. Should we consider eliminating any of the current exclusions from proved reserves? How could removing these exclusions affect disclosure quality?

12. Should we consider eliminating any of the current exclusions from oil and gas activities? How could removing these exclusions affect disclosure quality?

13. Should we consider eliminating the current restrictions on including oil and gas reserves from sources that require further processing, *e.g.*, tar sands? If we were to eliminate the current restrictions, how should we consider a disclosure framework for those reserves? What physical form of those reserves should we consider in evaluating such a framework? Is there a way to establish a disclosure framework that accommodates unforeseen resource discoveries and processing methods?

14. What aspects of technology should we consider in evaluating a disclosure framework? Is there a way to establish a disclosure framework that accommodates technological advances?

15. Should we consider requiring companies to engage an independent third party to evaluate their reserves estimates in the filings they make with us? If yes, what should that party's role be? Should we specify who would qualify to perform this function? If so, who should be permitted to perform this function and what professional standards should they follow? Are there professional organizations that the Commission can look to set and enforce adherence to those standards?

In addition to the areas for comment identified above, we are interested in any other issues that commenters may wish to address and the benefits and costs relating to investors, issuers and other market participants of the possibility of revising disclosure rules pertaining to petroleum reserves included in Commission filings. Please be as specific as possible in your discussion and analysis of any additional issues. Where possible, please provide empirical data or observations to support or illustrate your comments.

By the Commission.

Dated: December 12, 2007.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–24384 Filed 12–17–07; 8:45 am]

BILLING CODE 8011–01–P

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Parts 1193 and 1194

RIN 3014–AA22

Telecommunications Act Accessibility Guidelines; Electronic and Information Technology Accessibility Standards

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (Access Board) has established a Telecommunications and Electronic and Information Technology Advisory Committee (Committee) to assist it in revising and updating accessibility guidelines for telecommunications products and accessibility standards for electronic and information technology. This notice announces the dates, times, and location of two upcoming committee meetings, one of which will be a conference call and the other will be an in-person meeting.

DATES: The conference call is scheduled for January 2, 2008 (beginning at 1 p.m. and ending at 4 p.m. Eastern time). The in-person meeting will take place on January 7–9, 2008 (beginning at 8:30 a.m. and ending at 6 p.m. each day).

ADDRESSES: Individuals can participate in the conference call on January 2, 2008 by dialing the teleconference numbers which will be posted on the Access Board's Web site at *http://www.access-board.gov/sec508/update-index.htm*. The in-person meeting on January 7–9, 2008 will be held at the National Science Foundation. All attendees should go to 4201 Wilson Boulevard, Arlington, VA 22230 to pick up security passes and then go to 4121 Wilson Boulevard, Stafford Place II,

Room 555, Arlington, VA 22230 for the meeting.

FOR FURTHER INFORMATION CONTACT: Timothy Creagan, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC 20004–1111. Telephone number: 202–272–0016 (Voice); 202–272–0082 (TTY). Electronic mail address: *creagan@access-board.gov*.

SUPPLEMENTARY INFORMATION: The Architectural and Transportation Barriers Compliance Board (Access Board) established the Telecommunications and Electronic and Information Technology Advisory Committee (Committee) to assist it in revising and updating accessibility guidelines for telecommunications products and accessibility standards for electronic and information technology. The next committee meetings will focus on outstanding issues which have not yet been resolved. The agendas, instructions (including information on captioning), and dial in telephone numbers for the in-person meeting, as well as for the conference call are available at *http://www.access-board.gov/sec508/update-index.htm*. Notices of future meetings will be published in the **Federal Register**.

The committee may cancel the conference call before it is scheduled to take place depending on the needs of the committee and its progress in discussing and resolving outstanding issues. If the conference call is canceled, a notice will be posted at *http://www.access-board.gov/sec508/update-index.htm*. The conference call is open to the public and interested persons can dial in and communicate their views during public comment periods scheduled during the conference call. Participants may call in from any location of their choosing.

The in-person meeting on January 7–9, 2008 is open to the public and interested persons can attend the meeting and communicate their views during public comment periods scheduled on each day of the meeting. The in-person meeting site is accessible to individuals with disabilities. Sign language interpreters, an assistive listening system, and real-time captioning will be provided. For the comfort of other participants, persons attending committee meetings are requested to refrain from using perfume, cologne, and other fragrances. Due to security measures at the National Science Foundation, all attendees must notify the Access Board's receptionist at (202) 272–0007 or *receptionist@access-board.gov* by December 21, 2007 of their intent to attend the in-person meeting. This notification is required for expeditious entry into the facility and will enable the Access Board to provide additional information as needed.

Lawrence W. Roffee,

Executive Director.

[FR Doc. E7–24506 Filed 12–17–07; 8:45 am]

BILLING CODE 8150–01–P

Notices

Federal Register
Vol. 72, No. 242
Tuesday, December 18, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Privacy Act of 1974; System of Records; Correction

AGENCY: United States Agency for International Development.

ACTION: Notice of proposed general routine use; Correction.

SUMMARY: The United States Agency for International Development (USAID) published a notice of a proposed new general routine use in the **Federal Register** on December 12, 2007 (72 FR 70559). The due date for written comments was erroneously published as December 12, 2007. As a result USAID is issuing this notice to correct the date in which written comments are due. In order to allow the public full opportunity to provide written comments, the dates for both the written comments and the effective date for the general routine use are corrected below.

DATES: Written comments must be received on or before January 17, 2008. The proposed general routine use will be effective January 17, 2008 unless the Agency receives comments which would result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: For general questions regarding this notice, please contact: Rhonda L. Turnbow, Deputy Chief Privacy Officer, United States Agency for International Development, 1300 Pennsylvania Avenue, NW., Office 7.6–06A, Washington, DC 20523–2120 or by e-mail: *privacy@usaid.gov.*

Dated: December 12, 2007.

Rhonda L. Turnbow,

Deputy Chief Privacy Officer.

[FR Doc. E7–24440 Filed 12–17–07; 8:45 am]

BILLING CODE 6116–01–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

December 12, 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.

Farm Service Agency

Title: Measurement Service Records.

OMB Control Number: 0560–NEW.

Summary of Collection: This collection of information is authorized by 7 CFR part 718 and described in FSA Handbook 2–CP. If a producer requests measurement services, it becomes necessary for the producer to provide certain information which is collected on the FSA–409, Measurement Service Record. The collection of this information is to fulfill the producer's request for measurement services. Producers may request acreage or production measurement services.

Need and Use of the Information: The Farm Service Agency (FSA) will collect the following information that the producer is required to provide on the FSA–409: farm serial number, program year, farm location, contact person, and type of service request (acreage or production). The collected information is used to create a record of measurement service requests and cost to the producer.

Description of Respondents: Farms.

Number of Respondents: 135,600.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 168,750.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–24430 Filed 12–17–07; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

December 12, 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 Plant and Health Inspection Service

Title: Bees and Related Articles .

OMB Control Number: 0579–0207.

Summary of Collection: Under the Plant Protection Act (Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of plant pest and other articles to prevent the introduction of plant pests into the United States. Under the Honeybee Act (7 U.S.C. 281–286), the Secretary is authorized to prohibit or restrict the importation of honeybee semen to prevent the introduction into the United States of diseases and parasites harmful to honeybees and of undesirable species and subspecies of honeybees. The Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ), is responsible for implementing the intent of these Acts, and does so through the enforcement of its pollinator regulations and honeybee regulations.

Need and Use of the Information: APHIS will collect information that serves as the supporting documentation needed to issue required PPQ forms and documents that allow importation of bees and related articles or authorizes release of bees. APHIS needs this information to determine if the honeybees, honeybee semen, or restricted articles are eligible for importation into the United States, and under what conditions (i.e., necessary treatments, appropriate shipping containers, proper port of entry, etc.). Without the information APHIS could not verify that imported bees and related articles do not present a significant risk of introducing exotic bee disease, parasites, and undesirable species and subspecies of honeybees.

Description of Respondents: Farms.

Number of Respondents: 276.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 86.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. E7–24432 Filed 12–17–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket # AMS–FV–2007–0007; FV–06–309]

United States Standards for Grades of Tomatoes on the Vine

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Department of Agriculture (USDA), Agricultural Marketing Service (AMS) is establishing voluntary United States Standards for Grades of Tomatoes on the Vine. The standards are intended to provide industry with a common language and uniform basis for trading; thus, promoting orderly and efficient marketing of tomatoes on the vine (TOV).

EFFECTIVE DATE: January 17, 2008.

FOR FURTHER INFORMATION CONTACT: Vincent J. Fusaro, Standardization Section, Fresh Products Branch, (202) 720–2185. The United States Standards for Grades of Tomatoes on the Vine will be available on the effective date through the Fresh Products Branch Web site at: *http://www.ams.usda.gov/standards/stanfrfv.htm.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''To develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables that are not requirements of Federal Marketing Orders or U.S. Import Requirements, no longer appear in the Code of Federal Regulations, but are maintained by USDA, AMS, Fruit and Vegetable Programs.

AMS is establishing United States Standards for Grades of Tomatoes on the Vine using procedures that appear in Part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36).

Background

On May 26, 2006, AMS published a notice in the **Federal Register** (71 FR 30367), that solicited comments on the proposed voluntary United States Standards for Grades of Tomatoes on the Vine. The proposed standards contained sections pertaining to general information, grades, tolerances, application of tolerances, size classifications, definitions, and a table of metric conversions. The following grades and tolerances for each grade also appeared in the notice: U.S. No. 1 and U.S. No. 2. In addition, ''Application of Tolerances'' section and ''Size classification'' section were listed. The standards also defined ''Damage,'' ''Serious damage,'' ''Tomatoes on the Vine,'' along with other specific basic requirements and defects. Additionally, AMS also sought any comments related to the proposed standards that may be necessary to better serve the industry.

In response to the notice, AMS received six comments on the proposed standards. The comments are available by accessing the AMS, Fresh Products Branch Web site at: *http://www.ams.usda.gov/fv/fpbdocketlist.htm.*

On February 16, 2007, AMS published a subsequent notice in the **Federal Register** (72 FR 7593–4), that solicited comments on the proposed voluntary United States Standards for Grades of Tomatoes on the Vine based on comments received from the primary notice. A single comment was received on behalf of a trade group representing growers and packers, expressing the need for additional time to comment. The group requested an extension to the comment period to allow review of the proposed voluntary standards and consider comments.

AMS published a reopening and extension of the comment period in the **Federal Register** (71 FR 34426), on June 22, 2007. The comment period for the extension ended on August 21, 2007. AMS received no additional comments from the industry on the proposed standards.

The adoption of the U.S. grade standards will provide the tomatoes on the vine industry with U.S. grade

standards similar to those extensively in use by the fresh produce industry to assist in orderly marketing of other commodities. Accordingly, AMS is adopting the United States Standards for Grades of Tomatoes on the Vine as proposed in the February 16, 2007, **Federal Register** notice.

The official grade of a lot of tomatoes on the vine covered by these standards will be determined by the procedures set forth in the Regulations Governing Inspection, Certification, and Standards of Fresh Fruits, Vegetables and Other Products (Sec. 51.1 to 51.61).

The United States Standards for Grades of Tomatoes on the Vine will become effective 30 days after publication in the **Federal Register**.

Authority: 7 U.S.C. 1621–1627.

Dated: December 13, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7–24458 Filed 12–17–07; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2007–0136]

Notice of Request for Approval of an Information Collection; Agriculture Smuggling Tips and Referrals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request approval of an information collection activity that will assist the Agency in preventing the unlawful entry and distribution of agricultural products that may harbor harmful animal or plant pests or diseases or noxious weeds.

DATES: We will consider all comments that we receive on or before February 19, 2008.

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

- Federal eRulemaking Portal: Go to *http://www.regulations.gov*, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2007–0136 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0136, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2007–0136.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*.

FOR FURTHER INFORMATION CONTACT: For information on the Smuggling Interdiction and Trade Compliance program, contact Mr. Scott Sanner, National Coordinator, Smuggling Interdiction and Trade Compliance PPQ, APHIS, Venture II, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855–7338. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

SUPPLEMENTARY INFORMATION:

Title: Agriculture Smuggling Tips and Referrals (PPQ Form 300).

OMB Number: 0579-xxxx.

Type of Request: Approval of an information collection.

Abstract: Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*) and the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any animal, plant, animal or plant product, biological control organism, noxious weed, means of conveyance, or other article if the Secretary determines that the prohibition or restriction is necessary to prevent a plant pest or noxious weed, or any pest or disease of livestock, from being introduced into or disseminated within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS), which conducts activities to implement these Acts, including issuing and enforcing regulations.

APHIS' Smuggling, Interdiction, and Trade Compliance (SITC) unit, part of the Plant Protection and Quarantine program, is involved in efforts to prevent the unlawful importation, entry, and distribution of prohibited agricultural commodities and products that may harbor harmful plant or animal pests or diseases or noxious weeds. SITC's activities include following up on tips and referrals from the public concerning possible smuggling activities. When SITC officers have evidence of a violation of the regulations, they turn the information over to APHIS' Investigative and Enforcement Services unit.

A toll-free telephone ''hotline'' is currently available to members of the public who wish to report suspicious activity to SITC. However, this hotline is not staffed full-time, and callers are sometimes difficult to understand or do not include enough information for SITC to follow up on the tip. Therefore, SITC has developed a form that will be made available on the APHIS Web site, as an alternative to the telephone hotline. The form requests specific information regarding the suspicious activity and may be submitted anonymously either by e-mail or by postal mail.

We are asking the Office of Management and Budget (OMB) to approve our use of this information collection activity for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning this information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

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

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

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 0.1 hours per response.

Respondents: Anyone (public/industry) who anonymously reports suspicious smuggling activities.

Estimated Annual Number of Respondents: 300.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Annual Number of Responses: 300.

Estimated Total Annual Burden on Respondents: 30 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 12th day of December 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–24459 Filed 12–17–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: This notice announces a public comment period on the information collection requests (ICRs) associated with the Multiple Peril Crop Insurance.

DATES: Written comments on this notice will be accepted until close of business February 19, 2008.

ADDRESSES: Interested persons are invited to submit written comments to Timothy Hoffmann, Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility—Mail Stop 0812, P.O. Box 419205, Kansas City, MO 64141–6205. Comments titled ''Information Collection OMB 0563–0053'' may be sent via the Internet to: *DirectorPDD@rma.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Erin Albright, Risk Management Specialist, Federal Crop Insurance Corporation, at the address listed above, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION: The collections of information for this rule revise the Multiple Peril Crop Insurance Collections of Information 0563–0053, which expire June 30, 2008.

Title: Multiple Peril Crop Insurance.

OMB Number: 0563–0053.

Expiration Date of Approval: June 30, 2008.

Type of Request: Extension of a currently approved information collection.

Abstract: The information collection requirements for this renewal package are necessary for administering the crop insurance program. Producers are required to report specific data when they apply for crop insurance and report acreage, yields and notices of loss. Insurance companies accept applications; issue policies; establish and provide insurance coverage; compute liability, premium, subsidies, and losses; indemnify producers; and report specific data to FCIC as required in Manual 13. Insurance agents market crop and livestock insurance and service the producer. The following commodities (and Adjusted Gross Revenue (AGR), Adjusted Gross Revenue Lite (AGR–Lite), and Nutrient BMP) are included in this information collection package: almonds, apples, avocados, avocado and mango trees, barley, dry beans, beans, blackberries, blueberries, buckwheat, cabbage, canola/rapeseed, cattle, cherries, citrus fruit, citrus trees, clams, corn, sweet corn, cotton, cranberries, figs, flax, forage production, forage seed, forage seeding, grain sorghum, grapes, Hawaiian tropical fruit and tree, hybrid seed corn, hybrid sorghum seed, lentils, macadamia nuts, macadamia trees, millet, mint, mustard, nursery, oats, onions, pasture, peaches, peanuts, pears, dry peas, green peas, pecans, chili peppers, peppers, plums, popcorn, potatoes, prunes, raisins, rangeland, raspberries, rice, wild rice, rye, safflowers, soybeans, stonefruit, strawberries, sugar beets, sugar cane, sunflowers, sweet potatoes, swine, tobacco, tomatoes, walnuts, and wheat.

FCIC is requesting the Office of Management and Budget (OMB) to extend the approval of this information collection for an additional 3 years.

The purpose of this notice is to solicit comments from the public concerning this information collection. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

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

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

Estimate of Burden: The public reporting burden for this collection of information are estimated to average 0.4 of an hour per response.

Respondents/Affected Entities: Producers and insurance companies reinsured by FCIC.

Estimated Annual Number of Respondents: 1,248,281.

Estimated Annual Number of Responses Per Respondent: 3.6.

Estimated Annual Number of Responses: 4,551,705.

Estimated Total Annual Burden on Respondents: 1,866,457.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed in Washington, DC, on December 12, 2007.

Eldon Gould,

Manager, Federal Crop Insurance Corporation.

[FR Doc. E7–24444 Filed 12–17–07; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service; Rural Business-Cooperative Service; Rural Utilities Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCIES: Rural Housing Service, Rural Business-Cooperative Service, and Rural Utilities Service, USDA.

ACTION: Proposed collection; comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces USDA Rural Development's intention to request an extension for a currently approved information collection in support of compliance with Civil Rights laws.

DATES: Comments on this notice must be received by February 19, 2008 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Willie Williams, Equal Opportunity Specialist, Rural Development, Civil Rights Staff, U.S. Department of Agriculture, STOP 0703, 1400 Independence Ave., SW., Washington, DC 20250–0703, Telephone (202) 692–0099 (voice) or 692–0107 (TDD).

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1901–E, Civil Rights Compliance Requirements.

OMB Number: 0575–0018.

Expiration Date of Approval: May 31, 2008.

Type of Request: Extension of a Currently Approved Information Collection.

Abstract: The information collection under OMB Number 0575–0018 enables USDA Rural Development to effectively monitor a recipient's compliance with the civil rights laws, and to determine whether or not service and benefits are being provided to beneficiaries on an equal opportunity basis.

USDA Rural Development is required to provide Federal financial assistance through its housing and community and business programs on an equal opportunity basis. The laws implemented in 7 CFR part 1901, subpart E, require the recipients of USDA Rural Development Federal financial assistance to collect various types of information, including information on participants in certain of these agencies' programs, by race, color, and national origin.

The information collected and maintained by the recipients of certain programs from USDA Rural Development is used internally by these agencies for monitoring compliance with the civil rights laws and regulations. This information is made available to USDA officials, officials of other Federal agencies, and to Congress for reporting purposes. Without the required information, USDA Rural Development and its recipients will lack the necessary documentation to demonstrate that their programs are being administered in a nondiscriminatory manner, and in full compliance with the civil rights laws. In addition, USDA Rural Development and their recipients would be vulnerable in lawsuits alleging discrimination in the affected programs of these agencies, and would be without appropriate data and documentation to defend themselves by demonstrating that services and benefits are being provided to beneficiaries on an equal opportunity basis.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 8 hours per response.

Respondents: Recipients of USDA Rural Development Federal financial assistance, loan, and loan guarantee programs.

Estimated Number of Respondents: 27,000.

Estimated Number of Responses per Respondent: 3.

Estimated Number of Responses: 72,222.

Estimated Total Annual Burden on Respondents: 560,601.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, Support Services Division, at (202) 692–0043.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Rural Development, including whether the information will have practical utility; (b) the accuracy of the Agencies' 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, Support Services Division, Rural Development, U.S. Department of Agriculture, STOP 0742, Washington, DC 20250–0742. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: December 6, 2007.

Thomas C. Dorr,

Under Secretary, Rural Development.

[FR Doc. E7–24424 Filed 12–17–07; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, USDA.

ACTION: Proposed collection; Comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's intention to request an extension for a currently approved information collection in support of the program for the Guaranteed Rural Rental Housing Program.

DATES: Comments on this notice must be received by February 19, 2008 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Arlene Nunes, Senior Loan Specialist, Multi-Family Housing Processing Guaranteed Loan Division, Rural Housing Service, USDA, Stop 0781, 1400 Independence Avenue, SW., Washington, DC 20250, telephone, (202) 401–2307.

SUPPLEMENTARY INFORMATION:

Title: Guaranteed Rural Rental Housing Program.

OMB Number: 0575–0174.

Expiration Date of Approval: October 31, 2008.

Type of Request: Extension of a Currently Approved Information Collection.

Abstract: On March 28, 1996, President Clinton signed the ''Housing Opportunity Program Extension Act of 1996.'' One of the provisions of the Act was the authorization of the section 538 Guaranteed Rural Rental Housing Loan Program, adding the program to the Housing Act of 1949. The program has been designed to increase the supply of affordable multifamily housing through partnerships between RHS and major lending sources, as well as state and local housing finance agencies and bond issuers. Qualified lenders will be authorized to originate, underwrite, and close loans for multifamily housing projects. To be considered, these projects must be either new construction or acquisition with rehabilitation with at least $6,500 per unit.

The housing must be available for occupancy only to low or moderate income families or persons, whose incomes at the time of initial occupancy do not exceed 115 percent of the median income of the area. After initial occupancy, the tenant's income may exceed these limits; however, rents, including utilities, are restricted to no more than 30 percent of the 115 percent of area median income for the term of the loan.

The Secretary is authorized under section 510 (k) to prescribe regulations to ensure that these federally funded loans are made to eligible applicants for authorized purposes. The lender must evaluate the eligibility, cost, benefits, feasibility, and financial performance of

the proposed project. The Agency collects this information from the lender to determine if funds are being used to meet the goals and mission of Rural Development. The information submitted by the lender to the Agency is used by the Agency to manage, plan, evaluate, and account for Government resources.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Nonprofit and for-profit lending corporations and public bodies.

Estimated Number of Respondents: 462.

Estimated Number of Responses per Respondent: 6.5.

Estimated Number of Responses: 3020.

Estimated Total Annual Burden on Respondents: 1,588 hours.

Copies of this information collection can be obtained from Cheryl Thompson, Regulations and Paperwork Management Branch, at (202) 692–0042.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will 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 through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Cheryl Thompson, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave., SW., Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: November 16, 2007.

James C. Alsop,

Acting Administrator, Rural Housing Service.

[FR Doc. E7–24425 Filed 12–17–07; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[T–4–2007]

Foreign–Trade Zone 38 – Spartanburg County, SC, Application for Temporary/Interim Manufacturing Authority, ZF Lemförder Corporation, (Automotive Suspension Systems), Notice of Approval

On September 26, 2007, an application was filed by the Executive Secretary of the Foreign–Trade Zones (FTZ) Board submitted by the South Carolina State Ports Authority, grantee of FTZ 38, requesting temporary/interim manufacturing (T/IM) authority on behalf of ZF Lemförder Corporation, to assemble automotive suspension systems under FTZ procedures within FTZ 38 Site–3, Duncan, South Carolina.

The application has been processed in accordance with T/IM procedures, as authorized by FTZ Board Orders 1347 (69 FR 52857, 8–30–2004) and 1480 (71 FR 55422, 9–22–2006), including notice in the **Federal Register** inviting public comment (72 FR 56334, 10–3–2007). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval under T/IM procedures. The foreign–origin components approved for this activity are: stoppers/lids/caps (HTSUS 3923.50), reinforced tubes/pipes/hoses (4009.42), articles of rubber (4016.99), fasteners (7318.15, .16, .22, .24; 7616.10), helical and leaf springs (7320.20), cables and wires (7326.90), fittings (8302.30), check valves (8481.30), brake system parts (8708.30), suspension systems and related parts (8708.80), dampeners (8708.99), height sensors (9031.80), wheel hubs (8708.99), drive shafts (8708.99), universal joints (8708.99), and ball bearings (8482.10).

Pursuant to the authority delegated to the FTZ Board Executive Secretary in the above–referenced Board Orders, the application is approved, effective this date, until December 10, 2009, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Dated: December 10, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E7–24499 Filed 12–17–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–819]

Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review: Magnesium Metal from the Russian Federation

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: December 18, 2007.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–0665.

Background

The Department of Commerce (the Department) published an antidumping duty order on magnesium metal from the Russian Federation on April 15, 2005. See *Notice of Antidumping Duty Order: Magnesium Metal from the Russian Federation*, 70 FR 19930 (April 15, 2005). On April 30, 2007, PSC VSMPO–AVISMA Corporation, a Russian Federation producer of the subject merchandise, requested that the Department conduct an administrative review. On April 30, 2007, U.S. Magnesium Corporation LLC, the petitioner in this proceeding, also requested that the Department conduct an administrative review with respect to PSC VSMPO–AVISMA Corporation and Solikamsk Magnesium Works (SMW), another Russian Federation producer of the subject merchandise. On May 30, 2007, the Department published a notice of initiation of an administrative review of the antidumping duty order on magnesium metal from the Russian Federation for the period April 1, 2006, through March 31, 2007. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 72 FR 29968 (May 30, 2007). On July 11, 2007, SMW notified the Department that it will not participate in this administrative review. The preliminary results of this administrative review are currently due no later than December 31, 2007.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the

last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published in the **Federal Register**. If it is not practicable to complete the review within these time periods, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the preliminary determination to a maximum of 365 days after the last day of the anniversary month.

We determine that it is not practicable to complete the preliminary results of this review by the current deadline of December 31, 2007. We require additional time to analyze a number of complex cost–accounting issues present in this administrative review, such as the calculation of the appropriate by–product offset value to use in the determination of production costs.

Therefore, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), we are extending the time period for issuing the preliminary results of this review by 120 days to April 29, 2008.

This notice is published in accordance with sections 751(a)(3)(A) and 777 (i)(1) of the Act.

Dated: December 12, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7–24498 Filed 12–17–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

Minority Business Development Agency

[Docket No.: 071121731–7823–02]

Solicitation of Applications for the Minority Business Enterprise Center (MBEC) Program

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with 15 U.S.C. Section 1512 and Executive Order 11625, the Minority Business Development Agency (MBDA) is soliciting competitive applications from organizations to operate a Minority Business Enterprise Center (MBEC) in El Paso, TX. The MBEC operates through the use of business consultants and provides a range of business consulting and technical assistance services directly to eligible minority-owned businesses. Responsibility for ensuring that applications in response to this competitive solicitation are complete and received by MBDA on time is the sole responsibility of the applicant. Applications submitted must be to operate a MBEC and to provide business consultation services to eligible clients. Applications that do not meet these requirements will be rejected. This is not a grant program to help start or to further an individual business.

DATES: The closing date for receipt of applications is January 31, 2008 at 5 p.m. Eastern Standard Time (EST). Completed applications must be received by MBDA at the address below for paper submissions or at *www.Grants.gov* for electronic submissions. The due date and time is the same for electronic submissions as it is for paper submissions. The date that applications will be deemed to have been submitted electronically shall be the date and time received at Grants.gov. Applicants should save and print the proof of submission they receive from Grants.gov. Applications received after the closing date and time will not be considered. Anticipated time for processing is sixty (60) days from the close of the competition period. MBDA anticipates that one award under this notice will be made with a start date of April 1, 2008.

Pre-Application Conference: In connection with this solicitation, a pre-application teleconference will be held on January 4, 2008 at 1 p.m. EST. Participants must register at least 24 hours in advance of the teleconference and may participate in person or by telephone. Please visit the MBDA Internet Portal at *www.mbda.gov* (MBDA Portal) or contact an MBDA representative listed below for registration instructions.

ADDRESSES: *(1a) Paper Submission—If Mailed:* If the application is sent by postal mail or overnight delivery service by the applicant or its representative, one (1) signed original plus two (2) copies of the application must be submitted. Applicants are encouraged to also submit an electronic copy of the proposal, budget and budget narrative on a CD–ROM to facilitate the processing of applications. Complete application packages must be mailed to: Office of Business Development—MBEC Program, Office of Executive Secretariat, HCHB, Room 5063, Minority Business Development Agency, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

Applicants are advised that MBDA's receipt of mail sent via the United States Postal Service may be substantially delayed or suspended in delivery due to security measures. Applicants may therefore wish to use a guaranteed overnight delivery service. Department of Commerce delivery policies for overnight delivery services require all packages to be sent to the address above.

(1b) Paper Submission—If Hand-Delivered: If the application is hand-delivered by the applicant or by its representative, one (1) signed original plus two (2) copies of the application must be delivered. Applicants are encouraged to also submit an electronic copy of the proposal, budget and budget narrative on a CD–ROM to facilitate the processing of applications. Complete application packages must be delivered to: U.S. Department of Commerce, Minority Business Development Agency, Office of Business Development—MBEC Program (extension 1940), HCHB—Room 1874, Entrance #10, 15th Street, NW. (between Pennsylvania and Constitution Avenues), Washington, DC. MBDA will not accept applications that are submitted by the deadline, but that are rejected due to the applicant's failure to adhere to Department of Commerce protocol for hand-deliveries.

(2) *Electronic Submission:* Applicants are encouraged to submit their proposal electronically at *http://www.Grants.gov.* Electronic submissions should be made in accordance with the instructions available at Grants.gov (see *http://www.grants.gov/forapplicants* for detailed information). MBDA strongly recommends that applicants not wait until the application deadline date to begin the application process through Grants.gov as, in some cases, the process for completing an online application may require 3–5 working days.

FOR FURTHER INFORMATION CONTACT: For further information or for an application package, please visit MBDA's Minority Business Internet Portal at *www.mbda.gov.* Paper applications may also be obtained by contacting the MBDA Office of Business Development or the MBDA National Enterprise Center (NEC) in the region in which the MBEC will be located (see below Agency Contacts). In addition, Standard Forms (SF) may be obtained by accessing *www.whitehouse.gov/omb/grants* or *www.grants.gov* and Department of Commerce (CD) forms may be accessed at *www.doc.gov/forms.*

Agency Contacts

1. MBDA Office of Business Development, 1401 Constitution Avenue, N.W., Room 5075, Washington, DC 20230. Contact: Efrain Gonzalez, Chief, 202–482–1940.

2. Dallas National Enterprise Center (DNEC), 1100 Commerce Street, Room 726, Dallas, Texas, 75242. This region covers the states of Arkansas, Colorado,

Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wyoming. Contact: John F. Iglehart, Regional Director, 214–767–8001.

SUPPLEMENTARY INFORMATION:

Background: The MBEC Program is a key component of MBDA's overall minority business development assistance program and promotes the growth and competitiveness of eligible minority-owned businesses. MBEC operators leverage project staff and professional consultants to provide a wide-range of direct business assistance services to eligible minority-owned firms, including but not limited to initial consultations and assessments, business technical assistance, and access to federal and non-federal procurement and financing opportunities. MBDA currently funds a network of 31 MBEC projects located throughout the United States. Pursuant to this notice, competitive applications for new awards are being solicited for the MBEC project identified below.

Pursuant to a grant competition held in 2006, MBDA made a three (3) year award for the operation of the El Paso MBEC project for the period January 1, 2007—December 31, 2009. *See* 72 FR 42351. The operator of this project has since requested a termination of the award effective as of December 31, 2007. The purpose of this competition is to find a new operator for the El Paso MBEC project as MBDA intends to maintain program service delivery in this geographical service area. The new award for this project is expected to be made with an award period of April 1, 2008—December 31, 2009.

Locations and Geographical Service Areas: MBDA is soliciting competitive applications from organizations to operate an MBEC in the following location and geographical service area:

Name of MBEC	Location of MBEC	MBEC Geographical service area**
El Paso MBEC	El Paso, TX	El Paso, TX MSA.**

** Metropolitan Statistical Area, please see OMB Bulletin No. 07–01, Update of Statistical Area Definitions and Guidance on Their Uses (December 18, 2006) at *http://www.whitehouse.gov/omb/bulletins.*

Electronic Access: A link to the full text of the Announcement of Federal Funding Opportunity (FFO) for this solicitation may be accessed at: *http://www.Grants.gov, http://www.mbda.gov,* or by contacting the appropriate MBDA representative identified above. The FFO contains a full and complete description of the requirements under the MBEC Program. In order to receive proper consideration, applicants must comply with all information and requirements contained in the FFO. Applicants will be able to access, download and submit electronic grant applications for the MBEC Program through *http://www.Grants.gov*. MBDA strongly recommends that applicants not wait until the application deadline date to begin the application process through Grants.gov as in some cases the process for completing an online application may require additional time (e.g., 3–5 working days). The date that applications will be deemed to have been submitted electronically shall be the date and time received at Grants.gov. Applicants should save and print the proof of submission they receive from Grants.gov. Applications received after the closing date and time will not be considered.

Funding Priorities: Preference may be given during the selection process to applications which address the following MBDA funding priorities:

(a) Proposals that include performance goals that exceed by 10% or more the minimum performance goal requirements in the FFO;

(b) Applicants who demonstrate an exceptional ability to identify and work towards the elimination of barriers which limit the access of minority businesses to markets and capital;

(c) Applicants who demonstrate an exceptional ability to identify and work with minority firms seeking to obtain large-scale contracts and/or insertion into supply chains with institutional customers;

(d) Proposals that take a regional approach in providing services to eligible clients; or

(e) Proposals from applicants with pre-existing or established operations in the identified geographic service area(s).

Funding Availability: MBDA anticipates that a total of approximately $152,775 will be available in FY 2008 and that a total of approximately $203,700 will be available in FY 2009 to fund one financial assistance award for the El Paso MBEC project. The total award period for the project is anticipated to be twenty-one (21) months and the award is expected to be made with a start date of April 1, 2008. The total anticipated amount of the financial assistance award for the El Paso MBEC project (including the minimum 20% non-federal cost share) is as follows:

Project name	April 1, 2008 through December 31, 2008			January 1, 2009 through December 31, 2009		
El Paso MBEC	$190,969	$152,775	$38,194	$254,625	$203,700	$50,925

Applicants must submit project plans and budgets for each of the two (2) funding periods covered by the award (April 1, 2008—December 31, 2008 and January 1, 2009—December 31, 2009, respectively). The El Paso MBEC project will initially be funded for the first funding period and will not have to compete for funding for the second funding period. However, should the operator that fail to achieve a ''satisfactory'' or better performance rating for the first funding period it may be denied funding for the second funding period. Recommendations for funding for the second funding period are generally evaluated by MBDA based on a ''Satisfactory'' or better mid-year funding performance rating (*i.e.*, April 1, 2007—September 30, 2007) and/or a combination of a mid-year and year-to date (*i.e.*, April 1—December 31, 2007) ''Satisfactory'' or better performance rating. In making such funding recommendations, MBDA and the Department of Commerce will consider the facts and circumstances of each case, such as but not limited to market conditions, most recent performance of the operator and other mitigating circumstances.

Applicants are hereby given notice that FY 2008 funds have not yet been appropriated for the MBEC program. Accordingly, MBDA issues this notice subject to the appropriations made available under the current continuing

resolution, H.J. Res. 52, ''Making continuing appropriations for the fiscal year 2008, and for other purposes,'' Public Law 110–92, as amended by H.R. 3222, Public Law 110–116. In no event will MBDA or the Department of Commerce be responsible for proposal preparation costs if this program fails to receive funding or is cancelled because of other MBDA or Department of Commerce priorities.

Authority: 15 U.S.C. Section 1512 and Executive Order 11625.

Catalog of Federal Domestic Assistance (CFDA): 11.800, Minority Business Enterprise Centers.

Eligibility: For-profit entities (including but not limited to sole-proprietorships, partnerships, and corporations), non-profit organizations, state and local government entities, American Indian Tribes, and educational institutions are eligible to operate an MBEC.

Program Description: MBDA is soliciting competitive applications from organizations to operate a Minority Business Enterprise Center (MBEC) (formerly known as Minority Business Development Centers). The MBEC will operate through the use of trained professional business consultants who will assist eligible minority entrepreneurs through direct client engagements. Entrepreneurs eligible for assistance under the MBEC Program are: African Americans, Puerto Ricans, Spanish-speaking Americans, Aleuts, Asian Pacific Americans, Native Americans (including Alaska Natives, Alaska Native Corporations and tribal entities), Eskimos, Asian Indians and Hasidic Jews. No service may be denied to any member of the eligible groups listed above.

The MBEC Program generally requires project staff to provide standardized business assistance services directly to ''eligible minority owned firms,'' with an emphasis on those firms with $500,000 or more in annual revenues and/or those eligible firms with ''rapid growth potential'' (''Strategic Growth Initiative'' or ''SGI'' firms); to develop and maintain a network of strategic partnerships; to provide collaborative consulting services with MBDA and other MBDA funded programs and strategic partners; and to provide referral services (as necessary) for client transactions. MBEC operators will assist eligible minority-owned firms in accessing federal and non-federal contracting and financing opportunities that result in demonstrable client outcomes.

The MBEC Program incorporates an entrepreneurial approach to building market stability and improving the quality of client services. This entrepreneurial strategy expands the reach of the MBECs by requiring project operators to develop and build upon strategic alliances with public and private sector partners as a means of serving minority-owned firms within each MBEC's geographical service area. The MBEC Program is also designed to effectively leverage MBDA resources, including but not limited to: MBDA Office of Business Development and MBDA National Enterprise Centers; MBDA's Business Internet Portal; and MBDA's nationwide network of MBECs, Native American Business Enterprise Centers (NABECs) and Minority Business Opportunity Centers (MBOCs). MBEC operators are also required to attend a variety of MBDA training programs designed to increase operational efficiencies and the provision of value-added client services.

MBEC operators are generally required to provide the following four client services: (1) Client Assessment—this is a standardized service activity that includes identifying the client's immediate and long-term needs and establishes a projected growth track; (2) Strategic Business Consulting—this involves providing intensive business consulting services that can be delivered as personalized consulting or group consulting; (3) Access to Capital—this assistance is designed to secure the financial capital necessary for client growth, and (4) Access to Markets—this involves assisting clients to identify and access opportunities for increased sales and revenues.

Please refer to the FFO pertaining to this competitive solicitation for a full and complete description of the application and programmatic requirements under the MBEC Program.

Match Requirements: The MBEC Program requires a minimum non-federal cost share of 20%, which must be reflected in the proposed project budget. Non-federal cost share is the portion of the project cost not borne by the Federal Government. Applicants must satisfy the non-federal cost sharing requirements in one or more of the following four means or any combination thereof: (1) Client fees; (2) applicant cash contributions; (3) applicant in-kind (*i.e.*, non-cash) contributions; or (4) third-party in-kind contributions. The MBEC is required to charge client fees for services rendered and such fees must be used by the operator towards meeting the non-federal cost share requirements under the award. Applicants will be awarded up to five bonus points to the extent that the proposed project budget includes a non-federal cost share contribution, measured as a percentage of the overall project budget, exceeding 20% (see Evaluation Criterion below).

Evaluation Criterion: Proposals will be evaluated and one applicant may be selected based on the below evaluation criterion. The maximum total number of points that an application may receive is 105, including the bonus points for exceeding the minimum required non-federal cost sharing, except when oral presentations are made by applicants. If oral presentations are made (see below: Oral Presentation—Optional), the maximum total of points that can be earned is 115. The number of points assigned to each evaluation criterion will be determined on a competitive basis by the MBDA review panel based on the quality of the application with respect to each evaluation criterion.

1. Applicant Capability (40 points)

Proposals will be evaluated with respect to the applicant's experience and expertise in providing the work requirements listed. Specifically, proposals will be evaluated as follows:

(a) *Community*—Experience in and knowledge of the minority community, minority business sector, and strategies for enhancing its growth and expansion; particular emphasis shall be on expanding SGI firms. Consideration will be given as to whether the applicant has a physical presence in the geographic service area at the time of its application (4 points);

(b) *Business Consulting*—Experience in and knowledge of business consulting with respect to minority firms, with emphasis on SGI firms in the geographic service area (5 points);

(c) *Financing*—Experience in and knowledge of the preparation and formulation of successful financial transactions, with an emphasis on the geographic service area (5 points);

(d) *Procurements and Contracting*—Experience in and knowledge of the public and private sector contracting opportunities for minority businesses, as well as demonstrated expertise in assisting clients into supply chains (5 points);

(e) *Financing Networks*—Resources and professional relationships within the corporate, banking and investment community that may be beneficial to minority-owned firms (5 points);

(f) *Establishment of a Self-Sustainable Service Model*—Summary plan to establish a self-sustainable model for continued services to the MBE communities beyond the MBDA award period (3 points);

(g) *MBE Advocacy*—Experience and expertise in advocating on behalf of

minority communities and minority businesses, both as to specific transactions in which a minority business seeks to engage and as to broad market advocacy for the benefit of the minority community at large (3 points); and

(h) *Key Staff*—Assessment of the qualifications, experience and proposed role of staff that will operate the MBEC. In particular, an assessment will be made to determine whether proposed key staff possesses the expertise in utilizing information systems and the ability to successfully deliver program services. At a minimum the applicant must identify a proposed project director. (10 points).

2. Resources (20 points)

The applicant's proposal will be evaluated as follows:

(a) *Resources*—Resources (not included as part of the non-federal cost share) that will be used in implementing the program, including but not limited to existing prior and/or current data lists that will serve in fostering immediate success for the MBEC (8 points);

(b) *Location*—Assessment of the applicant's strategic rationale for the proposed physical location of the MBEC. Applicant is encouraged to establish a location for the MBEC that is in a building which is separate and apart from any of the applicant's existing offices in the geographic service area (2 points);

(c) *Partners*—How the applicant plans to establish and maintain the network of strategic partners and the manner in which these partners will support the MBEC in meeting program performance goals (5 points); and

(d) *Equipment*—How the applicant plans to satisfy the MBEC information technology requirements, including computer hardware, software requirements and network map (5 points).

3. Techniques and Methodologies (20 points)

The applicant's proposal will be evaluated as follows:

(a) *Performance Measures*—For each funding period, the manner in which the applicant relates each performance measure to the financial information and market resources available in the geographic service area (including existing client list); how the applicant will create MBEC brand recognition (marketing plan); and how the applicant will satisfy program performance goals. In particular, emphasis may be placed on the manner in which the applicant matches MBEC performance goals with client service hours and how it accounts for existing market conditions in its strategy to achieve such goals (10 points);

(b) *Start-up Phase*—How the applicant will commence MBEC operations within the initial 30-day period. The MBEC shall have thirty (30) days to become fully operational after an award is made (3 points); and

(c) *Work Requirement Execution Plan*—The applicant will be evaluated on how effectively and efficiently staff time will be used to achieve the work requirements, particularly with respect to periods beyond the start-up phase (7 points).

4. Proposed Budget and Budget Narrative (20 points)

The applicant's proposal will be evaluated as follows:

(a) *Reasonableness, Allowability and Allocability of Proposed Program Costs*. All of the proposed program costs expenditures should be discussed and the budget line-item narrative must match the proposed budget. Fringe benefits and other percentage item calculations should match the proposed budget line-item and narrative (5 points);

(b) *Non-Federal Cost Share*. The required 20% non-Federal share must be adequately addressed and properly documented, including but not limited to how client fees (if proposed) will be used by the applicant in meeting the non-federal cost-share (5 points); and

(c) *Performance-Based Budgeting*. The extent to which the line-item budget and budget narrative relate to the accomplishment of the MBEC work requirements and performance measures (*i.e.*, performance-based budgeting) (10 points).

Bonus for Non-Federal Cost Sharing (maximum of 5 points): Proposals with non-federal cost sharing exceeding 20% of the total project costs will be awarded bonus points on the following scale: more than 20%—less than 25% = 1 point; 25% or more—less than 30% = 2 points; 30% or more—less than 35% = 3 points; 35% or more—less than 40% = 4 points; and 40% or more = 5 points. Non-federal cost sharing of at least 20% is required under the MBEC Program. Non-federal cost sharing is the portion of the total project cost not borne by the Federal Government and may be met by the applicant in any one or more of the following four means (or a combination thereof): (1) Client fees; (2) cash contributions; (3) non-cash applicant contributions; or, (4) third party in-kind contributions.

5. Oral Presentation—Optional (10 points)

Oral presentations are optional and held *only* when requested by MBDA. This action may be initiated for the top two (2) ranked applications. Oral presentations will be used to establish a final evaluation and ranking.

The applicant's presentation will be evaluated as to the extent to which the presentation demonstrates:

(a) How the applicant will effectively and efficiently assist MBDA in the accomplishment of its mission (2 points);

(b) Business operating priorities designed to manage a successful MBEC (2 points);

(c) A management philosophy that achieves an effective balance between micromanagement and complete autonomy for its Project Director (2 points);

(d) Robust search criteria for the identification of a Project Director (1 point);

(e) Effective employee recruitment and retention policies and procedures (1 point); and

(f) A competitive and innovative approach to exceeding performance requirements (2 points).

Review and Selection Process

1. Initial Screening

Prior to the formal paneling process, each application will receive an initial screening to ensure that all required forms, signatures and documentation are present. An application will be considered non-responsive and will not be evaluated by the review panel if it is received after the closing date for receipt of applications, the applicant fails to submit an original, signed Form SF–424 by the application closing date (paper applications only), or the application does not provide for the operation of a MBEC. Other application deficiencies may be accounted for through point deductions during panel review.

2. Panel Review

Each application will receive an independent, objective review by a panel qualified to evaluate the applications submitted. The review panel will consist of at least 3 persons, all of whom will be full-time federal employees and at least one of whom will be an MBDA employee, who will review the applications for a specified project based on the above evaluation criterion. Each reviewer shall evaluate and provide a score for each proposal. Each project review panel (through the panel Chairperson) shall provide the

MBDA National Director (Recommending Official) with a ranking of the applications based on the average of the reviewers' scores and shall also provide a recommendation regarding funding of the highest scoring application.

3. Oral Presentation—Upon MBDA Request

MBDA may invite the two (2) top-ranked applicants to develop and provide an oral presentation. If an oral presentation is requested, the affected applicants will receive a formal communication (via standard mail, e-mail or fax) from MBDA indicating the time and date for the presentation. In-person presentations are not mandatory but are encouraged; telephonic presentations are acceptable. Applicants will be asked to submit a PowerPoint presentation (or equivalent) to MBDA that addresses the oral presentation criteria set forth above. The presentation must be submitted at least 24 hours before the scheduled date and time of the presentation. The presentation will be made to the MBDA National Director (or his/her designee) and up to three senior MBDA staff who did not serve on the original review panel. The oral panel members may ask follow-up questions after the presentation. MBDA will provide the teleconference dial-in number and pass code. Each applicant will present to MBDA staff only; competitors are not permitted to listen (and/or watch) other presentations.

All costs pertaining to this presentation shall be borne by the applicant. MBEC award funds may *not* be used as a reimbursement for this presentation. MBDA will not accept any requests or petitions for reimbursement.

The oral panel members shall score each presentation in accordance with the oral presentation criterion provided above. An average score shall be compiled and added to the score of the original panel review.

4. Final Recommendation

The MBDA National Director makes the final recommendation to the Grants Officer regarding the funding of one application under this competitive solicitation. MBDA expects to recommend for funding the highest ranking application, as evaluated and recommended by the review panel and taking into account oral presentations (as applicable). However, the MBDA National Director may not make any selection, or he may select an application out of rank order for the following reasons:

(a) A determination that an application better addresses one or more of the funding priorities for this competition. The National Director (or his/her designee) reserves the right to conduct one or more site visits (subject to the availability of funding), in order to make a better assessment of an applicant's capability to achieve the funding priorities; or

(b) The availability of MBDA funding.

Prior to making a final recommendation to the Grants Officer, MBDA may request that the apparent winner of the competition provide written clarifications (as necessary) regarding its application.

Intergovernmental Review: Applications under this program are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Limitation of Liability: In no event will MBDA or the Department of Commerce be responsible for proposal preparation costs if this program fails to receive funding or is cancelled because of other MBDA or Department of Commerce priorities. All funding periods are subject to the availability of funds to support the continuation of the project and the Department of Commerce and MBDA priorities. Publication of this notice does not obligate the Department of Commerce or MBDA to award any specific cooperative agreement or to obligate all or any part of available funds.

Universal Identifier: Applicants should be aware that they will be required to provide a Dun and Bradstreet Data Universal Numbering system (DUNS) number during the application process. *See* the June 27, 2003 **Federal Register** notice (68 FR 38402) for additional information. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at 1–866–705–5711 or by accessing the Grants.gov Web site at *http://www.Grants.gov*.

Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of December 30, 2004 (69 FR 78389) are applicable to this solicitation.

Paperwork Reduction Act: This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Standard Forms 424, 424A, 424B, SF-LLL, and CD–346 have been approved by OMB under the respective control numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001. Notwithstanding any other provisions of 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 Paperwork Reduction Act unless that collection displays a currently valid OMB Control Number.

Executive Order 12866: This notice has been determined to be not significant for purposes of E.O. 12866.

Administrative Procedure Act/ Regulatory Flexibility Act: Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act for rules concerning public property, loans, grants, benefits, or contracts (5 U.S.C. 533(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 533 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

Dated: December 13, 2007.

Edith Jett McCloud,

Associate Director for Management, Minority Business Development Agency.

[FR Doc. E7–24475 Filed 12–17–07; 8:45 am]

BILLING CODE 3510–21–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RIN 0648–XE34]

Small Takes of Marine Mammals Incidental to Specified Activities; Marine Geophysical Survey off Central America, February–April 2008

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

ACTION: Notice; proposed incidental take authorization; request for comments.

SUMMARY: NMFS has received an application from Lamont-Doherty Earth Observatory (L–DEO), a part of Columbia University, for an Incidental Harassment Authorization (IHA) to take marine mammals incidental to conducting a marine seismic survey off Central America during February–April 2008. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to L–DEO to incidentally take, by Level B harassment only, small numbers of several species of marine mammals during the aforementioned activity.

DATES: Comments and information must be received no later than January 17, 2008.

ADDRESSES: Comments on the application should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing e-mail comments is *PR1.0648XE34@noaa.gov*. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Office of Protected Resources, NMFS, (301) 713–2289.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as '' * * * an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as:

> any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either approve or deny the authorization.

Summary of Request

On August 24, 2007, NMFS received an application from L–DEO for the taking, by Level B harassment only, of small numbers of 26 species of marine mammals incidental to conducting, under a cooperative agreement with the National Science Foundation (NSF), a seismic survey in the Pacific Ocean and Caribbean Sea off Central America as part of the Subduction Factory (SubFac) initiative of NSF's MARGINS program from January–March, 2008. (The dates of the cruise were subsequently moved to the February–April 2008 timeframe.) The MARGINS program was developed to facilitate the study of continental margins. The SubFac initiative will determine the inputs, outputs, and controlling processes of subduction zone systems by obtaining seismic measurements of magma flux, arc composition, and lower-plate serpentinization at the Central American Focus Site.

Description of the Activity

The seismic survey will involve one source vessel, the R/V *Marcus G. Langseth* (*Langseth*), which will operate in two regions during the proposed survey: the Caribbean Sea and the Pacific Ocean. The *Langseth* will deploy an array of 36 airguns (6,600 in^3) as an energy source and, at times, a receiving system consisting of a 6-km (3.7-mi) towed hydrophone streamer. The streamer will be towed at a depth of 5–8 m (16–26 ft). As the airgun array is towed along the survey lines, the hydrophone streamer will receive the returning acoustic signals and transfer the data to the on-board processing system. In the Caribbean region, the *Langseth* will also deploy Ocean Bottom Seismometers (OBSs) to receive the returning acoustic signals. In the Pacific Ocean, a second vessel, the R/V *New Horizon,* will deploy and retrieve the OBSs.

For the first part of the cruise, the *Langseth* is expected to depart Puerto Limon, Costa Rica, on approximately February 3, 2008 for the study area in the Caribbean Sea (see Figure 1 in the application). The seismic survey will commence following the transit and deployment of the streamer and airgun array. Following approximately 25 days of surveying in the Caribbean Sea, all equipment will be recovered, and the vessel will return to Puerto Limon on approximately March 5, 2008. The vessel will then transit through the Panama Canal, likely taking on fuel in Panama. The second part of the survey will commence in the Pacific Ocean on approximately March 11, 2008 from Puerto Caldera, Costa Rica. The Pacific survey is estimated to last approximately 25 days. Currently, the vessel is scheduled to arrive at an unspecified port (likely in Panama) on April 6, 2008. The order of the two surveys may be reversed due to logistics, if necessary. The exact dates of the activities depend upon logistics, as well as weather conditions and/or the need to repeat some lines if data quality is substandard.

The Central American SubFac survey will encompass the area from 9.6° − 14° N., 82° − 83.8° W. in the Caribbean Sea and the area 8° − 11.5° N., 83.6° − 88° W. in the Pacific Ocean (see Figure 1 in the application). Water depths in the survey area range from less than 100 m (328 ft) to greater than 2,500 m (8,202 ft). The seismic survey will take place in the Exclusive Economic Zones (EEZ) of Costa Rica and Nicaragua.

The marine seismic survey will consist of approximately 2,149 km (1,335 mi) of unique survey lines: 753 km (468 mi) in the Caribbean and 1,396 km (867 mi) in the Pacific (see Table 1 in the application). With the exception of two lines (D and E) located in shallow to intermediate-depth water, all lines will be shot twice, once at approximately a 50 m (164 ft; 20-s) shot spacing for multichannel seismic data and once at approximately a 200 m (656 ft; 80-s) shot spacing for OBS refraction data, for a total of approximately 3,980 km (2,473 mi) of survey lines (see Table 1 in the application). The approximate numbers of line kilometers expected to

be surveyed in the Pacific and Caribbean in three different water depth categories are shown in Table 2 of the application. There will be additional operations associated with equipment testing, startup, line changes, and repeat coverage of any areas where initial data quality is substandard. There may also be an additional 77 km (48 mi) of survey effort in the Pacific Ocean around Culebra off Nicoya Peninsula not reflected in Table 1 of L–DEO's application. These additional six transect lines will occur in water greater than 100 m (328 ft) deep and are not expected to increase the number of takes by harassment (see below).

The *New Horizon* will be the dedicated OBS vessel during the Pacific part of the survey and will deploy and retrieve the OBSs. A combination of 85 OBSs (150 total deployments) will be used during the project. A total of 60 OBS deployments will take place in the Caribbean (from the *Langseth*), and 90 deployments will take place in the Pacific from the *New Horizon.*

In addition to the operations of the airgun array, a 12-kHz Simrad EM120 multibeam echosounder (MBES) will be operated from the *Langseth* continuously throughout the cruise. Also, a 3.5-kHz sub-bottom profiler (SBP) will be operated by the *Langseth* during most of the survey and during normal operations by the *New Horizon.*

Vessel Specifications

The *Langseth* has a length of 71.5 m (234.6 ft), a beam of 17 m (55.8 ft), and a maximum draft of 5.9 m (19.4 ft). The ship was designed as a seismic research vessel, with a propulsion system designed to be as quiet as possible to avoid interference with the seismic signals. The ship is powered by two Bergen BRG–6 diesel engines, each producing 3,550 hp, that drive the two propellers directly. Each propeller has four blades, and the shaft typically rotates at 750 rpm. The vessel also has an 800-hp bowthruster. The operation speed during seismic acquisition is typically 7.4–9.3 km/h (4–5 kt). When not towing seismic survey gear, the *Langseth* can cruise at 20–24 km/h (11–13 kt). The *Langseth* has a range of 25,000 km (15,534 mi).

The *New Horizon* will be the dedicated OBS vessel during the Pacific part of the survey and will deploy and retrieve the OBSs. The ship has a length of 51.8 m (170 ft), a beam of 11 m (36 ft), and a maximum draft of 3.7 m (12 ft). The ship is powered by two 850 hp D398 Caterpillar engines. The typical cruising speed is 18.5 km/h (10 kt) with a maximum speed of 22.8 km/h (12.3 kt). The *New Horizon* has a range of 18,000 km (11,185 mi).

Acoustic Source Specifications

Seismic Airguns

During the survey, the airgun array to be used will consist of 36 airguns, with a total volume of approximately 6,600 in^3. The airguns will comprise a mixture of Bolt 1500LL and 1900LL airguns. The array will consist of four identical linear arrays or ''strings'' (see Figure 2 in L–DEO's application). Each string will have ten airguns; the first and last airguns in each string are spaced 16 m (52.5 ft) apart. Nine airguns in each string will be fired simultaneously, while the tenth is kept in reserve as a spare, to be turned on in case of failure of another airgun. The four airgun strings will be distributed across an approximate area of 24×16 m (78.7×52.5 ft) behind the *Langseth* and will be towed approximately 50–100 m (164–328 ft) behind the vessel. The firing pressure of the array is 2,000 psi. The airgun array will fire in two modes: every 50 m (164 ft; 20 s) or every 200 m (656 ft; 80 s). During firing, a brief (approximately 0.1 s) pulse of sound is emitted. The airguns will be silent during the intervening periods. The airguns will be towed at a depth of 9 or 12 m (29.5 or 39 ft). The dominant frequency components are 0–188 Hz.

Received sound levels have been predicted by L–DEO for the 36-airgun array operating in deep water and for a single 1900LL 40 in^3 airgun to be used during power-downs (see below). The predicted received levels depend upon distance and direction from the airguns. This source, which is directed downward, was found to have an output (0-peak) of 258 dB re 1 µPa m. The maximum relevant depth (2,000 m; 6,562 ft) represents the maximum anticipated dive depth of marine mammals and is relevant for predicting safety or exclusion zones (EZs; see below). A detailed description of L–DEO's modeling effort is provided in Appendix A of the application.

The rms (root mean square) received levels that are used as impact criteria for marine mammals are not directly comparable to the peak or peak-to-peak values normally used to characterize source levels of airgun arrays. The measurement units used to describe airgun sources, peak or peak-to-peak decibels, are always higher than the rms decibels referred to in biological literature. A measured received level of 160 dB rms in the far field would typically correspond to a peak measurement of approximately 170 to 172 dB, and to a peak-to-peak measurement of approximately 176 to 178 dB, as measured for the same pulse received at the same location (Greene, 1997; McCauley *et al.*, 1998, 2000a). The precise difference between rms and peak or peak-to-peak values depends on the frequency content and duration of the pulse, among other factors. However, the rms level is always lower than the peak or peak-to-peak level for an airgun-type source.

Multibeam Echosounder

The Simrad EM120 operates at 11.25–12.6 kHz and is hull-mounted on the *Langseth.* The beamwidth is 1° fore-aft and 150° athwartship. The maximum source level is 242 dB re 1 µPa (rms; Hammerstad, 2005). For deep-water operation, each ''ping'' consists of nine successive fan-shaped transmissions, each 15 ms in duration and each ensonifying a section that extends 1° fore-aft. The nine successive transmissions span an overall cross-track angular extent of about 150°, with 16 ms gaps between the pulses for successive sectors. A receiver in the overlap area between the two sectors would receive two 15-ms pulses separated by a 16-ms gap. In shallower water, the pulse duration is reduced to 5 or 2 ms, and the number of transmit beams is also reduced. The ping interval varies with water depth, from approximately 5 s at 1,000 m (3,280 ft) to 20 s at 4,000 m (13,123 ft; Kongsberg Maritime, 2005).

Sub-Bottom Profiler

The SBP is normally operated to provide information about the sedimentary features and the bottom topography that is simultaneously being mapped by the MBES. The energy from the SBP is directed downward by a 3.5 kHz transducer in the hull of the *Langseth.* The output varies with water depth from 50 watts in shallow water to 800 watts in deep water. The pulse interval is 1 s, but a common mode of operation is to broadcast five pulses at 1-s intervals followed by a 5-s pause.

Safety Radii

NMFS has determined that for acoustic effects, using acoustic thresholds in combination with corresponding safety radii is the most effective way to consistently apply measures to avoid or minimize the impacts of an action, and to quantitatively estimate the effects of an action. Thresholds are used in two ways: (1) To establish a mitigation shut-down or power down zone, i.e., if an animal enters an area calculated to be ensonified above the level of an established threshold, a sound source is

powered down or shut down; and (2) to calculate take, in that a model may be used to calculate the area around the sound source that will be ensonified to that level or above, then, based on the estimated density of animals and the distance that the sound source moves, NMFS can estimate the number of marine mammals that may be ''taken''. NMFS believes that to avoid permanent physiological damage (Level A Harassment), cetaceans and pinnipeds should not be exposed to pulsed underwater noise at received levels exceeding, respectively, 180 and 190 dB re 1 µPa (rms). NMFS also assumes that cetaceans or pinnipeds exposed to levels exceeding 160 dB re 1µPa (rms) may experience Level B Harassment.

The depth at which the source is towed impacts the maximum near-field output and the shape of the frequency spectrum. If the source is towed at a relatively deep depth (e.g., approximately 12 m; 39 ft), the effective source level for sound propagating in near-horizontal directions is substantially greater than if the array is towed at shallower depths (e.g., approximately 9 m; 29.5 ft; see Figure 4 vs. Figure 3 in the application).

Empirical data concerning 180 and 160 dB re 1 µPa distances in deep and/or shallow water were acquired for various airgun configurations during the acoustic calibration study of the R/V *Maurice Ewing's* (*Ewing*) 20-airgun 8,600 in^3 array in 2003 (Tolstoy *et al.,* 2004a, b). The results showed that radii around the airguns where the received level was 160 dB re 1 µPa varied with water depth. Similar depth-related variation is likely for the 180-dB re 1 µPa safety criterion applicable to cetaceans and the 190-dB re 1 µPa radius applicable to pinnipeds, although these were not measured. The L–DEO model does not allow for bottom interactions, and thus is most directly applicable to deep water and to relatively short ranges.

The empirical data indicated that, for deep water (>1,000 m; 3,280 ft), the L–DEO model overestimates the received sound levels at a given distance (Tolstoy *et al.*, 2004a,b). However, to be conservative, the distances predicted by L–DEO's model will be applied to deep-water areas during the proposed study (see Table 3 in the application and Table 1 here). As very few, if any, mammals are expected to occur below 2,000 m (6,562 ft), this depth was used as the maximum relevant depth.

Empirical measurements indicated that in shallow water (<100 m; 328 ft), the L–DEO model underestimates actual levels. In previous L–DEO projects done since the calibration results were obtained by Tolstoy *et al.* (2004a,b), the EZs in shallow water were typically adjusted upward from the values predicted by L–DEO's model by factors of 1.3x to 15x depending on the size of the airgun array and the sound level measured (Tolstoy *et al.*, 2004b). During the proposed cruise, similar factors will be applied to the shallow-water radii (see Table 3 in the application and Table 1 here).

Empirical measurements were not conducted for intermediate depths (100–1,000 m; 328–3,280 ft). On the expectation that results would be intermediate between those from shallow and deep water, a correction factor of 1.5x was applied during former L–DEO cruises to the estimates provided by the model for deep-water situations to obtain estimates for intermediate-depth sites. The correction factor was used during previous L–DEO surveys and will be used during the proposed study for intermediate depths (see Table 3 in the application and Table 1 here).

Table 3 in the application and Table 1 here outline the distances to which sound levels of the various EZs might be received, considering both the 36-airgun array and a single airgun in three different water depths. In deep water, the maximum depth considered is 2,000 m (6,562 ft). If marine mammals are detected within or about to enter the appropriate EZ, the airguns will be powered down (or shutdown if necessary) immediately.

TABLE 1.—PREDICTED DISTANCES TO WHICH SOUND LEVELS ≥190, 180, AND 160 DB RE 1 µPA MIGHT BE RECEIVED IN SHALLOW (<100 M; 328 FT), INTERMEDIATE (100–1,000 M; 328–3,280 FT), AND DEEP (>1,000 M; 3,280 FT) WATER DURING THE CENTRAL AMERICAN SUBFAC SURVEY

Source and volume	Tow depth (m)	Water depth	Predicted RMS distances (m)		
			190 dB	180 dB	160 dB
Single Bolt airgun 40 in^3	9	Deep	12	40	385
		Intermediate	18	60	578
		Shallow	150	296	1050
4 strings 36 airguns 6600 in^3	9	Deep	300	950	6000
		Intermediate	450	1425	6667
		Shallow	2182	3694	8000
4 strings 36 airguns 6600 in^3	12	Deep	340	1120	7400
		Intermediate	510	1680	8222
		Shallow	2473	4356	9867

Because the predictions in Table 3 in the application and Table 1 here are based in part on empirical correction factors derived from acoustic calibration of different airgun configurations than those to be used on the *Langseth* (*cf.* Tolstoy *et al.*, 2004a,b), L–DEO is planning an acoustic calibration study of the *Langseth*'s 36-airgun (6,600 in^3) array, which is scheduled to go out in the Gulf of Mexico in January 2008. Distances where sound levels (e.g., 190, 180, and 160 dB re 1 µPa) are received in deep, intermediate, and shallow water will be determined for various airgun configurations. The empirical data from the calibration study will be used to refine the EZs used during the Central American SubFac survey, if the data are appropriate and available at the time of the survey.

Description of Marine Mammals in the Activity Area

A total of 34 marine mammal species are known to or may occur in the study area off Central America, including 25 odontocete (dolphins and small and large toothed whales) species, six mysticete (baleen whales) species, two pinniped species, and the West Indian manatee. Six of the species that may occur in the project area are listed under the U.S. Endangered Species Act (ESA) as Endangered: The sperm, humpback, sei, fin, and blue whale and the manatee. The West Indian manatee is under the jurisdiction of the U.S. Fish and Wildlife Service and therefore is not considered further in this analysis.

The distribution and occurrence of marine mammal species are different on the Pacific and Caribbean coasts of Central America; therefore, these two areas are discussed separately here and in greater detail in L–DEO's application. Thirty-two species of marine mammals have been documented to occur in Costa Rican waters, most of which are cetaceans (Rodríguez-Herrera *et al.*, 2002). At least 10 of the 32 species are known to occur on the Caribbean side, including the manatee (Rodríguez-Fonseca, 2001 and pers. comm.; Rodríguez-Herrera *et al.*, 2002). Twenty-seven species are known to occur on the Pacific side of Costa Rica, including the California and Galápagos sea lions (see Wade and Gerrodette, 1993; Ferguson and Barlow, 2001; Rodríguez-Fonseca, 2001; Rodríguez-Herrera *et al.*, 2002; Rasmussen *et al.*, 2004; Holst *et al.*, 2005a; May-Collado *et al.*, 2005). In addition there are two other species that could potentially occur in the Pacific study area: the ginkgo-toothed (e.g., Rodríguez-Fonseca, 2001) and Longman's beaked whales (e.g., Pitman *et al.*, 1999; Ferguson and Barlow, 2001). Information on the occurrence, distribution, population size, and conservation status for each of the 34 marine mammal species that may occur in the proposed project area is presented in Table 5 of L–DEO's application.

Caribbean

Studies of marine mammals inhabiting the Caribbean have been scarce (Jefferson and Lynn, 1994; Rodríguez-Fonseca, 2001), and abundance in this area is mostly unknown (Roden and Mullin, 2000). At least one systematic ship-based study employing visual and passive-acoustic survey methods has been undertaken in the eastern Caribbean (Swartz and Burks, 2000; Swartz *et al.*, 2001, 2003). In addition, an extensive visual and acoustic survey was conducted in the SE Caribbean Sea off northern Venezuela from the *Ewing* and the R/V *Seward Johnson II* as part of a marine mammal monitoring program during an L–DEO marine seismic cruise in April-June 2004 (Smultea *et al.*, 2004). Data on the western Caribbean is even more limited.

One mysticete, eight odontocetes, and one sirenian are known to occur in the Caribbean study area (Rodríguez-Fonseca, 2001 and pers. comm.; Rodríguez-Herrera *et al.*, 2002). These include the fin, sperm, short-finned pilot, and killer whale; the bottlenose, Atlantic spotted, and clymene dolphin; tucuxi, Gervais' beaked whale, and West Indian manatee. The last four of these species only occur in the Caribbean part of the study area (see Table 5 of the application). Based on other available information (Swartz and Burks, 2000; Romero *et al.*, 2001; Swartz *et al.*, 2001, 2003; Smultea *et al.*, 2004), an additional five species may potentially occur in the study area: two mysticetes (humpback and Bryde's whale) and three delphinids (pantropical spotted, striped, and rough-toothed dolphin). Pinnipeds are unlikely to be seen in the Caribbean part of the study area. Vagrant hooded seals have been seen in the Caribbean (Rice, 1998; Mignucci-Giannoni and Odell, 2001; Reeves *et al.*, 2002), but are not considered further here. The Caribbean monk seal (*Monachus tropicalis*) is considered extinct (Debrot, 2000; Mignucci-Giannoni and Odell, 2001).

Pacific

Of the 36 marine mammal species known to occur in the eastern tropical Pacific (ETP), 29 may occur in the proposed survey area off the west coast of Costa Rica and Nicaragua (see Table 5 of the application). Seven species that are present in the wider ETP but not in the proposed survey area are excluded from Table 5. They include: Pacific white-sided dolphin (*Lagenorhynchus obliquidens*) and Baird's beaked whale (*Berardius bairdii*), which are seen very occasionally (6 and 2 sightings, respectively, in several years of surveys) in the northernmost portions of the ETP (Ferguson and Barlow, 2001); Long-beaked common dolphin (*Delphinus capensis*), which is known to occur in the northernmost areas of the ETP off Baja California, Mexico, and off the coast of Peru (Heyning and Perrin, 1994); Dusky dolphin (*Lagenorhynchus obscurus*), southern right whale dolphin (*Lissodelphis peronii*), Burmeister's porpoise (*Phocoena spinipinnis*), and long-finned pilot whale (*Globicephala melas*) occur near the Peruvian coast but are unlikely to occur in the present study area (Leatherwood *et al.*, 1991; Van Waerebeek *et al.*, 1991; Brownell and Clapham, 1999; Olson and Reilly, 2002).

Although unlikely, two of the six species of pinnipeds known to occur in the ETP could potentially occur in the proposed project area on rare occasions. These include the California and Galápagos sea lions, which have been documented off western Costa Rica (Acevedo-Gutierrez, 1994; Cubero-Parado and Rodríguez, 1999; Rodríguez-Herrera *et al.*, 2002; May-Collado, 2006, in press). The remaining four pinniped species known from the ETP, the Guadalupe fur seal (*Arctocephalus townsendi*), South American fur seal (*A. australis*), southern sea lion (*Otaria flavescens*), and Galápagos fur seal, are not expected to occur in the survey area because their known ranges are substantially farther north or south of the proposed seismic survey area (Reeves *et al.*, 2002).

Most cetacean research off the west coast of Central America has involved three of the most common, coastal resident species: The bottlenose and coastal pantropical spotted dolphin and humpback whale (May-Collado *et al.*, 2005). The remaining marine mammal populations in the region have not been studied in much detail. The most extensive regional distribution and abundance data that encompass the entire study area come primarily from multi-year vessel surveys conducted in the wider ETP by the NMFS Southwest Fisheries Science Center.

Table 5 of L–DEO's application summarizes the abundance, habitat, and conservation status of all marine mammal species considered likely to occur in the proposed survey area in the Pacific. Based on a compilation of data from 1979 to 2001, many cetaceans within the Pacific EEZ of Costa Rica occur in both oceanic and coastal waters. However, beaked, sperm, dwarf/pygmy sperm, and baleen whales (except for the humpback) occur predominantly in oceanic waters (May-Collado *et al.*, 2005). Bottlenose and pantropical spotted dolphins, as well as the humpback whale, tend to be coastal.

The proposed survey area in the Pacific is part of the ''Central American Bight'', which extends from Guatemala to Ecuador. Costa Rican waters in particular are one of the most biologically productive regions of the world (Philbrick *et al.*, 2001; Rodríguez-Herrera *et al.*, 2002; May-Collado *et al.*, 2005; Ferguson *et al.*, 2006a). The characteristics that likely make this region so productive are linked to the thermal structure of the water column, including a shallow thermocline (see Fielder and Talley, 2006). Two regions within the ETP that are considered to be important to certain species of cetaceans include the Costa Rica Dome (CRD) and the countercurrent thermocline ridge at approximately 10° N. (see Au and Perryman, 1985; Reilly, 1990; Reilly and Thayer, 1990; Fielder, 2002; Ballance *et al.*, 2006).

At least five marine areas are considered ecologically important for different marine mammals off western Costa Rica, including areas near the proposed transect lines (Acevedo and Burkhart, 1998; Rodríguez-Fonseca, 2001; May-Collado *et al.*, 2005; Ferguson *et al.*, 2006a). From north to south, the five areas are as follows: Gulf of Papagayo; Punta Guiones to Cabo

Blanco, southern Nicoya Peninsula; CRD; Quepos-Manuel Antonio National Park region; and Isla del Caño, Golfo Dulce, and Osa Peninsula. Marine mammal species inhabiting these five areas, as well as their seasonal use of the habitats, are described in the species accounts in L–DEO's application.

Table 2 below outlines the species, their habitat and abundance in the proposed project area, and the requested take levels. Additional information regarding the distribution of these species expected to be found in the project area and how the estimated densities were calculated may be found in L–DEO's application.

TABLE 2.—THE HABITAT, ABUNDANCE, AND REQUESTED TAKE LEVELS OF MARINE MAMMALS THAT MAY BE ENCOUNTERED DURING THE PROPOSED CENTRAL AMERICAN SUBFAC SEISMIC SURVEY OFF CENTRAL AMERICA.

Species	Habitat	Abun. in NW Atlantic [1]	Abun. in ETP [2]	Rqstd take in Carib. Sea	Rqstd take in ETP
Odontocetes:					
Sperm whale (C,P) (*Physeter macrocephalus*).	Pelagic	[a]13,190 4,804	26,053 [b]	5	239
Pygmy sperm whale (C*,P) (*Kogia breviceps*).	Deeper water off shelf.	[c]395	N.A.	0	0
Dwarf sperm whale (C*,P) (*Kogia sima*)	Deeper waters off shelf.	[c]395	11,200 [d]	0	856
Cuvier's beaked whale (C*,P) (*Ziphius cavirostris*).	Pelagic	[e]3,513	20,000 90,725 [bb]	0	302
Longman's beaked whale (P?) (*Indopacetus pacificus*).	Pelagic	N.A.	291 [bb]	0	9
Pygmy beaked whale (P) (*Mesoplodon peruvianus*).	Pelagic	N.A.	25,300 [f] 32,678 [cc]	0	0
Gingko-toothed beaked whale (P?) (*Mesoplodon ginkgodens*).	Pelagic	N.A.	25,300 [f] 32,678 [cc]	0	0
Gervais' beaked whale (C?) (*Mesoplodon europaeus*).	Pelagic	N.A.	N.A.	4	0
Blainville's beaked whale (C*,P) (*Mesoplodon densirostris*).	Pelagic	N.A.	25,300 [f] 32,678 [cc]	0	29
Rough-toothed dolphin (C?,P) (*Steno bredanensis*).	Mainly pelagic	[g]2,223	145,900	9	954
Tucuxi (C) (*Sotalia fluviatilis*)	Freshwater and coastal waters.	[h]49 [i]705	N.A.	0	0
Bottlenose dolphin (C,P) (*Tursiops truncatus*).	Coastal, shelf and pelagic.	[j]43,951 [k]81,588	243,500	389	2,380
Pantropical spotted dolphin (C?,P) (*Stenella attenuata*).	Coastal and pelagic	4,439	2,059,100	37	7,560
Atlantic spotted dolphin (C) (*Stenella frontalis*).	Coastal and shelf	50,978	N.A.	440	0
Spinner dolphin (C*,P) (*Stenella longirostris*).	Coastal and pelagic	[g]11,971	1,651,100	0	7,856
Costa Rican spinner dolphin (P) (*Stenella l. centroamericana*).	Coastal	N.A.	N.A.	0	3,358
Clymene dolphin (C?) (*Stenella clymene*).	Pelagic	6,086	N.A.	29	0
Striped dolphin (C*,P) (*Stenella coeruleoalba*).	Coastal and pelagic	94,462	1,918,000	31	8,110
Short-beaked common dolphin (P) (*Delphinus delphis*).	Shelf and pelagic	N.A.	3,093,300	0	14,045
Fraser's dolphin (C*,P) (*Lagenodelphis hosei*).	Pelagic	[g]726	289,300	0	144
Risso's dolphin (C*,P) (*Grampus griseus*).	Shelf and pelagic	20,479	175,800	0	651
Melon-headed whale (C*,P) (*Peponocephala electra*).	Pelagic	[g]3,451	45,400	0	1,315
Pygmy killer whale (C*,P) (*Feresa attenuata*).	Pelagic	[l]6 [g]408	38,900	0	231
False killer whale (C*,P) (*Pseudorca crassidens*).	Pelagic	[g]1,038	39,800	0	479
Killer whale (C,P) (*Orcinus orca*)	Coastal	[g]133 [m]6,600	8,500	10	17
Short-finned pilot whale (C,P) (*Globicephala macrorhynchus*).	Pelagic	[n]31,139	160,200 [n]	36	3,717
Mysticetes:					
Humpback whale (C?,P) (*Megaptera novaeangliae*).	Mainly nearshore waters and banks.	[o]10,400 [p]11,570	NE Pacific 1,391 [q]; SE Pacific 2,900 [r]	3	101
Minke whale (C*,P) (*Balaenoptera acutorostrata*).	Coastal	[s]3,618 [t]174,000	N.A.	0	0
Bryde's whale (C?,P) (*Balaenoptera edeni*).	Coastal and pelagic	[g]35	13,000 [u]	3	68
Sei whale (C*,P) (*Balaenoptera borealis*).	Pelagic	12– [v]13,000	N.A.	0	0

TABLE 2.—THE HABITAT, ABUNDANCE, AND REQUESTED TAKE LEVELS OF MARINE MAMMALS THAT MAY BE ENCOUNTERED DURING THE PROPOSED CENTRAL AMERICAN SUBFAC SEISMIC SURVEY OFF CENTRAL AMERICA.—Continued

Species	Habitat	Abun. in NW Atlantic [1]	Abun. in ETP [2]	Rqstd take in Carib. Sea	Rqstd take in ETP
Fin whale (C,P) (*Balaenoptera physalus*).	Pelagic	2,814 [t] 30,000	1,851 [q]	2	0
Blue whale (C*,P) (*Balaenoptera musculus*).	Coastal, shelf, and pelagic.	[w] 320	1,400	0	15
Sirenian:					
West Indian manatee (C) (*Trichechus manatus manatus*).	Freshwater and coastal waters.	[x] 86 [y] 340	N.A.	0	0
Pinnipeds:					
California sea lion (P) (*Zalophus californianus*).	Coastal	N.A.	237,000– 244,000 [z]	0	0
Galápagos sea lion (P?) (*Zalophus wollebaeki*).	Coastal	N.A.	30,000 [aa]	0	0

Note: Abun. = abundance, NWA = Northwest Alantic Ocean, P = may occur off Pacific coast of proposed project area, C = may occur off Caribbean coast of proposed project area, * = very unlikely to occur in proposed project area, ? = potentially possible but somewhat unlikely to occur in proposed project area, N.A. = Not available or not applicable.

[1] For cetaceans, abundance estimates are given for U.S. Western North Atlantic stocks (Waring et al. 2006) unless otherwise noted.
[2] Abundance estimates for the ETP from Wade and Gerrodette (1993) unless otherwise indicated.
[a] g(o) corrected total estimate for the Northeast Atlantic, Faroes-Iceland, and the U.S. east coast (Whitehead 2002).
[b] Whitehead 2002.
[c] This estimate is for Kogia sp.
[d] This abundance estimate is mostly for K. sima but may also include some K. breviceps.
[e] This estimate is for Mesoplodon and Ziphius spp.
[f] This estimate includes all species of the genus Mesoplodon from Wade and Gerrodette (1993).
[g] This estimate is for the northern Gulf of Mexico.
[h] Estimate from a portion of Cayos Miskito Reserve, Nicaragua (Edwards and Schnell 2001).
[i] Estimate from the Cananéia estuarine region of Brazil (Geise et al. 1999).
[j] Estimate for the Western North Atlantic coastal stocks (North Carolina (summer), South Carolina, Georgia, Northern Florida, and Central Florida).
[k] Estimate for the for the Western North Atlantic offshore stock.
[l] Based on a single sighting.
[m] Estimate for Icelandic and Faroese waters (Reyes 1991).
[n] This estimate is for G. macrorhynchus and G. melas.
[o] Estimate for the entire North Atlantic (Smith et al. 1999).
[p] This estimate is for the entire North Atlantic (Stevick et al. 2001, 2003).
[q] Carretta et al. 2007.
[r] Felix et al. 2005.
[s] This estimate is for the Canadian East Coast stock.
[t] Estimate is for the North Atlantic (IWC 2007a).
[u] This estimate is mainly for Balaenoptera edeni but may include some B. borealis.
[v] Abundance estimate for the North Atlantic (Cattanach et al. 1993).
[w] Minimum abundance estimate (Sears et al. 1990).
[x] Antillean Stock in Puerto Rico only.
[y] Antillean Stock in Belize (Reeves et al. 2002).
[z] Estimate for the U.S. stock (Carretta et al. 2007).
[aa] Reeves et al. 2002.
[bb] Ferguson and Barlow 2001 in Barlow et al. 2006.
[cc] This estimate includes all species of the genus Mesoplodon (Ferguson and Barlow 2001 in Barlow et al. 2006).

Potential Effects on Marine Mammals

Potential Effects of Airguns

The effects of sounds from airguns might include one or more of the following: tolerance, masking of natural sounds, behavioral disturbances, and at least in theory, temporary or permanent hearing impairment, or non-auditory physical or physiological effects (Richardson *et al.*, 1995; Gordon *et al.*, 2004; Nowacek *et al.*, 2007). However, it is unlikely that there would be any cases of temporary or especially permanent hearing impairment or any significant non-auditory physical or physiological effects. Also, behavioral disturbance is expected to be limited to relatively short distances.

Tolerance

Numerous studies have shown that pulsed sounds from airguns are often readily detectable in the water at distances of many kilometers. For a summary of the characteristics of airgun pulses, see Appendices A and C (c) of L–DEO's application. Several studies have shown that marine mammals at distances more than a few kilometers from operating seismic vessels often show no apparent response—see Appendix C (e) of the application. That is often true even in cases when the pulsed sounds must be readily audible to the animals based on measured received levels and the hearing sensitivity of the mammal group. Although various baleen whales, toothed whales, and (less frequently) pinnipeds have been shown to react behaviorally to airgun pulses under some conditions, at other times, mammals of all three types have shown no overt reactions. In general, pinnipeds and small odontocetes seem to be more tolerant of exposure to airgun pulses than are baleen whales.

Masking

Obscuring of sounds of interest by interfering sounds, generally at similar frequencies, is known as masking. Masking effects of pulsed sounds (even from large arrays of airguns) on marine mammal calls and other natural sounds are expected to be limited, although there are few specific data of relevance. Some whales are known to continue calling in the presence of seismic pulses. The airgun sounds are pulsed, with quiet periods between the pulses,

and whale calls often can be heard between the seismic pulses (Richardson *et al.*, 1986; McDonald *et al.*, 1995; Greene *et al.*, 1999; Nieukirk *et al.*, 2004; Smultea *et al.*, 2004). Although there has been one report that sperm whales cease calling when exposed to pulses from a very distant seismic ship (Bowles *et al.*, 1994), a more recent study reports that sperm whales off northern Norway continued calling in the presence of seismic pulses (Madsen *et al.*, 2002). That has also been shown during recent work in the Gulf of Mexico and Caribbean Sea (Smultea *et al.*, 2004; Tyack *et al.*, 2006). Masking effects of seismic pulses are expected to be negligible in the case of the small odontocetes given the intermittent nature of seismic pulses. Dolphins and porpoises commonly are heard calling while airguns are operating (Gordon *et al.*, 2004; Smultea *et al.*, 2004; Holst *et al.*, 2005a,b). Also, the sounds important to small odontocetes are predominantly at much higher frequencies than the airgun sounds. Masking effects, in general, are discussed further in Appendix C (d) of L–DEO's application.

Disturbance Reactions

Disturbance includes a variety of effects, including subtle changes in behavior, more conspicuous changes in activities, and displacement. Reactions to sound, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors. If a marine mammal responds to an underwater sound by changing its behavior or moving a small distance, the response may or may not rise to the level of harassment, let alone affect the stock or the species as a whole. Alternatively, if a sound source displaces marine mammals from an important feeding or breeding area, effects on the stock or species could potentially be more than negligible. Given the many uncertainties in predicting the quantity and types of impacts of noise on marine mammals, it is common practice to estimate how many mammals are likely to be present within a particular distance of industrial activities, or exposed to a particular level of industrial sound. This practice potentially overestimates the numbers of marine mammals that are affected in some biologically-important manner.

The sound criteria used to estimate how many marine mammals might be disturbed to some biologically-important degree by a seismic program are based on behavioral observations during studies of several species. However, information is lacking for many species. Detailed studies have been done on humpback, gray, and bowhead whales and ringed seals. Less detailed data are available for some other species of baleen whales, sperm whales, small toothed whales, and sea otters.

Baleen Whales—Baleen whales generally tend to avoid operating airguns, but avoidance radii are quite variable. Whales are often reported to show no overt reactions to pulses from large arrays of airguns at distances beyond a few kilometers, even though the airgun pulses remain well above ambient noise levels out to much longer distances. However, as reviewed in Appendix C (e) of L-DEO's application, baleen whales exposed to strong noise pulses from airguns often react by deviating from their normal migration route and/or interrupting their feeding activities and moving away from the sound source. In the case of the migrating gray and bowhead whales, the observed changes in behavior appeared to be of little or no biological consequence to the animals. They simply avoided the sound source by displacing their migration route to varying degrees, but within the natural boundaries of the migration corridors.

Studies of gray, bowhead, and humpback whales have determined that received levels of pulses in the 160–170 dB re 1 µPa rms range seem to cause obvious avoidance behavior in a substantial fraction of the animals exposed. In many areas, seismic pulses from large arrays of airguns diminish to those levels at distances ranging from 4.5–14.5 km (2.8–9 mi) from the source. A substantial proportion of the baleen whales within those distances may show avoidance or other strong disturbance reactions to the airgun array. Subtle behavioral changes sometimes become evident at somewhat lower received levels, and recent studies, reviewed in Appendix C (e) of L-DEO's application, have shown that some species of baleen whales, notably bowheads and humpbacks, at times show strong avoidance at received levels lower than 160–170 dB re 1 µPa rms.

Responses of humpback whales to seismic surveys have been studied during migration and on the summer feeding grounds, and there has also been discussion of effects on the Brazilian wintering grounds. McCauley *et al.* (1998, 2000) studied the responses of humpback whales off Western Australia to a full-scale seismic survey with a 16-airgun, 2,678–in^3 array, and to a single 20-in^3 airgun with a source level of 227 dB re 1 µPa m. McCauley *et al.* (1998) documented that avoidance reactions began at 5–8 km (3.1–5 mi) from the array, and that those reactions kept most pods approximately 3–4 km (1.9–2.5 mi) from the operating seismic boat. McCauley *et al.* (2000) noted localized displacement during migration of 4–5 km (2.5–3.1 mi) by traveling pods and 7–12 km (4.3–7.5 mi) by cow-calf pairs. Avoidance distances with respect to the single airgun were smaller but consistent with the results from the full array in terms of received sound levels. Mean avoidance distance from the airgun corresponded to a received sound level of 140 dB re 1 µPa (rms); that was the level at which humpbacks started to show avoidance reactions to an approaching airgun. The standoff range, i.e., the closest point of approach of the whales to the airgun, corresponded to a received level of 143 dB re 1 µPa (rms). The initial avoidance response generally occurred at distances of 5–8 km (3.1–5 mi) from the airgun array and 2 km (1.2 mi) from the single airgun. However, some individual humpback whales, especially males, approached within distances of 100–400 m (328–1,312 ft), where the maximum received level was 179 dB re 1 µPa (rms).

Humpback whales summering in southeast Alaska did not exhibit persistent avoidance when exposed to seismic pulses from a 1.64-L (100 in^3) airgun (Malme *et al.*, 1985). Some humpbacks seemed ''startled'' at received levels of 150–169 dB re 1 µPa on an approximate rms basis. Malme *et al.* (1985) concluded that there was no clear evidence of avoidance, despite the possibility of subtle effects, at received levels up to 172 re 1 µPa (approximately rms).

Results from bowhead whales show that responsiveness of baleen whales to seismic surveys can be quite variable depending on the activity (migrating vs. feeding) of the whales. Bowhead whales migrating west across the Alaskan Beaufort Sea in autumn, in particular, are unusually responsive, with substantial avoidance occurring out to distances of 20–30 km (12.4–18.6 mi) from a medium-sized airgun source, where received sound levels were on the order of 130 dB re 1 µPa (rms) (Miller *et al.*, 1999; Richardson *et al.*, 1999). However, more recent research on bowhead whales (Miller *et al.*, 2005a) corroborates earlier evidence that, during the summer feeding season, bowheads are not as sensitive to seismic sources. In summer, bowheads typically begin to show avoidance reactions at a received level of about 160–170 dB re 1 µPa (rms) (Richardson *et al.*, 1986; Ljungblad *et al.*, 1988; Miller *et al.*, 1999). There are not data on reactions of wintering bowhead whales to seismic surveys. See Appendix C (e) of L-DEO's

application for more information regarding bowhead whale reactions to airguns.

Malme *et al.* (1986, 1988) studied the responses of feeding Eastern Pacific gray whales to pulses from a single 100 in^3 airgun off St. Lawrence Island in the northern Bering Sea. Malme *et al.* (1986, 1988) estimated, based on small sample sizes, that 50 percent of feeding gray whales ceased feeding at an average received pressure level of 173 dB re 1 µPa on an (approximate) rms basis, and that 10 percent of feeding whales interrupted feeding at received levels of 163 dB. Those findings were generally consistent with the results of experiments conducted on larger numbers of gray whales that were migrating along the California coast and on observations of Western Pacific gray whales feeding off Sakhalin Island, Russia (Johnson, 2002).

We are not aware of any information on reactions of Bryde's whales to seismic surveys. However, other species of *Balaenoptera* (blue, sei, fin, and minke whales) have occasionally been reported in areas ensonified by airgun pulses. Sightings by observers on seismic vessels off the United Kingdom from 1997 to 2000 suggest that, at times of good sightability, numbers of rorquals seen are similar when airguns are shooting and not shooting (Stone, 2003). Although individual species did not show any significant displacement in relation to seismic activity, all baleen whales combined were found to remain significantly further from the airguns during shooting compared with periods without shooting (Stone, 2003; Stone and Tasker, 2006). In a study off Nova Scotia, Moulton and Miller (in press) found only a little or no difference in sighting rates and initial sighting distances of balaenopterid whales when airguns were operating vs. silent. However, there were indications that these whales were more likely to be moving away when seen during airgun operations.

Data on short-term reactions (or lack of reactions) of cetaceans to impulsive noises do not necessarily provide information about long-term effects. It is not known whether impulsive noises affect reproductive rate or distribution and habitat use in subsequent days or years. However, gray whales continued to migrate annually along the west coast of North America despite intermittent seismic exploration and much ship traffic in that area for decades (see Appendix A in Malme *et al.*, 1984). The western Pacific gray whale population did not seem affected by a seismic survey in its feeding ground during a prior year (Johnson *et al.*, 2007). Bowhead whales continued to travel to the eastern Beaufort Sea each summer despite seismic exploration in their summer and autumn range for many years (Richardson *et al.*, 1987). In any event, brief exposures to sound pulses from the proposed airgun source are highly unlikely to result in prolonged effects.

Toothed Whales—Little systematic information is available about reactions of toothed whales to noise pulses. Few studies similar to the more extensive baleen whale/seismic pulse work summarized above have been reported for toothed whales. Controlled exposure experiments on sperm whales took place in the Gulf of Mexico in 2002 and 2003 (see Miller *et al.*, 2006; Tyack *et al.*, 2006), and there is an increasing amount of information about responses of various odontocetes to seismic surveys based on monitoring studies (Stone, 2003; Smultea *et al.*, 2004; Bain and Williams, 2006; Holst *et al.*, 2006; Moulton and Miller, in press).

Seismic operators sometimes see dolphins and other small toothed whales near operating airgun arrays, but in general there seems to be a tendency for most delphinids to show some limited avoidance of seismic vessels operating large airgun systems. However, some dolphins seem to be attracted to the seismic vessel and floats, and some ride the bow wave of the seismic vessel even when large airgun arrays are firing. Nonetheless, there have been indications that small toothed whales sometimes tend to head away or to maintain a somewhat greater distance from the vessel, when a large array of airguns is operating than when it is silent (Goold, 1996a,b,c; Calambokidis and Osmek, 1998; Stone, 2003; Stone and Tasker, 2003). In most cases, the avoidance radii for delphinids appear to be small, on the order of 1 km (0.62 mi) or less. The beluga may be a species that (at least at times) shows long-distance avoidance of seismic vessels. Aerial surveys during seismic operations in the southeastern Beaufort Sea recorded much lower sighting rates of beluga whales within 10–20 km (6.2–12.4 mi) of an active seismic vessel. These results were consistent with the low number of beluga sightings reported by observers aboard the seismic vessel, suggesting that some belugas might be avoiding the seismic operations at distances of 10–20 km (6.2–12.4 mi) (Miller *et al.*, 2005a). No other odontocete is known to show avoidance at such distances.

Captive bottlenose dolphins and beluga whales exhibit changes in behavior when exposed to strong pulsed sounds similar in duration to those typically used in seismic surveys (Finneran *et al.*, 2000, 2002, 2005; Finneran and Schlundt, 2004). The animals tolerated high received levels of sound (pk-pk level >200 dB re 1 µPa) before exhibiting aversive behaviors. For pooled data at 3, 10, and 20 kHz, sound exposure levels during sessions with 25, 50, and 75 percent altered behavior were 180, 190, and 199 dB re 1 μPa^2, respectively (Finneran and Schlundt, 2004).

Results for porpoises depend on species. Dall's porpoises seem relatively tolerant of airgun operations (MacLean and Koski, 2005; Bain and Williams, 2006), whereas the limited available data suggest that harbor porpoises show stronger avoidance (Stone, 2003; Bain and Williams, 2006). This apparent difference in responsiveness of these two porpoise species is consistent with their relative responsiveness to boat traffic in general (Richardson *et al.*, 1995).

Sperm whales show considerable tolerance of airgun pulses. In most cases, the whales do not show strong avoidance and continue to call (see Appendix C of L–DEO's application). However, controlled exposure experiments in the Gulf of Mexico indicate that foraging effort is somewhat reduced upon exposure to airgun pulses from a seismic vessel operating in the area, and there may be a delay in diving to foraging depth (Miller *et al.* 2006; Tyack *et al.*, 2006).

There are no specific data on the behavioral reactions of beaked whales to seismic surveys. Most beaked whales tend to avoid approaching vessels of other types (Würsig *et al.*, 1998). They may also dive for an extended period when approached by a vessel (Kasuya, 1986). It is likely that these beaked whales would normally show strong avoidance of an approaching seismic vessel, but this has not been documented explicitly.

Odontocete reactions to large arrays of airguns are variable and, at least for delphinids and some porpoises, seem to be confined to a smaller radius than has been observed for mysticetes (Appendix C of L–DEO's application).

Pinnipeds—Pinnipeds are not likely to show a strong avoidance reaction to the airgun sources that will be used. Visual monitoring from seismic vessels, usually employing larger sources, has shown only slight (if any) avoidance of airguns by pinnipeds, and only slight (if any) changes in behavior (see Appendix C (e) of L–DEO's application). Ringed seals frequently do not avoid the area within a few hundred meters of operating airgun arrays (Harris *et al.*, 2001; Moulton and Lawson, 2002;

Miller *et al.*, 2005a). However, initial telemetry work suggests that avoidance and other behavioral reactions by two other species of seals to small airgun sources may at times be stronger than evident to date from visual studies of pinniped reactions to airguns (Thompson *et al.*, 1998). Even if reactions of any pinnipeds that might be encountered in the present study area are as strong as those evident in the telemetry study, reactions are expected to be confined to relatively small distances and durations, with no long-term effects on pinniped individuals or populations. It should be noted that pinnipeds are not likely to be encountered often, if at all, during the present study.

Additional details on the behavioral reactions (or the lack thereof) by all types of marine mammals to seismic vessels can be found in Appendix C (e) of L–DEO's application.

Hearing Impairment and Other Physical Effects

Temporary or permanent hearing impairment is a possibility when marine mammals are exposed to very strong sounds, but there has been no specific documentation of this for marine mammals exposed to sequences of airgun pulses. Current NMFS policy regarding exposure of marine mammals to high-level sounds is that cetaceans and pinnipeds should not be exposed to impulsive sounds of 180 and 190 dB re 1 µPa (rms), respectively. Those criteria have been used in defining the safety (shut-down) radii planned for the proposed seismic survey. The precautionary nature of these criteria is discussed in Appendix C (f) of L–DEO's application, including the fact that the minimum sound level necessary to cause permanent hearing impairment is higher, by a variable and generally unknown amount, than the level that induces barely-detectable temporary threshold shift (TTS) and the level associated with the onset of TTS is often considered to be a level below which there is no danger of permanent damage. NMFS is presently developing new noise exposure criteria for marine mammals that take account of the now-available scientific data on TTS, the expected offset between the TTS and permanent threshold shift (PTS) thresholds, differences in the acoustic frequencies to which different marine mammal groups are sensitive, and other relevant factors.

Several aspects of the planned monitoring and mitigation measures for this project (see below) are designed to detect marine mammals occurring near the airguns to avoid exposing them to sound pulses that might, at least in theory, cause hearing impairment. In addition, many cetaceans are likely to show some avoidance of the area with high received levels of airgun sound (see above). In those cases, the avoidance responses of the animals themselves will reduce or (most likely) avoid any possibility of hearing impairment.

Non-auditory physical effects may also occur in marine mammals exposed to strong underwater pulsed sound. Possible types of non-auditory physiological effects or injuries that theoretically might occur in mammals close to a strong sound source include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage. It is possible that some marine mammal species (i.e., beaked whales) may be especially susceptible to injury and/or stranding when exposed to strong pulsed sounds. However, as discussed below, there is no definitive evidence that any of these effects occur even for marine mammals in close proximity to large arrays of airguns. It is especially unlikely that any effects of these types would occur during the present project given the brief duration of exposure of any given mammal and the planned monitoring and mitigation measures (see below). The following subsections discuss in somewhat more detail the possibilities of TTS, PTS, and non-auditory physical effects.

Temporary Threshold Shift—TTS is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter, 1985). While experiencing TTS, the hearing threshold rises and a sound must be stronger in order to be heard. At least in terrestrial mammals, TTS can last from minutes or hours to (in cases of strong TTS) days. For sound exposures at or somewhat above the TTS threshold, hearing sensitivity in both terrestrial and marine mammals recovers rapidly after exposure to the noise ends. Few data on sound levels and durations necessary to elicit mild TTS have been obtained for marine mammals, and none of the published data concern TTS elicited by exposure to multiple pulses of sound.

For toothed whales exposed to single short pulses, the TTS threshold appears to be, to a first approximation, a function of the energy content of the pulse (Finneran *et al.*, 2002, 2005). Given the available data, the received level of a single seismic pulse (with no frequency weighting) might need to be approximately 186 dB re 1 $\mu Pa^2 \cdot s$ (i.e., 186 dB SEL or approximately 221–226 dB pk–pk) in order to produce brief, mild TTS. Exposure to several strong seismic pulses that each have received levels near 175–180 dB SEL might result in slight TTS in a small odontocete, assuming the TTS threshold is (to a first approximation) a function of the total received pulse energy. The distance from the *Langseth's* airguns at which the received energy level (per pulse) would be expected to be ≥175–180 dB SEL are the distances shown in the 190 dB re 1 µPa (rms) column in Table 3 of L–DEO's application and Table 1 above (given that the rms level is approximately 10–15 dB higher than the SEL value for the same pulse). Seismic pulses with received energy levels ≥175–180 dB SEL (190 dB re 1 µPa (rms)) are expected to be restricted to radii no more than 140–200 m (459–656 ft) around the airguns. The specific radius depends on the number of airguns, the depth of the water, and the tow depth of the airgun array. For an odontocete closer to the surface, the maximum radius with ≥175–180 dB SEL or ≥190 dB re 1 µPa (rms) would be smaller.

For baleen whales, direct or indirect data do not exist on levels or properties of sound that are required to induce TTS. The frequencies to which baleen whales are most sensitive are lower than those to which odontocetes are most sensitive, and natural background noise levels at those low frequencies tend to be higher. As a result, auditory thresholds of baleen whales within their frequency band of best hearing are believed to be higher (less sensitive) than are those of odontocetes at their best frequencies (Clark and Ellison, 2004). From this, it is suspected that received levels causing TTS onset may also be higher in baleen whales. In any event, no cases of TTS are expected given three considerations: (1) The relatively low abundance of baleen whales expected in the planned study areas; (2) the strong likelihood that baleen whales would avoid the approaching airguns (or vessel) before being exposed to levels high enough for there to be any possibility of TTS; and (3) the mitigation measures that are planned.

In pinnipeds, TTS thresholds associated with exposure to brief pulses (single or multiple) of underwater sound have not been measured. Initial evidence from prolonged exposures suggested that some pinnipeds may incur TTS at somewhat lower received levels than do small odontocetes exposed for similar durations, on the order of 171 dB SEL (Kastak *et al.,* 1999, 2005; Ketten *et al.*, 2001). However, pinnipeds are not expected to occur in or near the planned study areas.

A marine mammal within a radius of less than 100 m (328 ft) around a typical

large array of operating airguns might be exposed to a few seismic pulses with levels of greater than or equal to 205 dB, and possibly more pulses if the mammal moved with the seismic vessel. (As noted above, most cetacean species tend to avoid operating airguns, although not all individuals do so.) In addition, ramping up airgun arrays, which is standard operational protocol for large airgun arrays, should allow cetaceans to move away form the seismic source and to avoid being exposed to the full acoustic output of the airgun array. Even with a large airgun array, it is unlikely that the cetaceans would be exposed to airgun pulses at a sufficiently high level for a sufficiently long period to cause more than mild TTS, given the relative movement of the vessel and the marine mammal. The potential for TTS is much lower in this project. With a large array of airguns, TTS would be most likely in any odontocetes that bow-ride or otherwise linger near the airguns. While bow-riding, odontocetes would be at or above the surface, and thus not exposed to strong pulses given the pressure-release effect at the surface. However, bow-riding animals generally dive below the surface intermittently. If they did so while bow-riding near airguns, they would be exposed to strong sound pulses, possibly repeatedly. If some cetaceans did incur TTS through exposure to airgun sounds, this would very likely be mild, temporary, and reversible.

To avoid injury, NMFS has determined that cetaceans and pinnipeds should not be exposed to pulsed underwater noise at received levels exceeding, respectively, 180 and 190 dB re 1 µPa (rms). As summarized above, data that are now available imply that TTS is unlikely to occur unless odontocetes (and probably mysticetes as well) are exposed to airgun pulses stronger than 180 dB re 1 µPa (rms).

Permanent Threshold Shift—When PTS occurs, there is physical damage to the sound receptors in the ear. In some cases, there can be total or partial deafness, while in other cases, the animal has an impaired ability to hear sounds in specific frequency ranges.

There is no specific evidence that exposure to pulses of airgun sound can cause PTS in any marine mammal, even with large arrays of airguns. However, given the possibility that mammals close to an airgun array might incur TTS, there has been further speculation about the possibility that some individuals occurring very close to airguns might incur PTS. Single or occasional occurrences of mild TTS are not indicative of permanent auditory damage in terrestrial mammals. Relationships between TTS and PTS thresholds have not been studied in marine mammals, but are assumed to be similar to those in humans and other terrestrial mammals. PTS might occur at a received sound level at least several decibels above that inducing mild TTS if the animal were exposed to strong sound pulses with rapid rise time (see Appendix C (f) of L–DEO's application). The specific difference between the PTS and TTS thresholds has not been measured for marine mammals exposed to any sound type. However, based on data from terrestrial mammals, a precautionary assumption is that the PTS threshold for impulse sounds (such as airgun pulses as received close to the source) is at least 6 dB higher than the TTS threshold on a peak-pressure basis and probably more than 6 dB.

Given the higher level of sound necessary to cause PTS as compared with TTS, it is even less likely that PTS could occur. In fact, even the levels immediately adjacent to the airguns may not be sufficient to induce PTS, especially because a mammal would not be exposed to more than one strong pulse unless it swam immediately alongside the airgun for a period longer than the inter-pulse interval. Baleen whales generally avoid the immediate area around operating seismic vessels, as do some other marine mammals. The planned monitoring and mitigation measures, including visual monitoring, passive acoustic monitoring (PAM), power downs, and shut downs of the airguns when mammals are seen within the EZ will minimize the already minimal probability of exposure of marine mammals to sounds strong enough to induce PTS.

Non-auditory Physiological Effects—Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to strong underwater sound include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage. However, studies examining such effects are limited. If any such effects do occur, they would probably be limited to unusual situations when animals might be exposed at close range for unusually long periods. It is doubtful that any single marine mammal would be exposed to strong seismic sounds for time periods long enough to induce physiological stress.

Until recently, it was assumed that diving marine mammals are not subject to the bends or air embolism. This possibility was first explored at a workshop (Gentry [ed.], 2002) held to discuss whether the stranding of beaked whales in the Bahamas in 2000 (Balcomb and Claridge, 2001; NOAA and USN, 2001) might have been related to bubble formation in tissues caused by exposure to noise from naval sonar. However, this link could not be confirmed. Jepson *et al.* (2003) first suggested a possible link between mid-frequency sonar activity and acute chronic tissue damage that results from the formation *in vivo* of gas bubbles, based on the beaked whale stranding in the Canary Islands in 2002 during naval exercises. Fernández *et al.* (2005a) showed those beaked whales did indeed have gas bubble-associated lesions, as well as fat embolisms. Fernández *et al.* (2005b) also found evidence of fat embolism in three beaked whales that stranded 100 km (62 mi) north of the Canaries in 2004 during naval exercises. Examinations of several other stranded species have also revealed evidence of gas and fat embolisms (Arbelo *et al.*, 2005; Jepson *et al.*, 2005a; Méndez *et al.*, 2005). Most of the afflicted species were deep divers. There is speculation that gas and fat embolisms may occur if cetaceans ascend unusually quickly when exposed to aversive sounds, or if sound in the environment causes the destablization of existing bubble nuclei (Potter, 2004; Arbelo *et al.*, 2005; Fernández *et al.* 2005a; Jepson *et al.*, 2005b; Cox *et al.*, 2006). Even if gas and fat embolisms can occur during exposure to mid-frequency sonar, there is no evidence that that type of effect occurs in response to airgun sounds.

In general, little is known about the potential for seismic survey sounds to cause auditory impairment or other physical effects in marine mammals. The available data do not allow for meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. Marine mammals that show behavioral avoidance of seismic vessels, including most baleen whales, some odontocetes, and some pinnipeds, are especially unlikely to incur auditory impairment or other physical effects. It is not known whether aversive behavioral responses to airgun pulses by deep-diving species could lead to indirect physiological problems as apparently can occur upon exposure of some beaked whales to mid-frequency sonar (Cox *et al.*, 2006). Also, the planned mitigation measures, including shut downs of the airguns, will reduce any such effects that might otherwise occur.

Strandings and Mortality

Marine mammals close to underwater detonations of high explosives can be killed or severely injured, and their auditory organs are especially susceptible to injury (Ketten *et al.*, 1993;

Ketten 1995). Airgun pulses are less energetic and have slower rise times, and there is no proof that they can cause serious injury, death, or stranding even in the case of large airgun arrays. However, the association of mass strandings of beaked whales with naval exercises (see Appendix C of L–DEO's application) and, in one case, an L–DEO seismic survey, has raised the possibility that beaked whales exposed to strong pulsed sounds may be especially susceptible to injury and/or behavioral reactions that can lead to stranding.

Seismic pulses and mid-frequency sonar pulses are quite different. Sounds produced by airgun arrays are broadband with most of the energy below 1 kHz. Typical military mid-frequency sonars operate at frequencies of 2–10 kHz, generally with a relatively narrow bandwidth at any one time. Thus, it is not appropriate to assume that there is a direct connection between the effects of military sonar and seismic surveys on marine mammals. However, evidence that sonar pulses can, in special circumstances, lead to physical damage and mortality (Balcomb and Claridge, 2001; NOAA and USN, 2001; Jepson *et al.*, 2003; Fernández *et al.*, 2004, 2005a; Cox *et al.*, 2006), even if only indirectly, suggests that caution is warranted when dealing with exposure of marine mammals to any high-intensity pulsed sound.

There is no conclusive evidence of cetacean strandings as a result of exposure to seismic surveys. Speculation concerning a possible link between seismic surveys and strandings of humpback whales in Brazil (Engel *et al.*, 2004) was not well founded based on available data (IAGC, 2004; IWC, 2006). In September 2002, there was a stranding of two Cuvier's beaked whales in the Gulf of California, Mexico, when the L–DEO vessel *Ewing* was operating a 20-gun, 8,490-in^3 array in the general area. The link between the stranding and the seismic survey was inconclusive and not based on any physical evidence (Hogarth, 2002; Yoder, 2002). Yet, the preceding example plus the incidents involving beaked whale strandings near naval exercises suggests a need for caution in conducting seismic surveys in areas occupied by beaked whales. No injuries of beaked whales are anticipated during the proposed study because of the proposed monitoring and mitigating measures.

Potential Effects of Other Acoustic Devices

Multibeam Echosounder Signals

The Kongsberg Simrad EM 120 12-kHz MBES will be operated from the source vessel at some times during the planned study. Sounds from the MBES are very short pulses, occurring for 15 ms once every 5–20 s, depending on water depth. Most of the energy in the sound pulses emitted by the MBES is at frequencies centered at 12 kHz. The beam is narrow (1°) in fore-aft extent and wide (150°) in the cross-track extent. Each ping consists of nine successive fan-shaped transmissions (segments) at different cross-track angles. Any given mammal at depth near the trackline would be in the main beam for only one or two of the nine segments. Also, marine mammals that encounter the MBES are unlikely to be subjected to repeated pulses because of the narrow fore-aft width of the beam and will receive only limited amounts of pulse energy because of the short pulses. Animals close to the ship (where the beam is narrowest) are especially unlikely to be ensonified for more than one 15 ms pulse (or two pulses if in the overlap area). Similarly, Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when an MBES emits a pulse is small. The animal would have to pass the transducer at close range and be swimming at speeds similar to the vessel in order to be subjected to sound levels that could cause TTS.

Marine mammal communications will not be masked appreciably by the MBES signals given its low duty cycle and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of baleen whales, the signals (12 kHz) do not overlap with the predominant frequencies in the calls, which would avoid significant masking.

Behavioral reactions of free-ranging marine mammals to sonars and other sound sources appear to vary by species and circumstance. Observed reactions have included silencing and dispersal by sperm whales (Watkins *et al.*, 1985), increased vocalizations and no dispersal by pilot whales (Rendell and Gordon, 1999), and the previously-mentioned beachings by beaked whales. During exposure to a 21–25 kHz whale-finding sonar with a source level of 215 dB re 1 µPa, gray whales showed slight avoidance (approximately 200 m; 656 ft) behavior (Frankel, 2005). However, all of those observations are of limited relevance to the present situation. Pulse durations from those sonars were much longer than those of the MBES, and a given mammal would have received many pulses from the naval sonars. During L-DEO's operations, the individual pulses will be very short, and a given mammal would not receive many of the downward-directed pulses as the vessel passes by.

Captive bottlenose dolphins and a white whale exhibited changes in behavior when exposed to 1 s pulsed sounds at frequencies similar to those that will be emitted by the MBES used by L-DEO and to shorter broadband pulsed signals. Behavioral changes typically involved what appeared to be deliberate attempts to avoid the sound exposure (Schlundt *et al.*, 2000; Finneran *et al.*, 2002; Finneran and Schlundt, 2004). The relevance of those data to free-ranging odontocetes is uncertain, and in any case, the test sounds were quite different in either duration or bandwidth as compared with those from an MBES.

We are not aware of any data on the reactions of pinnipeds to sonar or echosounder sounds at frequencies similar to the 12 kHz frequency of the *Langseth's* MBES. Based on observed pinniped responses to other types of pulsed sounds, and the likely brevity of exposure to the MBES sounds, pinniped reactions are expected to be limited to startle or otherwise brief responses of no lasting consequence to the animals. Also, few if any pinnipeds will be encountered during this project.

NMFS believes that the brief exposure of marine mammals to one pulse, or small numbers of signals, from the MBES are not likely to result in the harassment of marine mammals.

Sub-Bottom Profiler Signals

An SBP will be operated from the source vessel during the planned study. Sounds from the SBP are very short pulses, occurring for 1, 2, or 4 ms once every second. Most of the energy in the sound pulses emitted by the SBP is at mid frequencies, centered at 3.5 kHz. The beamwidth is approximately 30° and is directed downward.

Sound levels have not been measured directly for the SBP used by the *Langseth*, but Burgess and Lawson (2000) measured sounds propagating more or less horizontally from a similar unit with similar source output (205 dB re 1 µPa at 1 m). The 160 and 180 dB re 1 µPa (rms) radii, in the horizontal direction, were estimated to be, respectively, near 20 m (66 ft) and 8 m (26 ft) from the source, as measured in 13 m (42.7 ft) water depth. The corresponding distances for an animal in the beam below the transducer would be greater, on the order of 180 m (590.6

ft) and 18 m (59 ft), assuming spherical spreading.

The SBP on the *Langseth* has a stated maximum source level of 204 dB re 1 µPa at 1 m. Thus, the received level would be expected to decrease to 160 and 180 dB about 160 m (525 ft) and 16 m (52.5 ft) below the transducer, respectively, again assuming spherical spreading. Corresponding distances in the horizontal plane would be lower, given the directionality of this source (30° beam width) and the measurements of Burgess and Lawson (2000).

Kremser *et al.* (2005) noted that the probability of a cetacean swimming through the area of exposure when the SBP emits a pulse is small, and if the animal was in the area, it would have to pass the transducer at close range in order to be subjected to sound levels that could cause TTS.

Marine mammal communications will not be masked appreciably by the SBP signals given their directionality and the brief period when an individual mammal is likely to be within its beam. Furthermore, in the case of most odontocetes, the signals do not overlap with the predominant frequencies in the calls, which would avoid significant masking.

Marine mammal behavioral reactions to other pulsed sound sources are discussed above, and responses to the SBP are likely to be similar to those for other pulsed sources if received at the same levels. The pulsed signals from the SBP are somewhat weaker than those from the MBES. Therefore, behavioral responses are not expected unless marine mammals are very close to the source (e.g., about 160 m, 525 ft, below the vessel or a lesser distance to the side).

Source levels of the SBP are much lower than those of the airguns and the MBES, which are discussed above. Sounds from the SBP are estimated to decrease to 180 dB re 1 µPa (rms) at 8 m (26 ft) horizontally from the source (Burgess and Lawson, 2000) and at approximately 18 m (59 ft) downward from the source. Furthermore, received levels of pulsed sounds that are necessary to cause temporary or especially permanent hearing impairment in marine mammals appear to be higher than 180 dB (see earlier). Thus, it is unlikely that the SBP produces pulse levels strong enough to cause hearing impairment or other physical injuries even in an animal that is (briefly) in a position near the source.

The SBP is usually operated simultaneously with other higher-power acoustic sources. Many marine mammals will move away in response to the approaching higher-power sources or the vessel itself before the mammals would be close enough for there to be any possibility of effects from the less intense sounds from the SBP. In the case of mammals that do not avoid the approaching vessel and its various sound sources, mitigation measures that would be applied to minimize effects of other sources would further reduce or eliminate any minor effects of the SBP.

Estimated Take by Incidental Harassment

All anticipated takes would be ''takes by harassment'', involving temporary changes in behavior. The proposed mitigation measures are expected to minimize the possibility of injurious takes. (However, as noted earlier, there is no specific information demonstrating that injurious ''takes'' would occur even in the absence of the planned mitigation measures.) The sections below describe methods to estimate ''take by harassment'', and present estimates of the numbers of marine mammals that might be affected during the proposed Central American SubFac seismic program. The estimates of ''take by harassment'' are based on consideration of the number of marine mammals that might be disturbed appreciably by approximately 1,328 km of seismic surveys in the western Caribbean and 2,652 km in the eastern Pacific. The main sources of distributional and numerical data used in deriving the estimates are described below.

The anticipated radii of influence of the MBES and the SBP are less than those for the airgun array. It is assumed that, during simultaneous operations of the airgun array and echosounders, marine mammals close enough to be affected by the echosounders would already be affected by the airguns. However, whether or not the airguns are operating simultaneously with the echosounders, marine mammals are expected to exhibit no more than short-term and inconsequential responses to the echosounders given their characteristics (e.g., narrow downward-directed beam) and other considerations described above. NMFS believes that such reactions are not considered to constitute ''taking.'' Therefore, no additional allowance is included for animals that might be affected by sound sources other than airguns.

Extensive marine mammal surveys have been conducted in the ETP over numerous years (e.g., Polacheck, 1987; Wade and Gerrodette, 1993; Kinsey *et al.*, 1999, 2000, 2001; Ferguson and Barlow, 2001; Smultea and Holst, 2003; Jackson *et al.*, 2004; Holst *et al.*, 2005a; May-Collado *et al.*, 2005). Therefore, for the Pacific portion of the proposed seismic survey, marine mammal density data were readily available. The most comprehensive data available for the region encompassing the proposed survey area are from Ferguson and Barlow (2001) and Holst *et al.* (2005a). The Ferguson and Barlow (2001) surveys took place from late July to early December across a large area of the ETP. For density estimates in this project, L–DEO only used data from areas in or adjacent to the proposed study location. These areas included ten 5° x 5° survey blocks from the Ferguson and Barlow (2001) surveys: 118, 119, 137, 138, 139, 140, 158, 159, 160, and 161. These blocks included survey effort in all water depths, but primarily deeper than 100 m (328 ft). Similarly, survey data from all water depths were included from Holst *et al.* (2005a), although most effort (more than 93 percent) occurred in water more than 100 m (328 ft) deep. Survey data collected by Holst *et al.* (2005a) were the result of a marine mammal monitoring and mitigation program during L–DEO's seismic survey off Costa Rica and Nicaragua in November–December, 2004. Only data collected during non-seismic periods were combined with data from Ferguson and Barlow (2001) to calculate mean densities for the proposed study area. However, data collected by Holst *et al.* (2005a) during seismic and non-seismic periods were used to estimate allowances for sightings identified to species.

The proposed survey off the Pacific coast of Central America is presently scheduled to occur in the February–April period. Therefore, the representativeness of the data collected by Holst *et al.* (2005a) in November–December and especially by Ferguson and Barlow (2001) in July–December is uncertain. For some species, the densities derived from past surveys may not be representative of the densities that will be encountered during the proposed seismic study. As an example of potential uncertainty of the data, the number of cetaceans sighted during L–DEO's 2003 Hess Deep seismic operations (see Smultea and Holst, 2003) was considerably lower (only one sighting) than expected based on the Ferguson and Barlow (2001) data. The Hess Deep Survey occurred in mid-July and was apparently not well represented by the Ferguson and Barlow (2001) data collected largely during the autumn in other years. Similarly, the densities calculated by Holst *et al.* (2005a) were generally lower for dolphins and greater for humpbacks

compared with those determined by Ferguson and Barlow (2001).

Despite the above caveats, the Ferguson and Barlow (2001) and Holst *et al.* (2005a) data still represent the best available data for estimating numbers of marine mammals potentially exposed to the proposed seismic sounds. Table 6 of L–DEO's application shows the densities that were derived from Ferguson and Barlow (2001) and Holst *et al.* (2005a), which were used to estimate numbers of marine mammals potentially exposed. The densities reported by Ferguson and Barlow (2001) and Holst *et al.* (2005a) were corrected for both detectability [f(0)] and availability [g(0)] biases, and therefore, are relatively unbiased. To provide some allowances for uncertainties in these data, ''best estimates'' and ''maximum estimates'' of the numbers potentially affected have been derived (see Table 7 in the application).

For the Caribbean portion of the Central American SubFac program, we were unable to find published data on marine mammal densities in or immediately adjacent to the proposed seismic survey area. The closest quantitative surveys were conducted in the southeast Caribbean (Swartz and Burks, 2000; Swartz *et al.*, 2001; Smultea *et al.*, 2004). Most of the survey effort by Swartz and Burks (2000) and Swartz *et al.* (2001) took place during March and April near the islands on the east side of the Caribbean Sea and near the north and northeast coasts of Venezuela in water depths <1,000 m. Survey data from Smultea *et al.* (2004) were collected north of Venezuela during April–June in association with a previous L–DEO seismic survey. The proposed survey is scheduled to occur sometime in February to early April in the western Caribbean Sea, a location and time of year in which the species densities are likely different from those during the above-mentioned surveys in the southeast Caribbean. Therefore, the representativeness of the data is uncertain, but they are the best available at this time.

The data from Smultea *et al.* (2004) were deemed to be more representative of the proposed study area than those from Swartz and Burks (2000) and Swartz *et al.* (2001) because Smultea *et al.* (2004) reported separate densities for different water depth categories, whereas the other surveys did not.

However, there was no shallow-water effort during surveys by Smultea *et al.* (2004). Densities from a survey off Yucatán, Mexico (Holst *et al.*, 2005b), were used for shallow water, as those data were deemed more appropriate than densities for deeper waters from the southeast Caribbean surveys. Therefore, for the Central American SubFac survey, mean densities for intermediate and deep water are those for non-seismic periods from Smultea *et al.* (2004), and for shallow water, densities for non-seismic periods from Holst *et al.* (2005b) were used (see Table 8 in L–DEO's application). Densities were available for striped, Atlantic spotted, and bottlenose dolphins, as well as for short-finned pilot whales, and were corrected for detectability [f(0)] and availability [g(0)] biases and for unidentified sightings by the original authors. To allow for the possibility of encountering small numbers of individuals of other species in the survey area, even though they were not recorded during previous surveys, L–DEO adjusted the 'maximum estimates' based on mean group size, if available (e.g., Swartz and Burks, 2000).

The number of different individuals that may be exposed to airgun sounds with received levels ≥160 dB re 1 μPa (rms) on one or more occasions can be estimated by considering the total marine area that would be within the 160–dB radius around the operating airgun array on at least one occasion. Most of the proposed lines (9 of 11) will be surveyed twice, although it is unknown how much time will pass between the first and second transit along each line. Therefore, some of the same individuals may be approached by the operating airguns and come within the 160–dB distance on two occasions. However, this also means that some different marine mammals could occur in the area during the second pass. Thus, the best estimates in this section are based on a single pass of all survey lines (including a 15 percent contingency for airgun operations during turns), and maximum estimates are based on maximum estimates (i.e., for the Pacific) or on at least two times the best estimate. Table 8 in L–DEO's application shows the best and maximum estimates of the number of marine mammals that could potentially be affected during the Caribbean portion of the seismic survey.

The potential number of different individuals that might be exposed to received levels ≥160 dB re 1 μPa (rms) was calculated separately for the Pacific and Caribbean study areas. For the Caribbean portion of the Central American SubFac survey, the number of potentially-affected individuals was calculated for each of three water depth categories (shallow, <100 m or <328 ft; intermediate-depth, 100–1,000 m or 328–3,280 ft; and deep, >1,000 m or 3,280 ft). However, for the Pacific area, no distinction was made between different water depth categories for several reasons: (1) Less than five percent of the proposed survey in the Pacific will take place in water <100 m (328 ft) deep; (2) most of the effort (>93 percent) during surveys by Holst *et al.* (2005a) took place in waters deeper than 100 m (328 ft); and (3) Ferguson and Barlow (2001) did not present depth-specific densities.

The number of different individuals potentially exposed to received levels *160 dB re 1 μPa (rms) was calculated by multiplying:

The expected species density, either ''mean'' (i.e., best estimate) or ''maximum'', for a particular water depth, times

The anticipated minimum area to be ensonified to that level during airgun operations in each water depth category. The 160–dB re 1 μPa (rms) distances were as predicted by L–DEO's model, with adjustments based on Tolstoy *et al.* (2004a,b) for shallow and intermediate-depth water.

The area expected to be ensonified was determined by entering the planned survey lines into a MapInfo Geographic Information System (GIS), using the GIS to identify the relevant areas by ''drawing'' the applicable 160–dB buffer around each seismic line (depending on water and tow depth) and then calculating the total area within the buffers. Areas where overlap occurred were included only once to determine the minimum area expected to be ensonified to ≥160 dB at least once.

Applying the approach described above, approximately 19,193 km^2 would be within the 160–dB isopleth on one or more occasions during the Pacific portion of the survey, and 12,643 km^2 would be ensonified on one or more occasions during the Caribbean portion of the survey. However, this approach does not allow for turnover in the mammal populations in the study area during the course of the studies. This might somewhat underestimate actual numbers of individuals exposed, although the conservative distances used to calculate the area may offset the underestimate. In addition, the approach assumes that no cetaceans will move away or toward the trackline as the *Langseth* approaches in response to increasing sound levels prior to the time the levels reach 160 dB re 1 μPa (rms). Another way of interpreting the estimates that follow is that they represent the number of individuals that are expected (in the absence of a seismic program) to occur in the waters that will be exposed to *160 dB re 1 μPa (rms).

The 'best estimate' of the number of individual marine mammals that might be exposed to seismic sounds with

received levels ≥160 dB re 1 μPa (rms) during the Pacific portion of the proposed survey is 15,572 (Table 7 in L–DEO's application). That total includes 79 endangered whales (71 sperm, 4 humpback, and 4 blue whales), 156 beaked whales, and 21 Bryde's whale (Table 7 in the application). Striped, short-beaked common, and pantropical spotted dolphins are expected to be the most common species in the Pacific part of the study area. The best estimates for those species are 4,005, 3,931, and 2,952, respectively (Table 7). Estimates for other species are lower (Table 7). The 'maximum estimate' for the Pacific is 52,438 individual marine mammals. Most of these would be dolphins (Table 7). The maximum estimate of 101 humpback whales is likely a more realistic estimate of the number of individuals that might be exposed to seismic sound levels ≥160 dB re 1 μPa (rms) during the Pacific survey, as these estimates are based on density data from July–December and not from the peak breeding/calving period in January–March. The numbers for which take authorization is requested, given in the far right column in Table 7 of L–DEO's application and Table 2 here, are the maximum estimates. Since the take estimates proposed in this document fall largely within 3 percent (all but dwarf sperm (7.64 percent) and humpback (7.26 percent) whales) of the numbers estimated to be present during a localized survey in the Pacific Ocean off the coasts of Costa Rica and Nicaragua, and the species range far beyond the Pacific Ocean (i.e., the abundance of the species is notably larger), NMFS believes that the estimated take numbers for these species are small relative both to the worldwide abundance of these species and to numbers taken in other activities that have been authorized for incidental take of these species.

The 'best estimate' of the number of individual marine mammals that might be exposed to seismic sounds with received levels ≥160 dB re 1 μPa (rms) during the Caribbean portion of the proposed survey is 461 (Table 8 in L–DEO's application). That total includes five endangered whales (three sperm, one humpback, and one fin whale), two beaked whales, and two Bryde's whale (Table 8 in the application). Atlantic spotted and bottlenose dolphins are expected to be the most common species in the Caribbean part of the study area; the best estimates for those species are 220 and 194, respectively (Table 8). Estimates for other species are lower (Table 8). The maximum estimate for the Caribbean is 998 individual marine mammals. The numbers for which take authorization is requested, given in the far right column in Table 8 of L–DEO's application and Table 2 here, are the maximum estimates. Since the take estimates proposed in this document are less than 1 percent (all but killer (7.52 percent) and Bryde's (8.57 percent) whales) of the numbers estimated to be present during a localized survey in the Caribbean Sea off the coasts of Costa Rica and Nicaragua, and the species range far beyond the Caribbean (i.e., the abundance of the species is notably larger), NMFS believes that the estimated take numbers for these species are small relative both to the worldwide abundance of these species and to numbers taken in other activities that have been authorized for incidental take of these species.

No pinnipeds are expected to be encountered in the Caribbean, and the likelihood of encountering sea lions or other pinnipeds in the Pacific study area is also very low. No take of any pinniped species is requested.

Potential Effects on Habitat

The proposed seismic surveys will not result in any permanent impact on habitats used by marine mammals or to the food sources they use. The main impact issue associated with the proposed activity will be temporarily elevated noise levels and the associated direct effects on marine mammals, as discussed above. The following sections briefly review effects of airguns on fish and invertebrates, and more details are included in Appendices D and E, respectively, in L–DEO's application.

One of the reasons for the adoption of airguns as the standard energy source for marine seismic surveys was that, unlike explosives, they have not been associated with large-scale fish kills. However, the existing body of information relating to the impacts of seismic surveys on marine fish (see Appendix D of L–DEO's application) and invertebrate species (Appendix E of the application) is very limited. The various types of potential effects of exposure to seismic on fish and invertebrates can be considered in three categories: (1) Pathological, (2) physiological, and (3) behavioral. Pathological effects include lethal and sub-lethal damage to the animals, physiological effects include temporary primary and secondary stress responses, and behavioral effects refer to changes in exhibited behavior of the fish and invertebrates. The three categories are interrelated in complex ways. For example, it is possible that certain physiological and behavioral changes could potentially lead to the ultimate pathological effect on individual animals (i.e., mortality).

Available information on the impacts of seismic surveys on marine fish and invertebrates is from studies of individuals or portions of a population; there have been no studies conducted at the population level. Thus, available information provides limited insight on possible real-world effects at the ocean or population scale. This makes drawing conclusions about impacts on fish and invertebrates problematic because ultimately, the most important aspect of potential impacts relates to how exposure to seismic survey sound affects marine fish and invertebrate populations and their viability, including their availability to fisheries.

The following sections provide an overview of the information that exists on the effects of exposure to seismic and other anthropogenic sounds on fish and invertebrates. The information comprises results from scientific studies of varying degrees of soundness and some anecdotal information.

Pathological Effects—Wardle *et al.* (2001) suggested that in water, acute injury and death of organisms exposed to seismic energy depends primarily on two features of the sound source: (1) the received peak pressure and (2) the time required for the pressure to rise and decay. Generally, as received pressure increases, the period for the pressure to rise and decay decreases, and the chance of acute pathological effects increases. According to Buchanan *et al.* (2004), for the types of seismic airguns and arrays involved with the proposed program, the pathological (mortality) zone for fish and invertebrates would be expected to be within a few meters of the seismic source. Numerous other studies provide examples of no fish mortality upon exposure to seismic sources (Falk and Lawrence, 1973; Holliday *et al.*, 1987; La Bella *et al.*, 1996; Santulli *et al.*, 1999; McCauley *et al.*, 2000a,b, 2003; Bjarti, 2002; Hassel *et al.*, 2003; Popper *et al.*, 2005).

The potential for pathological damage to hearing structures in fish depends on the energy level of the received sound and the physiology and hearing capability of the species in question (see Appendix D of L–DEO's application). For a given sound to result in hearing loss, the sound must exceed, by some specific amount, the hearing threshold of the fish for that sound (Popper *et al.*, 2005). The consequences of temporary or permanent hearing loss in individual fish on a fish population is unknown; however, it likely depends on the number of individuals affected and whether critical behaviors involving

sound (e.g., predator avoidance, prey capture, orientation and navigation, reproduction, etc.) are adversely affected.

Little is known about the mechanisms and characteristics of damage to fish that may be inflicted by exposure to seismic survey sounds. Few data have been presented in the peer-reviewed scientific literature. There are two valid papers with proper experimental methods, controls, and careful pathological investigation implicating sounds produced by actual seismic survey airguns with adverse anatomical effects. One such study indicated anatomical damage and the second indicated TTS in fish hearing. McCauley *et al.* (2003) found that exposure to airgun sound caused observable anatomical damage to the auditory maculae of ''pink snapper'' (*Pagrus auratus*). This damage in the ears had not been repaired in fish sacrificed and examined almost two months after exposure. On the other hand, Popper *et al.* (2005) documented only TTS (as determined by auditory brainstem response) in two of three fishes from the Mackenzie River Delta. This study found that broad whitefish (*Coreogonus nasus*) that received a sound exposure level of 177 dB re 1 $\mu Pa^2 \cdot s$ showed no hearing loss. During both studies, the repetitive exposure to sound was greater than would have occurred during a typical seismic survey. However, the substantial low-frequency energy produced by the airgun arrays [less than approximately 400 Hz in the study by McCauley *et al.* (2003) and less than approximately 200 Hz in Popper *et al.* (2005)] likely did not propagate to the fish because the water in the study areas was very shallow (approximately 9 m, 29.5 ft, in the former case and <2 m, 6.6 ft, in the latter). Water depth sets a lower limit on the lowest sound frequency that will propagate (the ''cutoff frequency'') at about one-quarter wavelength (Urick, 1983; Rogers and Cox, 1988). Except for these two studies, at least with airgun-generated sound treatments, most contributions rely on rather subjective assays such as fish ''alarm'' or ''startle response'' or changes in catch rates by fishers. These observations are important in that they attempt to use the levels of exposures that are likely to be encountered by most free-ranging fish in actual survey areas. However, the associated sound stimuli are often poorly described, and the biological assays are varied (Hastings and Popper, 2005).

Some studies have reported that mortality of fish, fish eggs, or larvae can occur close to seismic sources (Kostyuchenko, 1973; Dalen and Knutsen, 1986; Booman *et al.*, 1996; Dalen *et al.*, 1996). Some of the reports claimed seismic effects from treatments quite different from actual seismic survey sounds or even reasonable surrogates. Saetre and Ona (1996) applied a 'worst-case scenario' mathematical model to investigate the effects of seismic energy on fish eggs and larvae and concluded that mortality rates caused by exposure to seismic are so low, as compared to natural mortality rates, that the impact of seismic surveying on recruitment to a fish stock must be regarded as insignificant.

Some studies have suggested that seismic survey sound has a limited pathological impact on early developmental stages of crustaceans (Pearson *et al.*, 1994; Christian *et al.*, 2003; DFO, 2004). However, the impacts appear to be either temporary or insignificant compared to what occurs under natural conditions. Controlled field experiments on adult crustaceans (Christian *et al.*, 2003, 2004; DFO, 2004) and adult cephalopods (McCauley *et al.*, 2000a,b) exposed to seismic survey sound have not resulted in any significant pathological impacts on the animals. It has been suggested that exposure to commercial seismic survey activities has injured giant squid (Guerra *et al.*, 2004), but there is no evidence to support such claims.

Physiological Effects—Physiological effects refer to cellular and/or biochemical responses of fish and invertebrates to acoustic stress. Such stress potentially could affect fish and invertebrate populations by increasing mortality or reducing reproductive success. Primary and secondary stress responses (i.e., changes in haemolymph levels of enzymes, proteins, etc.) of crustaceans or fish after exposure to seismic survey sounds appear to be temporary (hours to days) in studies done to date (see Payne *et al.*, 2007 for invertebrates; see Sverdrup *et al.*, 1994; McCauley *et al.*, 2000a,b for fish). The periods necessary for these biochemical changes to return to normal are variable and depend on numerous aspects of the biology of the species and of the sound stimulus.

Summary of Physical (Pathological and Physiological) Effects—As indicated in the preceding general discussion, there is a relative lack of knowledge about the potential physical (pathological and physiological) effects of seismic energy on marine fish and invertebrates. Available data suggest that there may be physical impacts on egg, larval, juvenile, and adult stages at very close range. Considering typical source levels associated with commercial seismic arrays, close proximity to the source would result in exposure to very high energy levels. Whereas egg and larval stages are not able to escape such exposures, juveniles and adults most likely would avoid it. In the case of eggs and larvae, it is likely that the numbers adversely affected by such exposure would not be that different from those succumbing to natural mortality. Limited data regarding physiological impacts on fish and invertebrates indicate that these impacts are short term and are most apparent after exposure at close range.

The proposed seismic program for 2008 is predicted to have negligible to low physical effects on the various life stages of fish and invertebrates for its short duration (approximately 25 days each in the Pacific Ocean and Caribbean Sea) and approximately 2,149-km of unique survey lines extent. Therefore, physical effects of the proposed program on fish and invertebrates would not be significant.

Behavioral Effects—Because of the apparent lack of serious pathological and physiological effects of seismic energy on marine fish and invertebrates, the highest level of concern now centers on the possible effects of exposure to seismic surveys on the distribution, migration patterns, mating, and catchability of fish. There is a need for more information on exactly what effects such sound sources might have on the detailed behavior patterns of fish and invertebrates at different ranges.

Studies investigating the possible effects of seismic energy on fish and invertebrate behavior have been conducted on both uncaged and caged animals (Chapman and Hawkins, 1969; Pearson *et al.*, 1992; Santulli *et al.*, 1999; Wardle *et al.*, 2001; Hassel *et al.*, 2003). Typically, in these studies fish exhibited a sharp ''startle'' response at the onset of a sound followed by habituation and a return to normal behavior after the sound ceased.

There is general concern about potential adverse effects of seismic operations on fisheries, namely a potential reduction in the ''catchability'' of fish involved in fisheries. Although reduced catch rates have been observed in some marine fisheries during seismic testing, in a number of cases the findings are confounded by other sources of disturbance (Dalen and Raknes, 1985; Dalen and Knutsen, 1986; Lφokkeborg, 1991; Skalski *et al.*, 1992; Enges *et al.*, 1996). In other airgun experiments, there was no change in catch per unit effort (CPUE) of fish when airgun pulses were emitted, particularly in the immediate vicinity of the seismic survey (Pickett *et al.*, 1994; La Bella *et al.*, 1996). For some species,

reductions in catch may have resulted from a change in behavior of the fish (e.g., a change in vertical or horizontal distribution) as reported in Slotte *et al.* (2004).

In general, any adverse effects on fish behavior or fisheries attributable to seismic testing may depend on the species in question and the nature of the fishery (season, duration, fishing method). They may also depend on the age of the fish, its motivational state, its size, and numerous other factors that are difficult, if not impossible, to quantify at this point, given such limited data on effects of airguns on fish, particularly under realistic at-sea conditions.

For marine invertebrates, behavioral changes could potentially affect such aspects as reproductive success, distribution, susceptibility to predation, and catchability by fisheries. Studies of squid indicated startle responses (McCauley *et al.*, 2000a,b). In other cases, no behavioral impacts were noted (*e.g.*, crustaceans in Christian *et al.*, 2003, 2004; DFO, 2004). There have been anecdotal reports of reduced catch rates of shrimp shortly after exposure to seismic surveys; however, other studies have not observed any significant changes in shrimp catch rate (Andriguetto-Filho *et al.*, 2005). Parry and Gason (2006) reported no changes in rock lobster CPUE during or after seismic surveys off western Victoria, Australia, from 1978–2004. Any adverse effects on crustacean and cephalopod behavior or fisheries attributable to seismic survey sound depend on the species in question and the nature of the fishery (season, duration, fishing method). Additional information regarding the behavioral effects of seismic on invertebrates is contained in Appendix E (c) of L–DEO's application.

Summary of Behavioral Effects—is the case with pathological and physiological effects of seismic on fish and invertebrates, available information is relatively scant and often contradictory. There have been well-documented observations of fish and invertebrates exhibiting behaviors that appeared to be responses to exposure to seismic energy (i.e., startle response, change in swimming direction and speed, and change in vertical distribution), but the ultimate importance of those behaviors is unclear. Some studies indicate that such behavioral changes are very temporary, whereas others imply that fish might not resume pre-seismic behaviors or distributions for a number of days. There appears to be a great deal of inter- and intra-specific variability. In the case of finfish, three general types of behavioral responses have been identified: startle, alarm, and avoidance. The type of behavioral reaction appears to depend on many factors, including the type of behavior being exhibited before exposure, and proximity and energy level of sound source.

During the proposed study, only a small fraction of the available habitat would be ensonified at any given time, and fish species would return to their pre-disturbance behavior once the seismic activity ceased. The proposed seismic program is predicted to have negligible to low behavioral effects on the various life stages of the fish and invertebrates during its relatively short duration and extent.

Because of the reasons noted above and the nature of the proposed activities, the proposed operations are not expected to have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations or stocks. Similarly, any effects to food sources are expected to be negligible.

Monitoring

Vessel-based Visual Monitoring

Vessel-based marine mammal visual observers (MMVOs) will be based aboard the seismic source vessel and will watch for marine mammals near the vessel during daytime airgun operations and during start-ups of airguns at night. MMVOs will also watch for marine mammals near the seismic vessel for at least 30 minutes prior to the start of airgun operations after an extended shutdown of the airguns. When feasible, MMVOs will also make observations during daytime periods when the seismic system is not operating for comparison of animal abundance and behavior. Based on MMVO observations, airguns will be powered down, or if necessary, shut down completely (see below), when marine mammals are detected within or about to enter a designated EZ (safety radius). The MMVOs will continue to maintain watch to determine when the animal(s) are outside the EZ, and airgun operations will not resume until the animal has left that zone. The EZ is a region in which a possibility exists of adverse effects on animal hearing or other physical effects.

During seismic operations off Central America, at least three observers will be based aboard the *Langseth*. MMVOs will be appointed by L–DEO with NMFS concurrence. At least one MMVO, and when practical two, will monitor the EZ for marine mammals during daytime operations and nighttime startups of the airguns. MMVO(s) will be on duty in shifts of duration no longer than 4 hours. The crew will also be instructed to assist in detecting marine mammals and implementing mitigation requirements (if practical).

The *Langseth* is a suitable platform for marine mammal observations. When stationed on the observation platform, the eye level will be approximately 17.8 m (58.4 ft) above sea level, and the observer will have a good view around the entire vessel. During daytime, the MMVO(s) will scan the area around the vessel systematically with reticle binoculars (e.g., 7×50 Fujinon), Big-eye binoculars (25×150), and with the naked eye. During darkness, night vision devices will be available (ITT F500 Series Generation 3 binocular-image intensifier or equivalent). Laser rangefinding binoculars (Leica LRF 1200 laser rangefinder or equivalent) will be available to assist with distance estimation.

Passive Acoustic Monitoring

PAM will take place to complement the visual monitoring program. Visual monitoring typically is not effective during periods of bad weather or at night, and even with good visibility, is unable to detect marine mammals when they are below the surface or beyond visual range. Acoustic monitoring can be used in addition to visual observations to improve detection, identification, localization, and tracking of cetaceans. It is only useful when marine mammals call, but it can be effective either by day or by night and does not depend on good visibility. The acoustic monitoring will serve to alert visual observers (if on duty) when vocalizing cetaceans are detected. It will be monitored in real time so visual observers can be advised when cetaceans are detected. When bearings (primary and mirror-image) to calling cetacean(s) are determined, the bearings will be relayed to the visual observer to help him/her sight the calling animal(s).

SEAMAP (Houston, Texas) will be used as the primary acoustic monitoring system. This system was also used during several previous L–DEO seismic cruises (e.g., Smultea *et al.*, 2004, 2005; Holst *et al.*, 2005a,b). The PAM system consists of hardware (*i.e.*, hydrophones) and software. The ''wet end'' of the SEAMAP system consists of a low-noise, towed hydrophone array that is connected to the vessel by a ''hairy'' faired cable. The array will be deployed from a winch located on the back deck. A deck cable will connect form the winch to the main computer lab where the acoustic station and signal conditioning and processing system will be located. The lead-in from the hydrophone array is approximately 400

m (1,312 ft) long, and the active part of the hydrophone array is approximately 56 m (184 ft) long. The hydrophone array is typically towed at depths less than 20 m (66 ft).

While the *Langseth* is in the seismic survey area, the towed hydrophone array will be monitored 24 hours per day while at the survey area during airgun operations and also during most periods when the *Langseth* is underway with the airguns not operating. One marine mammal observer (MMO) will monitor the acoustic detection system at any one time, by listening to the signals from two channels via headphones and/or speakers and watching the real time spectrographic display for frequency ranges produced by cetaceans. MMOs monitoring the acoustical data will be on shift for 1–6 hours. All MMOs are expected to rotate through the PAM position, although the most experienced with acoustics will be on PAM duty more frequently.

When a cetacean vocalization is detected, the acoustic MMO will, if visual observations are in progress, contact the MMVO immediately to alert him/her to the presence of the cetacean(s), if they have not already been seen and to allow power down or shutdown to be initiated, if required. The information regarding the call will be entered into a database. The data to be entered include an acoustic encounter identification number, whether it was linked with a visual sighting, date, time when first and last heard and whenever any additional information was recorded, position and water depth when first detected, bearing if determinable, species or species group (e.g., unidentified dolphin, sperm whale), types and nature of sounds heard (e.g., clicks, continuous, sporadic, whistles, creaks, burst pulses, strength of signal, etc.), and any other notable information. The acoustic detection can also be recorded for further analysis.

MMVO Data and Documentation

MMVOs will record data to estimate the numbers of marine mammals exposed to various received sound levels and to document any apparent disturbance reactions or lack thereof. Data will be used to estimate the numbers of mammals potentially ''taken'' by harassment. They will also provide information needed to order a power down or shutdown of airguns when marine mammals are within or near the EZ. When a sighting is made, the following information about the sighting will be recorded:

(1) Species, group size, age/size/sex categories (if determinable), behavior when first sighted and after initial sighting, heading (if consistent), bearing and distance from seismic vessel, sighting cue, apparent reaction to the airguns or vessel (e.g., none, avoidance, approach, paralleling, etc.), and behavioral pace.

(2) Time, location, heading, speed, activity of the vessel (shooting or not), sea state, visibility, cloud cover, and sun glare.

The data listed under (2) will also be recorded at the start and end of each observation watch and during a watch, whenever there is a change in one or more of the variables.

All mammal observations, as well as information regarding airgun power down and shutdown, will be recorded in a standardized format. Data accuracy will be verified by the MMVOs at sea, and preliminary reports will be prepared during the field program and summaries forwarded to the operating institution's shore facility and to NSF weekly or more frequently. MMVO observations will provide the following information:

(1) The basis for decisions about powering down or shutting down airgun arrays.

(2) Information needed to estimate the number of marine mammals potentially 'taken by harassment', which must be reported to NMFS.

(3) Data on the occurrence, distribution, and activities of marine mammals in the area where the seismic study is conducted.

(4) Data on the behavior and movement patterns of marine mammals seen at times with and without seismic activity.

Mitigation

Mitigation and monitoring measures proposed to be implemented for the proposed seismic survey have been developed and refined during previous L–DEO seismic studies and associated environmental assessments (EAs), IHA applications, and IHAs. The mitigation and monitoring measures described herein represent a combination of the procedures required by past IHAs for other similar projects and on recommended best practices in Richardson *et al.* (1995), Pierson *et al.* (1998), and Weir and Dolman (2007). The measures are described in detail below.

The number of individual animals expected to be approached closely during the proposed activity will be small in relation to regional and worldwide population sizes. With the proposed monitoring and mitigation provisions, any effects on individuals are expected to be limited to behavioral disturbance and will have only negligible impacts on the species and stocks.

Mitigation measures that will be adopted include: (1) Speed or course alteration, provided that doing so will not compromise operational safety requirements; (2) power-down procedures; (3) shutdown procedures; (4) ramp-up procedures; and (5) minimizing approaches to slopes and submarine canyons, if possible, because of sensitivity of beaked whales.

Speed or Course Alteration—If a marine mammal is detected outside the EZ but is likely to enter it based on relative movement of the vessel and the animal, then if safety and scientific objectives allow, the vessel speed and/or course will be adjusted to minimize the likelihood of the animal entering the EZ. Major course and speed adjustments are often impractical when towing long seismic streamers and large source arrays, thus for surveys involving large sources, alternative mitigation measures are required.

Power-down Procedures—A power-down involves reducing the number of operating airguns, typically to a single airgun (e.g., 40 in^3), to minimize the EZ, so that marine mammals are no longer in or about to enter this zone. A power-down of the airgun array to a reduced number of operating airguns may also occur when the vessel is moving from one seismic line to another. The continued operation of at least one airgun is intended to alert marine mammals to the presence of the seismic vessel in the area.

If a marine mammal is detected outside the EZ but is likely to enter it, and if the vessel's speed and/or course cannot be changed, the airguns will be powered down to a single airgun before the animal is within the EZ. Likewise, if a mammal is already within the EZ when first detected, the airguns will be powered down immediately. If a marine mammal is detected within or near the smaller EZ around that single airgun (see Table 1 of L–DEO's application and Table 1 above), all airguns will be shutdown (see next subsection).

Following a power down, airgun activity will not resume until the marine mammal is outside the EZ for the full array. The animal will be considered to have cleared the EZ if it:

(1) Is visually observed to have left the EZ; or

(2) Has not been seen within the EZ for 15 minutes in the case of small odontocetes and pinnipeds; or

(3) Has not been seen within the EZ for 30 minutes in the case of mysticetes and large odontocetes, including sperm, pygmy sperm, dwarf sperm, and beaked whales.

Following a power-down and subsequent animal departure as above, the airgun array will resume operations following ramp-up procedures described below.

Shutdown Procedures—The operating airgun(s) will be shutdown if a marine mammal is detected within the EZ of a single 40 in^3 airgun while the airgun array is at full volume or during a power down. Airgun activity will not resume until the marine mammal has cleared the EZ or until the MMVO is confident that the animal has left the vicinity of the vessel. Criteria for judging that the animal has cleared the EZ will be as describing in the preceding subsection.

Ramp-up Procedures—A ramp-up procedure will be followed when the airgun array begins operating after a specified-duration period without airgun operations or when a power down has exceeded that period. It is proposed that, for the present cruise, this period would be approximately 8 minutes. This period is based on the modeled 180-dB radius for the 36-airgun array (see Table 3 of L–DEO's application and Table 1 here) in relation to the planned speed of the *Langseth* while shooting in deep water. Similar periods (approximately 8–10 minutes) were used during previous L–DEO surveys.

Ramp-up will begin with the smallest airgun in the array (40 in^3). Airguns will be added in a sequence such that the source level of the array will increase in steps not exceeding 6 dB per 5-minute period over a total duration of approximately 20–25 minutes. During ramp-up, the MMVOs will monitor the EZ, and if marine mammals are sighted, a course/speed change, power down, or shutdown will be implemented as though the full array were operational.

Initiation of ramp-up procedures from shutdown requires that the full EZ must be visible by the MMVOs, whether conducted in daytime or nighttime. This requirement likely will preclude start ups at night or in thick fog because the outer part of the EZ for that array will not be visible during those conditions. Ramp-up is allowed from a power down under reduced visibility conditions only if at least one airgun (e.g., 40 in^3 or similar) has operated continuously throughout the survey without interruption, on the assumption that marine mammals will be alerted to the approaching seismic vessel by the sounds from the single airgun and could move away if they choose. Ramp-up of the airguns will not be initiated if a marine mammal is sighted within or near the applicable EZ during the day or close to the vessel at night.

Minimize Approach to Slopes and Submarine Canyons—Although sensitivity of beaked whales to airguns is not known, they appear to be sensitive to other sound sources (e.g., mid-frequency sonar). Beaked whales tend to concentrate in continental slope areas and in areas where there are submarine canyons. There are no submarine canyons within or near the study area. Three of the transect lines are on the continental slope, which accounts for only a small portion of the proposed study area (207 km; 128.6 mi) and a minimal amount of time (30 hours).

Reporting

A report will be submitted to NMFS within 90 days after the end of the cruise. The report will describe the operations that were conducted and sightings of marine mammals near the operations. The report will be submitted to NMFS, providing full documentation of methods, results, and interpretation pertaining to all monitoring. The 90-day report will summarize the dates and locations of seismic operations, all marine mammal sightings (dates, times, locations, activities, associated seismic survey activities), and estimates of the amount and nature of potential ''take'' of marine mammals by harassment or in other ways.

Endangered Species Act (ESA)

Under section 7 of the ESA, NSF has begun consultation with the NMFS, Office of Protected Resources, Endangered Species Division on this proposed seismic survey. NMFS will also consult on the issuance of an IHA under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to a determination on the issuance of the IHA.

National Environmental Policy Act (NEPA)

NSF prepared an Environmental Assessment of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* off Central America, January–March 2008. NMFS will either adopt NSF's EA or conduct a separate NEPA analysis, as necessary, prior to making a determination of the issuance of the IHA.

Preliminary Determinations

NMFS has preliminarily determined that the impact of conducting the seismic survey in the Pacific Ocean and Caribbean Sea off Central America may result, at worst, in a temporary modification in behavior (Level B Harassment) of small numbers of 26 species of marine mammals. Further, this activity is expected to result in a negligible impact on the affected species or stocks. The provision requiring that the activity not have an unmitigable adverse impact on the availability of the affected species or stock for subsistence uses does not apply for this proposed action.

For reasons stated previously in this document, this determination is supported by: (1) The likelihood that, given sufficient notice through relatively slow ship speed, marine mammals are expected to move away from a noise source that is annoying prior to its becoming potentially injurious; (2) the fact that marine mammals would have to be closer than 40 m (131 ft) in deep water, 60 m (197 ft) at intermediate depths, or 296 m (971 ft) in shallow water when a single airgun is in use from the vessel to be exposed to levels of sound (180 dB) believed to have even a minimal chance of causing TTS; (3) the fact that marine mammals would have to be closer than 950 m (0.6 mi) in deep water, 1,425 m (0.9 mi) at intermediate depths, and 3,694 m (2.3 mi) in shallow water when the full array is in use at a 9 m (29.5 ft) tow depth from the vessel to be exposed to levels of sound (180 dB) believed to have even a minimal chance of causing TTS; (4) the fact that marine mammals would have to be closer than 1,120 m (0.7 mi) in deep water, 1,680 m (1 mi) at intermediate depths, and 4,356 (2.7 mi) in shallow water when the full array is in use at a 12 m (39 ft) tow depth from the vessel to be exposed to levels of sound (180 dB) believed to have even a minimal chance of causing TTS; and (5) the likelihood that marine mammal detection ability by trained observers is high at that short distance from the vessel. As a result, no take by injury or death is anticipated, and the potential for temporary or permanent hearing impairment is very low and will be avoided through the incorporation of the proposed mitigation measures.

While the number of potential incidental harassment takes will depend on the distribution and abundance of marine mammals in the vicinity of the survey activity, the number of potential harassment takings is estimated to be small, less than a few percent of any of the estimated population sizes, and has been mitigated to the lowest level practicable through incorporation of the measures mentioned previously in this document.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to L–DEO for conducting a marine geophysical survey in the Pacific

Ocean and Caribbean Sea off Central America from February–April, 2008, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: December 12, 2007.

Helen Golde,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–24508 Filed 12–17–07; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE39

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 Shrimp Advisory Panel (AP).

DATES: The Shrimp AP meeting is scheduled to begin at 8:30 a.m. on Wednesday, January 9, 2008.

ADDRESSES: The meeting will be held at the Hilton Houston Hobby Airport, 8181 Airport Blvd., Houston, TX 77061.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Deputy Executive Director; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Shrimp AP will receive reports from the National Marine Fisheries Service (NMFS) on the status and health of the shrimp stocks in 2006, as well as a report on the biological and economic aspects of the 2007 Cooperative Shrimp Closure with the state of Texas. The Shrimp AP may make recommendations for a cooperative closure with Texas for 2008. The Shrimp AP will also receive a presentation of the current number of moratorium permits that have been issued by the NMFS and preliminary estimates of offshore shrimping effort in 2007. Finally, the Shrimp AP may discuss and make recommendations regarding a Generic Offshore Aquaculture Amendment being developed by the Council.

The Shrimp AP consists principally of commercial shrimp fishermen, dealers, and association representatives.

Although other non-emergency issues not on the agenda may come before the Shrimp AP 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 Shrimp AP 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: December 13, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–24448 Filed 12–17–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE40

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 joint meeting of The Standing and Special Reef Fish Scientific and Statistical Committees (SSC).

DATES: The Joint Standing and Special Reef Fish SSC meeting will begin at 1:30 p.m. on Wednesday, January 9, 2008 and conclude by 12 noon on Thursday, January 10, 2008.

ADDRESSES: The meeting will be held at the Hilton Hobby, 8181 Airport Blvd., Houston, TX 77061.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Deputy Executive Director; Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Joint Standing and Special Reef Fish SSC will review a Generic Amendment for Offshore Aquaculture that contains provisions for allowing and regulating potential offshore aquaculture operations in the Exclusive Economic Zone (EEZ) of the Gulf of Mexico. The SSCs will also review Amendment 30B to the Reef Fish FMP that contains provisions for potential additional regulations on gag and potentially reducing regulations on red grouper in the EEZ Gulf of Mexico. Finally, the SSCs may also discuss potential adjustments to the deep-water grouper and tilefish total allowable catch levels (TACs).

Copies of the agenda and other related materials can be obtained by calling (813) 348–1630.

Although other non-emergency issues not on the agenda may come before the SSCs 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 this meeting. Actions of the SSCs 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.

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: December 13, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–24449 Filed 12–17–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE41

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council to convene a workgroup of its Spiny Lobster AP (AP) via conference call.

DATES: The conference call will be held January 17, 2008, at 10 a.m. EST.

ADDRESSES: The meeting will be held via conference call and listening stations will be available. For specific locations see **SUPPLEMENTARY INFORMATION.**

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, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION: The Spiny Lobster AP will review and comment on a scoping document to be presented at a public hearing in Islamorada, FL on January 24, 2008. This scoping hearing solicits comments from the public on regulatory activities that could be taken to apply a minimum size limit to spiny lobster imported from Central and South American nations. Such a minimum size limit would rectify the problems created by the occurrence in the U.S. market place of imported lobster that are much smaller than the current U.S. size limit. This creates a significant U.S. enforcement problem and adversely affects the lobster stocks affected.

Although other non-emergency issues not on the agenda may come before the AP workgroup 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 the meeting. Actions will be restricted to the issue 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 APs workgroup's intent to take action to address the emergency.

The conference call will begin at 10 a.m. EST and conclude no later than 11 a.m. EST. Listening stations are available at the following locations:

•The Gulf Council office (see **ADDRESSES**), and the National Marine Fisheries Service (NMFS) offices as follows:

•*Miami, FL*, 75 Virginia Beach Drive, Miami Beach, FL 33149; telephone: (305) 361–4259,

•*Marathon, FL*, 2796 Overseas Highway, Suite 119, Marathon, FL 33050; telephone: (305) 289–2330.

Special Accommodations

The meetings are 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: December 13, 2007.

Tracey L. Thompson,

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

[FR Doc. E7–24450 Filed 12–17–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XE35

Marine Mammals; File No. 859–1680

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that the United States Air Force, Environmental Management Office, Vandenberg Air Force Base, California, has been issued an amendment to Scientific Research Permit No. 859–1680, for research on California sea lions (*Zalophus californianus*), northern elephant seals (*Mirounga angustirostris*), northern fur seals (*Callorhinus ursinus*), and Pacific harbor seals (*Phoca vitulina richardsi*) inhabiting Vandenberg Air Force Base and the northern Channel Islands, California.

ADDRESSES: The amendment 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.

FOR FURTHER INFORMATION CONTACT: Tammy Adams or Kate Swails, (301)713–2289.

SUPPLEMENTARY INFORMATION: The original permit was issued on February 3, 2003 (68 FR 6419), with an expiration date of January 1, 2008. The requested amendment has been granted 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).

The amendment extends the duration of the permit by 12 months beyond that established in the original permit. No other terms or conditions of the permit were changed.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: December 11, 2007.

Tammy C. Adams,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. E7–24504 Filed 12–17–07; 8:45 am]

BILLING CODE 3510–22–S

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; Announcement of Revisions to Systems of Records

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of revisions to Systems of Records.

SUMMARY: The Consumer Product Safety Commission (CPSC or Commission) is publishing notice of the deletion of five systems of records and the addition of one new system of records, CPSC–23, Equal Employment Opportunity (EEO) Disability/Accommodation Files. Comments on the new system of records must be received on or before February 19, 2008.

DATES: The deletions are effective December 18, 2007 and the new system of records will become effective February 19, 2008, unless comments are received by that date which justify a contrary determination.

ADDRESSES: Written comments should be e-mailed to the Office of the Secretary at *cpsc-os@cpsc.gov*, or sent by mail to the Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda,

Maryland 20814. Comments may also be sent by facsimile to (301) 504–0127.

FOR FURTHER INFORMATION CONTACT: Linda L. Glatz, Division of Policy and Planning, Office of Information Technology and Technology Services, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814; (301) 504–7671, or by e-mail to *lglatz@cpsc.gov.*

SUPPLEMENTARY INFORMATION: The Commission is deleting five systems of records: CPSC–16, Equal Employment Opportunity Counseling Files; CPSC–18, Procurement Integrity Files; CPSC–19, Office of Hazard Identification and Reduction Tracking System; CPSC–21, Contractor Personnel Security System File; and CPSC–22, Management Information System. CPSC–16, Equal Employment Opportunity Counseling Files, is now covered by a government-wide system of records notice, EEOC/GOVT–1 published by the Office of Equal Opportunity, Equal Employment Opportunity Commission. CPSC–18, Procurement Integrity Files no longer exists and is being deleted. CPSC–19, Office of Hazard Identification and Reduction Tracking System contains individuals' names but does not meet the definition of a ''system of records'' for purposes of the Privacy Act. CPSC–22, Management Information System, is no longer maintained as a system of records although MIS codes are used in a system maintained by the Department of Interior's National Business Center and covered under their system of records notice. CPSC–21, Contractor Personnel Security System File information is merged with CPSC–20, Personnel Security File and no longer exists as a separate system of records.

The Consumer Product Safety Commission is also announcing a new system of records, CPSC–23, Equal Employment Opportunity Disability/Accommodation Files. This system will be used to maintain records of employees who initiate reasonable accommodation requests under the Rehabilitation Act, 29 U.S.C. 794, and Americans with Disabilities Act, 42 U.S.C. 12101.

The Congress and the Office of Management and Budget have been notified of the new system of records.

Dated: December 12, 2007.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

CPSC–23

SYSTEM NAME:

CPSC–23, Equal Employment Opportunity (EEO) Disability/Accommodation Files.

SYSTEM LOCATION:

Office of Equal Employment Opportunity and Minority Enterprise, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who initiate reasonable accommodation requests pursuant to Rehabilitation Act and Americans with Disabilities Act.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Correspondence and email requests for information submitted to the Commission regarding the request for reasonable accommodation, *e.g.*, employee name, address, city, state, telephone number and other pertinent information related to their disability.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Rehabilitation Act, 29 U.S.C. 794, and Americans with Disabilities Act, 42 U.S.C. 12101.

PURPOSE:

These records are used by Commission staff responding to a request for reasonable accommodation so that requests can be tracked, evaluated and responded to accurately and in a timely manner.

ROUTINE USES:

1. For the official use of those with a need to know. This may include the deciding official, the appellate authority, the Personnel Director, the Disability Program Manager, and the Office of the General Counsel.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be maintained in hard copy in file folders or on computer disk/drive.

RETRIEVABILITY:

Records will be indexed and retrieved by name.

SAFEGUARDS:

Records are maintained in locked files in a secured area and access is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are maintained for three years from date of final action and then destroyed.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Equal Employment Opportunity and Minority Enterprise, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.

NOTIFICATION PROCEDURES:

Freedom of Information/Privacy Act Officer, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORDS SOURCE CATEGORIES:

Information in these records is furnished by: (1) Individual to whom the record pertains; (2) Agency officials; (3) Affidavits or statements from employee; (4) Testimonies of witnesses; (5) Official documents relating to appeal, grievance, or complaints; (6) Correspondence from specific organizations or persons.

[FR Doc. E7–24436 Filed 12–17–07; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 08–25]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)91) 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, Transmittals 08–25 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: December 11, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

DEC 04 2007

In reply refer to:
I-07/014191-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. 08-25, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost $437 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,

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. 08-25

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser: United Arab Emirates**

(ii) **Total Estimated Value:**

Major Defense Equipment*	**$ 59 million**
Other	**$ 378 million**
TOTAL	**$ 437 million**

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: Upgrades and refurbishment for three (3) used, excess defense articles (EDA) E-2C Airborne Early Warning (AEW) aircraft with radar and antennae. The aircraft are being notified in a separate EDA sale package (I-012865/07). These upgrades/refurbishments include E-2C Group II Navigation Upgrade configuration, 8 T56-A-427 Turbo Shaft engines, Phased Maintenance Inspection, spare and repairs parts, support equipment, personnel training and training equipment, technical data and publications, tactical software and software laboratory, system software development and installation, testing of new system modifications, U.S. Government and contractor technical and logistics personnel services, and other related support elements.**

(iv) **Military Department: Navy (SAD)**

(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:**

DEC 04 2007

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates – Upgrades/Refurbishments of E-2C Aircraft

The Government of the United Arab Emirates has requested a possible sale of upgrades and refurbishment for three (3) used, excess defense articles (EDA) E-2C Airborne Early Warning (AEW) aircraft with radar and antennae. The aircraft are being notified in a separate EDA sale package (I-012865/07). These upgrades/refurbishments include E-2C Group II Navigation Upgrade configuration, 8 T56-A-427 Turbo Shaft engines, Phased Maintenance Inspection, spare and repairs parts, support equipment, personnel training and training equipment, technical data and publications, tactical software and software laboratory, system software development and installation, testing of new system modifications, U.S. Government and contractor technical and logistics personnel services, and other related support elements. The estimated cost is $437 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, which has been and continues to be an important force for political stability and economic progress in the Middle East. The United Arab Emirates needs the E-2C aircraft to develop an effective air defense network for its naval forces and to provide an Airborne Early Warning (AEW) surveillance and enhanced command, control, and communications capability.

The proposed sale of the upgrades and refurbishments will strengthen the effectiveness and interoperability of a potential coalition partner, reduce the dependence on U.S. forces in the region and enhance any coalition operations the U.S. may undertake. The United Arab Emirates will have no difficulty absorbing these aircraft into its armed forces. The proposed sale of these weapon systems will not affect the basic military balance in the region.

The prime contractor will be Northrop Grumman Aircraft Corporation of Bethpage, New York. The purchaser requested offsets; however, at this time, agreements are undetermined but will be defined in negotiations between the purchaser and contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government and contractor representatives to the United Arab Emirates.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 08-25

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 E-2C contains sensitive state-of-the-art technology. Some of the hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified Secret. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair (through depot level) of the E-2C aircraft and its installed systems and related software.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware in the proposed sale, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 07–6060 Filed 12–17–07; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 08–23]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

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, Transmittals 08–23 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: December 11, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

DEC 04 2007

In reply refer to:
I-07/014195-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. 08-23, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Kuwait for defense articles and services estimated to cost $1.363 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

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. 08-23

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: Kuwait**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 362 million
Other	$1.001 billion
TOTAL	$1.363 billion

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: 80 Phased Array Tracking Intercept of Target (PATRIOT) Advanced Capability-3 (PAC-3) Missiles, PATRIOT Guidance Enhanced Missile (GEM)-T Modification Kits to upgrade 60 PAC-2 missiles, 6 PATRIOT System Configuration 3 Modification kits to upgrade PATRIOT Radars to Radar Enhancement Phase III (REP III), communication support equipment, tools and test equipment, system integration and checkout, installation, personnel training, containers, spare and repair parts, publications and technical data, U.S. Government and contractor technical and logistics personnel services, and other related elements of program support.**

(iv) **Military Department: Army (ULC and UKF, Amd #1)**

(v) **Prior Related Cases, if any:**
FMS Case UJO - $706 million - 11Jan93
FMS Case UKF - $ 40 million – 10Jun98

(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 attached Annex**

(viii) **Date Report Delivered to Congress:** DEC 04 2007

* **as defined in Section 47(6) of the Arms Export Control Act.**

POLICY JUSTIFICATION

Kuwait – PAC-3 Missiles, PAC-2 Missiles to GEM-T and PATRIOT System Upgrade

The Government of Kuwait has requested a possible sale of 80 PAC-3 Missiles, PATRIOT GEM-T Modification Kits to upgrade 60 PAC-2 missiles, 6 PATRIOT System Configuration 3 Modification kits to upgrade PATRIOT Radars to REP III, communication support equipment, tools and test equipment, system integration and checkout, installation, personnel training, containers, spare and repair parts, publications and technical data, U.S. Government and contractor technical and logistics personnel services, and other related elements of program support. The estimated cost is $1.363 billion.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a major Non-NATO ally which has been, and continues to be, an important force for political stability and economic progress in the Middle East. Additionally, the proposed sale will demonstrate the U.S. Government's commitment to our bilateral relationship.

The proposed sale and upgrade will bring Kuwait's assets in line with U.S. PATRIOT assets, and ensure Kuwait maintains the ability to protect its borders. Kuwait needs this Air Defense System to develop an organic capability that will be responsive to hostile aircraft or missile threats upon its sovereign territory. The PATRIOT Air Defense System will go far in improving a current operational deficiency revealed during the Gulf War. Kuwait, which already has the PATRIOT system and PAC-2 missiles in its inventory, will have no difficulty absorbing these additional weapon systems into its Armed Forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Raytheon Corporation of Andover, Massachusetts. There are no known offset agreements proposed in connection with this potential sale.

It is anticipated that upon implementation of this proposed sale, two U.S. Government representatives and 25 contractor personnel will be assigned to Kuwait for a period of 3-5 years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 08-23

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 PATRIOT Air Defense System contains classified Confidential components and critical/sensitive technology. The PATRIOT Advanced Capability-3 (PAC-3) Configuration 3 Missile System is classified Secret. With the incorporation of the PAC-3 missile, the PATRIOT System will continue to hold a significant technology lead over other surface-to-air missile systems in the world.

2. The Configuration 3 upgrade requested represents significant technological advances for the existing Kuwaiti PATRIOT system capabilities. The Configuration 3 Radar Enhancement Phase III (REP III) improvements double the average power of the PATRIOT radar and add a wideband capability to the radar for generating and processing high range and medium range resolution waveforms for target discrimination.

3. The PATRIOT PAC-3 missiles utilize hit-to-kill technology for greater lethality against Tactical Ballistic Missiles (TBMs) armed with weapons of mass destruction. Additionally, up to 16 PAC-3 missiles can be loaded per launcher increasing firepower and missile defense capabilities. The PAC-3 Missile sensitive/critical technology is primarily in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to the following components:

a. PAC-3 Missile Guidance Processor Unit
b. PAC-3 Missile software
c. PAC-3 Missile associated ground equipment software

Information on vulnerability to electronic countermeasures and counter-counter measures, system performance capabilities and effectiveness, survivability and vulnerability data, PAC-3 Missile seeker capabilities, non-cooperative target recognition, low observable technologies, select software documentation and test data are classified up to Secret. Information on operational effectiveness with respect to

electronic countermeasures and counter-counter measures, low observable technologies, select software documentation and test data are classified up to and including Secret.

4. The Guidance Enhanced Missile-T (GEM-T) modification kits represent significant technological advances for the existing Kuwait PATRIOT system capabilities. The upgrade to GEM-T provides improvements to performance against low radar cross-section low-altitude threats and higher speed TBM threats. The GEM-T upgrade adds a new oscillator and a new digital fuse to the older version PATRIOT missiles to further improve reaction time.

5. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures, which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 07–6062 Filed 12–17–07; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 08–17]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

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 08–17 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: December 11, 2007.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

DEC 1 2007

In reply refer to:
I-07/012860-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. 08-17, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost $9 billion. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Richard J. Millies
Deputy Director

Enclosures:
1. **Transmittal**
2. **Policy Justification**
3. **Sensitivity of Technology**

Same ltr to:

House	Senate
Committee on Foreign Affairs	Committee on Foreign Relations
Committee on Armed Services	Committee on Armed Services
Committee on Appropriations	Committee on Appropriations

Transmittal No. 08-17

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: United Arab Emirates**

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 8 billion
Other	$ 1 billion
TOTAL	$ 9 billion

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: PATRIOT Air Defense System consisting of 288 PATRIOT Advanced Capability-3 (PAC-3) missiles, 216 Guided Enhanced Missiles-T (GEM-T), 9 PATRIOT Fire Units that include 10 phased array radar sets, 10 Engagement Control Stations on trailer, 37 Launching Stations (4 per fire unit), 8 Antenna Mast Groups (AMG) on trailers, 8 AMG Antennas for Tower Mounts, AN/GRC-245 Radios, Single Channel Ground and Airborne Radio Systems (SINCGARS Export), Multifunctional Information Distribution System/Low Volume Terminals, generators, electrical power units, trailers, communication and support equipment, publications, spare and repair parts, repair and return, United States Government and contractor technical assistance and other related elements of logistics support.**

(iv) **Military Department: Army (ZUG)**

(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:**

DEC 04 2007

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates – PATRIOT Advanced Capability-3 Missile System

The Government of United Arab Emirates has requested a possible sale of the PATRIOT Air Defense System consisting of 288 PATRIOT Advanced Capability-3 (PAC-3) missiles, 216 Guidance Enhanced Missiles-T (GEM-T), 9 PATRIOT Fire Unit that includes 10 phased array radar sets, 10 Engagement Control Stations on trailers, 37 Launching Stations (4 per fire unit), 8 Antenna Mast Groups (AMG) on trailers, 8 Antenna Mast Group (AMG) Antennas for Tower Mounts, AN/GRC-245 Radios, Single Channel Ground and Airborne Radio Systems (SINCGARS, Export), Multifunctional Information Distribution System/Low Volume Terminals, generators, electrical power units, trailers, communication and support equipment, publications, spare and repair parts, repair and return, United States Government and contractor technical assistance and other related elements of logistics support. The estimated cost is $9 billion.

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 political stability and economic progress in the Middle East.

The proposed sale of the weapons will strengthen the effectiveness and interoperability of a potential coalition partner, reduce the dependence on U.S. forces in the region, and enhance any coalition operations the U.S. may undertake with the United Arab Emirates. The United Arab Emirates will have no difficulty absorbing these weapon systems into its armed forces. The proposed sale of these weapon systems will not affect the basic military balance in the region.

The principal contractors will be: Raytheon Corporation of Andover, MA, and Lockheed Martin Missiles and Fire Control in Dallas, Texas. The purchaser intends to request offsets; agreements are undetermined and will be defined in negotiations between the purchaser and contractor.

Implementation of this proposed sale will require the assignment of U.S. Government or contractor representatives to United Arab Emirates. An in-country field office will likely be manned by one to four U.S. Government personnel who will remain in country for an undetermined length of time. A total of 26 contractor personnel are expected to be in country for an extended period for training purposes.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 08-17

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 PATRIOT Air Defense System contains classified Confidential components and critical/sensitive technology. The PATRIOT Advanced Capability-3 (PAC-3) Configuration 3 Missile System is classified Secret. With the incorporation of the PAC-3 missile, the PATRIOT System will continue to hold a significant technology lead over other surface-to-air missile systems in the world.

a. The PATRIOT (Phased Array Tracking Intercept of Target) missile system is a long range, lower tier, all altitude, all weather air defense system fielded to counter advanced aircraft, Tactical Ballistic Missiles (TBMs), and Cruise Missiles. The PATRIOT system has multiple engagement capability to counter saturation air attacks in an advance electronic countermeasures environment. The PATRIOT Advanced Capability-3 (PAC-3) Configuration 3 upgrade program incorporates significant upgrades to the phased array radar and Engagement Control Station and adds the new PAC-3 missile.

b. A PATRIOT fire unit consists of a phased array Radar Set (RS), Engagement Control Station (ECS), an Electric Power Plant (EPP), an Antenna Mast Group (AMG), a Communications Relay Group (CRG), and Launching Stations (LS). The Phased Array Radar provides all tactical functions of airspace surveillance, target detection, identification, classification, tracking, missile guidance and engagement support. The ESC provides the human interface for command and control of operations. The ECS contains weapons control computer, human-machine interface and data and communication
terminals. The EPP provides prime power for the ECS and RS. It consists of two 150Kw
400 Hz diesel-driven generators interconnected through power distribution units. The Antenna Mast Group (AMG) is a mobile antenna system associated with UHF communication equipment. The AMG has the capacity to extend the mast with pneumatic extension to heights of 94 feet. The Communications Relay Group (CRG) provides a radio relay (UHF) for the PATRIOT Battalions and interfaces directly with

co-located AMGs. The Launching Station (LS) is a remotely controlled, self-contained unit that can transport, point, and launch the PATRIOT missiles.

2. The PAC-3 Missile sensitive/critical technology is primarily in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to the following components:

a. PAC-3 Missile Guidance Processor Unit
b. PAC-3 Missile software
c. PAC-3 Missile associated ground equipment software

Information on vulnerability to electronic countermeasures and counter-counter measures, system performance capabilities and effectiveness, survivability and vulnerability data, PAC-3 Missile seeker capabilities, non-cooperative target recognition, low observable technologies, select software documentation and test data are classified up to Secret. Information on operational effectiveness with respect to electronic countermeasures and counter-counter measures, low observable technologies, select software documentation and test data are classified up to and including Secret.

3. The Guidance Enhanced Missile (GEM) is an enhancement to the PAC-2 missile that provides improved system effectiveness and lethality against both high speed Tactical Ballistic Missiles (TBMs) and also reduced radar cross section (RCS) and low-flying air breathing targets (ABTs). The GEM hardware change consists of modifying the seeker assembly and radio frequency (RF) receiver by incorporating a low noise C-Band amplifier in the receiver's front-end to improve signal sensitivity, which provides an improved signal to noise ratio. This results in increased acquisition range and longer terminal guidance periods against very fast and/or reduced RCS targets. The GEM improvement reduces boresight error, miss distance, and reaction time. The GEM-T missile incorporates a new fuze design to further improve reaction time.

4. The Multifunctional Information Distribution System (MIDS) terminals and Link 16 associated equipment will provide a tactical data link system for exchange of related surveillance, weapons coordinations, and air control information. In addition, the export SINCGARS, UHF AN/GRC-245 radio and other communications equipment will complement the overarching air defense command and control network. Export COMSEC equipment is to be interoperable with existing/future UAE command and control structure and also interoperable with U.S. Ballistic Missile Defense System and other U.S. tactical systems.

5. The MIDS terminal hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software

documentation are classified Confidential. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair (through intermediate level) of the data link terminal, installed systems, and related software.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or
be used in the development of a system with similar or advanced capabilities.

[FR Doc. 07–6063 Filed 12–17–07; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

[DoD–2007–OS–0133]

Office of the Secretary of Defense; Privacy Act of 1974; Systems of Records

AGENCY: Defense Logistics Agency, DoD.

ACTION: Notice to Delete Eight Systems of Records.

SUMMARY: The Defense Logistics Agency is deleting eight systems of records notices to its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on January 17, 2008 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Privacy Act Officer, Headquarters, Defense Logistics Agency, ATTN: DP, 8725 John J. Kingman Road, Stop 2533, Fort Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: Ms. Jody Sinkler at (703) 767–5045.

SUPPLEMENTARY INFORMATION: The Defense Logistics Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Defense Logistics Agency proposes to delete eight systems of records notices from its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. The proposed deletions are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

December 11, 2007.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S322.10 DMDC

SYSTEM NAME:

Defense Manpower Data Center Data Base (January 8, 2007, 72 FR 737).

REASON:

The Defense Manpower Data Center (DMDC) no longer receives Privacy Act program support from the Defense Logistics Agency (DLA). DMDC will receive privacy support from the Office of the Secretary of Defense (OSD) under Administrative Instruction 81. The above system notice was transferred to the OSD's inventory of Privacy Act systems of records as DMDC 01, Defense Manpower Data Center Data Base on October 1, 2007, 72 FR 55752; therefore, DLA is deleting this notice from its Privacy Act systems of records inventory.

S322.50 DMDC

SYSTEM NAME:

Defense Eligibility Records (January 8, 2007, 72 FR 730).

REASON:

The Defense Manpower Data Center (DMDC) no longer receives Privacy Act program support from the Defense Logistics Agency (DLA). DMDC will receive privacy support from the Office of the Secretary of Defense (OSD) under Administrative Instruction 81. The above system notice was transferred to the OSD's inventory of Privacy Act systems of records as DMDC 02, Defense Eligibility Records on October 1, 2007, 72 FR 55757; therefore, DLA is deleting this notice from its Privacy Act systems of records inventory.

S322.01 DMDC

SYSTEM NAME:

Defense Outreach Referral System (DORS) (June 5, 2006, 71 FR 32327).

REASON:

The Defense Manpower Data Center (DMDC) no longer receives Privacy Act program support from the Defense Logistics Agency (DLA). DMDC will receive privacy support from the Office of the Secretary of Defense (OSD) under Administrative Instruction 81. The above system notice was transferred to the OSD's inventory of Privacy Act systems of records as DMDC 03, Defense Outreach Referral System (DORS) on October 2, 2007, 72 FR 56066; therefore, DLA is deleting this notice from its Privacy Act systems of records inventory.

S322.05 DMDC

SYSTEM NAME:

Noncombatant Evacuation and Repatriation Data Base (June 5, 2006, 71 FR 32328).

REASON:

The Defense Manpower Data Center (DMDC) no longer receives Privacy Act program support from the Defense Logistics Agency(DLA). DMDC will receive privacy support from the Office of the Secretary of Defense (OSD) under Administrative Instruction 81. The above system notice was transferred to the OSD's inventory of Privacy Act systems of records as DMDC 04, Noncombatant Evacuation and Repatriation Data Base on October 2, 2007, 72 FR 56067; therefore, DLA is deleting this notice from its Privacy Act systems of records inventory.

S322.09 DMDC

SYSTEM NAME:

Joint Duty Assignment Management Information System. (June 5, 2006, 71 FR 32330).

REASON:

The Defense Manpower Data Center (DMDC) no longer receives Privacy Act program support from the Defense Logistics Agency (DLA). DMDC will receive privacy support from the Office of the Secretary of Defense (OSD) under

Administrative Instruction 81. The above system notice was transferred to the OSD's inventory of Privacy Act systems of records as DMDC 05, Joint Duty Assignment Management Information System on October 2, 2007, 72 FR 56069; therefore, DLA is deleting this notice from its Privacy Act systems of records inventory.

S322.11 DMDC

SYSTEM NAME:

Federal Creditor Agency Debt Collection Data Base (May 4, 2007, 72 FR 25269).

REASON:

The Defense Manpower Data Center (DMDC) no longer receives Privacy Act program support from the Defense Logistics Agency (DLA). DMDC will receive privacy support from the Office of the Secretary of Defense (OSD) under Administrative Instruction 81. The above system notice was transferred to the OSD's inventory of Privacy Act systems of records as DMDC 06, Federal Creditor Agency Debt Collection Data Base on October 2, 2007, 72 FR 56069; therefore, DLA is deleting this notice from its Privacy Act systems of records inventory.

S322.15 DMDC

SYSTEM NAME:

Defense Incident-Based Reporting System (DIBRS) (May 25, 2007, 72 FR 29308).

REASON:

The Defense Manpower Data Center (DMDC) no longer receives Privacy Act program support from the Defense Logistics Agency (DLA). DMDC will receive privacy support from the Office of the Secretary of Defense (OSD) under Administrative Instruction 81. The above system notice was transferred to the OSD's inventory of Privacy Act systems of records as DMDC 07, Defense Incident-Based Reporting System (DIBRS) on October 2, 72 FR 56062; therefore, DLA is deleting this notice from its Privacy Act systems of records inventory.

S322.35 DMDC

SYSTEM NAME:

Survey and Census Data Base (June 5, 2006, 71 FR 32331).

REASON:

The Defense Manpower Data Center (DMDC) no longer receives Privacy Act program support from the Defense Logistics Agency (DLA). DMDC will receive privacy support from the Office of the Secretary of Defense (OSD) under Administrative Instruction 81. The above system notice was transferred to the OSD's inventory of Privacy Act systems of records as DMDC 08, Survey and Census Data Base on October 2, 2007, 72 FR 56062; therefore, DLA is deleting this notice from its Privacy Act systems of records inventory.

[FR Doc. E7–24460 Filed 12–17–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[DoD–2007–OS–0134]

Office of Secretary of Defense; Privacy Act of 1974; System of Records

AGENCY: Defense Threat Reduction Agency, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: Defense Threat Reduction Agency is amending a system of records notices in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on January 17, 2008, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the Freedom of Information and Privacy Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060–6201.

FOR FURTHER INFORMATION CONTACT: Ms. Brenda Carter at (703) 767–1771.

SUPPLEMENTARY INFORMATION: The Defense Threat Reduction Agency notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record systems being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: December 11, 2007.

L.M. Bynum,

Alternative OSD Federal Register Liaison Officer, Department of Defense.

HDTRA 022

SYSTEM NAME:

Learning Management System (LMS) (January 8, 2007, 72 FR 729).

CHANGES:

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete ''social security number''.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete ''E.O. 9397.''

* * * * *

RETRIEVABILITY:

Delete from entry ''Social Security Number.''

* * * * *

HDTRA 022

SYSTEM NAME:

Learning Management System (LMS).

SYSTEM LOCATION:

Defense Threat Reduction Agency, Policy & Program, Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060–6201.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Defense Threat Reduction Agency (DTRA) employees and contractor personnel receiving training funded or sponsored by DTRA. Department of Defense military personnel and non-appropriated fund personnel may be included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, occupational series, grade, and supervisory status; registration, student development curricula, and training data, including start and completion dates, course descriptions, and related data. Where training is required for professional licenses, certification, or recertification, the file may include proficiency data in one or more skill areas. Electronic records may contain computer logon data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 41, the Government Employees Training Act; 10 U.S.C. 1701 *et seq.*, Defense Acquisition Workforce Improvement Act; E.O. 11348, Providing for the further training of Government employees, as amended by E.O. 12107, Relating to the Civil Service Commission and labor-management in the Federal Service; and 5 CFR part 410, Office of Personnel Management-Training.

PURPOSE(S):

Information is used to manage and administer training and development programs; to identify individual training needs; to screen and select candidates for training; and for reporting, forecasting, tracking, monitoring, and

assessment purposes. Statistical data, with all personal identifiers removed, are used to compare training completion data among different DTRA activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Department of Veterans Affairs for inspecting, surveying, auditing, or evaluating apprentice or on-the-job training programs.

To the Department of Labor for inspecting, surveying, auditing, or evaluating apprentice training programs and other programs under its jurisdiction.

To Federal, state, and local agencies and oversight entities to track, manage, and report on mandatory training requirements and certifications.

To public and private sector educational, training, and conferencing entities for participant enrollment, tracking, evaluation, and payment reconciliation purposes.

To Federal agencies for screening and selecting candidates for training or developmental programs sponsored by the agency.

To Federal oversight agencies for investigating, reviewing, resolving, negotiating, settling, or hearing complaints, grievances, or other matters under its cognizance.

The DoD ''Blanket Routine Uses'' set forth at the beginning of DTRA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper and electronic form.

RETRIEVABILITY:

Automated records may be retrieved by name, logon identification, or by a combination of these data elements. Manual records are retrieved by employee last name.

SAFEGUARDS:

Records are maintained in physical and electronic areas accessible only to DTRA personnel who must use the records to perform assigned duties. Physical access is limited through the use of locks, guards, card swipe, and other administrative procedures. The electronic records are deployed on accredited systems with access restricted by the use of login, password, and/or card swipe protocols. The web-based files are accessible only via the Agency's intranet, which is protected in accordance with approved information assurance protocols. Employees are warned through screen log-on protocols and periodic briefings of the consequences of improper access or use of the data on the Agency intranet. In addition, users are trained to lock or shutdown their workstations when leaving the work area. During non-duty hours, records are secured in access-controlled buildings, offices, cabinets or computer systems.

RETENTION AND DISPOSAL:

Training files are destroyed when 5 years old or when superseded, whichever is sooner. Employee agreements, individual training plans, progress reports, and similar records used in intern, upward mobility, career management, and similar developmental training programs are destroyed 1 year after employee has completed the program.

SYSTEM MANAGER(S) AND ADDRESS:

Learning Technology Specialist, Defense Threat Reduction Agency, Policy & Program Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060–6201.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether records about themselves is contained in this system of records should address written inquiries to the Defense Threat Reduction Agency, Policy & Program Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060–6201.

Current DTRA employees may determine whether information about themselves is contained in subsets to the master file by accessing the system through their assigned DTRA computer or by contacting their immediate supervisor.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Defense Threat Reduction Agency, Policy & Program Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060–6201.

Current DTRA employees may gain access to data contained in subsets to the master file by accessing the system through their assigned DTRA computer or by contacting their immediate supervisor.

CONTESTING RECORD PROCEDURES:

The DTRA rules for accessing records, for contesting contents, and appealing initial agency determinations are contained in 32 CFR part 318, or may be obtained from the Defense Threat Reduction Agency, Policy & Program Development Division, 8725 John J. Kingman Road, Stop 6201, Fort Belvoir, VA 22060.

RECORD SOURCE CATEGORIES:

Information is obtained from the record subject.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–24461 Filed 12–17–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

[DoD–2007–OS–0135]

Office of the Secretary of Defense; Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Office of the Secretary of Defense is amending a system of records notices in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on January 17, 2008 unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to the OSD Privacy Act Coordinator, Records Management Section, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Allard at (703) 588–2386.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the record systems being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the

submission of a new or altered system report.

December 11, 2007.

L.M. Bynum,

Alternative OSD Federal Register Liaison Officer, Department of Defense.

DWHS P43

SYSTEM NAME:

Emergency Personnel Locator Records (February 22, 2006, 71 FR 9100).

CHANGES:

* * * * *

SYSTEM LOCATION:

Add to the entry ''Business Transformation Agency, 1851 South Bell Street, Arlington, VA 22240–5291.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Add to entry ''Chief, Administrative Services, Business Transformation Agency, 1851 South Bell Street, Arlington, VA 22240–5291.''

* * * * *

NOTIFICATION PROCEDURES:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Administration & Program Support Directorate (APSD), Attn: COOP Program Manager, Crystal Gateway #1, Suite 940, 1235 South Clark Street, Arlington, VA 22202–3283.

For Business Transformation Agency's records: Chief, Administrative Services, Business Transformation Agency, 1851 South Bell Street, Arlington, VA 22240–5291.

Requests should contain individual's name, Social Security Number (SSN), office name where they were assigned or affiliated, and address and telephone number applicable to the period during which the records were maintained. Social Security Number (SSN) is used for positive identification.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to records about themselves should address written inquiries to the Administration & Program Support Directorate (APSD), Attn: COOP Program Manager, Crystal Gateway #1, Suite 940, 1235 South Clark Street, Arlington, VA 22202–3283.

For Business Transformation Agency's records: Chief, Administrative Services, Business Transformation Agency, 1851 South Bell Street, Arlington, VA 22240–5291.

Requests should contain individual's name, Social Security Number (SSN), office name where they were assigned or affiliated, and address and telephone number applicable to the period during which the records were maintained. Social Security Number (SSN) is use for positive identification.''

* * * * *

DWHS P43

EMERGENCY PERSONNEL LOCATOR RECORDS

SYSTEM LOCATION(S):

Segments are maintained within the Office of the Secretary of Defense (OSD), The Joint Staff, and all other activities deriving administrative support from Washington Headquarters Services.

Washington Headquarters Services, Information Technology Management Directorate, Pentagon Room 1C1065A, Washington, DC 20301–1155.

Washington Headquarters Services, Information Technology Management Directorate, Crystal Gateway 3, Suite 1204, 1215 South Clark Street, Arlington, VA 22202–4387.

AT&T Internet Data Center (IDC), 480 Arsenal Street, Watertown, MA 02472–2805.

Qwest, 350 East Cermak Road, Suite 700, Chicago, IL 60616–1568.

Business Transformation Agency, 1851 South Bell Street, Arlington, VA 22240–5291.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian employees and military personnel and their dependents, consultants, contractors, with whom the Office of the Secretary of Defense, The Joint Staff, and all other activities deriving administrative support from Washington Headquarters Services (WHS) conduct official business. Inclusion is at the discretion of the maintaining office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's Social Security Number and/or name, organizational address, home address or unit of assignment, work and home telephone numbers and related information. Emergency personnel rosters, contact listing files, organizational telephone directories, and listings of office personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulation; 10 U.S.C. Chapter 2, Secretary of Defense; Executive Order 12656, Assignment of Emergency Preparedness Responsibilities, November 18, 1988, as amended; Presidential Decision Directive 67, Enduring Constitutional Government and Continuity of Government Operations, October 21, 1998; Federal Preparedness Circular 65, Federal Executive Branch Continuity of Operations, June 15, 2004; Deputy Secretary of Defense Memorandum, Implementation of National Security Policy Direction of Enduring Constitutional Government and Continuity of Operations, February 17, 1999; DoD Directive 3020.26, Defense Continuity Program, September 8, 2004; DoD Directive 3020.36, Assignment of National Security Emergency Preparedness (NSEP) Responsibilities to DoD Components, November 2, 1988; and DoD Directive 5110.4, Washington Headquarters Services, October 19, 2001.

PURPOSE(S):

Records support agency requirements for emergency notification of personnel, establishment of locator listings, and all other official management functions where personnel and organizational point of contact information is required.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The ''Blanket Routine Uses'' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders and electronic storage media.

RETRIEVABILITY:

Files are retrieved by Social Security Number (SSN) and/or name of employee or individual.

SAFEGUARDS:

Facilities where the systems are maintained are locked when not occupied. Paper records are kept in filing cabinets and other storage places which are locked when office is not occupied. Electronic records are on computer terminals in supervised areas using a system with software access control safeguards. Only persons on a need-to-know basis and trained in the handling of information protected by the Privacy Act have access to the system. Access to personal information is further restricted by lock and key in secure containers, and in a computer system with intrusion safeguards.

RETENTION AND DISPOSAL:

Records are retained until information is no longer current and then destroyed. Obsolete paper information is destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Obsolete computer records are erased or overwritten.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Secretary of Defense Privacy Act Officer, OSD Records Management and Privacy Act Branch, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

Chief, Administrative Services, Business Transformation Agency, 1851 South Bell Street, Arlington, VA 22240–5291.

Program Manager, Washington Headquarters Services, Information Technology Management Directorate, Crystal Gateway #1, Suite 940, 1235 South Clark Street, Arlington, VA 22202–3283.

Program Manager, Washington Headquarters Services, Information Technology Management Directorate, Crystal Gateway #3, Suite 1204, 1215 South Clark Street, Arlington, VA 22202–4387.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquires to the Administration & Program Support Directorate (APSD), Attn: COOP Program Manager, Crystal Gateway #1, Suite 940, 1235 South Clark Street, Arlington, VA 22202–3283.

For Business Transformation Agency's records: Chief, Administrative Services, Business Transformation Agency, 1851 South Bell Street, Arlington, VA 22240–5291.

Requests should contain individual's name, Social Security Number (SSN), office name where they were assigned or affiliated, and address and telephone number applicable to the period during which the records were maintained. Social Security Number (SSN) is used for positive identification.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the Administration & Program Support Directorate (APSD), Attn: COOP Program Manager, Crystal Gateway #1, Suite 940, 1235 South Clark Street, Arlington, VA 22202–3283.

For Business Transformation Agency's records: Chief, Administrative Services, Business Transformation Agency, 1851 South Bell Street, Arlington, VA 22240–5291.

Requests should contain individual's name, Social Security Number (SSN), office name where they were assigned or affiliated, and address and telephone number applicable to the period during which the records were maintained. Social Security Number (SSN) is used for positive identification.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the subject individual and official personnel office documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. E7–24464 Filed 12–17–07; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Availability of the Draft Environmental Impact Statement/ Section 404 Permit Application for the Southern Beltway Transportation Project From I–79 to the Mon/Fayette Expressway, Washington County, PA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Availability.

SUMMARY: The U.S. Army Corps of Engineers, in cooperation with the Pennsylvania Turnpike Commission and the U.S. Environmental Protection Agency, as a Cooperating Agency, have prepared a Draft Environmental Impact Statement/Section 404 Permit Application (DEIS) for the Southern Beltway Transportation Project from I–79 to the Mon/Fayette Expressway in Washington County, PA. The overall purpose of the project is to provide transportation mobility safety improvements, to relieve congestion, and to support economic development plans in southwestern Pennsylvania. The DEIS assesses the environmental effects of the various alternatives developed to address the project needs.

DATES: Comments concerning this DEIS should be submitted by February 8, 2008.

ADDRESSES: Submit written comments to Scott A. Hans, Acting Chief, Regulatory Branch, U.S. Army Corps of Engineers, Pittsburgh District, Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222–4186 or to David P. Willis, Environmental Manager, Pennsylvania Turnpike Commission, P.O. Box 67676, Harrisburg, PA 17106.

FOR FURTHER INFORMATION CONTACT: Questions or comments regarding the DEIS should be directed to Mr. John S. Weres, Project Manager, at SAI Consulting Engineers, Inc., 1350 Penn Avenue, Pittsburgh, PA 15222 (412–392–8750).

SUPPLEMENTARY INFORMATION:

1. *Authorization:* The U.S. Army Corps of Engineers, Pittsburgh District, Regulatory Branch is considering an application from the Pennsylvania Turnpike Commission, 700 South Eisenhower Boulevard, P.O. Box 67676, Harrisburg, PA 17106–7676 under section 404 of the Clean Water Act to construct the Proposed Action. The primary Federal concern is the discharge of fill materials (including permanent inundation) within waters of the United States, and potential impacts on the human environment from such activities. The Corps' decision will be to either issue or deny a Department of the Army permit for the Proposed Action.

The DEIS has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), pursuant to 42 U.S.C. 4332(2)(c) and Executive Order 11990; and with other appropriate federal laws and regulations, policies, and procedures of the Corps for compliance with those regulations.

2. *Scoping Process:* The Pennsylvania Turnpike Commission has held a series of Public Plans Displays and Public Meetings in the project area during the past several years, including a series of three meetings in August 2005 to present the alternatives developed in detail in the DEIS. The U.S. Army Corps of Engineers (Corps) published a Notice of Intent (NOI) in the **Federal Register** on October 23, 2007 (FR Doc. E7–20812).

3. *Public Hearing.* A formal public hearing to receive comments on the DEIS will be held by the Army Corps of Engineers and the Pennsylvania Turnpike Commission on Thursday, January 24, 2008. The location and time for the public hearing is as follows:

• Canon-McMillan Senior High School, Elm Street Extension, Canonsburg, PA 15317. An open house plans presentation will be conducted from 5 p.m. to 9 p.m. The formal presentation will be conducted at 6 p.m.

The public hearing will be announced in the local news media, and separate notice will also be sent to all parties on

the project mailing list and to property owners adjacent to the Recommended Preferred Alternative. Participation by all interested individuals, groups or agencies is encouraged.

The public review period will conclude on February 8, 2008, more than 45 days after publication of this notice. The U.S. Army Corps of Engineers and the Pennsylvania Turnpike Commission will consider concerns expressed on the DEIS, and such issues will be incorporated into the Final EIS as appropriate. Comments, suggestions, and requests to be placed on the mailing list for announcements and for the Final EIS, should also be sent to Mr. Hans or Mr. Willis.

4. *Availability of the Draft EIS:* The Draft EIS and appendices are available for review and downloading from the Pennsylvania Turnpike Commission's project Web site at the following address: *http://www.paturnpike.com/monfaySB/.* Copies of the DEIS are available for public review at local municipal offices and public libraries in the project area. Copies of the technical support data and all documents referenced in the DEIS are available for public review by appointment at the Pittsburgh office of SAI Consulting Engineers, Inc., 1350 Penn Avenue, Pittsburgh, PA 15222. Please contact Mr. John Weres at (412) 392–8750 to set up an appointment. Please note that only qualified individuals will be allowed to review the confidential cultural resources appendices. Additional information on the project and availability of the DEIS can also be found in the Corps' Public notice at the following link: *http://www.lrp.usace.army.mil/or/or-f/07-59.pdf.*

Scott A. Hans,

Acting Chief, Regulatory Branch, Pittsburgh District—U.S. Army Corps of Engineers.

[FR Doc. E7–24446 Filed 12–17–07; 8:45 am]

BILLING CODE 3710–85–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The IC Clearance Official, Regulatory Information Management Services, Office of Management invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before January 17, 2008.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Education Desk Officer, Office of Management and Budget, 725 17th Street, NW., Room 10222, Washington, DC 20503. Commenters are encouraged to submit responses electronically by e-mail to *oira_submission@omb.eop.gov* or via fax to (202) 395–6974. Commenters should include the following subject line in their response ''Comment: [insert OMB number], [insert abbreviated collection name, e.g., ''Upward Bound Evaluation'']. Persons submitting comments electronically should not submit paper copies.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The IC Clearance Official, Regulatory Information Management Services, Office of Management, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: December 11, 2007.

Angela C. Arrington,

IC Clearance Official, Regulatory Information Management Services, Office of Management.

Office of Innovation and Improvement

Type of Review: Extension.

Title: DC School Choice Incentive Program.

Frequency: Annually.

Affected Public: Individuals or household; Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 3,000.

Burden Hours: 1,000.

Abstract: The DC School Choice Incentive Program, authorized by the Consolidated Appropriations Act of 2004, awarded a grant to the Washington Scholarship Fund that will administer scholarships to students who reside in the District of Columbia and come from households whose incomes do not exceed 185% of the poverty line. Priority is given to students who are currently attending schools in need of improvement, as defined by Title I. To assist in the student selection and assignment process, the information to be collected will be used to determine the eligibility of those students who are interested in the available scholarships. Also, since the authorizing statute requires an evaluation we are proposing to collect certain family demographic information because they are important predictors of school success. Finally, we are asking to collect information about parental participation and satisfaction because these are key topics that the statute requires the evaluation to address.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the information collection submission for OMB review may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 3526. 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. E7–24454 Filed 12–17–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Office of Safe and Drug-Free Schools; Overview Information; Grants for School-Based Student Drug-Testing Programs; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Number: 84.184D.

Dates: Applications Available: December 18, 2007.

Deadline for Transmittal of Applications: March 21, 2008.

Deadline for Intergovernmental Review: May 22, 2008.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Through the Grants for School-Based Student Drug-Testing Programs, the Department awards grants to local educational agencies (LEAs) and other public and private entities to develop and implement, or expand, school-based drug-testing programs for students.

Priority: This priority is from the notice of final eligibility and application requirements, priorities, and selection criteria for this program, published in the **Federal Register** on July 7, 2005 (70 FR 39254).

Absolute Priority: For FY 2008 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Mandatory Random and Voluntary Student Drug-Testing Programs.

Under this priority, we will provide Federal financial assistance to eligible applicants to develop and implement, or expand, school-based mandatory random or voluntary drug-testing programs for students in one or more grades 6 through 12. Any drug-testing program conducted with funds awarded under this priority must be limited to one or more of the following:

(1) Students who participate in the school's athletic program;

(2) Students who are engaged in competitive, extracurricular, school-sponsored activities; and

(3) A voluntary drug-testing program for students who, along with their parent or guardian, have provided written consent to participate in a random drug-testing program. Applicants that propose voluntary drug testing for students who, along with their parent or guardian, provide written consent must not prohibit students who do not consent from participating in school or extracurricular activities.

Application Requirements: The following requirements, which are from the notice of final eligibility and application requirements, priorities, and selection criteria published in the **Federal Register** on July 7, 2005 (70 FR 39254), apply to all applications submitted under this program.

Note: For this competition, we are only using three of the five requirements established in the notice of final eligibility and application requirements, priorities, and selection criteria published in the **Federal Register** on July 7, 2005 (70 FR 39254).

(1) Applicants may not submit more than one application for an award under this program.

(2) Funds may not be used for the following purposes:

(a) Student drug tests administered under suspicion of drug use;

(b) Incentives for students to participate in programs;

(c) Drug treatment; or

(d) Drug prevention curricula or other prevention programs.

(3) Applicants must:

(a) Identify a target population and demonstrate a significant need for drug testing within the target population;

(b) Explain how the proposed drug-testing program will be part of an existing, comprehensive drug prevention program in the schools to be served;

(c) Provide a comprehensive plan for referring students who are identified as drug users through the testing program to a student assistance program, counseling, or drug treatment if necessary;

(d) Provide a plan to ensure the confidentiality of drug-testing results, including a provision that prohibits the party conducting drug tests from disclosing to school officials any information about a student's use of legal medications;

(e) Limit the cost of site-based evaluations to no more than 10 percent of total funds requested; and

(f) Provide written assurances of the following:

(i) That results of student drug tests will not be disclosed to law enforcement officials;

(ii) That results of student drug tests will be destroyed when the student graduates or otherwise leaves the LEA or private school involved;

(iii) That all positive drug tests will be reviewed by a certified medical review officer;

(iv) That legal counsel has reviewed the proposed program and advised that the program activities do not appear to violate established constitutional principles or State and Federal requirements related to implementing a student drug-testing program; and

(v) That all proposed activities will be carried out in accordance with the requirements of the Family Educational Rights and Privacy Act (FERPA) and the Protection of Pupil Rights Amendment (PPRA).

Program Authority: 20 U.S.C. 7131.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, 99, and 299. (b) The notice of final eligibility and application requirements, priorities, and selection criteria published in the **Federal Register** on July 7, 2005 (70 FR 39254). (c) The notice of final eligibility requirement published in the **Federal Register** on December 4, 2006 (71 FR 70369).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration has requested $17,850,000 for the Grants for School-Based Student Drug-Testing Programs in FY 2008, of which $12,750,000 would be available for new grant awards. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program. Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2008 and in FY 2009 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $100,000–$200,000.

Estimated Average Size of Awards: $150,000.

Estimated Number of Awards: 85.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* LEAs, including charter schools that are considered LEAs under state law, and public and private entities that do not currently have an active grant under the Department of Education's School-Based Student Drug-Testing Programs (CFDA 84.184D).

Note: For the purpose of this eligibility requirement, a grant is considered active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds. This eligibility requirement is from the notice of final eligibility requirement published in the **Federal Register** on December 4, 2006 (71 FR 70369).

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other:*

(a) *Participation by Private School Children and Teachers.*

Pursuant to section 9501 of the Elementary and Secondary Education Act of 1915, as amended (ESEA), an entity that receives a grant under the School-Based Student Drug-Testing Programs is required to provide for the equitable participation of private school children and their teachers or other educational personnel.

In order to ensure that grant program activities address the needs of private school children, the grantee must engage in timely and meaningful consultation with appropriate private school officials during the design and development of the program. This consultation must take place before the grantee makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate. Administrative direction and control over grant funds must remain with the grantee.

(b) *Maintenance of Effort.* Under section 9521 of the ESEA, LEAs may receive a grant under the School-Based Student Drug-Testing Programs only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of the agency and the State with respect to the provision of a free public education by the LEA for the preceding fiscal year were not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

(c) *Participation of Faith-based Organizations.* Faith-based organizations are eligible to apply for grants under this competition provided they meet all statutory and regulatory requirements.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *http://www.ed.gov/programs/drugtesting/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, Maryland 20794–1398. Telephone, toll free: 1–877–433–7827. Fax: 301–470–1244. If you use a telecommunications device for the deaf (TDD), you may call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA 84.184D.

Individuals with disabilities can obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Alternative Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

3. *Submission Dates and Times:*

Applications Available: December 18, 2007.

Deadline for Transmittal of Applications: March 21, 2008.

Applications for grants under this competition may be submitted electronically using the Grants.gov Apply site (Grants.gov), or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV.6. *Other Submission Requirements* in this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: May 22, 2008.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section in this notice.

6. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.* To comply with the President's Management Agenda, we are participating as a partner in the Governmentwide Grants.gov Apply site. The School-Based Student Drug-Testing Programs competition, CFDA Number 84.184D, is included in this project. We request your participation in Grants.gov.

If you choose to submit your application electronically, you must use the Governmentwide Grants.gov Apply site at *http://www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

You may access the electronic grant application for School-Based Student Drug-Testing Programs at *http://www.Grants.gov.* You must search for the downloadable application package for this program by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.184, not 84.184D).

Please note the following:

- Your participation in Grants.gov is voluntary.
- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date and time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*

• To submit your application via Grants.gov, you must complete all steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, a multi-part process that includes registration with the Central Contractor Registry (CCR); (2) registering yourself as an Authorized Organization Representative (AOR); and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You also must provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete, and you must have completed all registration steps to allow you to submit successfully an application via Grants.gov. In addition you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.

• If you submit your application electronically, you must submit all documents electronically, including all information you typically provide on the following forms: Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. Please note that two of these forms—the SF 424 and the Department of Education Supplemental Information for SF 424—have replaced the ED 424 (Application for Federal Education Assistance).

• If you submit your application electronically, you must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified in this paragraph or submit a password-protected file, we will not review that material.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by e-mail. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

b. *Submission of Paper Applications by Mail.* If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

By mail through the U.S. Postal Service: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.184D), 400 Maryland Avenue, SW., Washington, DC 20202–4260; or

By mail through a commercial carrier: U.S. Department of Education, Application Control Center, Stop 4260, Attention: (CFDA Number 84.184D), 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you submit your application in paper format by hand delivery, you (or a courier service) must

deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.184D), 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

Selection Criteria: The selection criteria for this competition are from the notice of final eligibility and application requirements, *priorities,* and selection criteria published in the **Federal Register** on July 7, 2005 (70 FR 39254), and are listed in the application package.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section in this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section in this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Department has established the following Government Performance and Results Act or 1993 (GPRA) performance measures for the Grants for School-Based Student Drug-Testing Programs: The reduction of the incidence of drug use in the past month and the reduction of the incidence of drug use in the past year. The Secretary has set an overall performance target that calls for the prevalence of past month and past year drug use by students in the target population to decline by five percent annually.

These measures constitute the Department's indicator of success for this program. Consequently, applicants for a grant under this program are advised to give careful consideration to these measures in conceptualizing the approach and evaluation for their proposed project. If funded, applicants will be asked to collect and report data in their annual performance and final reports about progress toward these measures.

VII. Agency Contacts

FOR FURTHER INFORMATION CONTACT: Sigrid Melus, U.S. Department of Education, 400 Maryland Ave., SW., room 3E248, Washington, DC 20202–6450. Telephone: 202–260–2673, or Kandice Kostic, U.S. Department of Education, 400 Maryland Ave., SW., room 3E258, Washington, DC 20202–6450. Telephone: 202–260–7836 or by e-mail: *OSDFSdrugtesting@ed.gov.*

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Alternative Format: Individuals with disabilities can obtain this document and a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII in this notice.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

You can also view this document in text or PDF at the following site: *www.ed.gov/programs/drugtesting/applicant.html.*

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: December 12, 2007.

Deborah A. Price,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. E7–24518 Filed 12–17–07; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–30–000; Docket No. PF07–6–000]

Colorado Interstate Gas Company; Notice of Application

December 11, 2007.

Take notice that on November 29, 2007, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP08–30–000, an application, pursuant to section 7 of the Natural Gas Act (NGA), for a certificate authorizing the construction and operation of a new underground natural gas storage facility in Adams County, Colorado. The proposed Totem Gas Storage Field Project will be comprised of 13 injection and withdrawal wells, a water disposal well, gathering pipelines, observation wells, a dehydration and dew point control plant and a compressor station with approximately 9,400 horsepower. CIG is also proposing to establish new firm, interruptible and balancing rate schedules for inclusion in its FERC Gas Tariff for services from the storage facility. CIG estimates that the new storage facility will have a working gas

capacity of 7.0 Bcf, an injection rate of 100 MMcf per day and a withdrawal rate of 200 MMcf per day. CIG's proposal is more fully described as set forth in the application that is on file with the Commission and open to public inspection. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. 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.

Any questions regarding this application should be directed to Richard Derryberry, Director of Regulatory Affairs, Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944 at (719) 520–3782 or by fax at (719) 667–7534.

Pursuant to § 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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 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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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.

The Commission strongly encourages electronic filings of comments, 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.

On March 15, 2007, the Commission staff granted CIG's request to utilize the Pre-Filing Process and assigned Docket No. PF07–6–000 to staff activities involving CIG's proposal. Now, as of the filing of CIG's application on November 29, 2007, the Pre-Filing Process for this project has officially concluded. And while the PF Docket Number is now closed, all of the information contained in the Pre-Filing Process will become part of the certificate proceeding. From this time forward, CIG's proceeding will be conducted in Docket No. CP07–30–000, as noted in the caption of this Notice. All future correspondence should refer to this CP docket number only.

Comment Date: January 4, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24414 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–107–000]

FirstEnergy Generation Mansfield Unit 1 Corp.; Notice of Issuance of Order

December 11, 2007.

FirstEnergy Generation Mansfield Unit 1 Corp. (FEGM Unit 1) filed an application for market-based rate authority, with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy and capacity at market-based rates. FEGM Unit 1 also requested waivers of various Commission regulations. In particular, FEGM Unit 1 requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by FEGM Unit 1.

On December 10, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Market Development-West, granted the requests for blanket approval under Part 34 (Director's Order). The Director's Order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard concerning the blanket approvals of issuances of securities or assumptions of liability by FEGM Unit 1, should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing protests is January 9, 2008.

Absent a request to be heard in opposition to such blanket approvals by

the deadline above, FEGM Unit 1 is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of FEGM Unit 1, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of FEGM Unit 1's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24418 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR08–8–000]

Magic Valley Pipeline, L.P.; Notice of Petition for Rate Approval

December 11, 2007.

Take notice that on November 30, 2007, Magic Valley Pipeline, L.P. (Magic Valley) filed a petition for approval of rates for transportation services, pursuant to section 284.123(b)(2) of the Commission's regulations. Magic Valley requests that the Commission approve a maximum monthly reservation charge of $1.1669 per Dth, with a maximum firm commodity charge of $0.00 per Dth, and the equivalent interruptible transportation rate of $0.0384 per Dth.

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 December 27, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24412 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER07–521–000]

New York Independent System Operator, Inc.; Notice of Designation of Certain Commission Personnel as Non-Decisional

December 11, 2007.

Commission staff member Dr. Harry Singh (Office of Energy Markets Regulation; 202–502–6341; *harry.singh@ferc.gov*) is assigned to help resolve issues concerning the New York Independent System Operator, Inc.'s (NYISO) proposal for Long-term Firm Transmission Rights (LTTRs), which NYISO submitted in compliance with the Commission's LTTR Final Rule.[1]

As ''non-decisional'' staff, Dr. Singh will not participate in an advisory capacity in the Commission's review of any offer of settlement or settlement agreement or in deliberations concerning the disposition of the NYISO proposal or the order ruling on that proposal.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24417 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER08–38–000, ER08–38–001, ER08–38–002]

Northern Renewable Energy (USA) Ltd; Notice of Issuance of Order

December 11, 2007.

Northern Renewable Energy (USA) Ltd. (NREL USA) filed an application for market-based rate authority, with an accompanying rate schedule. The proposed market-based rate schedule provides for the sale of energy, capacity and ancillary services at market-based rates. NREL USA so requested waivers of various Commission regulations. In particular, NREL USA requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by NREL USA.

On December 10, 2007, pursuant to delegated authority, the Director, Division of Tariffs and Market Development—West, granted the requests for blanket approval under Part 34 (Director's Order). The Director's Order also stated that the Commission would publish a separate notice in the **Federal Register** establishing a period of time for the filing of protests. Accordingly, any person desiring to be heard concerning the blanket approvals of issuances of securities or assumptions of liability by NREL USA, should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and

[1] *Long-Term Firm Transmission Rights in Organized Electricity Markets*, Order No. 681, FERC Stats. & Regs. ¶31,226 (August 1, 2006), *order on reh'g and clarification*, Order No. 681–A, 117 FERC ¶61,201 (November 16, 2006) (together, LTTR Rule).

Procedure. 18 CFR 385.211, 385.214 (2004).

Notice is hereby given that the deadline for filing protests is January 9, 2008.

Absent a request to be heard in opposition to such blanket approvals by the deadline above, NREL USA is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of NREL USA, compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approvals of NREL USA's issuance of securities or assumptions of liability.

Copies of the full text of the Director's Order are available from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Commission's Web site at *http://www.ferc.gov*, using the eLibrary link. Enter the docket number excluding the last three digits in the docket number filed to access the document. 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.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24420 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL05–102–006]

Southern Company Services, Inc.; Notice of Filing

December 11, 2007.

Take notice that on December 4, 2007, Southern Company Service, Inc., acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Southern Power Company (Southern Companies) filed an amendment to its November 16, 2007, Notice of Completion and Conformed Compliance Filing.

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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

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 December 17, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24416 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER08–298–000]

Southern Company Services, Inc.; Notice of Filing

December 11, 2007.

Take notice that on December 4, 2007, Southern Company Services, Inc., acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Southern Power Company (collectively Southern Companies), filed a section 205 letter to conform the definition of ''market information'', as used in Southern Companies' Separation of Functions and Communications Protocol and the Intercompany Interchange Contract, to the definition of that term established by the Commission in Order No. 697, *Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities*, Order No. 697, 119 FERC ¶61,295 (2007).

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 December 17, 2007.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24419 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 12, 2007.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP99–301–173.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits amendment to two Rate Schedule FSS and ETS negotiated rate agreements with Wisconsin Gas LLC, to be effective 4/1/08.
Filed Date: 12/10/2007.
Accession Number: 20071211–0165.
Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: RP99–301–174.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits two Rate Schedule FSS negotiated rate agreements with Tenaska Gas Storage, LLC, to be effective 4/1/08.
Filed Date: 12/10/2007.
Accession Number: 20071211–0166.
Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: RP99–301–175.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits two Rate Schedule FSS negotiated rate service agreements with Nexen Marketing USA Inc, to be effective 4/1/08.
Filed Date: 12/10/2007.
Accession Number: 20071211–0167.
Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: RP99–301–176.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Co submits Rate Schedule FTS–1 and FSS negotiated rate service agreements with Chevron USA Inc, to be effective 4/1/08.
Filed Date: 12/10/2007.
Accession Number: 20071211–0168.
Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: RP99–301–177.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits Rate Schedule FTS–1 negotiated rate agreement with Tenaska Marketing Ventures, to be effective 4/1/08.
Filed Date: 12/10/2007.
Accession Number: 20071211–0169.
Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: RP99–301–178.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits Rate Schedule FTS–1 and GF–1 negotiated rate service agreements with Merrill Lynch Commodities, Inc, to be effective 4/1/08.
Filed Date: 12/10/2007.
Accession Number: 20071211–0170.
Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: RP99–301–179.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits Rate Schedule FTS–1 and FSS negotiated rate service agreements with the City of Virginia d/b/a Department of Public Utilities, to be effective 4/1/08.
Filed Date: 12/10/2007.
Accession Number: 20071211–0171.
Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: RP99–301–180.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Company submits an amendment to five ETS negotiated rate agreements with Wisconsin Electric Power Co, to be effective 4/1/08.
Filed Date: 12/10/2007.
Accession Number: 20071211–0172.
Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: RP99–301–181.
Applicants: ANR Pipeline Company.
Description: ANR Pipeline Co submits an amendment to the FSS & NNS negotiated rate agreements with Wisconsin Electric Power Co.
Filed Date: 12/10/2007.
Accession Number: 20071211–0173.
Comment Date: 5 p.m. Eastern Time on Monday, December 24, 2007.

Docket Numbers: RP07–513–001.
Applicants: Sea Robin Pipeline Company, LLC.
Description: Sea Robin Pipeline Company, LLC submits Sub Third Revised Sheet 5 et al. to FERC Gas Tariff, Second Revised Volume 1, effective 1/1/08.
Filed Date: 12/07/2007.
Accession Number: 20071211–0038.
Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 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 dockets(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.,

Deputy Secretary.

[FR Doc. E7–24455 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

December 11, 2007.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP05–157–008.
Applicants: Saltville Gas Storage Company, LLC.
Description: Saltville Gas Storage Company, LLC submits Original Sheet 20 et al. to FERC Gas Tariff, Original Volume 1, to become effective 10/1/07 under RP05–157.
Filed Date: 12/07/2007.
Accession Number: 20071211–0055.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 2007.

Docket Numbers: RP96–200–184.

Applicants: CenterPoint Energy Gas Transmission Company.

Description: CenterPoint Energy Gas Transmission Company submits notification of amendment of a Transportation Service Agreement with BP Energy Company, etc., to become effective 12/1/07.

Filed Date: 12/04/2007.

Accession Number: 20071206–0215.

Comment Date: 5 p.m. Eastern Time on Monday, December 17, 2007.

Docket Numbers: RP97–13–031.

Applicants: East Tennessee Natural Gas, LLC.

Description: East Tennessee Natural Gas, LLC submits Original Sheet 29 et al. to FERC Gas Tariff, Third Revised Volume 1, effective 10/1/07.

Filed Date: 12/07/2007.

Accession Number: 20071210–0294.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 2007.

Docket Numbers: RP07–319–002.

Applicants: Viking Gas Transmission Company.

Description: Viking Gas Transmission Company submits their Refund Report in compliance with FERC 10/5/07 Order.

Filed Date: 12/07/2007.

Accession Number: 20071210–0025.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 2007.

Docket Numbers: RP08–50–001.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits Substitute Original Sheet 1422 to FERC Gas Tariff, Sixth Revised Volume 1.

Filed Date: 12/07/2007.

Accession Number: 20071210–0024.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 2007.

Docket Numbers: RP08–107–000.

Applicants: Midwestern Gas Transmission Company.

Description: Midwestern Gas Transmission Company submits its cashout report for the September 2006 through the August 2007 period.

Filed Date: 12/05/2007.

Accession Number: 20071206–0216.

Comment Date: 5 p.m. Eastern Time on Monday, December 17, 2007.

Docket Numbers: RP08–108–000.

Applicants: Transcontinental Gas Pipe Line Corp.

Description: Transcontinental Gas Pipe Line Corp. submits Thirty-Ninth Revised Sheet 28 to FERC Gas Tariff, Third Revised Volume 1, effective 12/1/07.

Filed Date: 12/06/2007.

Accession Number: 20071207–0109.

Comment Date: 5 p.m. Eastern Time on Tuesday, December 18, 2007.

Docket Numbers: RP08–109–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits Eighth Revised Sheet 138 et al. to FERC Gas Tariff, Fifth Revised Volume 1, effective 1/7/08.

Filed Date: 12/07/2007.

Accession Number: 20071207–0254.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 2007.

Docket Numbers: RP08–110–000.

Applicants: Columbia Gas Transmission Corporation.

Description: Columbia Gas Transmission Corporation submits Sixth Revised Sheet 1 et al to FERC Gas Tariff, Second Revised Volume 1, effective 5/1/08.

Filed Date: 12/07/2007.

Accession Number: 20071207–0200.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 2007.

Docket Numbers: RP08–111–000.

Applicants: Chandeleur Pipe Line Company.

Description: Chandeleur Pipe Line Company submits its Twenty-Second Revised Sheet 5 to its FERC Gas Tariff, Second Revised Volume 1.

Filed Date: 12/07/2007.

Accession Number: 20071210–0026.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 2007.

Docket Numbers: RP08–112–000.

Applicants: Sabine Pipe Line, LLC.

Description: Sabine Pipe Line, LLC submits its Ninth Revised Sheet 20 et al. to FERC Gas Tariff, Original Volume 1, effective 1/1/08.

Filed Date: 12/07/2007.

Accession Number: 20071210–0027.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 2007.

Docket Numbers: RP08–113–000.

Applicants: Maritimes & Northeast Pipeline, L.L.C.

Description: Maritimes & Northeast Pipeline, LLC submits Third Revised Sheet 4 et al. to FERC Gas Tariff, First Revised Volume 1, to be effective 1/7/08.

Filed Date: 12/07/2007.

Accession Number: 20071210–0042.

Comment Date: 5 p.m. Eastern Time on Wednesday, December 19, 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 dockets(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.,

Deputy Secretary.

[FR Doc. E7–24457 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–14–000]

El Paso Natural Gas Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Hobbs Expansion Project and Request for Comments on Environmental Issues

December 11, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Hobbs Expansion Project involving construction and operation of natural gas pipeline facilities by El Paso Natural Gas Pipeline Company (El Paso) in Lea County, New Mexico and Winkler County, Texas. The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help determine which issues need to be evaluated in the EA. Please note that the scoping period will close on January 11, 2008. Details on how to submit comments are provided in the Public Participation section of this notice.

This notice is being sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. State and local government representatives are asked to notify their constituents of this proposed project and to encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

El Paso proposes three components (compression, new pipeline, and piping modifications) to meet the natural gas delivery requirements at the SPS Hobbs Power Plant in Lea County, New Mexico. El Paso proposes to construct, own, and operate:

- A natural gas-fired, reciprocating jumper compressor unit totalling 3,550 horsepower (HP), with appurtenances, at it Eunice ''C'' Compressor Station;
- 7.3 miles of 20-inch-diameter pipeline and the new Hobbs Delivery Meter Station;
- Pipeline system improvements to include the Maximum Allowable Operation Pressure (MAOP) up-rate of 5.7 miles of the existing 16-inch-diameter Line No. 30131; and
- Plant yard pipe modifications at El Paso's existing Keystone and Eunice ''B'' Compressor Stations.

All work would occur in Lea County, New Mexico except for the work at the Keystone Compressor Station in Winkler County, Texas. El Paso also proposes to abandon in place 1,700 feet of existing Line No. 30131 pipeline in Lea County, New Mexico.

The general location of the proposed facilities is shown in Appendix 1.[1]

The EA Process

We[2] are preparing this EA to comply with the National Environmental Policy Act (NEPA) which requires the Commission to take into account the environmental impact that could result if it authorizes El Paso's proposal. By this notice, we are also asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA.

With this notice, we are asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated the proposal relative to their responsibilities. Additional agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

NEPA also requires the FERC to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, we are requesting public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Land use.
- Water resources, fisheries, and wetlands.
- Cultural resources.
- Vegetation and wildlife.
- Air quality and noise.
- Endangered and threatened species.

We will also evaluate possible alternatives to the proposed project or portions of the project, where necessary, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the Public Participation section below.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal including alternative compressor station sites, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Kimberley D. Bose, Secretary, Federal Energy Regulatory

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices are available on the Commission's website at the ''eLibrary'' link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary refer to the ''Additional Information'' section of this notice. Copies of the appendices were sent to all those receiving this notice in the mail. Requests for detailed maps of the proposed facilities should be made directly to El Paso.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

• Label one copy of the comments for the attention of Gas Branch 2, PJ–11.2;

• Reference Docket No. CP08–14–000; and

• Mail your comments so that they will be received in Washington, DC on or before January 11, 2008.

The Commission encourages electronic filing of comments. See 18 Code of Federal Regulations 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at *http://www.ferc.gov* under the ''eFiling'' link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.''

We will mail the EA for public comment. If you are interested in receiving it, please return the Information Request (Appendix 2). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding, or ''intervenor''. To become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Intervenors have the right to seek rehearing of the Commission's decision. Motions to Intervene should be electronically submitted using the Commission's eFiling system at *http://www.ferc.gov*. Persons without Internet access should send an original and 14 copies of their motion to the Secretary of the Commission at the address indicated previously. Persons filing Motions to Intervene on or before the comment deadline indicated above must send a copy of the motion to the Applicant. All filings, including late interventions, submitted after the comment deadline must be served on the Applicant and all other intervenors identified on the Commission's service list for this proceeding. Persons on the service list with email addresses may be served electronically; others must be served a hard copy of the filing.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Environmental Mailing List

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who own homes within distances defined in the Commission's regulations of certain aboveground facilities.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the ''eLibrary'' link. Click on the eLibrary link, then on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24413 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–8–000]

Leaf River Energy Center LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Leaf River Storage Project and Request for Comments on Environmental Issues

December 11, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Leaf River Storage Project involving construction and operation of underground natural gas storage and pipeline header facilities by Leaf River Energy Center LLC (Leaf River) in Smith, Jasper, and Clarke Counties, Mississippi. The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help determine which issues need to be evaluated in the EA. Please note that the scoping period will close on January 10, 2008. Details on how to submit comments are provided in the Public Participation section of this notice.

This notice is being sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. State and local government representatives are asked to notify their constituents of this proposed project and to encourage them to comment on their areas of concern.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

Summary of the Proposed Project

Leaf River proposes to:

• Construct four storage wells and caverns with a total working gas capacity of 32 billion cubic feet (Bcf);

• Install seven 4,800 horsepower gas driven reciprocating compressor units at its proposed compressor station/gas

handling facility along with gas dehydration equipment in Smith County, Mississippi;

• Drill four water supply wells and four deep injection disposal wells and construct a 16-inch-diameter water supply pipeline and a 16-inch-diameter brine disposal pipeline;

• Construct 6.6 miles of dual bi-directional 24-inch-diameter natural gas pipelines called the Dome Lateral;

• Construct a single 6.9 mile 24-inch-diameter natural gas pipeline to the west of the junction with the Dome Lateral and 30.4 miles of dual 24-inch-diameter natural gas pipelines to the east of the junction called the West East Lateral which would follow the corridor to be occupied by Gulf South Pipeline Company, LP's proposed Southeast Expansion Project;

• Install a fiber optic cable along the header system to transmit signals from the gas handling facility and the interconnect sites; and

• Construct four meter and regulator stations and 5 interconnects.

The purpose of the project is to provide additional gas storage that will be capable of withdrawing and delivering gas at a rate of up to 2.5 Bcf per day and of receiving and injecting gas at a rate of up to 1.0 Bcf per day. Leaf River proposes that the Project will include a natural gas pipeline header system to interconnections with five interstate gas transmission pipelines.

The general location of the proposed facilities is shown in Appendix 1. [1]

The EA Process

We [2] are preparing this EA to comply with the National Environmental Policy Act (NEPA) which requires the Commission to take into account the environmental impact that could result if it authorizes Leaf River's proposal. By this notice, we are also asking federal, state, and local agencies with jurisdiction and/or special expertise with respect to environmental issues to formally cooperate with us in the preparation of the EA. Agencies that would like to request cooperating status should follow the instructions for filing comments provided below.

NEPA also requires the FERC to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, we are requesting public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

• Geology and soils.
• Land use and visual quality.
• Cultural resources.
• Vegetation and wildlife (including threatened and endangered species).
• Air quality and noise.
• Reliability and safety.

We will also evaluate possible alternatives to the proposed project or portions of the project, where necessary, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the Public Participation section below.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal including alternative compressor station sites, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

• Send an original and two copies of your letter to: Kimberley D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;

• Label one copy of the comments for the attention of Gas Branch 1, PJ–11.1;

• Reference Docket No. CP08–8–000; and

• Mail your comments so that they will be received in Washington, DC on or before January 10, 2008.

The Commission encourages electronic filing of comments. See 18 Code of Federal Regulations 385.2001(a)(1)(iii) and the instructions on the Commission's Internet Web site at *http://www.ferc.gov* under the ''eFiling'' link and the link to the User's Guide. Prepare your submission in the same manner as you would if filing on paper and save it to a file on your hard drive. Before you can file comments you will need to create an account by clicking on ''Login to File'' and then ''New User Account.'' You will be asked to select the type of filing you are making. This filing is considered a ''Comment on Filing.''

As described above, we may mail the EA for comment. If you are interested in receiving an EA for review and/or comment, please return the Information Request (Appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must send one electronic copy (using the Commission's eFiling system) or 14 paper copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding.

If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see Appendix 2). [3] Only intervenors have

[1] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices are available on the Commission's website at the ''eLibrary'' link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary refer to the ''Additional Information'' section of this notice. Copies of the appendices were sent to all those receiving this notice in the mail. Requests for detailed maps of the proposed facilities should be made directly to Leaf River.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the FERC's Office of Energy Projects.

[3] Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the ''eLibrary'' link. Click on the eLibrary link, then on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24415 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–208–000]

Rockies Express Pipeline LLC; Notice of Technical Conference

December 11, 2007.

On December 19, 2007, staff of the Office of Energy Projects (OEP) will hold a technical conference concerning issues raised by Rockies Express Pipeline LLC (Rockies Express) with two environmental recommendations in the draft Environmental Impact Statement for the REX East Project. In particular, the two environmental recommendations deal with the co-location of the proposed Rockies Express right-of-way with the existing Panhandle Eastern Pipeline Company right-of-way and the centering of the Rockies Express pipeline within the permanent right-of-way.

The technical conference will be held on Wednesday, December 19 at 10 a.m. (EST), in Room 3M–3 at the Commission Headquarters in Washington, DC.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an e-mail to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

Information concerning any changes to the above may be obtained from the Commission's Office of External Affairs at (202) 502–8004 or toll free at 1–866–208–FERC (208–3372).

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24421 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting Notice

December 13, 2007.

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: December 20, 2007. 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda. * NOTE—Items listed on the agenda may be deleted without further notice.

FOR FURTHER INFORMATION CONTACT: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on-line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

927TH—MEETING; REGULAR MEETING

[December 20, 2007, 10 a.m.]

Item No.	Docket No.	Company
	ADMINISTRATIVE	
A–1	AD02–1–000	Agency Administrative Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD06–3–000	Energy Market Update.
	ELECTRIC	
E–1	RM05–17–001 RM05–17–002. RM05–25–001. RM05–25–002.	Preventing Undue Discrimination and Preference in Transmission Service.
E–2	OMITTED.	
E–3	RM07–3–000	Facilities Design, Connections and Maintenance Reliability Standards.

927TH—MEETING; REGULAR MEETING—Continued

[December 20, 2007, 10 a.m.]

Item No.	Docket No.	Company
E–4	RC07–4–000	Direct Energy Services, LLC.
	RC07–6–000	Sempra Energy Solutions LLC.
	RC07–7–000	Strategic Energy, L.L.C.
E–5	ER07–1415–000	Xcel Energy Services, Inc.
E–6	RM01–8–007	Revised Public Utility Filing Requirements for Electric Quarterly Reports.
E–7	ER08–91–000	Mississippi Power Company.
E–8	ER07–1402–000	Allegheny Generating Company.
	ER07–1402–001.	
E–9	OMITTED.	
E–10	ER08–109–000	Midwest Independent Transmission System Operator, Inc.
E–11	ER08–140–000	California Independent System Operator Corporation.
E–12	ER07–882–000	PacifiCorp.
	EL07–84–000.	
	ER07–1392–000.	
	ER08–143–000.	
	ER07–967–000	Pacific Gas and Electric Company.
	ER08–255–000.	
	ER07–1213–000.	
	ER07–1373–000	California Independent System Operator Corporation.
E–13	OMITTED.	
E–14	ER96–2585–006	Niagara Mohawk Power Corporation, New England Power Company, KeySpan-Ravenswood, Inc., KeySpan-Glenwood Energy Center, LLC, KeySpan-Port Jefferson Energy Center, LLC, Granite State Electric Company, Massachusetts Electric Company and Narragansett Electric Company.
	ER98–6–011.	
	ER99–2387–004.	
	ER02–1470–004.	
	ER02–1573–004.	
	ER05–1249–004.	
E–15	ER06–615–003	California Independent System Operator Corporation.
	ER06–615–005.	
	ER06–615–012.	
	ER07–1257–000.	
	ER02–1656–017.	
	ER02–1656–018.	
	EL05–146–000	Independent Energy Producers Association v. California Independent System Operator Corporation.
E–16	OMITTED.	
E–17	OMITTED.	
E–18	EL07–97–000	Chugach Electric Association, Inc.
	QF99–95–002	Tiqun Energy, Inc.
	QF07–129–001.	
	EL07–105–000	Matanuska Electric Association.
	QF07–129–002.	
E–19	OMITTED.	
E–20	EL05–146–004	Independent Energy Producers Association v. California Independent System Operator Corporation.
E–21	OMITTED.	
E–22	ER96–1085–010	South Carolina Electric & Gas Company.
	EL05–122–000..	
E–23	ER08–56–000	Avista Corporation.
	ER08–66–000	NorthWestern Corporation.
	MISCELLANEOUS	
M–1	RM08–5–000	Revisions to Forms, Statements and Reporting Requirements for Electric Utilities and Licensees.
M–2	RM96–1–028	Standards for Business Practices for Interstate Natural Gas Pipelines; Standards for Business Practices for Public Utilities.
	RM05–5–004.	
	GAS	
G–1	RM07–10–000	Transparency Provisions of Section 23 of the Natural Gas Act.
G–2	RM08–2–000	Pipeline Posting Requirements under Section 23 of the Natural Gas Act.
G–3	IN06–3–003	Energy Transfer Partners, L.P.; Energy Transfer Company, ETC Marketing Ltd., Houston Pipeline Company, Oasis Pipeline, L.P., Oasis Pipeline Company Texas, L.P. and ETC Texas Pipeline Ltd., Oasis Division.
G–4	RP07–511–000	El Paso Natural Gas Company.
G–5	OMITTED.	
G–6	OMITTED.	
G–7	RP05–422–009	El Paso Natural Gas Company.
	RP05–422–014.	
	RP05–422–015.	
	RP05–422–017.	

927TH—MEETING; REGULAR MEETING—Continued

[December 20, 2007, 10 a.m.]

Item No.	Docket No.	Company
G–8	RP04–249–006 CP05–388–002. CP06–1–003 CP06–1–005 CP06–1–007. CP06–1–008.	AES Ocean Express LLC v. Florida Gas Transmission Company. Southern Natural Gas Company. Florida Gas Transmission Company.
G–9	RP01–245–016	Transcontinental Gas Pipe Line Corporation.
G–10	OR07–21–000	Mobil Pipe Line Company.
	HYDRO	
H–1	P–12751–000	Finavera Renewables Ocean Energy, Ltd.
H–2	P–2157–000	Public Utility District No. 1 of Snohomish County, Washington and the City of Everett, Washington.
H–3	P–2197–079	Alcoa Power Generating Inc.
H–4	P–2277–005	AmerenUE.
H–5	HB131–04–1–001	Bangor Hydro-Electric Company.
	CERTIFICATES	
C–1	CP07–406–000 CP07–407–000. CP07–408–000.	Monroe Gas Storage Company, LLC.
C–2	CP02–25–001	Copiah Storage, LLC.
C–3	OMITTED.	
C–4	OMITTED.	
C–5	CP07–128–000	Cheyenne Plains Gas Pipeline Company, LLC.

A free webcast of this event is available through *http://www.ferc.gov*. Anyone with Internet access who desires to view this event can do so by navigating to *http://www.ferc.gov's* Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *http://www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

Kimberly D. Bose,

Secretary.

[FR Doc. E7–24562 Filed 12–17–07; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2003–0026, FRL–8507–8]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; National Water Quality Inventory Reports (Renewal); EPA ICR No. 1560.08, OMB Control No. 2040–0071

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 January 17, 2008.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2003–0026, to (1) EPA online using www.regulations.gov (our preferred method), by e-mail to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Water Docket (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: Alice Mayio, Assessment and Watershed Protection Division, Office of Water, Mail Code: 4503T, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–566–1184; fax number: 202–566–1437; e-mail address: *Mayio.alice@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 31, 2007 (72 FR 41749), 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–OW–2003–0026, which is available for online viewing at *www.regulations.gov,* or in person viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave.,

NW., Washington, DC. The EPA/DC Public Reading Room is open from 8:30 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 Water Docket is 202–566–2426.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, 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: National Water Quality Inventory Reports (Renewal).

ICR numbers: EPA ICR No. 1560.08, OMB Control No. 2040–0071.

ICR Status: This ICR is scheduled to expire on December 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: Section 303(d) of the Clean Water Act requires States to identify and rank waters which cannot meet water quality standards (WQS) following the implementation of technology-based controls. Under Section 303(d), States are also required to establish total maximum daily loads (TMDLs) for listed waters not meeting standards as a result of pollutant discharges. In developing the Section 303(d) lists, States are required to consider various sources of water-quality related data and information, including the Section 305(b) State water quality reports. The State Section 305(b) reports contain information on the extent of water quality degradation, the pollutants and sources affecting water quality, and State progress in controlling water pollution.

EPA's Assessment and Watershed Protection Division (AWPD) works with its Regional counterparts to review and approve or disapprove State Section 303(d) lists and TMDLs from 56 respondents (the 50 States, the District of Columbia, and the five Territories). Section 303(d) specifically requires States to develop lists and TMDLs ''from time to time'' and EPA to review and approve or disapprove the lists and the TMDLs. EPA also collects State 305(b) reports from 59 respondents (the 50 States, the District of Columbia, five Territories, and 3 River Basin commissions).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 66,590 hours per year per respondent for the 56 respondents with both 305(b) and 303(d) responsibilities and TMDL development activities. The average reporting burden for the 3 respondents with only 305(b) responsibilities is estimated at 3,659 hours per year. 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: States, Territories, River Basin Commissions.

Estimated Number of Respondents: 59.

Frequency of Response: Biennially.

Estimated Total Annual Hour Burden: 3,740,017.

Estimated Total Annual Cost: $177,837,808, includes no capital or O&M costs.

Changes in the Estimates: There is no change in hours in the total estimated burden currently identified in the OMB Inventory of Approved ICR Burdens.

Dated: December 12, 2007.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E7–24511 Filed 12–17–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0298; FRL–8507–9]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Certification of Pesticide Applicators; EPA ICR No. 0155.09, OMB Control No. 2070–0029

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 January 17, 2008.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OPP–2007–0298, to (1) EPA online using *www.regulations.gov* (our preferred method), by e-mail to *opp.ncic@epa.gov,* or by mail to: OPP Regulatory Public Docket (7502P), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, 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: Joseph Hogue, Field and External Affairs Division, Office of Pesticide Programs, (7506P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–308–9072; fax number: 703–305–5884; e-mail address: *hogue.joe@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 June 13, 2007 (72 FR 32640), 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–OPP–2007–0298, which is available for online viewing at *www.regulations.gov*, or in person viewing at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, 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 telephone number is (703) 305–5805.

Use EPA's electronic docket and comment system at *www.regulations.gov,* to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, 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: Certification of Pesticide Applicators.

ICR numbers: EPA ICR No. 0155.09, OMB Control No. 2070–0029.

ICR Status: This ICR is scheduled to expire on December 31, 2007. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR is designed to provide EPA with the information necessary to oversee training and certification programs for applicators of restricted use pesticides. In addition, it will provide EPA with information on training activities imposed on registrants of pesticide products which assert claims to inactivate *bacillus anthracis* (anthrax) spores, (referred to as ''anthrax-related products''). FIFRA allows the EPA to classify a pesticide as ''restricted use'' if the pesticide meets certain toxicity or risk criteria. Restricted use pesticides, because of their potential to harm human health or the environment, may be applied only by a certified applicator or by a person under the direct supervision of a certified applicator. A person must meet certain standards of competency to become a certified applicator. States can be delegated the certified applicator program, but it must be approved by the Agency before it can be implemented. In non-participating entities, EPA administers the certification program.

Annual reports from the states are used as a monitoring tool to develop overall data on pesticide activities for OMB, Congress, and others; to distribute EPA grant funds to participating states, to target enforcement activities, and to revise certification and training program emphasis and requirements. An application form is used to obtain vital information from persons applying for Federal certification, such as name and address, and to schedule applicators for Federal certification or re-certification in Navajo Indian Country. Dealer records are necessary to ensure that access to restricted use pesticides is limited to certified applicators. A detailed record of each application of a restricted use pesticide is required for certified commercial applicators. Without these records it would often be difficult to successfully enforce against misuse. The information on registrant training for anthrax-related products will help assure that applications of those products are performed safely, effectively and in accordance with the requirements of federal, state and local authorities. Responses to this ICR are mandatory. The authority for this information collection activity is provided under sections 3(d) and 11 of FIFRA and 40 CFR part 171.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 77.4 hours for annual reports by states on their certification and training programs, 0.17 hours for completion of the EPA application form for certified applicators in federal programs, 3.1 hours for record-keeping of restricted use pesticide applications by commercial applicators, 25 hours for training and examination materials by registrants of anthrax-related products, and 18.5 hours for record-keeping of sale, use, and training of applicators of anthrax-related products, 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: Pesticide applicators on farms, commercial services applicators, State/Tribal pesticide lead agencies, pesticide dealers, pesticide and other agricultural chemical manufacturers.

Estimated Number of Respondents: 421,095.

Frequency of Response: Annually for State reports; once every 3 years for application for certification/re-certification; on occasion for commercial applicator recordkeeping, and for anthrax-related training materials and recordkeeping.

Estimated Total Annual Hour Burden: 1,309,751.

Estimated Total Annual Labor Cost: $39,703,211.

Changes in the Estimates: The total estimated respondent burden for this renewal ICR reflects a net decrease of 1,617 hours related to 2 small program changes and adjustments to the previous estimate. The significant adjustment increase in the number of responses is primarily due to a change in counting the number of responses verses respondents. The first program change is adoption of the private applicator and dealer recordkeeping programs by the State of Colorado. Colorado already administered the commercial applicator program. The second program change pertains to the new training and recordkeeping burdens that are expected to be imposed on registrants of anthrax-related products via registration terms and conditions.

Dated: December 12, 2007.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E7–24512 Filed 12–17–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2007–0094; FRL–8508–2]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Pre-Manufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances; EPA ICR No. 0574.13, OMB No. 2070–0012

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 information collection and its estimated burden and cost.

DATES: Additional comments may be submitted on or before January 17, 2008.

ADDRESSES: Submit your comments, referencing docket ID Number EPA–HQ–OPPT–2007–0094 to (1) EPA online using *www.regulations.gov* (our preferred method), by e-mail to *oppt.ncic@epa.gov* or by mail to: Document Control Office (DCO), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Mail Code: 7407T, 1200 Pennsylvania Ave., 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: Barbara Cunningham, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, Mailcode: 7408–M, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202–554–1404; e-mail address: *TSCA–Hotline@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 May 9, 2007 (72 FR 26353), EPA sought comments on this renewal ICR. EPA sought comments on this ICR pursuant to 5 CFR 1320.8(d). EPA received one non-substantive comment during the comment period. Any comments related to 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–OPPT–2007–0094, which is available for online viewing at *http://www.regulations.gov*, or in person inspection at the OPPT Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center 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 Pollution Prevention and Toxics Docket is 202–566–0280.

Use EPA's electronic docket and comment system at *www.regulations.gov*, to submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the docket that are available electronically. Once in the system, select ''docket search,'' then key in the docket ID number identified above. Please note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing at *www.regulations.gov* as EPA receives them and without change, unless the comment contains copyrighted material, 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: Pre-Manufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances.

ICR Numbers: EPA ICR No. 0574.13, OMB No. 2070–0012.

ICR Status: This ICR is currently scheduled to expire on December 31, 2007. 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: Section 5 of the Toxic Substances Control Act (TSCA) requires manufacturers and importers of new chemical substances to submit to EPA notice of intent to manufacture or import a new chemical substance 90 days before manufacture or import begins. EPA reviews the information contained in the notice to evaluate the health and environmental effects of the new chemical substance. On the basis of the review, EPA may take further regulatory action under TSCA, if warranted. If EPA takes no action within 90 days, the submitter is free to manufacture or import the new chemical substance without restriction.

TSCA section 5 also authorizes EPA to issue Significant New Use Rules (SNURs). EPA uses this authority to take follow-up action on new or existing chemicals that may present an unreasonable risk to human health or the environment if used in a manner that may result in different and/or higher exposures of a chemical to humans or the environment. Once a use is determined to be a significant new use, persons must submit a notice to EPA 90 days before beginning manufacture, processing or importation of a chemical substance for that use. Such a notice allows EPA to receive and review information on such a use and, if necessary, regulate the use before it occurs.

Finally, TSCA section 5 also permits applications for exemption from section 5 review under certain circumstances. An applicant must provide information sufficient for EPA to make a determination that the circumstances in question qualify for an exemption. In granting an exemption, EPA may impose appropriate restrictions. This information collection addresses the reporting and recordkeeping requirements associated with TSCA section 5.

Responses to the collection of information are mandatory (see 40 CFR parts 700, 720, 721, 723 and 725). Respondents may claim all or part of a notice as CBI. EPA will disclose information that is covered by a CBI claim only to the extent permitted by, and in accordance with, the procedures in 40 CFR part 2.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is

estimated to average 100.3 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; 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: Entities potentially affected by this action are companies that manufacture, process or import chemical substances.

Frequency of Collection: On occasion.

Estimated No. of Respondents: 443.

Estimated Total Annual Burden on Respondents: 154,322 hours.

Estimated Total Annual Labor Costs: $36,387,880.

Changes in Burden Estimates: There is a decrease of 9,469 hours (from 163,791 hours to 154,322 hours rounded) in the total estimated respondent burden compared with that currently in the OMB inventory. This decrease reflects EPA's experience with the numbers of submissions since the most recent OMB approval of this collection. The decrease is an adjustment.

Dated: December 12, 2007.

Sara Hisel-McCoy,

Director, Collection Strategies Division.

[FR Doc. E7–24515 Filed 12–17–07; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–ORD–2007–1175; FRL–8508–3]

Board of Scientific Counselors, Global Change Research Program Mid-Cycle Review Meetings—Winter 2008

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, the Environmental Protection Agency, Office of Research and Development (ORD), gives notice of three meetings of the Board of Scientific Counselors (BOSC) Global Mid-Cycle Subcommittee.

DATES: The first meeting (a teleconference call) will be held on Friday, January 4, 2008, from 10:30 a.m. to 12:30 p.m. The second meeting (a teleconference call) will be held on Thursday, January 10, 2008, from 11 a.m. to 1 p.m. The third meeting (face-to-face meeting) will be held on Wednesday, January 23, 2008 from 9 a.m. to 3 p.m. All times noted are eastern time. The meetings may adjourn early if all business is finished. Requests for the draft agenda or for making oral presentations at the meetings will be accepted up to 1 business day before each meeting.

ADDRESSES: Participation in the conference calls will be by teleconference only—meeting rooms will not be used. Members of the public may obtain the call-in number and access code for the calls from Monica Rodia, whose contact information is listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. The face to face meeting will be held at the M Street Renaissance Hotel, 1143 New Hampshire Avenue, NW., Washington, DC 20037. Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2007–1175, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail:* Send comments by electronic mail (e-mail) to: *ORD.Docket@epa.gov,* Attention Docket ID No. EPA–HQ–ORD–2007–1175.
- *Fax:* Fax comments to: (202) 566–0224, Attention Docket ID No. EPA–HQ–ORD–2007–1175.
- *Mail:* Send comments by mail to: Board of Scientific Counselors, Global Change Research Program Mid-Cycle Subcommittee Meetings—Winter 2008 Docket, Mailcode: 28221T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. EPA–HQ–ORD–2007–1175.
- *Hand Delivery or Courier:* Deliver comments to: EPA Docket Center (EPA/DC), Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC, Attention Docket ID No. EPA–HQ–ORD–2007–1175. Note: this is not a mailing address. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2007–1175. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or e-mail. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

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 Board of Scientific Counselors, Global Change Research Program Mid-Cycle Subcommittee Meetings—Winter 2008 Docket, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., 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 ORD Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer via mail at: Monica Rodia, Mail Drop 8104–R, Office of Science Policy, Office of Research and Development, Environmental Protection Agency, 1300 Pennsylvania Ave. NW., Washington, DC 20460; via phone/voice mail at: (202) 564–8322;

via fax at: (202) 565–2925; or via e-mail at: *rodia.monica@epa.gov.*

SUPPLEMENTARY INFORMATION:

General Information

Any member of the public interested in receiving a draft BOSC agenda or making a presentation at any of the meetings may contact Monica Rodia, the Designated Federal Officer, via any of the contact methods listed in the **FOR FURTHER INFORMATION CONTACT** section above. In general, each individual making an oral presentation will be limited to a total of three minutes.

Proposed agenda items for the meetings include, but are not limited to: *Teleconference #1:* The objectives of the review; an overview of ORD's Global Change research program; a summary of major changes in the Global Change research program since 2005; *Teleconference #2:* A synopsis of the revised Global Multi-Year Plan; subcommittee discussions; and preparation for the face-to-face meeting; *face-to-face meeting:* Subcommittee discussions of the Global Change research program's progress in response to recommendations from its 2005 BOSC review and other activities. The meetings are open to the public. The subcommittee roster and charge can be accessed at: *http://www.epa.gov/osp/bosc/subcomm-gc_mid.htm.*

Information on Services for Individuals with Disabilities: For information on access or services for individuals with disabilities, please contact Monica Rodia at (202) 564–8322 or *rodia.monica@epa.gov.* To request accommodation of a disability, please contact Monica Rodia, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: December 12, 2007.

Jeff Morris,

Acting Director, Office of Science Policy.

[FR Doc. E7–24514 Filed 12–17–07; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

December 11, 2007.

Open Commission Meeting, Tuesday, December 18, 2007

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, December 18, 2007, which is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC. The Commission is waiving the sunshine period prohibition contained in section 1.1203 of the Commission's rules, 47 CFR 1.1203, until 5:30 p.m. on Friday, December 14, 2007. Thus, presentations with respect to the items listed below will be permitted until that time.

Item No.	Bureau	Subject
1	Wireless Tele-Communications	*Title:* Implementation of section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services (WT Docket No. 07–71). *Summary:* The Commission will consider a Twelfth Annual Report and Analysis of Competitive Market Conditions with Respect to Commercial Mobile Services.
2	Wireless Tele-Communications and International.	*Title:* Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310–2360 MHz Frequency Band; Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band. *Summary:* The Commission will consider a Second Further Notice of Proposed Rulemaking seeking additional comment on the appropriate rules and policies for licensing satellite digital audio radio service (SDARS) terrestrial repeaters in the 2320–2345 MHz frequency band, and will consider a Notice of Proposed Rulemaking seeking comment on facilitating the coexistence of SDARS and Wireless Communications Service licensees.
3	Media	*Title:* 2006 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to section 202 of the Telecommunications Act of 1996 (MB Docket No. 06–121); 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to section 202 of the Telecommunications Act of 1996 (MB Docket No. 02–277); Cross-Ownership of Broadcast Stations and Newspapers (MM Docket No. 01–235); Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets (MM Docket No. 01–317); Definition of Radio Markets (MM Docket No. 00–244); Ways To Further section 257 Mandate and To Build on Earlier Studies (MB Docket No. 04–228); Public Interest Obligations of TV Broadcast Licensees (MM Docket No. 99–360). *Summary:* The Commission will consider a Report and Order concerning its media ownership regulations in accordance with section 202(h) of the Telecommunications Act of 1996. The Report and Order also addresses the relevant issues remanded by the U.S. Court of Appeals for the Third Circuit in *Prometheus Radio Project, et al.* v. *FCC.*, 373 F.3d 372 (2004), and responds to petitions for reconsideration of the 2002 Biennial Review Order.

Item No.	Bureau	Subject
4	Media	*Title:* Promoting Diversification of Ownership in the Broadcasting Services; 2006 Quadrennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to section 202 of the Telecommunications Act of 1996 (MB Docket No. 06–121); 2002 Biennial Regulatory Review—Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to section 202 of the Telecommunications Act of 1996 (MB Docket No. 02–277); Cross-Ownership of Broadcast Stations and Newspapers (MM Docket No. 01–235); Rules and Policies Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets (MM Docket No. 01–317); Definition of Radio Markets (MM Docket No. 00–244); Ways To Further section 257 Mandate and To Build on Earlier Studies (MB Docket No. 04–228). *Summary:* The Commission will consider a Report and Order and Third Further Notice of Proposed Rulemaking concerning initiatives designed to increase participation in the broadcasting industry by new entrants and small businesses, including minority- and women-owned businesses.
5	Media	*Title:* Sponsorship Identification Rules and Embedded Advertising. *Summary:* The Commission will consider a Notice of Proposed Rulemaking seeking comment on trends in embedded advertising and the efficacy of the current sponsorship identification rules with regard to embedded advertising.
6	Media	*Title:* Report on Broadcast Localism and Notice of Proposed Rulemaking. (MB Docket No. 04–233). *Summary:* The Commission will consider a Report and Notice of Proposed Rulemaking prepared in its Broadcasting Localism proceeding.
7	Media	*Title:* The Commission's Cable Horizontal and Vertical Ownership Limits (MM Docket No. 92–264); Implementation of section 11 of the Cable Television Consumer Protection and Competition Act of 1992 (CS Docket No. 98–82); Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 (CS Docket No. 96–85); Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests (MM Docket No. 94–150); Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry (MM Docket No. 92–51); Reexamination of the Commission's Cross-Interest Policy (MM Docket No. 87–154). *Summary:* The Commission will consider a Fourth Report and Order and Notice of Proposed Rulemaking establishing the cable horizontal ownership limit and seeking comment on vertical ownership limits and cable and broadcast attribution rules for purposes of promoting a diverse and competitive market in the acquisition and delivery of multichannel video programming.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's Audio/Video Events web page at *http://www.fcc.gov/realaudio*.

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *http://www.capitolconnection.gmu.edu*.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at *FCC@BCPIWEB.com*.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

[FR Doc. 07–6098 Filed 12–14–07; 1:01 pm]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2843]

Petition for Reconsideration of Action in Rulemaking Proceeding

December 5, 2007.

A Petition for Reconsideration has been filed in the Commission's Rulemaking Proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY-B402, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). Oppositions to this petition must be filed by January 2, 2008. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service (MB Docket No. 87–268).

Number of Petitions Filed: 1.

Marlene H. Dortch,

Secretary.

[FR Doc. E7–24483 Filed 12–17–07; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act; Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Wednesday, December 19, 2007, to consider the following matters:

SUMMARY AGENDA: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Proposed Revisions to the FDIC's Minority and Women Outreach Program Contracting Regulation.

Memorandum and resolution re: Conforming Amendments to the FDIC Rules and Regulations Due to the Financial Services Regulatory Relief Act of 2006.

Memorandum and resolution re: Amendments to Statement of Policy on Bank Merger Transactions.

Memorandum and resolution re: Statement of Policy for section 19 of the Federal Deposit Insurance Act.

DISCUSSION AGENDA: Memorandum and resolution re: Proposed 2008 Corporate Operating Budget.

Memorandum and resolution re: Claims and Large-Bank Modernization—Notice of Proposed Rulemaking.

Memorandum and resolution re: Late Assessment Penalties

Delegations and Amendments.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562–6067 (Voice or TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Ms. Valerie J. Best, Assistant Executive Secretary of the Corporation, at (202) 898–7122.

Dated: December 12, 2007.

Federal Deposit Insurance Corporation.

Valerie J. Best

Assistant Executive Secretary.

[FR Doc. E7–24462 Filed 12–17–07; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act; Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Wednesday, December 19, 2007, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to section 552b(c)(2), (c)(4), (c)(6), (c)(8), (9)(A)(ii), (9)(B), and (10) of Title 5, United States Code, to consider matters relating to the Corporation's supervisory and corporate activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Ms. Valerie J. Best, Assistant Executive Secretary of the Corporation, at (202) 898–7122.

Dated: December 12, 2007.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. E7–24463 Filed 12–17–07; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 2, 2008.

A. Federal Reserve Bank of Atlanta (David Tatum, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. Donald V. Watkins, Miami Beach, Florida, and Donald V. Watkins, Jr., Birmingham, Alabama; to acquire voting shares of Alamerica BancCorp, Inc., and thereby indirectly acquire voting shares of Alamerica Bank, both of Birmingham, Alabama.

Board of Governors of the Federal Reserve System, December 13, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. E7–24480 Filed 12–17–07; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo,* or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 11, 2008.

A. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. FBOP Corporation, Oak Park, Illinois; to acquire up to 24.9 percent of the voting shares of PFF Bancorp, Inc., Rancho Cucamonga, California, and

thereby indirectly acquire voting shares of PFF Bank and Trust, Pomona, California, and thereby engage in operating a savings association, pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, December 13, 2007.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc.E7–24481 Filed 12–17–07; 8:45 am]

BILLING CODE 6210–01–S

GENERAL SERVICES ADMINISTRATION

[PBS–N01]

Notice of Availability to Distribute a Record of Decision for the Construction of a New U.S. Commercial Port of Entry in Derby Line, Vermont

AGENCY: Public Buildings Service, GSA.

ACTION: Notice of Availability.

SUMMARY: The General Services Administration (GSA), along with the Federal Highway Administration and the Vermont Agency of Transportation as cooperating agencies, announces its intent to distribute a Record of Decision (ROD) prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, 42 USC 4321—4347 (NEPA) that documents GSA's efforts to assess the potential impacts of the construction of a new U.S. Commercial Port of Entry in Derby Line, Vermont (the ''Proposed Action''). At the request of Customs and Border Protection (CBP), the GSA is proposing to construct a new Commercial Port of Entry which meets their needs as well as the design requirements of GSA.

The existing Port of Entry site and facilities are inefficient and are very difficult to maneuver through, especially for large trucks, resulting in extensive queuing and delays. Additionally, all building spaces are currently fully occupied and there is no swing or vacant space that could be utilized to house the additional requirements at this site. Due to the current layout, expansion of existing spaces is not possible. Due to organizational changes within CBP in the past few years, as well as changes in requirements and usage of the Port of Entry, the existing facility is outdated and no longer adequately meets its current or future requirements.

The Proposed Action has been defined and includes:

(a) Identification of land requirements, including acquisition of adjoining land; (b) demolition of existing government structures at the Port of Entry; (c) construction of a main administration building and ancillary support buildings; and (d) consequent potential alterations to Route I–91 and secondary roads.

Studied alternatives have identified alternative locations for the components of the Port of Entry including the main administration and ancillary support buildings, the associated roadway network and parking. A No–Action alternative has also been studied and evaluates the consequences of not constructing the new facility. This alternative has been included to provide a basis for comparison to the action alternatives as required by NEPA regulations (40 CFR 1002.14(d)).

DATES: January 17, 2008.

FOR FURTHER INFORMATION CONTACT

David M. Drevinsky P.E., PMP, Regional Environmental Quality Advocate, U.S. General Services Administration, 10 Causeway Street, Room 975, Boston, MA 02222. Fax: (617) 565—5967. Phone: (617) 565—6596. E-mail: *david.drevinsky@gsa.gov*

SUPPLEMENTARY INFORMATION:

Distribution:

GSA will distribute 10 copies of the Record of Decision to the Haskell Free Library, 96 Caswell Avenue, Derby Line, Vermont, the Daily Memorial Library, 101 Jr. High Drive, Derby, Vermont and the Goodrich Memorial Library, 202 Main Street, Newport, Vermont.

Dated: December 11, 2007.

Glenn C. Rotondo,

Assistant Regional Administrator, Public Buildings Service, New England Region.

Record of Decision

The U.S. General Services Administration has published a Final Environmental Impact Statement on the following project:

New U.S. Commercial Port of Entry Derby Line, Vermont

Purpose and Need

The purpose of the proposed project is to replace the undersized and functionally obsolete Commercial Port of Entry at Derby Line with a new facility that meets the needs of the U.S. Customs and Border Protection Service (CBP), complies with the design requirements of GSA, and provides efficient and safe inspection and processing of vehicles and people at the border crossing.

The proposed project is needed because the size and conditions of the existing buildings, as well as the overall site configuration, are substandard, preventing the agencies assigned to the port from adequately fulfilling their respective missions. This condition has become more noticeable in recent years due to the increase in commercial truck traffic and heightened security at the border following the terrorist attacks in 2001. The deficiencies with the existing facilities have led to extensive traffic delays for vehicles entering the U.S., frequently resulting in backups of over one mile on Highway 55 in Canada. The deficiencies fall into three broad categories: 1) building deficiencies, 2) overall site deficiencies, and 3) insufficient security.

Alternatives

The following alternatives were analyzed to determine which best satisfied the project's purpose and need:

The No–Build Alternative

Under the No–Build Alternative, operation of the Port of Entry would continue at its existing location using the existing facilities. With the exception of minor repairs and upgrades to existing buildings, no new construction or demolition would take place. No new inspection lanes or facilities would be built.

The Selected Alternative

The selected alternative (the Build Alternative) consists of a new facility on the existing property and requires the full or partial acquisition of several adjacent parcels.

The Build Alternative was identified as GSA's preferred alternative in the Draft Environmental Impact Statement, and as the selected alternative in the Final Environmental Impact Statement, because it best satisfied the project's purpose and need with the least adverse environmental impact. Three alternatives—Alternatives 1, 2, and 3—were developed to locate the new port facilities within different configurations on the existing port site. However none of these alternatives were found to be feasible from a traffic engineering perspective, as described below.

Alternatives Dismissed

Alternative No. 1 would locate the Main Port Building to the east of the existing Port Building, generally in the undeveloped area situated between the northbound lanes of Route I–91 and the Caswell Avenue exit ramp. The primary inspection lanes/booths would be connected to the building's northwest corner and the Non–Commercial Secondary Inspection Building would be connected to the south. A combined Commercial Secondary Inspection and NII Building would be located to the west–southwest of the Main Port

Building, immediately south of the existing non–commercial secondary inspection facilities. A new Agency Vehicle Storage Garage would be located south of the existing Commercial Secondary Inspection Building and west of the existing primary inspection lanes/booths. Finally, an outbound inspection lane/booth would be located in one of the northbound lanes of Route I–91, northeast of the Main Port Building.

Alternative No. 1 has the following negative aspects:

- Trucks would be required to back–up from the NII Building to access the Commercial Secondary Inspection Building's loading docks, although this movement would not impact through travel lanes;
- A vacant commercial property on Maple Street would be displaced to accommodate the relocated Route I–91 southbound ramp, and a vacant commercial property on Herrick Road would be displaced to accommodate the relocated Route I–91 northbound exit ramp;
- Secondary RPMs (SRPMs) would be located in a tight location, possibly complicating access and circulation;
- The provision of an appropriate deceleration lane on Route I–91 Southbound at Exit 29 would be required;
- Trucks may have difficulty accessing the parking area when exiting the NII building;
- The truck exit lane from the primary inspection lanes/booths onto Route I–91 Southbound has tight clearances near the NII building, complicating circulation;
- The proposed Route I–91 northbound geometry does not fulfill the requirements of a 40 mph design speed. Examples include the substandard length of the horizontal curve passing under Caswell Avenue, as well as its close proximity (inadequate separation) to the next horizontal curve immediately to its south;
- Poor sight distance for Route I–91 northbound traffic to the nose of the proposed northbound off–ramp (approximately 400 feet);
- The alternative does not include safety improvements to provide positive separation between opposing traffic on the northbound and southbound ramps to Caswell Avenue;
- Parking facilities for the proposed Port fall within the clear zone of the proposed Route I–91 northbound lanes, and;
- The length of the proposed northbound off–ramp would be substantially reduced from the existing condition. This is very problematic for two reasons:
  - The deceleration length for vehicles exiting the highway would be reduced by approximately 50 percent.
  - Local residents have complained of their inability to exit the highway due to queued vehicles on Route I–91 from the Canadian port. The proposed layout for this alternative would seriously exacerbate the existing problems.

Because Alternative No. 1 does not meet the proposed project's goals, and because it is inadequate from a traffic engineering standpoint, it was eliminated from further consideration.Alternative No. 2 is similar to Alternative No. 1 in many respects, but with several clear differences. Under this alternative, the Main Port Building would be located in the same general area as in Alternative No. 1; however Alternative No. 2 reorients the Main Port Building and combined Commercial Secondary Inspection and NII Building to be parallel, thereby creating a straight line through the inspection area. The primary inspection lanes/booths would be connected to the Main Port Building's northwest corner and the Non–Commercial Secondary Inspection Building would be connected to the south. The Agency Vehicle Storage Garage would be located farther north under this alternative, which would provide additional truck parking and improves truck access to the Route I–91 southbound off–ramp to Caswell Avenue.

Alternative No. 2 has the following negative aspects:

- Local access to the Port of Entry would require the use of a turnout located north of the Port of Entry;
- Trucks would be required to back–up from the NII Building to access the Commercial Secondary Inspection Building's loading docks, although this movement would not impact through travel lanes;
- A vacant commercial property on Maple Street would be displaced to accommodate the relocated Route I–91 southbound ramp and a vacant commercial property on Herrick Road would be displaced to accommodate the relocated Route I–91 northbound ramp;
- The horizontal alignment of Route I–91 Southbound near Exit ramp is a concern. The provision of appropriate acceleration and deceleration lanes would be needed;
- Utilizing the truck parking area located near the Agency Vehicle Storage Garage would require trucks to back–up into the circulation area;
- The proposed Route I–91 northbound geometry does not fulfill the requirements of a 40 mph design speed. Examples include the substandard length of the horizontal curve passing under Caswell Avenue (Curve A), as well as its close proximity (inadequate separation) to the next horizontal curve immediately to its south (Curve B);
- Curve B is substandard in length and curvature, and;
- The proposed Route I–91 northbound geometry consists of a ''broken back'' configuration, *i.e.*, two adjacent horizontal curves in the same direction (both to the left in this instance) with minimal separation. This is a poor design practice.

Because Alternative No. 2 does not meet the proposed project's goals, and because it is inadequate from a traffic engineering standpoint, it was eliminated from further consideration.

Unlike Alternative Nos. 1 and 2, Alternative No. 3 would retain the existing Route I–91 Southbound entrance/exit ramp, and the NII Building would be a separate structure from the Commercial Secondary Inspection Building. The Main Port Building would be located in the same general area as in the other two alternatives; however its orientation would not be parallel to the NII Building, which also would be located in the same general area as in the other two alternatives. The primary inspection lanes/booths would be connected to the Main Port Building's northwest corner and the Non–Commercial Secondary Inspection Building would be connected to the south. The Commercial Secondary Inspection Building would be located in the same general area as the existing broker building, and the Agency Vehicle Garage would be located immediately north, both along the site's western perimeter.

Alternative No. 3 has the following negative aspects:

- Southbound movements to and from Route I–91's Exit 29 would complicate circulation;
- Trucks would be required to back–up from the NII Building to access the Commercial Secondary Inspection Building's loading docks;
- Would result in a tight turning radius from the NII Building to Exit 29;
- Would result in difficult truck maneuvering and parking when trucks leave the primary inspection lane/booth and are destined to the secondary inspection area;
- Would result in a higher potential for pedestrian/motor vehicle circulation conflicts on the property;
- Access to the Port of Entry from Herrick Road would require the use of

a turnout located north of the Port of Entry;

• Secondary RPMs would be located in a tight location, possibly complicating access and circulation.

• The proposed Route I–91 northbound geometry does not fulfill the requirements of a 40 mph design speed. Examples include the substandard length of the horizontal curve passing under Caswell Avenue, as well as its close proximity (inadequate separation) to the next horizontal curve immediately to its south;

• Poor sight distance for Route I–91 northbound traffic to the nose of the proposed northbound off–ramp (approximately 400 feet);

• The alternative does not include safety improvements to provide positive separation between opposing traffic on the northbound and southbound ramps to Caswell Avenue;

• Parking facilities for the proposed Port fall within the clear zone of the proposed Route I–91 northbound lanes;

• The length of the proposed northbound off–ramp would be substantially reduced from the existing condition. This is very problematic for two reasons:

• The deceleration length for vehicles exiting the highway would be reduced by approximately 50 percent.

• Local residents have complained of their inability to exit the highway due to queued vehicles on Route I–91 from the Canadian port. The proposed layout for this alternative would seriously exacerbate the existing problems;

• The proposed angular parking adjacent to Route I–91 for ''Referrals'' will pose a severe safety concern, and;

• The Route I–91 southbound off–ramp geometry is poor and will result in poor vehicular flow exiting the Port.

Because Alternative No. 3 does not meet the goals of the proposed project, and because it is inadequate from a traffic engineering standpoint, it was eliminated from further consideration.

Due to the many problems associated with them and because another alternative exists that fully satisfies the project's purpose and need with less adverse impact, Alternative Nos. 1, 2, and 3 were dismissed from further consideration.

Environmental Consequences of the Proposed Project

The Build Alternative would have a small impact on the natural and social environment of the Derby Line region. The Build Alternative would require the full or partial acquisition of several adjacent properties. The Build Alternative would result in minor changes or impacts in traffic, noise, surface water runoff, and increased lighting. In each case, the changes would not be significant.

As a final design for the facility is developed, GSA/CBP will evaluate traffic processing flow and wait times and, if necessary, identify appropriate idling reduction strategies. Such strategies may include development of signage at strategic locations and/or educational outreach to local industries whose drivers frequently use the border crossing.

Decision

GSA has decided to proceed with the design of the Build Alternative because it best meets the purpose and need of the proposed project, and would have positive impacts on inbound traffic compared to the No–Build Alternative. The traffic circulation patterns of the Build Alternative, with the installation of increased security and technology measures, would result in shorter vehicle queues and more effective and faster processing times for inbound vehicles. The separation of non–commercial traffic from commercial traffic would greatly reduce queuing that occurs with the No–Build Alternative when more than one truck is present for processing.

The number of inbound booths for processing vehicular traffic would change from one commercial and four non–commercial lanes to one commercial, three non–commercial and one ''dual–use'' lane, with space reserved for the future addition of a second ''dual–use'' lane. The rearrangement of inspection lanes, as well as a general reconfiguration of the entire site, will result in the safer and more efficient processing of inbound vehicles. Traffic backups into Canada would be reduced with the new lane and site configurations.

GSA selected the environmentally preferable alternative. The selected and environmentally preferable alternative best met the purpose and need for the project with the least impact to the natural and social environments, and best protects, preserves, and enhances the historic, cultural, and natural resources of the area.

The following economic, technical, and GSA mission considerations were weighed in reaching the decision: The Build Alternative would adequately address the problem that the existing facility, although well maintained, does not meet GSA's or accessibility guidelines and provides only a small percentage of the total building square foot area required to meet the needs of the CBP and other agencies. It also addresses the problem that the existing Commercial Port of Entry suffers from a variety of basic deficiencies that hamper the CBP and other agencies in providing safe and efficient processing of vehicular and pedestrian traffic including:

• Deficiencies in the main building (size, accessibility, structural, etc.)

• Deficiencies in site circulation and layout

• Deficiencies in processing of inbound commercial and non–commercial vehicles, especially in the lack of space to perform secondary inspections of large commercial vehicles

• Deficiencies in processing outbound vehicular and pedestrian traffic

• Lack of parking spaces

• Lack of a designated delivery area

• Deficiencies in exterior lighting

• Deficiencies related to security measures (equipment, fencing, building setbacks, etc.)

Comments

The Draft EIS was issued on July 28, 2006, initiating a 45–day public comment period. A public hearing was held on August 29, 2006 to receive comments. Comments received on the DEIS were responded to in the Final EIS.

The Final EIS was issued on July 6, 2007, initiating a 30–day comment period which ended on August 6, 2007. Letters were received from USEPA, USACOE, State Senator Vince Illuzzi, the Town of Derby Select Board, the Village of Derby Line Trustees and two private citizens.

Federal Agencies

USEPA

Comment: The Environmental Protection Agency—New England Region (EPA) has reviewed the U.S. General Services Administration's (GSA) Final Environmental Impact Statement for a new U. S. Border Station and Commercial Port of Entry in Derby Line, Vermont. We continue to have no objections to the project as described.

Response: GSA appreciates EPA's lack of objections to the project and their designation of the EIS as adequate. As a final design for the facility is developed, GSA/CBP will evaluate traffic processing flow and wait times and, if necessary, identify appropriate idling reduction strategies.

USACOE

Comment 1: During a February 2, 2006 on–site meeting and in an April 4, 2006 e–mail message with your consultant, The Louis Berger Group, they were informed that the proposed project will require a Department of the Army permit under Section 404 of the Clean Water Act (CWA) and that the New England Division Highway Methodology will be followed.

This process integrates the Corps of Engineers Section 404 process and the

NEPA EIS process. To this date we have not received an application to perform the proposed work discussed in the Final EIS. For individual permits you must submit information that thoroughly and clearly documents the need for the fill, alternatives, and mitigation possibilities. Without this information, we could not issue a permit to place the fill. Additionally, in accordance with our regulations, no permit can be issued unless it complies with the Environmental Protection Agency's 404(b)(1) guideline. These guidelines prohibit discharges where less environmentally damaging, practicable alternatives (LEDPA) exist.

Although, the Final EIS has chosen a Build Alternative, the Corps has insufficient information at this time to select the LEDPA.

Therefore, our comments on the Final EIS are relatively brief and relate to the information that would be required in the future to evaluate a Department of the Army permit application to construct the proposed project.

Response 1: GSA recognizes that the Army Corps of Engineers will require additional information to evaluate the project. This information will be developed as the project advances through the design phase and will be furnished with the Department of the Army permit application.

Comment 2: The document generally addresses the environmental impacts of the project and of the preferred alternative. We believe that additional narrative descriptions of the aquatic resources that would be impacted and the nature of the impacts should be provided in order to provide a complete understanding of the project and its' effects. This information will be required for our permit review.

Response 2: As the project advances through the design phase, additional information will be developed that will be submitted with all permit applications.

Comment 3: Summary Page S–2, Hydrology: The brief summary mentions that the wetlands on the site are Class Three wetlands, which are not subject to the Vermont Wetland Rules. However, there is no mention that a permit will be required by the Corps of Engineers. The project will involve the placement of fill into the streams and wetlands on the site and, therefore, require a Department of the Army permit under Section 404 of the Clean Water Act (CWA). The need for potential mitigation for the proposed impacts to the aquatic resources should be mentioned.

Response 3: GSA recognizes that a permit from the Corps of Engineers will be required. As the design progresses to a point where it can support a permit application, the application will be submitted and mitigation measures will be discussed.

Comment 4: Alternatives: Three alternatives were initially considered and eliminated from further considerations based primarily on engineering. It's likely that these alternatives would have similar waterway and wetland impacts as the Build Alternative. Was any consideration given to the elimination of these alternatives based on their impact to the aquatic resources?

Response 4: GSA agrees that each of the eliminated alternatives would have similar waterway and wetland impacts as the Build Alternative. Because each initially failed from an engineering standpoint, no further consideration was given to them.

Comment 5: Build Alternative: Figure 6 is difficult to read with the yellow and green shading of the proposed highway alignments. The dark lines used to show proposed alignments in Figures 3, 4 & 5 allow you to view existing conditions.

Response 5: Comment noted.

Comment 6: Chapter 3, Hydrology: There is a lack of a clear understanding that a Department of the Army permit under the CWA will be required for the proposed project.

Response 6: GSA understands that a Department of the Army permit under the CWA will be required for the proposed project. An application for said permit will be submitted once the project's design advances to a point where sufficient detail is available to support the application.

Comment 7: Pg. 3–5: The Corps of Engineers does not have a ''programmatic'' General Permit in Vermont.

Response 7: Comment noted.

Comment 8: Pg. 4–3: Surface Water—There is no discussion of the proposed project's impact to the two streams within the project area. The on–site stormwater system has the potential to impact the streams and wetlands. These potential impacts should be mentioned in this chapter.

Response 8: As stated on Page 4–3, the existing facility has limited stormwater management measures in place; the proposed project will represent a substantial improvement over existing conditions. As a result, no significant impacts to surface water conditions are anticipated.

Comment 9: Wetlands—Figure 17 indicates that about 1.786 acres of wetlands will be impacted. Yet, here about 2.1 acres of wetland will be impacted. Check these calculations.

Response 9: Comment noted. Table 18 contains the correct information.

Comment 10: Table 18—Approximately 1.02 acres of Wetland E will be filled. Yet in Figure 17 about 0.721 acre of Wetland E will be filled and about 1.022 acres of Wetland E will remain. Check these calculations.

Response 10: Comment noted. Table 18 contains the correct information.

State Officials

State Senator Vince Illuzzi

Comment: Enclosed are two letters, one from the Village of Derby Line and the other from the Town of Derby, expressing relatively serious concerns, based on available information, about the proposed construction of a new commercial I–91 Derby Line port of entry and border station.

In addition to the concerns articulated in these two letters, I have heard from a number of area residents expressing similar concerns about the project.

Please give serious consideration to addressing and resolving the issues raised by these two letters.

I am also taking the liberty of sending copies of this letter with enclosures to Vermont's congressional delegation. This will enable our two U. S. Senators and our Congressman to more closely monitor the local issues and concerns.

Response: GSA appreciates Senator Illuzzi's interest in the proposed project. GSA is in receipt of the letters from the Village of Derby Line and the Town of Derby and has provided responses to them (see below).

Local Officials

Derby Select Board

Comment 1: We would like to address various concerns we have with the Final EIS for the proposed new commercial Port of Entry and Border Station, Route 1–91 Derby Line, Vermont. We do understand the need for a new Port of Entry and hope that it will have a minimal impact on the Town and Village during the entire process.

Response 1: GSA appreciates the Town's interest in the proposed project and will continue to make every reasonable effort to minimize potential impacts to the Town and Village.

Comment 2: The federal government will be taking significant portions of commercially zoned property. The remaining commercially zoned property will not be as valuable. The current and future effects of this land acquisition have not been considered as the value to the Town and Village is important for future economic development.

Response 2: On the east side of Route I–91, the proposed project will potentially acquire a vacant commercial parcel as well as an amount of frontage along Herrick Road. The amount to be

acquired is small relative to the total area that has been commercially re–zoned. It should be noted that Herrick Road would merely be shifted to the east; access to all commercial parcels would remain. Further, the decrease in traffic congestion on Route I–91 would make the area more attractive to potential investors. It should also be noted that the amount of land estimated to be acquired is based upon the project's conceptual design, as the project advances through the design process the amount of land to be acquired could change and possibly be reduced.

Comment 3: The staffing increase has not been adequately answered either. We know the numbers have increased since 2001. What are those numbers? What are the current staffing levels? How many employees of Homeland Security? GSA? Section 1.2.2.1 mentions the increased staffing, but no numbers.

Response 3: Staffing levels are an operational issue rather than an environmental issue.

Comment 4: A greater concern is addressed in the Hazardous Cargo Plan of the EIS. The increasing numbers of trucks carrying hazardous materials going through the Port is worrisome. A truck that has a problem is allowed to stay at the Port in a restricted area for up to 48 hours. That is to (sic.) long for us to feel that the area residents are safe. The Town and Village should be notified immediately if this situation arises so that citizens can be notified and given the option to leave the area if they choose.

Response 4: As a result of the Trade Act of 2002, *Advance Electronic Information* is required for all cargo types entering the U.S., including hazardous materials. The Advance Electronic Information system requires that manifests for all commercial loads coming into the U.S. be sent to CBP at least one hour prior to arrival at the Port of Entry. If the one hour pre–clearance is not submitted, the truck is refused entry and turned back to Canada. In addition, all hazardous materials being imported into the U.S. must make a formal entry through a certified Customs broker and filed with CBP. Also, all drivers importing into the U.S. must have a valid FAST (Free and Secure Trade) card from CBP, if they do not possess a FAST card the shipment will not be allowed to enter the U.S. and will be returned to Canada. Each of these programs gives CBP advance warning of any hazardous cargo that would be arriving at the Port.

According to CBP operating procedures, if a truck (or any vehicle for that matter) arrived at the border with serious equipment issues constituting a hazardous situation, CBP would contact state and local authorities through 911 and would attempt to isolate the vehicle until emergency responders arrived at the scene to stabilize and remove the vehicle as soon as possible. Any truck that has a problem is not allowed to stay at the Port for up to 48 hours. CBP does not hold trucks at the Port at any time for reasons of unsafe operating conditions.

Comment 5: The Town of Derby has a Solid Waste Plan which needs to be followed along with the Northeast Kingdom Solid Waste Management District, of which Derby is a member.

Response 5: It is the policy of GSA to meet or exceed local regulations when it does not compromise the mission of the tenant agencies. To the extent possible, GSA will adhere to the Town's Solid Waste Plan and the regulations of the Northeast Kingdom Solid Waste Management District.

Comment 6: The truck traffic on Caswell Avenue as mentioned in section 3.2.7 is too high. The Village has been trying for years to reduce the heavy truck traffic through the Village. During construction and after, what assurance do we have that more trucks will stay on the interstate highway system?

Response 6: In order to reduce truck traffic on Caswell Avenue, the weight limits on Route I–91 would need authority to increase the weight limits on Route I–91; FHWA is the federal agency that regulates weight limits, which can only be done through Congressional action. Since this is an existing border station that must remain in operation for the duration of the construction process, the construction will be phased in such a way that the facility continues to effectively operate and perform its daily functions. Route I–91 would not be closed.

Comment 7: The air quality issues have not been adequately addressed either. The increased truck traffic only increases poor air quality. When traffic is backed up in both directions for a mile or more each way, the air quality is going to be effected. Studies need to be done in this area, not Chittenden County. On hot summer days we have truck and vehicular traffic backed up idling for hours in the Port area. What is the air quality for our residents like then, especially the residents at Michaud Manor who are elderly and may have breathing problems already?

Response 7: The proposed project will not result in increased truck traffic. It will provide more queuing space, which should help to alleviate traffic backups into Canada. Depending upon the CBP guidelines for vehicle processing in place at the time, it is possible that traffic backups could continue. During the project's design phase, additional traffic circulation modeling will be done to ascertain whether the proposed future 6th processing lane would be included as part of the project now.

Comment 8: We hope that these issues will be considered and answers provided to the questions we have as well as the citizens we represent, prior to any final decisions being made. We would gladly invite you to come back to Derby/Derby Line and address the questions we still have.

Response 8: GSA appreciates the Town's concerns and will continue to work with local officials to address these concerns as the project advances through the design process.

Trustees of the Village of Derby Line

Comment 1: We are writing this letter to address issues that we feel were not explained adequately in the Final Environmental Impact Statement (FEIS) for the proposed new Port of Entry on 1–91 in Derby Line. We know that the existing building is too small and is outdated, but we think that some issues need to be either explained more fully or changed in some way.

Response 1: GSA appreciates the interest of the Village of Derby Line in the proposed project and will endeavor to address any outstanding issues below.

Comment 2: First, we are concerned about both air and noise pollution. In the past year, Customs and Border Protection has instituted new inspection procedures that make the time to clear a vehicle (especially a passenger vehicle) much more lengthy. This means that vehicles stay in line longer and backups are longer, which means that there are more exhaust fumes and noise. The Sound Level table that you have page 3–47 of the FEIS is no longer valid as it dates before the new procedures. We would like tosee a new table based on measurements done under the new conditions. In addition we would like to see new air quality data.

Response 2: The proposed project will provide more queuing space, which should help to alleviate traffic backups into Canada. Depending upon the CBP guidelines for vehicle processing in place at the time, it is possible that traffic backups could ontinue. During the project's design phase, additional traffic circulation modeling will be done to ascertain whether the proposed future 6th processing lane would be included as part of the project now.

Comment 3: Also, the EPA has issued an anti–idling policy which cuts down

on air pollution and saves on fuel. We would like to see this policy enforced at the new facility. In connection with noise pollution, we trust that you will continue to maintain the line of trees on the west side of I–9l as a buffer, but we also would like to see more of a noise barrier put in place. This could be a vegetated berm or a wall. Both of these structures could reduce noise by up to 20 decibels or more, while the tree barrier reduces it by just 5 decibels.

Response 3: As a final design for the facility is developed, GSA/CBP will evaluate traffic processing flow and wait times and, if necessary, identify appropriate idling reduction strategies. Such strategies may include development of signage at strategic locations and/or educational outreach to local industries whose drivers frequently use the border crossing.

With regard to noise, because of the expected improvement to traffic flow, future noise levels will not approach the FHWA abatement criteria of 67 dBA. As such, mitigation measures would not be required. GSA will, however, continue to evaluate potential noise impacts as the project progresses and will work with the community to reach a mutually agreeable scenario.

Comment 4: We are concerned about the number of trucks carrying hazardous materials though the I–91 port. Should there be a spill or explosion, the Village and its residents would be immediately affected. We would like to see a detailed hazmat plan that would be followed in the event of such an accident. In addition we would like to be informed of what extra safety precautions are taken for such cargo in the case that the truck has problems and must be held for 48 hours.

*Response 4:*As a result of the Trade Act of 2002, *Advance Electronic Information* is required for all cargo types entering the U.S., including hazardous materials. The Advance Electronic Information system requires that manifests for all commercial loads coming into the U.S. be sent to CBP at least one hour prior to arrival at the Port of Entry. If the one hour pre– clearance is not submitted, the truck is refused entry and turned back to Canada. In addition, all hazardous materials being imported into the U.S. must make a formal entry through a certified Customs broker and filed with CBP. Also, all drivers importing into the U.S. must have a valid FAST (Free and Secure Trade) card from CBP, if they do not possess a FAST card the shipment will not be allowed to enter the U.S. and will be returned to Canada. Each of these programs gives CBP advance warning of any hazardous cargo that would be arriving at the Port.

According to CBP operating procedures, if a truck (or any vehicle for that matter) arrived at the border with serious equipment issues constituting a hazardous situation, CBP would contact state and local authorities through 911 and would attempt to isolate the vehicle until emergency responders arrived at the scene to stabilize and remove the vehicle as soon as possible. Any truck that has a problem is not allowed to stay at the Port for up to 48 hours. CBP does not hold trucks at the Port at any time for reasons of unsafe operating conditions.

Comment 5: The FEIS states that the Village is due no compensation for the commercial land that is being appropriated due to the fact that no one is using it at this time, and future possibilities cannot be taken into account. This is ludicrous; the reason that commercial entities have not established themselves on the property is due to the very event that we are studying. No one is going to start a business on land that may well be appropriated by the government for port of entry expansion. We feel that the Village should be considered for some type of compensation for lost tax revenue.

Response 5: GSA will compensate individual property owners from whom land is acquired according to the fair market value of the land to be acquired. The fair market value considers a parcel's zoning and its future development potential and makes adjustments for it. The fact that Herrick Road would be shifted to the east, without cutting off access to any properties, should not discourage commercial entities from locating to the area. The laws and regulations that control land acquisition allow for direct compensation to the landowner whose property is taken, but prohibit payments to local governments for loss of tax revenue.

Comment 6: We are concerned about the increased paved area and the amount of stormwater runoff that will ensue. The Village already has an inadequate stormwater system. To burden it with more runoff could lead to serious flooding on Main Street in the Village. The FEIS says that provisions have been made for a stormwater system at the port of entry. The Village would like to be able to see and review this plan.

Response 6: The project site (the existing facility) sits at an elevation lower than the surrounding terrain; it is unlikely that any flooding would occur on Main Street, which is located over 2,000 feet to the west and at a higher elevation. As the project advances through the design process a detailed stormwater management plan will be developed. This plan will be shared with local officials.

Comment 7: The unnamed brook that flows from the east under the highway has been a brook trout habitat. We trust that every precaution will be taken to keep it so.

Response 7: During the project's design phase, all precautions will be taken to minimize impacts to the aforementioned brook.

Comment 8: The FEIS states that economic benefits will accrue to the six counties nearest the proposed new port of entry mainly in the labor and supplies needed to build the new building. However, this will last only as long as it takes to finish construction—approximately 2 years. The Village will bear the brunt of the costs (*i.e.*, loss of tax revenue, cost of infrastructure changes, etc.), and could lose jobs if plans to automate commercial entries eliminate customs brokers businesses. There should be some compensation for this.

Response 8: As stated in the response to Comment 5, the laws and regulations that control land acquisition allow for direct compensation to the landowner whose property is taken, but prohibit payments to local governments for loss of tax revenue. During the design process, GSA will work with the Village to address the Village's concerns with regard to the cost of infrastructure changes.

Comment 9: Our last concern is that construction of the new facility will cause 1–91 to close for periods of time, rerouting the traffic to Rt. 5 through the Village. Since this crossing is already overtaxed, and long lineups are creating both traffic safety problems and difficulties in accessing businesses on the west side of Main Street, additional traffic would be a disaster. We want assurance that this event will not happen, and that vehicles will be able to cross the border at 1–91 at all times for the duration of the project.

Response 9: Since this is an existing border station that must remain in operation for the duration of the construction process, the construction will be phased in such a way that the facility continues to effectively operate and perform its daily functions. Route I–91 would not be closed.

Comment 10: Finally, we want to be consulted and have input on the final plan before it is published.

Response 10: It is the policy of GSA to meet or exceed local regulations when it does not compromise the

mission of the tenant agencies. GSA will continue to solicit and welcome the coordination and cooperation of many entities from several local and state jurisdictions as the project advances.

Private Individuals

Randall Bronson

Comment 1: I am writing you concerning the proposed upgrading and reconstruction of the I–91 Customs and Immigration facility in Derby Line. As a nephew of Royce and Joyce Wilson, owners of the Wilson property (last home on Maple Street) that directly borders land that will be used as part of this upgrading, I need to once again make my concerns noted and seek a solution to these concerns. I am taking this step on behalf of my aunt and uncle (Royce Wilson and Joyce Wilson), the owners of this property and also because I do not want undue stress placed upon my Uncle (Royce Wilson) if the Build Alternative, as it seems, is the choice. His health has been impacted over the past few years and any move forward to construct the Build Alternative will certainly be an impact to his quality of life. As a matter of fact, if any of construction proposals impact or impede on the Wilson property, they will significantly reduce his quality of life. Please note that my Uncle, Bernard Wilson, passed away in 2005, after the previous letter I sent you.

Response 1: GSA appreciates Mr. Bronson's concerns and is sensitive to how the proposed project could affect Mr. Wilson's quality of life.

Comment 2: As clarification to some of the history provided by some of the historians you quoted during the last printing of the Impact Study, the changes should be noted as follows:

Elton Bennett farm and house used to exist between the I–91 South bound on–ramp and the current Customs Commercial Building. The house was moved towards Holland and located on the Jim Jacobs property during the construction of I–91.

There used to be a hay barn located south of the Wilson House, by about. 100–200 feet, where the Brokers Building is located. This property was not owned by the Wilson's.

The Cowle House was moved up Herrick Road to its present location. The Wilson's did not own any land south or east of their current property, nor did they farm any of the land. The Wilson residence did enjoy fresh spring water that was supplied by a spring located of a mile southeast of the residence. The connection to this well was severed during the construction of I–91.

Response 2: Comment noted.

Comment 3: First of all, I still believe the only option that will not impact the Wilson residence and property, is to not build. Not building will preserve the quality of the property and will have the least impact on the Royce and Joyce Wilson's ability to market the property and home in the future, if needed.

Response 3: The No–Build Alternative has been rejected because it does not meet the project's purpose and need and is not in the best interest of the United States.

Comment 4: The **BUILD ALTERNATIVE** will impact our homestead as follows:

1. The I–91 Southbound on–ramp will be unacceptably close to our property.

2. Loss of privacy will be realized and the closeness of the on–ramp could subject the property to invasion and unlawful trespass.

3. Noise level increases will be realized, even though you claim they won't.

4. The front door of the house will be within 75 to 100 feet of the on-ramp, taking away from the esthetic value of the house, not to mention public safety concerns.

5. This option will render the property unmarketable for residential or commercial sale because of the closeness to the I–91 ramp. No one will want to live that close to an on–ramp.

6. The stresses to Royce Wilson will be enormous as he has lived in this house and on this property for the majority of his life.

Response 4: GSA acknowledges the concerns of Mr. Bronson and will work with him and other members of the community to reach mutually agreeable mitigation scenarios.

Comment 5: In conclusion, as the concerned nephew of Royce and Joyce Wilson, I am advocating that I do not agree to the **BUILD ALTERNATIVE**. If GSA wishes to proceed with the **BUILD ALTERNATIVE**, the only option should be to negotiate monetary purchase of Royce and Joyce Wilson's homestead at current fair market value and not the value of the property post I–91 upgrade. The GSA purchase of their homestead could then be used as a buffer zone that could be used to allow for more privacy and. quality of life for remaining residents along Maple Street.

Response 5: GSA is willing to work with Mr. Bronson to achieve a mutually agreeable solution.

John Bullis

Comment 1: In regards to the proposed changes to the 1–91 POE. I have the same concerns as many others regarding noise, lighting, air pollution's.

Response 1: Comment noted.

Comment 2: However I have another and that is the fact that there exists a drainage ditch between the properties of 83 and 125 Highland Avenue. This ditch is fed on it's West end by a culvert under Highland Avenue and empties on it's East end into a field that will contain the 1–91 Southbound ramp. While most of the time this ditch is dry, there are times when it is full. During heavy rain and Springtime melts. Also there is a large amount of underdrain located under the ground proposed for the on ramp (165 feet I believe maybe more).

Response 2: Comment noted. As the project advances through the design process a detailed stormwater management plan will be developed.

Conclusion

GSA has reached its decision based upon information and analysis contained in the FEIS and outlined in this document. Based on these considerations, GSA has determined that the Build Alternative: (1) best satisfies the project's Purpose and Need, (2) poses the least impact to the natural and human environments, (3) has been selected based on processes in compliance with NEPA and other applicable requirements, and (4) may be advanced through detailed design and construction.

[FR Doc. E7–24445 Filed 12–17–07; 8:45 am]

BILLING CODE 6820–A8–S

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Exxon Valdez Oil Spill Trustee Council; Notice of Meeting

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the *Exxon Valdez* Oil Spill Public Advisory Committee.

DATES: January 24, 2008, at 9 a.m.

ADDRESSES: *Exxon Valdez* Oil Spill Trustee Council Office, 441 West 5th Avenue, Suite 500, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Douglas Mutter, Department of the Interior, Office of Environmental Policy and Compliance, 1689 ''C'' Street, Suite 119, Anchorage, Alaska, 99501, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The Public Advisory Committee was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the

United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska*, Civil Action No. A91–081 CV. The meeting agenda will include review of the draft fiscal year 2009 invitation for restoration project proposals.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. E7–24502 Filed 12–17–07; 8:45 am]

BILLING CODE 4310–RG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Santa Rosa and San Jacinto Mountains National Monument Advisory Committee—Notice of Renewal

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Renewal of the Santa Rosa and San Jacinto Mountains Advisory Committee.

SUMMARY: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92–463). Notice is hereby given that the Secretary of the Interior and the Secretary of Agriculture have renewed the Bureau of Land Management's Santa Rosa and San Jacinto Mountains National Monument Advisory Committee.

The purpose of the Committee is to advise the Secretaries with respect to the preparation and implementation of the Santa Rosa and San Jacinto Mountains National Monument Management Plan.

FOR FURTHER INFORMATION CONTACT: Douglas Herrema, National Landscape Conservation System (WO–170), Bureau of Land Management, 1849 C Street, NW., Room 5618, Washington, DC 20240, telephone (202) 208–3516.

Certification Statement

I hereby certify that the renewal of the Santa Rosa and San Jacinto Mountains National Monument Advisory Committee is necessary and in the public interest in connection with the Secretary of the Interior's and the Secretary of Agriculture's responsibilities to manage the lands, resources, and facilities administered by the Bureau of Land Management and the Forest Service.

Dirk Kempthorne,

Secretary of the Interior.

[FR Doc. E7–24442 Filed 12–17–07; 8:45 am]

BILLING CODE 3410–11–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 (1010–0112).

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 Form MMS–131, Performance Measures Data. This notice also provides the public a second opportunity to comment on the paperwork burden of these regulatory requirements.

DATE: Submit written comments by January 17, 2008.

ADDRESSES: You may submit comments either by fax (202) 395–6566 or email (*OIRA_DOCKET@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior (1010–0112). 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 1010–0112 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 form that requires the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title/Form: Form MMS–131, Performance Measures Data.

OMB Control Number: 1010–0112.

Abstract: The Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331 *et seq.*), as amended, requires the Secretary of the Interior to preserve, protect, and develop OCS oil, gas, and sulphur resources; make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resource development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on the resources of the OCS; and preserve and maintain free enterprise competition. These responsibilities are among those delegated to MMS. The MMS generally issues regulations to ensure that operations in the OCS will meet statutory requirements; provide for safety and protect the environment; and result in diligent exploration, development, and production of OCS leases.

In 1991 MMS began promoting, on a voluntary basis, the implementation of a comprehensive Safety and Environmental Management Program (SEMP) for the offshore oil and gas industry as a complement to current regulatory efforts to protect people and the environment during OCS oil and gas exploration and production activities. From the beginning, MMS, the industry as a whole, and individual companies realized that at some point they would want to know the effect of SEMP on safety and environmental management of the OCS. The natural consequence of this interest was the establishment of performance measures. We are requesting OMB approval for a routine renewal of Form MMS–131, Performance Measures Data.

The responses to this collection of information are voluntary, although we consider the information to be critical for assessing the effects of the OCS Safety and Environmental Management Program. We can better focus our regulatory and research programs on areas where the performance measures indicate that operators are having difficulty meeting MMS expectations. We are more effective in leveraging resources by redirecting research efforts, promoting appropriate regulatory initiatives, and shifting inspection program emphasis. The performance measures give us valuable quantitative information to use in judging the reasonableness of company requests for alternative compliance or departures under 30 CFR 250.141 and 250.142. We also use the information collected to work with industry representatives to identify and request ''pacesetter'' companies make presentations at periodic workshops.

Knowing how the offshore operators as a group are doing, and where their own company ranks, provides company management with information to focus their continuous improvement efforts. This leads to more cost-effective prevention actions and, therefore, better cost containment. This information also provides offshore operators and organizations with a credible data

source to demonstrate to those outside the industry how well the industry and individual companies are doing.

No questions of a ''sensitive'' nature are asked, and the collection of information involves no proprietary information. We intend to release data collected on Form MMS–131 only in a summary format that is not company-specific. We will protect the information according to the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR 2).

Frequency: The frequency is annual, with responses due during the 1st quarter of the calendar year.

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees and we expect a 27 percent response rate.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: We estimate the public reporting burden averages 8 hours per response. This includes the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information. The total annual hour burden is estimated to be 280 hours.

Estimated Annual Reporting and Recordkeeping ''Non-Hour Cost'' Burden: We have identified no ''non-hour cost'' burden associated with Form MMS–131.

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 June 1, 2007, we published a **Federal Register** notice (72 FR 30624) 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 numbers for the information collection requirements imposed by the 30 CFR Part 250 regulations and forms; specifies that the public may comment at any time on these collections of information; and provides the address to which they should send comments. This information is also contained in the PRA statement on Form MMS–131. We have received no comments in response to these efforts.

If you wish to comment in response to this notice, send your comments directly to the offices listed under the **ADDRESSES** section of this notice. The 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 January 17, 2008.

Public Comment Policy: 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: October 10, 2007.

E.P. Danenberger,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. E7–24493 Filed 12–17–07; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Extension of Post-Sale Evaluation Period for Central Gulf of Mexico Lease Sale 205

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice to Extend Post-Sale Evaluation Period for Central Gulf of Mexico Lease Sale 205.

SUMMARY: This notice extends by 45 days, the post-sale evaluation period for Central Gulf of Mexico Lease Sale 205. The Minerals Management Service (MMS) will complete evaluating all the bids received in this sale by February 15, 2008. This action is necessary due to the unusually high number of bids received in this lease sale.

DATES: The post-sale evaluation period ends on January 1, 2008.

FOR FURTHER INFORMATION CONTACT: David Marin, Regional Supervisor, Resource Evaluation, Gulf of Mexico Region, telephone 504–736–2710.

SUPPLEMENTARY INFORMATION: In the Central Gulf of Mexico Sale 205, held October 3, 2007, we received 1428 bids on 723 tracts, 616 tracts of which passed to a second phase requiring additional detailed evaluations. The aggressive bidding activity is due, in part, to the high number of quality prospects on recently expired unexplored tracts in newly established deepwater hydrocarbon plays and to the cost saving technological advances related to hydrocarbon exploration and development in the Gulf of Mexico's deepwater environment. The unusually high number of bids received on a large number of tracts, and the high volume of exclusively reprocessed data identified on Sale 205, significantly increases the workload for reviewing the adequacy of bids. Consequently, MMS is unable to conduct and complete the bid review process within the 90 days, i.e., by January 1, 2008. Under the provisions of § 256.47 (e) (2), MMS is extending the bid evaluation period until February 15, 2008.

Dated: November 26, 2007.

Lars Herbst,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. E7–24501 Filed 12–17–07; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–620]

In the Matter of: Certain Low Antimony Phosphoric Acid; 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 and motion for temporary relief were filed with the U.S. International Trade Commission on November 8, 2007, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of ICL Performance Products, LP of St. Louis, Missouri. 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 low antimony phosphoric acid by reason of infringement of certain claims of U.S. Patent No. 5,989,509. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

The motion for temporary relief requests that the Commission issue a temporary exclusion order and temporary cease and desist orders prohibiting the importation into and sale within the United States after importation of certain low antimony phosphoric acid that infringes claims 1–3 or 20 of U.S. Patent No. 5,989,509 during the course of the Commission's investigation.

ADDRESSES: The complaint and motion for temporary relief, 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: Rett Snotherly, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2599.

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). The authority for provisional acceptance of the motion for temporary relief is contained in section 210.58 of the Commission's Rules of Practice and Procedure, 19 CFR 210.58 (2007).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on December 11, 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 low antimony phosphoric acid by reason of infringement of one or more of claims 1–3 and 20 of U.S. Patent No. 5,989,509, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.58 of the Commission's Rules of Practice and Procedure, 19 CFR 210.58, the motion for temporary relief under subsection (e) of section 337 of the Tariff Act of 1930, which was filed with the complaint, is provisionally accepted and referred to the presiding administrative law judge for investigation;

(3) 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 complainant is—ICL Performance Products, LP, 622 Emerson Road, Suite 500, St. Louis, Missouri 63141.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint and motion for temporary relief are to be served:

Maruzen Chemicals Co., Ltd., Maruzen Doshomachi Building, 1–4–7, Doshomachi, Chuo-Ku, Osaka 541–0045 Japan.

Rasa Industries, Ltd., Yaesu Dai Building, 1–1–1, Kyobashi, Chuo-Ku, Tokyo 104–0031 Japan.

(c) The Commission investigative attorney, party to this investigation, is Rett Snotherly, 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 Carl C. Charneski is designated as the presiding administrative law judge.

Responses to the complaint, the motion for temporary relief, and the notice of investigation must be submitted by the named respondent in accordance with sections 210.13 and 210.59 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13 and 210.59. Pursuant to 19 CFR 201.16(d), 210.13(a), and 210.59, such responses will be considered by the Commission if received not later than 10 days after the date of service by the Commission of the complaint, the motion for temporary relief, and the notice of investigation. Extensions of time for submitting responses to the complaint, motion for temporary relief and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, in the motion for temporary relief, 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: December 12, 2007.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E7–24482 Filed 12–17–07; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Extension of the Approval of Information Collection Requirements

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning its proposal to extend OMB approval of the information collection: Notice of Recurrences (CA–2a). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before February 19, 2008.

ADDRESSES: Mr. Steven Andoseh, U.S. Department of Labor, 200 Constitution Ave., NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0373, fax (202) 693–1451, *E-mail andoseh.steven@dol.gov.* Please use only one method of transmission for comments (mail, fax, or E-mail).

SUPPLEMENTARY INFORMATION:

I. *Background:* The Office of Workers' Compensation Programs administers the Federal Employees' Compensation Act,(5 U.S.C. 8101,*et seq.*), which provides for continuation of pay or compensation for work related injuries or disease that result from Federal Employment. Regulation 20 CFR 10.104 designates form CA–2a as the form to be used to request information from claimants with previously accepted injuries who claim a recurrence of disability, and from their supervisors. The form requests information relating to the specific circumstances leading up to the recurrence as well as information about their employment and earnings. The information provided is used by OWCP claims examiners to determine whether a claimant has suffered a recurrence of disability related to an accepted injury and, if so, the appropriate benefits payable. This information collection is currently approved for use through July 31, 2008.

II. *Review Focus:* The Department of Labor is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including 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 of Labor seeks the approval for the extension of this currently approved information collection in order to ensure the accurate payment of benefits to current and former Federal employees with recurring work-related injuries.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Notice of Recurrences.

OMB Number: 1215–0167.

Agency Number: CA–2a.

Affected Public: Individuals or Households.

Total Respondents: 680.

Total Annual responses: 680.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 340.

Frequency: Once Per Recurrence.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $299.00.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 13, 2007.

Hazel Bell,

Acting Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning Employment Standards Administration.

[FR Doc. E7–24488 Filed 12–17–07; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act; Native American Employment and Training Council

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to section 10 (a)(2) of the Federal Advisory Committee Act (FACA) (Public Law 92–463), as amended, and section 166 (h)(4) of the Workforce Investment Act (WIA) [29 U.S.C. 2911(h)(4)], notice is hereby given of the next meeting of the Native American Employment and Training Council (NAETC), as constituted under WIA.

Time and Date: The meeting will begin at 9 a.m. Eastern Standard Time (EST) on Tuesday, January 8, 2008, and continue until 4:45 p.m. that day. The meeting will reconvene at 9 a.m. EST on Wednesday, January 9, 2008, and adjourn at approximately 4:45 p.m. on that day. The period from 2:30 p.m. to 4:30 p.m. on January 9, 2008, will be reserved for participation and presentations by members of the public.

Place: All sessions will be held at the United States Department of Labor, 200 Constitution Avenue NW., Room N3437–A, B, and C, Washington, DC 20210.

Status: The meeting will be open to the public. Members of the public not present may submit a written statement on or before December 28, 2007, to be included in the record of the meeting. Statements are to be submitted to Mr. Craig Lewis, Designated Federal Official (DFO), U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–4209, Washington, DC 20210. Members of the public not present may also participate in the public comment period by conference call. The number to call is (888) 790–3107 and the participant pass code is: 6858974. A conference monitor will facilitate calls to the meeting. Members of the public who will be in attendance should call Mr. Craig Lewis at (202) 693–3384 at least two business days before the meeting so a representative can be scheduled to clear entrance to the facility. Persons who need special accommodations should contact Mr. Craig Lewis at (202) 693–3384 at least two business days before the meeting.

Matters To Be Considered: The formal agenda will focus on the following topics: (1) U.S. Department of Labor Update; (2) The Employment and Training Administration's Workforce Innovation in Regional Economic Development Initiative; (3) Indian and Native American Program Update; (4) Program Year 2006 Performance; (5) Fiscal Year 09 Funding; (6) Solicitation for Grant Application Update; (7) Technical Assistance Process; (8) Two Year Planning Guidance; (9) Workgroup Reports; and (10) Council Recommendations.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Lewis, DFO, Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room S–4206, 200 Constitution Avenue, NW., Washington, DC 20210.

Telephone: (202) 693–3384 (VOICE) (this is not a toll-free number).

Signed at Washington, DC, this 12th day of December, 2007.

Emily Stover DeRocco,

Assistant Secretary, Employment and Training Administration.

[FR Doc. E7–24487 Filed 12–17–07; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of Humanities Panels will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Heather C. Gottry, Acting Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* January 7, 2008.
Time: 8:30 a.m. to 5:30 p.m.
Room: 421.
Program: This meeting will review applications for Television Projects: Planning, Scripting, and Production Grants, submitted to the Division of Public Programs, at the November 5, 2007 deadline.

2. *Date:* January 14, 2008.
Time: 8:30 a.m. to 5:30 p.m.
Room: 421.
Program: This meeting will review applications for Television Projects: Planning, Scripting, and Production Grants, submitted to the Division of Public Programs, at the November 5, 2007 deadline.

3. *Date:* January 15, 2008.
Time: 8:30 a.m. to 5 p.m.
Room: Library of Congress, Jefferson Building, Room 113.
Program: This meeting will review applications for Kluge Fellowships, submitted to the Division of Research Programs, at the July 15, 2007 deadline.

4. *Date:* January 16, 2008.
Time: 8:30 a.m. to 5:30 p.m.
Room: 421.
Program: This meeting will review applications for Television Projects: Planning, Scripting, and Production Grants, submitted to the Division of Public Programs, at the November 5, 2007 deadline.

5. *Date:* January 17, 2008.
Time: 8:30 a.m. to 5 p.m.
Room: Library of Congress, Jefferson Building, Room 113.
Program: This meeting will review applications for Kluge Fellowships, submitted to the Division of Research Programs, at the July 15, 2007 deadline.

6. *Date:* January 21, 2008.
Time: 9 a.m. to 5 p.m.
Room: Brettenham House (South Entrance), 5 Lancaster Place, London, England WC2E 7EN.
Program: This meeting will review applications for JISC/NEH Transatlantic Digitization Collaboration Grants, submitted to the Division of Preservation and Access, at the November 29, 2007 deadline.

7. *Date:* January 23, 2008.
Time: 8:30 a.m. to 5:30 p.m.
Room: 421.
Program: This meeting will review applications for Television Projects: Planning, Scripting, and Production Grants, submitted to the Division of Public Programs, at the November 5, 2007 deadline.

8. *Date:* January 31, 2008.
Time: 2 p.m. to 5 p.m.
Room: 415.
Program: This meeting, which will be by teleconference, will review applications for Digital Humanities Initiative, submitted to the Office of Challenge Grants, at the November 1, 2007 deadline.

9. *Date:* January 31, 2008.
Time: 8:30 a.m. to 5 p.m.
Room: Room 315.
Program: This meeting will review applications for The Americas in Collaborative Research, submitted to the Division of Research Programs, at the November 1, 2007 deadline.

Heather C. Gottry,

Acting Advisory Committee, Management Officer.

[FR Doc. E7–24441 Filed 12–17–07; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL LABOR RELATIONS BOARD

Appointments of Individuals To Serve as Members of Performance Review Boards

5 U.S.C. 4314 (c)(4) requires that the appointments of individuals to serve as members of performance review boards be published in the **Federal Register**. Therefore, in compliance with this requirement, notice is hereby given that the individuals whose names and position titles appear below have been appointed to serve as members of performance review boards in the National Labor Relations Board for the rating year beginning October 1, 2006 and ending September 30, 2007.

Name and Title

William B. Cowen—Solicitor
David B. Parker—Deputy Executive Secretary
Gary W. Shinners—Deputy Chief Counsel to Board Member
John H. Ferguson—Associate General Counsel, Enforcement Litigation
Gloria Joseph—Director of Administration
Barry J. Kearney—Associate General Counsel, Advice

Dated: Washington, DC, December 13, 2007. By Direction of the Board.

Lester A. Heltzer,

Executive Secretary.

[FR Doc. E7–24453 Filed 12–17–07; 8:45 am]

BILLING CODE 7545–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC seeks to combine two information collections previously approved under OMB clearance numbers 3150–0003 and 3150–0057.

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* ''DOE/NRC Forms 741 and

740M (Nuclear Material Transaction Report and Concise Note) and Associated Instructions (NUREG/BR–0006)''

2. *Current OMB approval number:* 3150–0003.

3. *How often the collection is required:* Form 741 is submitted when specified events occur (nuclear material or source material transfers, receipts, or inventory changes). Form 740M is submitted as necessary to inform the United States (U.S.) or the International Atomic Energy Agency (IAEA) of any qualifying statement or exception to any of the data contained in any of the other reporting forms required under the U.S./IAEA Safeguards Agreement.

4. *Who is required or asked to report:* Persons licensed to possess specified quantities of special nuclear material or source material, any licensee who imports or exports source material, and licensees of facilities on the U.S. eligible list who have been notified in writing by the Commission that they are subject to Part 75.

5. *The number of annual respondents:* DOE/NRC Form 741 = 398. DOE/NRC Form 740M = 15.

6. *The number of hours needed annually to complete the requirement or request:* 45,926.

7. *Abstract:* NRC is required to collect nuclear material transaction information for domestic safeguards use and to make it available to the IAEA. Licensees use Form 741 to make inventory and accounting reports for certain source or special nuclear material, or for transfer or receipt of 1 kilogram or more of source material. Licensees use Form 740M to inform the U.S. or the IAEA of any qualifying statement or exception to any of the data contained in any of the other reporting forms required under the U.S./IAEA Safeguards Agreement. These forms enable NRC to collect, retrieve, analyze, and submit the data to IAEA to fulfill its reporting responsibilities.

Submit, by February 19, 2008, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F21, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/index.html*. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Margaret A. Janney (T–5 F52), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by telephone at 301–415–7245, or by Internet electronic mail to *INFOCOLLECTS@NRC.GOV*.

Dated at Rockville, Maryland, this 12th day of December 2007.

For the Nuclear Regulatory Commission.

Gregory Trussell,

Acting NRC Clearance Officer, Office of Information Services.

[FR Doc. E7–24473 Filed 12–17–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 52–011]

Southern Nuclear Operating Company; Notice of Extension of Comment Period for the Draft Environmental Impact Statement for an Early Site Permit (ESP) at the Vogtle Electric Generating Plant Site

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, the Commission) is extending the public comment period for NUREG–1872, Draft Environmental Impact Statement (DEIS) for an Early Site Permit (ESP) at the Vogtle Electric Generating Plant Site until Friday, December 28, 2007. The site is located on the southwest side of the Savannah River in eastern Burke County, Georgia.

A notice of availability of the draft environmental impact statement for an early site permit (ESP) at the Vogtle Electric Generating Plant site was published in the **Federal Register** on September 14, 2007, (72 FR 52586). The public comment period on the draft environmental impact statement was to have ended on November 28, 2007. A request for an extension of the comment period due to intermittent unavailability of the DEIS and associated reference materials through the NRC public webpage during the comment period was received by the NRC. Pursuant to Title 10 of the Code of Federal Regulations, Section 51.73, the comment period has been extended by 30 days to December 28, 2007. The purpose of this notice is to inform the public that the comment period for NUREG–1872, ''Draft Environmental Impact Statement (DEIS) for an Early Site Permit (ESP) at the Vogtle ESP Site,'' has been extended to Friday, December 28, 2007. NUREG–1872, ''Draft Environmental Impact Statement (DEIS) for an Early Site Permit (ESP) at the Vogtle ESP Site,'' is available for public inspection in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852, or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS), and has also been placed directly on the NRC Web site at *http://www.nrc.gov*. ADAMS is accessible from the NRC Website at *http://www.nrc.gov/reading-rm/adams.html*, the Public Electronic Reading Room (PERR). The ADAMS accession number for Volume I of the DEIS is ML072410045 and Volume II of the DEIS is ML072410049. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*. In addition, the Burke County Library, 130 Highway 24 South, Waynesboro, Georgia, has agreed to make the DEIS available for public inspection.

Members of the public may send written comments on the DEIS for the Vogtle ESP to the Chief, Rulemaking, Directives, and Editing Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** Notice. Comments may also be delivered to Room T–6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland from 7:30 a.m. to 4:15 p.m., during Federal workdays. To be considered, written comments should be postmarked by December 28, 2007. Electronic comments may be sent by the Internet to the NRC at *VOGTLE_EIS@nrc.gov*. Electronic submissions should be sent no later than December 28, 2007. Comments will be available electronically and accessible through the NRC's PERR link at *http://www.nrc.gov/reading-rm/adams.html*.

FOR FURTHER INFORMATION CONTACT: Mark Notich, Project Manager, Environmental Projects Branch 1, Division of Site and Environmental

Reviews, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, (301) 415–3053 or by e-mail at *mdn@nrc.gov*.

Dated at Rockville, Maryland, this 12th day of December, 2007.

For the Nuclear Regulatory Commission.

Nilesh C. Chokshi,

Acting Director, Division of Site and Environmental Reviews, Office of New Reactors.

[FR Doc. E7–24472 Filed 12–17–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. The Act requires the Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from November 22, 2007, to December 5, 2007. The last biweekly notice was published on December 4, 2007 (72 FR 68206).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, person(s) may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request via electronic submission through the NRC E-Filing system for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or

fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner/requestor intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 28, 2007, (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at *HEARINGDOCKET@NRC.GOV,* or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html.* Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.*

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397–4209 or locally, (301) 415–4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/EHD_Proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this amendment action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov.*

AmerGen Energy Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No.1 (CPS), DeWitt County, Illinois

Date of amendment request: September 27, 2007.

Description of amendment request: The proposed amendment would modify technical specification (TS) by relocating references to specific American Society for Testing and Materials (ASTM) standards for fuel oil testing to licensee-controlled documents. In the referenced letter, AmerGen (the licensee) previously received approval for a change to the Unit No. 1, CPS TS that added the water and sediment content test as alternative criteria to the ''clear and bright'' acceptance test for new fuel oil.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed changes relocate the specific ASTM standard references from the Administrative Controls Section of TS to a licensee-controlled document. Requirements to perform testing in accordance with applicable ASTM standards are retained in the TS as are requirements to perform surveillances of both new and stored diesel fuel oil. Future changes to the licensee-controlled document will be evaluated pursuant to the requirements of 10 CFR 50.59, ''Changes, tests and experiments,'' to ensure that such changes do not result in more than a minimal increase in the probability or consequences of an accident previously evaluated. In addition, the ''clear and bright'' test used to establish the acceptability of new fuel oil for use prior to addition to storage tanks has been expanded to recognize more rigorous testing of water and sediment content. Relocating the specific ASTM standard references from the TS to a licensee-controlled document and allowing a water and sediment content test to be performed to establish the acceptability of new fuel oil will not affect nor degrade the ability of the emergency diesel generators (DGs) to perform their specified safety function. Fuel oil quality will continue to meet ASTM requirements.

The proposed changes do not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not adversely affect the ability of structures, systems, and components (SSCs) to perform their intended safety function to mitigate the consequences of an initiating event within the assumed acceptance limits.

The proposed changes do not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of any accident previously evaluated. Further, the proposed changes do not increase the types and amounts of radioactive effluent that may be released offsite, nor significantly increase individual or cumulative occupational/public radiation exposures.

Therefore, the changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes relocate the specific ASTM standard references from the Administrative Controls Section of TS to a licensee-controlled document. In addition, the ''clear and bright'' test used to establish the acceptability of new fuel oil for use prior to addition to storage tanks has been expanded to allow a water and sediment content test to be performed to establish the acceptability of new fuel oil. The changes do not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. The requirements retained in the TS continue to require testing of the diesel fuel oil to ensure the proper functioning of the DGs. Therefore, the changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes relocate the specific ASTM standard references from the Administrative Controls Section of TS to a licensee-controlled document. Instituting the proposed changes will continue to ensure the use of applicable ASTM standards to evaluate the quality of both new and stored fuel oil designated for use in the emergency DGs. Changes to the licensee-controlled document are performed in accordance with the provisions of 10 CFR 50.59. This approach provides an effective level of regulatory control and ensures that diesel fuel oil testing is conducted such that there is no significant reduction in a margin of safety.

The ''clear and bright'' test used to establish the acceptability of new fuel oil for use prior to addition to storage tanks has been expanded to allow a water and sediment content test to be performed to establish the acceptability of new fuel oil. The margin of safety provided by the DGs is unaffected by the proposed changes since there continue to be TS requirements to ensure fuel oil is of the appropriate quality for emergency DG use. The proposed changes provide the flexibility needed to improve fuel oil sampling and analysis methodologies while maintaining sufficient controls to preserve the current margins of safety.

The NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Bradley J. Fewell, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Russell A. Gibbs.

Calvert Cliffs Nuclear Power Plant, Inc., Docket Nos. 50–317 and 50–318, Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, Calvert County, Maryland

Date of amendments request: November 8, 2007.

Description of amendments request: The amendment would clarify the Technical Specification definitions for Channel Calibration and Channel Functional Test. The proposed amendments would incorporate Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF–205–A, ''Revision of Channel Calibration, Channel Functional Test, and Related Definitions,'' Revision 3, dated July 31, 2003.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of any accident previously evaluated.

The proposed change clarifies the Technical Specification requirements for performance of channel calibrations and channel functional tests. Specifically, the proposed change incorporates the Nuclear Regulatory Commission-approved Technical Specification Task Force Standard Technical Specification Change Traveler, TSTF–205–A, ''Revision of Channel Calibration, Channel Functional Test, and Related Definitions,'' Revision 3, dated July 31, 2003. The change does not adversely affect the performance or effectiveness of required testing, as testing appropriate to the associated Surveillance Requirements will continue to be performed. The proposed change does not have a detrimental impact on the condition or performance of any plant structure, system, or component that could initiate an analyzed

event. Therefore, the probability of an accident previously evaluated is not significantly increased.

The equipment being calibrated or tested is still required to be operable and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected.

Therefore, this change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. The proposed change would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The scope of the proposed change is limited to the clarification of existing calibration and test requirements. As such, the proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation.

Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change will not involve a significant reduction in [a] margin of safety.

The margin of safety in this case is the verification of instrument channel operability. The proposed change clarifies requirements for the performance of channel calibrations and channel functional tests. Specifically, the proposed change incorporates the Nuclear Regulatory Commission-approved Technical Specification Task Force Standard Technical Specification Change Traveler, TSTF–205–A, ''Revision of Channel Calibration, Channel Functional Test, and Related Definitions,'' Revision 3, dated July 31, 2003. No changes of setpoints to plant process limits are involved. The surveillance requirements, as revised, will continue to ensure that affected equipment is tested in a manner that gives confidence that the equipment can perform its appropriate safety function.

Therefore, this change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendments request involves no significant hazards consideration.

Attorney for licensee: Carey Fleming, Sr. Counsel—Nuclear Generation, Constellation Generation Group, LLC, 750 East Pratt Street, 17th floor, Baltimore, MD 21202.

NRC Branch Chief: Mark G. Kowal.

Dominion Energy Kewaunee, Inc. Docket No. 50–305, Kewaunee Power Station, Kewaunee County, Wisconsin

Date of amendment request: November 9, 2007.

Description of amendment request: The proposed amendment would modify Technical Specification (TS) 3.8.a.7 related to the movement of heavy loads over and in the spent fuel pools and would relocate the modified requirements to a licensee-controlled document, the Kewaunee Power Station Technical Requirements Manual (TRM). The proposed amendment is needed to facilitate future spent fuel cask handling activities associated with dry cask spent fuel storage. The proposed amendment would incorporate the use of a single-failure-proof lifting system for handling of necessary heavy loads over or in the spent fuel pool with irradiated fuel in either the fuel storage racks or in the just-loaded spent fuel canister in the spent fuel pool. The proposed modified TS 3.8.a.7 would then be relocated to the TRM.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment revises Kewaunee Power Station (KPS) heavy load handling Technical Specification (TS) 3.8.a.7 requirements consistent with modifications to the Auxiliary Building (AB) crane and the NRC's [Nuclear Regulatory Commission] current guidance for single-failure-proof lifting systems. The proposed amendment also relocates the affected heavy load handling-related TS to a licensee-controlled document, consistent with the NRC's regulations.

The proposed change to TS 3.8.a.7 permits spent fuel cask handling in the spent fuel pool, which is required for loading spent fuel for dry storage at the on-site Independent Spent Fuel Storage Installation (ISFSI). Proposed TS 3.8.a.7 includes a new requirement that the AB crane and associated lifting devices meet the applicable single-failure-proof criteria.

Heavy load handling will continue to be conducted in accordance with the KPS heavy load handling program, which meets the NRC's guidance in NUREG–0612, as described in this LAR, and as augmented by Regulatory Information Summary 2005–25. With the upgrade of the AB crane load handling system, drops of heavy loads will not be considered credible. Notwithstanding the AB crane upgrade, heavy loads will still be prohibited from being suspended over irradiated fuel in the spent fuel pool storage racks under the revised requirements.

The previously evaluated cask drop accident is not considered credible with the upgraded AB crane because the crane trolley is being upgraded to a single-failure-proof design, consistent with applicable NRC-endorsed guidance. Lifting devices and interfacing lifting points associated with spent fuel cask handling will also be designed in accordance with applicable NRC guidance pertaining to single-failure-proof lifting systems. The result of these design upgrades is that the AB crane will retain the lifted load in the event of a single failure in the load path, including a failure of a wire rope. In addition, the crane will hold the load and the trolley and bridge will be designed to stay on their respective rails during a design basis seismic event.

The relocation of TS 3.8.a.7 to the KPS Technical Requirements Manual (TRM) is an administrative change that does not affect plant operation or heavy load handling.

Revised TS 3.8.a.7 and its associated Bases will be relocated to the TRM after approval of this amendment request. Changes to the KPS TRM are controlled by 10 CFR 50.59. Regulation 10 CFR 50.59 requires that NRC approval be obtained prior to any change that would result in more than a minimal increase in (1) the frequency of occurrence of an accident previously evaluated, (2) likelihood of occurrence of a malfunction of a SSC important to safety previously evaluated, or (3) consequences of a malfunction of a SSC important to safety previously evaluated. Accordingly, upon relocation of the requirements of TS 3.8.a.7 and associated Bases to the TRM, appropriate control of changes will be maintained, based on the criteria in 10 CFR 50.59. Administrative relocation of the requirements of TS 3.8.a.7 does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, configuration of KPS or the manner in which it is operated.

Therefore, the proposed change does not significantly increase the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Heavy load handling will continue to be conducted in accordance with the KPS heavy load handling program, which meets the NRC's guidance in NUREG–0612, as approved for KPS. Drops of heavy loads will continue to be very improbable events and the upgrade of the KPS AB crane lifting system to a single-failure-proof design provides additional defense-in-depth against such events. Notwithstanding the AB crane upgrade, heavy loads will still be prohibited from being suspended over irradiated fuel in the spent fuel pool storage racks under the revised requirements.

Heavy load handling operations at KPS will continue to be conducted as they currently are and no new heavy load handling operations are required as a result of this amendment. The previously evaluated cask drop accident is not considered credible with the upgraded AB crane because the crane trolley is being upgraded to a single-failure-proof design, consistent with applicable NRC-endorsed guidance. Lifting devices and interfacing lifting points associated with spent fuel cask handling will also be designed in accordance with applicable NRC guidance pertaining to single-failure-proof lifting systems. The result

of these design upgrades is that the AB crane will retain the lifted load in the event of a single failure in the load path, including a failure of a wire rope. In addition, the crane will hold the load and the trolley and bridge will be designed to stay on their respective rails during a design basis seismic event.

The relocation of TS 3.8.a.7 to the KPS Technical Requirements Manual (TRM) is an administrative change that does not affect plant operation or heavy load handling.

Accordingly, upon relocation of the requirements of TS 3.8.a.7 and associated Bases to the TRM, appropriate control of changes will be maintained, based on the criteria in 10 CFR 50.59. Modification of the requirements of TS 3.8.a.7 does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, configuration of KPS or the manner in which it is operated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment revises KPS heavy load handling TS 3.8.a.7 requirements consistent with modifications to the AB crane and the NRC's current guidance for single-failure-proof lifting systems.

Heavy load handling will continue to be conducted in accordance with the KPS heavy load handling program, which meets the NRC's guidance in NUREG–0612, as approved for KPS. Drops of heavy loads will continue to be very improbable events and the upgrade of the KPS AB crane lifting system to a single-failure-proof design provides additional defense-in-depth against such events and an increase in overall design margin. Notwithstanding the AB crane upgrade, heavy loads will still be prohibited from being suspended over irradiated fuel in the spent fuel pool storage racks under the revised requirements.

Further, the relocation of TS 3.8.a.7 to the KPS Technical Requirements Manual (TRM) is an administrative change that does not affect plant operation or heavy load handling.

Heavy load handling operations at KPS will continue to be conducted as they currently are and no new heavy load handling operations are required as a result of this amendment. The previously evaluated cask drop accident is less probable with the upgraded AB crane because the crane trolley is being upgraded to a single-failure-proof design, consistent with applicable NRC-endorsed guidance. Lifting devices and interfacing lifting points associated with spent fuel cask handling will also be designed in accordance with applicable NRC guidance pertaining to single-failure-proof lifting systems. The result of these design upgrades is that the AB crane will retain the lifted load in the event of a single failure in the load path, including a failure of a wire rope. In addition, the crane will hold the load and the trolley and bridge will be designed to stay on their respective rails during a design basis seismic event.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., Counsel for Dominion Energy Kewaunee, Inc., 120 Tredegar Street, Richmond, VA 23219.

NRC Acting Branch Chief: Cliff Munson.

Dominion Energy Kewaunee, Inc. Docket No. 50–305, Kewaunee Power Station, Kewaunee County, Wisconsin

Date of amendment request: November 9, 2007.

Description of amendment request: The proposed amendment would revise the Kewaunee Power Station (KPS) Updated Safety Analysis Report (USAR) to modify the design and licensing basis for the auxiliary building (AB) crane. The proposed amendment would allow the use of a methodology for performing the seismic qualification analysis of the upgraded crane. The crane is being upgraded to become a single-failure-proof design. The new methodology includes rolling of the crane bridge and trolley wheels during a seismic event.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This amendment request pertains solely to an analysis method supporting the upgrade of the KPS AB crane from a non-single-failure-proof design to a single-failure-proof design. The AB crane is used to lift and handle loads in the KPS spent fuel pool and truck bay areas. The AB crane does not interface with operating plant equipment. The design rated load of the AB crane remains the same as previously approved. The proposed amendment does not change the current heavy load handling practices that are in use at KPS. Upgrading the AB crane to a single-failure-proof design will reduce the probability of a heavy load drop in the areas where the AB crane lifts and handles loads.

The seismic analysis method proposed for use recognizes the inherent propensity for structures not fixed to one another (e.g., steel wheels on steel rails) to roll if sufficient lateral force is applied to either object. This seismic analysis method is proposed for use solely on the AB crane upgrade and not for any other plant structures, systems, or components. The recognition of wheel rolling between the AB crane trolley and bridge and their respective rails reflects the true nature of the installed equipment and its response to horizontal forces generated by a seismic event. Consideration of rolling reduces the projected analyzed loads on the crane and building structures and eliminates the need for unnecessary modifications to both.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This amendment request pertains to an analysis method supporting the upgrade of an existing plant component. Specifically, the existing AB crane trolley is being replaced with a state-of-the-art design that is single-failure-proof. The AB crane does not interface with operating plant equipment. This seismic analysis method is proposed for use solely on the AB crane upgrade and not for any other plant structures, systems, or components.

The design rated load of the AB crane remains the same at 125 tons. This load controls the design and supporting analysis. The auxiliary hook design rated load is being increased from 10 tons to 15 tons. The proposed amendment does not change the currently acceptable heavy load handling practices in use at KPS. The number and types of lifts made using this crane in support of KPS plant operations are not significantly changed from that contemplated during original plant licensing. Furthermore, the basic operations of the crane (i.e., hoisting and horizontal travel) remain the same, although the electronic controls will be upgraded to current standards.

Therefore, the proposed amendment does not create a new or different kind of accident from any accident previously evaluated in the KPS licensing basis.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Although the proposed change is made specifically to support the upgrade of the KPS AB crane from a non-single-failure-proof to a single-failure-proof design, the margin of safety under consideration in this evaluation is mainly based on that contained within the safety analysis (seismic analysis).

The purpose of this methodology is to determine the stress placed on the AB cranes' structural components. The stresses determined by this methodology are then compared to the yield strength values contained in CMAA–70. If the stresses the structural component are analyzed to receive during a postulated seismic event are less than the values contained in CMAA–70 the structural integrity of the crane is maintained and a suspended load will remain suspended during a seismic event. Additional margin has been added by reducing the analysis acceptance criteria to 90% of the acceptance criteria values contained in CMAA–70, modifying the crane support structure

through additional welds and material, and confirming the bolts are of the proper material.

DEK [Dominion Energy Kewaunee] is modeling the AB crane to roll during a seismic event when the postulated forces exceed the brake holding force. This provides a more realistic approach because the crane trolley is not fixed to the bridge rails. DEK has provided additional conservatisms by doubling the calculated force needed to overcome the brake holding force.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., Counsel for Dominion Energy Kewaunee, Inc., 120 Tredegar Street, Richmond, VA 23219.

NRC Acting Branch Chief: Cliff Munson.

Entergy Operations, Inc., Docket Nos. 50–313, Arkansas Nuclear One, Unit 1, Pope County, Arkansas

Date of amendment request: October 22, 2007.

Description of amendment request: The proposed amendment would modify the Technical Specification (TS) to establish more effective and appropriate action, surveillance, and administrative requirements related to ensuring the habitability of the control room envelope (CRE) in accordance with Nuclear Regulatory Commission (NRC)-approved TS Task Force (TSTF) Standard Technical Specification change traveler TSTF–448, Revision 3, ''Control Room Habitability.'' Specifically, the proposed amendment would modify TS 3.7.9, ''Control Room Emergency Ventilation System (CREVS),'' and would establish a CRE habitability (CREH) program in TS Section 5.5, ''Administrative Controls—Programs and Manuals.'' The NRC staff issued a ''Notice of Availability of Technical Specification Improvement to Modify Requirements Regarding Control Room Envelope Habitability Using the Consolidated Line Item Improvement Process'' associated with TSTF–448, Revision 3, in the **Federal Register** on January 17, 2007 (72 FR 2022). The notice included a model safety evaluation, a model no significant hazards consideration (NSHC) determination, and a model license amendment request. In its application dated October 22, 2007, the licensee affirmed the applicability of the model NSHC determination which is presented below.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of NSHC adopted by the licensee is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configuration of the facility. The proposed change does not alter or prevent the ability of structures, systems, and components (SSCs) to perform their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change revises the TS for the CRE emergency ventilation system, which is a mitigation system designed to minimize unfiltered air leakage into the CRE and to filter the CRE atmosphere to protect the CRE occupants in the event of accidents previously analyzed. An important part of the CRE emergency ventilation system is the CRE boundary. The CRE emergency ventilation system is not an initiator or precursor to any accident previously evaluated. Therefore, the probability of any accident previously evaluated is not increased. Performing tests to verify the operability of the CRE boundary and implementing a program to assess and maintain CRE habitability ensure that the CRE emergency ventilation system is capable of adequately mitigating radiological consequences to CRE occupants during accident conditions, and that the CRE emergency ventilation system will perform as assumed in the consequence analyses of design basis accidents. Thus, the consequences of any accident previously evaluated are not increased. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Accident Previously Evaluated

The proposed change does not impact the accident analysis. The proposed change does not alter the required mitigation capability of the CRE emergency ventilation system, or its functioning during accident conditions as assumed in the licensing basis analyses of design basis accident radiological consequences to CRE occupants. No new or different accidents result from performing the new surveillance or following the new program. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a significant change in the methods governing normal plant operation. The proposed change does not alter any safety analysis assumptions and is consistent with current plant operating practice. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The proposed change does not affect safety analysis acceptance criteria. The proposed change will not result in plant operation in a configuration outside the design basis for an unacceptable period of time without compensatory measures. The proposed change does not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the analysis adopted by the licensee and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves NSHC.

Attorney for licensee: Terence A. Burke, Associate General Council—Nuclear Entergy Services, Inc., 1340 Echelon Parkway, Jackson, Mississippi 39213.

NRC Branch Chief: Thomas G. Hiltz.

Entergy Operations, Inc., Docket Nos. 50–313, Arkansas Nuclear One, Unit 1, Pope County, Arkansas

Date of amendment request: October 22, 2007.

Description of amendment request: The proposed amendment would modify requirements of Technical Specification (TS) 3.4.12, ''RCS Specific Activity,'' and TS 3.7.4, ''Secondary Specific Activity,'' as related to the use of an alternate source term (AST) associated with accident offsite and control room dose consequences. Implementation of AST supports adoption of the control room envelope habitability controls in accordance with Nuclear Regulatory Commission (NRC)-approved TS Task Force (TSTF) Standard Technical Specification change traveler TSTF–448, Revision 3, ''Control Room Habitability.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The use of an AST is recognized in 10 CFR 50.67 and guidance for its implementation is provided in RG [Regulatory Guide] 1.183. The AST involves quantities, isotopic composition, chemical and physical characteristics, and release timing of radioactive material for use as inputs to accident dose analyses. As such, the AST cannot affect the probability of occurrence of a previously evaluated accident. In addition, the reduction is specific activity limits within the TSs is unrelated to accident initiators. No facility equipment, procedure, or process changes are required in conjunction with implementing the AST that could increase the likelihood of a previously analyzed accident. The proposed changes in the source term and the methodology for the dose consequence analyses follow the guidance of RG 1.183. As a result, there is no increase in the likelihood of existing event initiators.

Regarding accident consequences, the reduction in specific activity limits within the TSs is more restrictive (more conservative) and acts to support the analysis results given the application of an AST. The results of accident dose analyses using the AST are compared to TEDE [total effective dose equivalent] acceptance criteria that account for the sum of deep dose equivalent (for external exposure) and committed effective dose equivalent (for internal exposure). Dose results were previously compared to separate limits on whole body, thyroid, and skin doses as appropriate for the particular accident analyzed. The results of the revised dose consequences analyses demonstrate that the regulatory acceptance criteria are met for each analyzed event. Implementing the AST involves no facility equipment, procedure, or process changes that could affect the radioactive material actually released during an event. Consequently, no conditions have been created that could significantly increase the consequences of any of the events being evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any of the events being evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The AST involves quantities, isotopic composition, chemical and physical characteristics, and release timing of radioactive material for use as inputs to accident dose analyses. As such, the AST cannot create the possibility of a new or different kind of accident. In addition, the reduction is specific activity limits within the TSs is unrelated to accident initiators. No facility equipment, procedure, or process changes have been made in conjunction with implementing the AST that could initiate or substantially alter the progression of an accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Implementing the AST is relevant only to calculated accident dose consequences. The results of the revised dose consequences analyses demonstrate that the regulatory acceptance criteria are met for each analyzed event. In addition, the reduction is specific activity limits within the TSs is unrelated to accident initiators. No facility equipment, procedure, or process changes are required in conjunction with implementing the AST that could increase the exposure of control room or offsite individuals to radioactive material. The AST does not affect the transient behavior of non-radiological parameters (e.g., Reactor Coolant System pressure, Containment pressure) that are pertinent to a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Terence A. Burke, Associate General Council—Nuclear Entergy Services, Inc., 1340 Echelon Parkway, Jackson, Mississippi 39213.

NRC Branch Chief: Thomas G. Hiltz.

Entergy Operations, Inc., Docket Nos. 50–313, Arkansas Nuclear One, Unit 1, Pope County, Arkansas

Date of amendment request: October 22, 2007.

Description of amendment request: The proposed amendment would modify Technical Specifications (TS) requirements for mode change limitations in Limiting Condition for Operation (LCO) 3.0.4 and Surveillance Requirement (SR) 3.0.4. The proposed TS changes are consistent with Revision 9 of Nuclear Regulatory Commission (NRC)-approved Industry TS Task Force (TSTF) Standard TS (STS) change traveler, TSTF–359, ''Increase Flexibility in Mode Restraints.'' The amendment would also modify other TSs to reflect the revisions to LCO 3.0.4. The spelling of the word ''not'' is corrected in Section 1.4 of the TSs.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 2, 2002 (67 FR 50475), as part of the Consolidated Line Item Improvement Process (CLIIP), on possible amendments to revise the plant-specific TS to modify requirements for model change limitations in LCO 3.0.4 and SR 3.0.4.

The NRC staff subsequently issued a notice of availability of the models for Safety Evaluation and No Significant Hazards Consideration Determination for referencing in license amendment applications in the **Federal Register** on April 4, 2003 (68 FR 16579). The licensee affirmed the applicability of the CLIIP, including the model No Significant Hazards Consideration Determination, in its application dated October 22, 2007.

The proposed TS changes are consistent with NRC-approved Industry TSTF STS change, TSTF–359, Revision 8, as modified by 68 FR 16579. TSTF–359, Revision 8, was subsequently revised to incorporate the modifications discussed in the April 4, 2003, **Federal Register** notice and other minor changes. TSTF–359, Revision 9, was subsequently submitted to the NRC on April 28, 2003, and was approved by the NRC on May 9, 2003.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the NRC staff's analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. Being in a TS condition and the associated required actions is not an initiator of any accident previously evaluated. Therefore, the probability of an accident previously evaluated is not significantly increased. The consequences of an accident while relying on required actions as allowed by proposed LCO 3.0.4, are no different than the consequences of an accident while entering and relying on the required actions while starting in a condition of applicability of the TS. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2 —The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Entering into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of

accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3 —The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. The TS allow operation of the plant without the full complement of equipment through the conditions for not meeting the TS Limiting Conditions for Operation (LCO). The risk associated with this allowance is managed by the imposition of required actions that must be performed within the prescribed completion times. The net effect of being in a TS condition on the margin of safety is not considered significant. The proposed change does not alter the required actions or completion times of the TS. The proposed change allows TS conditions to be entered, and the associated required actions and completion times to be used in new circumstances. This use is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The change also eliminates current allowances for utilizing required actions and completion times in similar circumstances, without assessing and managing risk. The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the request for amendment involves no significant hazards consideration.

Attorney for licensee: Terence A. Burke, Associate General Council—Nuclear Entergy Services, Inc., 1340 Echelon Parkway, Jackson, Mississippi 39213.

NRC Branch Chief: Thomas G. Hiltz.

Entergy Operations, Inc., Docket Nos. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas*

Date of amendment request: October 22, 2007.

Description of amendment request: The proposed amendment would modify the Technical Specification (TS) to establish more effective and appropriate action, surveillance, and administrative requirements related to ensuring the habitability of the control room envelope (CRE) in accordance with Nuclear Regulatory Commission (NRC)-approved TS Task Force (TSTF) Standard Technical Specification change traveler TSTF–448, Revision 3, ''Control Room Habitability.'' Specifically, the proposed amendment would modify TS 3.7.6.1, ''Control Room Emergency Ventilation and Air Condition System,'' and would establish a CRE habitability (CREH) program in TS Section 6.5, ''Administrative Controls—Programs and Manuals.'' The NRC staff issued a ''Notice of Availability of Technical Specification Improvement to Modify Requirements Regarding Control Room Envelope Habitability Using the Consolidated Line Item Improvement Process'' associated with TSTF–448, Revision 3, in the **Federal Register** on January 17, 2007 (72 FR 2022). The notice included a model safety evaluation, a model no significant hazards consideration (NSHC) determination, and a model license amendment request. In its application dated October 22, 2007, the licensee affirmed the applicability of the model NSHC determination which is presented below.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of NSHC adopted by the licensee is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, or configuration of the facility. The proposed change does not alter or prevent the ability of structures, systems, and components (SSCs) to perform their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change revises the TS for the CRE emergency ventilation system, which is a mitigation system designed to minimize unfiltered air leakage into the CRE and to filter the CRE atmosphere to protect the CRE occupants in the event of accidents previously analyzed. An important part of the CRE emergency ventilation system is the CRE boundary. The CRE emergency ventilation system is not an initiator or precursor to any accident previously evaluated. Therefore, the probability of any accident previously evaluated is not increased. Performing tests to verify the operability of the CRE boundary and implementing a program to assess and maintain CRE habitability ensure that the CRE emergency ventilation system is capable of adequately mitigating radiological consequences to CRE occupants during accident conditions, and that the CRE emergency ventilation system will perform as assumed in the consequence analyses of design basis accidents. Thus, the consequences of any accident previously evaluated are not increased. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident from any Accident Previously Evaluated

The proposed change does not impact the accident analysis. The proposed change does not alter the required mitigation capability of the CRE emergency ventilation system, or its functioning during accident conditions as assumed in the licensing basis analyses of design basis accident radiological consequences to CRE occupants. No new or different accidents result from performing the new surveillance or following the new program. The proposed change does not involve a physical alteration of the plant (i.e., no new or different type of equipment will be installed) or a significant change in the methods governing normal plant operation. The proposed change does not alter any safety analysis assumptions and is consistent with current plant operating practice. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined. The proposed change does not affect safety analysis acceptance criteria. The proposed change will not result in plant operation in a configuration outside the design basis for an unacceptable period of time without compensatory measures. The proposed change does not adversely affect systems that respond to safely shut down the plant and to maintain the plant in a safe shutdown condition. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the analysis adopted by the licensee and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves NSHC.

Attorney for licensee: Terence A. Burke, Associate General Council—Nuclear Entergy Services, Inc., 1340 Echelon Parkway, Jackson, Mississippi 39213.

NRC Branch Chief: Thomas G. Hiltz.

Entergy Operations, Inc., Docket Nos. 50–368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of amendment request: October 22, 2007.

Description of amendment request: The proposed amendment would modify Technical Specifications (TS) requirements for mode change limitations in Limiting Condition for Operation (LCO) 3.0.4 and Surveillance Requirement (SR) 4.0.4. The proposed TS changes are consistent with Revision

9 of Nuclear Regulatory Commission (NRC)-approved Industry TS Task Force (TSTF) Standard TS (STS) change traveler, TSTF–359, ''Increase Flexibility in Mode Restraints.'' The amendment would also modify other TSs to reflect the revisions to LCO 3.0.4. In addition, a change to TS 3.4.3 was made which was determined to be equivalent to the TSTF–359 changes.

The NRC staff issued a notice of opportunity for comment in the **Federal Register** on August 2, 2002 (67 FR 50475), as part of the Consolidated Line Item Improvement Process (CLIIP), on possible amendments to revise the plant-specific TS to modify requirements for model change limitations in LCO 3.0.4 and SR 4.0.4.

The NRC staff subsequently issued a notice of availability of the models for Safety Evaluation and No Significant Hazards Consideration Determination for referencing in license amendment applications in the **Federal Register** on April 4, 2003 (68 FR 16579). The licensee affirmed the applicability of the CLIIP, including the model No Significant Hazards Consideration Determination, in its application dated October 22, 2007.

The proposed TS changes are consistent with NRC-approved Industry TSTF STS change, TSTF–359, Revision 8, as modified by 68 FR 16579. TSTF–359, Revision 8, was subsequently revised to incorporate the modifications discussed in the April 4, 2003, **Federal Register** notice and other minor changes. TSTF–359, Revision 9, was subsequently submitted to the NRC on April 28, 2003, and was approved by the NRC on May 9, 2003.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the NRC staff's analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. Being in a TS condition and the associated required actions is not an initiator of any accident previously evaluated. Therefore, the probability of an accident previously evaluated is not significantly increased. The consequences of an accident while relying on required actions as allowed by proposed LCO 3.0.4, are no different than the consequences of an accident while entering and relying on the required actions while starting in a condition of applicability of the TS. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Entering into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The proposed change allows entry into a mode or other specified condition in the applicability of a TS, while in a TS condition statement and the associated required actions of the TS. The TS allow operation of the plant without the full complement of equipment through the conditions for not meeting the TS Limiting Conditions for Operation (LCO). The risk associated with this allowance is managed by the imposition of required actions that must be performed within the prescribed completion times. The net effect of being in a TS condition on the margin of safety is not considered significant. The proposed change does not alter the required actions or completion times of the TS. The proposed change allows TS conditions to be entered, and the associated required actions and completion times to be used in new circumstances. This use is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The change also eliminates current allowances for utilizing required actions and completion times in similar circumstances, without assessing and managing risk. The net change to the margin of safety is insignificant. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff proposes to determine that the request for amendment involves no significant hazards consideration.

Attorney for licensee: Terence A. Burke, Associate General Council—Nuclear Entergy Services, Inc., 1340 Echelon Parkway, Jackson, Mississippi 39213.

NRC Branch Chief: Thomas G. Hiltz.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: October 18, 2007.

Description of amendment request: The proposed amendment would revise the Technical Specifications to change requirements related to Emergency Diesel Generator (EDG) fuel oil tank volume, EDG fuel oil testing and Reactor Building crane inspections.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No. The changes do not impact the operability of any Structure, System or Component that affects the probability of an accident or that supports mitigation of an accident previously evaluated. The proposed change does not affect reactor operations or accident analysis and has no radiological consequences. The operability requirements for accident mitigation systems remain consistent with the licensing and design basis. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No. The proposed change does not involve any physical alteration of plant equipment and does not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No. The specified margin for onsite fuel oil storage is maintained and the applicable testing standards and methods remain unchanged. These changes do not change any existing requirements, and do not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 400 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Mark G. Kowal.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: October 18, 2007.

Description of amendment request: The proposed amendment would revise the Technical Specifications applicability requirements related to primary containment oxygen concentration and drywell-to-suppression chamber differential pressure limits. The associated actions would also be revised to be consistent with exiting the applicability for each specification.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No. The proposed change does not increase the probability of an accident since it does not involve the modification of any plant equipment or affect how plant systems or components are operated, it only changes the requirements for when inerting and differential pressure need to be established. Whether the containment is inerted or differential pressure is established does not impact the likelihood of an accident previously evaluated. Therefore, the proposed change does not involve a significant increase in the probability of an accident previously evaluated. The technical limits (i.e., oxygen concentration and differential pressure) imposed by the associated Technical Specifications remain unchanged. Brief periods where the requirements for maintaining these technical limits are relaxed are currently considered in the Technical Specifications and associated licensing basis. The proposed change clarifies the definition of these periods however, any changes are not considered significant and are supported by remaining consistent with the recommended allowances of NUREG 1433, Revision 3. The consequences of analyzed events are therefore not affected. Therefore, the proposed change does not involve a significant increase in the consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No. The proposed change does not involve any physical alteration of plant equipment and does not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No. The proposed change does not involve the modification of any plant equipment or affect basic plant operation. Additionally, the associated limitations remain unchanged. These changes do not negate any existing requirement, and do not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change.

The revised plant conditions reflecting the applicability and the duration allowed to restore limits are not credited in any design basis event. These changes do not reflect any significant adverse impact to the overall risk of operating during brief periods without the required primary containment oxygen concentration or differential pressure since the total time for any occurrence is only marginally extended and reflects times consistent with NUREG–1433, Revision 3. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. William C. Dennis, Assistant General Counsel, Entergy Nuclear Operations, Inc., 400 Hamilton Avenue, White Plains, NY 10601.

NRC Branch Chief: Mark G. Kowal.

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: November 20, 2007.

Description of amendment request: The proposed amendment would revise the values of the safety limit minimum critical power ratio (SLMCPR) in Technical Specification (TS) Section 2.1.1, ''Reactor Core SLs.'' Specifically, the proposed change would delete the Quad Cities Nuclear Power Station (QCNPS) Unit 2 fuel-specific SLMCPR requirements for Global Nuclear Fuel (GNF) GE14 fuel and consolidate the Unit 1 and Unit 2 SLMCPR requirements into a bounding dual-unit requirement. This change is needed to support the next cycle of Unit 2 operation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The probability of an evaluated accident is derived from the probabilities of the individual precursors to that accident. The consequences of an evaluated accident are determined by the operability of plant systems designed to mitigate those consequences. Limits have been established consistent with NRC-approved methods to ensure that fuel performance during normal, transient, and accident conditions is acceptable. The proposed change to delete the QCNPS Unit 2 fuel-specific SLMCPR requirements for Global Nuclear Fuel (GNF) GE14 fuel conservatively establishes the SLMCPR for QCNPS, Unit 2, Cycle 20 at the SLMCPR value for the co-resident Westinghouse SVEA–96 Optima2 fuel, such that the fuel is protected during normal operation and during plant transients or anticipated operational occurrences (AOOs).

The proposed change to delete the GE14 SLMCPR and establish the requirement at the SLMCPR value for the co-resident Westinghouse SVEA–96 Optimal fuel does not increase the probability of an evaluated accident. The change does not require any physical plant modifications, physically affect any plant components, or entail changes in plant operation. Therefore, no individual precursors of an accident are affected.

The proposed change to delete the GE14 SLMCPR and establish the requirement at the SLMCPR value for the co-resident Westinghouse SVEA–96 Optimal fuel revises the QCNPS Unit 2 SLMCPR requirement to protect the fuel during normal operation as well as during plant transients or AOOs. Operational limits will be established based on the proposed SLMCPR to ensure that the SLMCPR is not violated. This will ensure that the fuel design safety criterion (i.e., that at least 99.9% of the fuel rods do not experience transition boiling during normal operation and AOOs) is met. Since the proposed change does not affect operability of plant systems designed to mitigate any consequences of accidents, the consequences

of an accident previously evaluated will not increase.

The proposed consolidation of the Unit 1 and Unit 2 SLMCPR requirements into a bounding dual-unit requirement is administrative. As such, the proposed consolidation does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Creation of the possibility of a new or different kind of accident requires creating one or more new accident precursors. New accident precursors may be created by modifications of plant configuration, including changes in allowable modes of operation. The proposed changes do not involve any plant configuration modifications or changes to allowable modes of operation. The proposed change to delete the GE14 SLMCPR and establish the requirement at the SLMCPR value for the co-resident Westinghouse SVEA–96 Optimal fuel assures that safety criteria are maintained for QCNPS, Unit 2, Cycle 20. The proposed consolidation of the Unit 1 and Unit 2 SLMCPR requirements into a bounding dual-unit requirement is administrative.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The SLMCPR provides a margin of safety by ensuring that at least 99.9% of the fuel rods do not experience transition boiling during normal operation and AOOs if the SLMCPR limit is not violated. The proposed change will ensure the current level of fuel protection is maintained by continuing to ensure that at least 99.9% of the fuel rods do not experience transition boiling during normal operation and AOOs if the SLMCPR limit is not violated. The proposed SLMCPR values were developed using NRC-approved methods. Additionally, operational limits will be established based on the proposed SLMCPR to ensure that the SLMCPR is not violated. This will ensure that the fuel design safety criterion (i.e., that no more than 0.1% of the rods are expected to be in boiling transition if the MCPR limit is not violated) is met.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Bradley J. Fewell, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Russell Gibbs.

Nuclear Management Company, LLC, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant, Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: October 29, 2007.

Description of amendment request: The proposed amendments would revise the Technical Specifications (TS) for Prairie Island Nuclear Generating Plant (PINGP) Units 1 and 2 Surveillance Requirement (SR) 3.8.1.9, to require that the test is performed at or below a power factor of 0.85. The proposed amendments fulfill the commitment made in Amendments 178 to Unit 1, and 168 to Unit 2, issued on May 30, 2007 (Agency wide Documents Access and Management System (ADAMS) Accession No. ML071310023).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This license amendment request proposes more restrictive changes to the Technical Specification Surveillance Requirements for the emergency diesel generators which will require testing at a specified power factor, grid conditions permitting.

The emergency diesel generators are not accident initiators and therefore, these changes do not involve a significant increase in the probability of an accident. The proposed changes increase the load testing requirements, are consistent with the intent of current regulatory guidance for testing emergency diesel generators, and will continue to assure that this equipment performs its design function. Thus these changes do not involve a significant increase in the consequences of an accident.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This license amendment request proposes more restrictive changes to the Technical Specification Surveillance Requirements for the emergency diesel generators which will require testing at a specified power factor, grid conditions permitting.

The changes proposed for the emergency diesel generators do not change any system operations or maintenance activities. Testing requirements will be revised and will continue to demonstrate that the Limiting Conditions for Operation are met and the system components are functional. These changes do not create new failure modes or mechanisms which are not identifiable during testing and no new accident precursors are generated.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

This license amendment request proposes more restrictive changes to the Technical Specification Surveillance Requirements for the emergency diesel generators which will require testing at a specified power factor, grid conditions permitting.

The current Technical Specification Surveillance Requirements do not specify testing at any power factor. The Technical Specification Surveillance Requirements proposed in this license amendment request are thus more restrictive in that they place additional restraints on the test conditions. These changes may make the testing more rigorous and thus more difficult for the emergency diesel generators to meet the test acceptance criteria. The addition of a power factor is consistent with the intent of current regulatory guidance for testing emergency diesel generators. Since these changes are an increase in the test requirements and are consistent with the intent of current regulatory guidance, these changes do not involve a significant reduction in a margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Jonathan Rogoff, Esquire, Vice President, Counsel & Secretary, Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016.

NRC Acting Branch Chief: Cliff Munson.

Nuclear Management Company, LLC, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: November 19, 2007.

Description of amendment request: The proposed amendments would revise Technical Specifications for the PINGP, Units 1 and 2, to replace the

current fixed Frequency for testing the containment spray nozzles in Surveillance Requirement 3.6.5.8 with a maintenance or event based Frequency.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This license amendment request proposes Technical Specification Surveillance Requirement changes which will require verification that the containment spray system spray nozzles are unobstructed following maintenance which could result in nozzle blockage.

The containment spray system and its spray nozzles are not accident initiators and therefore, these changes do not involve a significant increase the probability of an accident. The revised surveillance requirement will require event based verification in lieu of fixed Frequency verification which may require either fewer or more verifications of operability. The proposed changes to verify system operability following maintenance is considered adequate to ensure operability of the containment spray system. Since the system continues to be available to perform its accident mitigation function, the consequences of accidents previously evaluated are not significantly increased.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This license amendment request proposes Technical Specification Surveillance Requirement changes which will require verification that the containment spray system spray nozzles are unobstructed following maintenance which could result in nozzle blockage.

The proposed change does not introduce a new mode of plant operation and does not involve physical modification to the plant. The change does not introduce new accident initiators or impact the assumption made in the safety analysis. Testing requirements will be revised and will continue to demonstrate that the Limiting Conditions for Operation are met and the system components are functional.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

This license amendment request proposes Technical Specification Surveillance Requirement changes which will require verification that the containment spray system spray nozzles are unobstructed following maintenance which could result in nozzle blockage.

The containment spray system is not susceptible to corrosion-induced obstruction or obstruction from sources external to the system. Maintenance activities that could introduce foreign material into the system would require subsequent verification to ensure there is no spray nozzle blockage. The spray header nozzles are expected to remain unblocked and available in the event that the safety function is required. Therefore, the capacity of the system would remain unaffected.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

Attorney for licensee: Jonathan Rogoff, Esquire, Vice President, Counsel & Secretary, Nuclear Management Company, LLC, 700 First Street, Hudson, WI 54016.

NRC Acting Branch Chief: Clifford G. Munson.

Pacific Gas and Electric Co., Docket No. 50–133, Humboldt Bay Power Plant (HBPP), Unit 3 Humboldt County, California J00336

Date of amendment request: November 5, 2007.

Description of amendment request: The licensee has proposed amending the technical specifications (TS) to delete many operational and administrative requirements upon transfer of spent nuclear fuel assemblies and fuel fragment containers from the Spent Fuel Pool (SFP) to the Humboldt Bay Independent Spent Fuel Storage Installation (ISFSI). Some TS requirements will be relocated to the HBPP Quality Assurance Plan.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes reflect the transfer of spent fuel from the Spent Fuel Pool to the Humboldt Bay (HB) Independent Spent Fuel Storage Installation. Design basis accidents related to the SFP are discussed in the Humboldt Bay Power Plant Unit 3 Defueled Safety Analysis Report (DSAR). These postulated accidents are predicated on spent fuel being stored in the SFP. With the removal of the spent fuel from the SFP, there are no important-to-safety systems, structures or components required to function or to be monitored. In addition, there are no remaining credible accidents involving spent fuel or the SFP that require actions of a Certified Fuel Handler or Noncertified Fuel Handler to prevent occurrence or to mitigate consequences. The proposed change to the Design Features section of the Technical Specifications (TS) clarifies that the spent fuel is being stored in dry casks within an ISFSI. The probability or consequences of accidents at the ISFSI are evaluated in the HB ISFSI Final Safety Analysis Report (FSAR) and are independent of the accidents evaluated in the HBPP Unit 3 DSAR. Therefore, the proposed changes will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident evaluated?

Response: No.

The proposed changes reflect the reduced operational risks as a result of the spent fuel being transferred to dry casks within an ISFSI. The proposed changes do not modify any systems, structures or components. The plant conditions for which the HBPP Unit 3 DSAR design basis accidents relating to spent fuel and the SFP have been evaluated are no longer applicable. The aforementioned proposed changes do not affect any of the parameters or conditions that could contribute to the initiation of an accident. Design basis accidents associated with the dry cask storage of spent fuel are already considered in the HB ISFSI FSAR. No new accident scenarios are created as a result of deleting nonapplicable operational and administrative requirements. Therefore, the proposed changes will not create the possibility of a new or different kind of accident from those previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes reflect the reduced operational risks as a result of the spent fuel being transferred to dry casks within an ISFSI. The design basis and accident assumptions within the HBPP Unit 3 DSAR and the TS relating to spent fuel are no longer applicable. The proposed changes do not affect remaining plant operations, nor structures, systems, or components supporting decommissioning activities. In addition, the proposed changes do not result in a change in initial conditions, system response time, or in any other parameter affecting the course of a decommissioning activity accident analysis. Therefore, the proposed changes will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the

amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Jennifer K. Post, Pacific Gas and Electric Company, 77 Beale Street, B30A, San Francisco, CA.

NRC Branch Chief: Andrew Persinko.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: November 30, 2007.

Description of amendment request: The proposed amendments would revise Technical Specification (TS) Sections TS 5.5.9, ''Steam Generator (SG) Program'' and TS 5.6.10, ''Steam Generator Tube Inspection Report.'' The proposed changes to TS 5.5.9 modify the inspection and plugging requirements for portions of SG tubes within the hot leg side of the tubesheet region of the SGs only. The proposed changes to TS 5.6.10 will add requirements to report specific data related to indications, leakage detected, and calculated accident leakage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The previously analyzed accidents are initiated by the failure of plant structures, systems, or components. The proposed changes that alter the SG inspection criteria do not have a detrimental impact on the integrity of any plant structure, system, or component that initiates an analyzed event. The proposed changes will not alter the operation of, or otherwise increase the failure probability of, any plant equipment that initiates an analyzed accident. Therefore, the proposed change does not involve a significant increase in the probability of an accident previously evaluated.

Of the applicable accidents previously evaluated, the limiting transients with consideration to the proposed changes to the SG tube inspection criteria, are the SG tube rupture (SGTR) event and the steam line break (SLB) accident.

During the SGTR event, the required structural integrity margins of the SG tubes will be maintained by the presence of the SG tubesheet. SG tubes are hydraulically expanded in the tubesheet area. Tube rupture in tubes with cracks in the tubesheet is precluded by the constraint provided by the tubesheet. This constraint results from the hydraulic expansion process, thermal expansion mismatch between the tube and tubesheet and from the differential pressure between the primary and secondary side. Based on this design, the structural margins against burst discussed in RG 1.121 (Reference 4) [Regulatory Guide 1.121, ''Bases for Plugging Degraded PWR Steam Generator Tubes,'' dated August 1976], are maintained for both normal and postulated accident conditions.

The proposed changes do not affect other systems, structures, components or operational features. Therefore, the proposed changes result in no significant increase in the probability of the occurrence of a SGTR accident.

At normal operating pressures, leakage from primary water stress corrosion cracking (PWSCC) below the proposed limited inspection depth is limited by both the tube-to-tubesheet crevice and the limited crack opening permitted by the tubesheet constraint. Consequently, negligible normal operating leakage is expected from cracks within the tubesheet region. The consequences of a SGTR event are affected by the primary-to-secondary leakage flow during the event. Primary-to-secondary leakage flow through a postulated broken tube is not affected by the proposed change since the tubesheet enhances the tube integrity in the region of the hydraulic expansion by precluding tube deformation beyond its initial hydraulically expanded outside diameter.

The probability of a SLB is unaffected by the potential failure of a SG tube, since this failure is not an initiator for a SLB.

The consequences of a SLB are also not significantly affected by the proposed changes. During a SLB accident, the reduction in pressure above the tubesheet on the shell side of the SG creates an axially uniformly distributed load on the tubesheet due to the reactor coolant system pressure on the underside of the tubesheet. The resulting bending action constrains the tubes in the tubesheet, thereby restricting primary-to-secondary leakage below the midplane.

The purpose of the tube-end weld is to ensure the hydraulically expanded tube-to-tubesheet joints in Model F SGs are leak-tight. Considerations were also made with regard to the potential for primary-to-secondary leakage during postulated faulted conditions. However, the leak rate during postulated accident conditions would be expected to be less than that during normal operation for indications near the bottom of the tubesheet based on the evaluation (Reference 1) [Westinghouse Electric Company WCAP–16794–P, ''Steam Generator Tube Alternate Repair Criteria for the Portion of the Tube Within the Tubesheet at the Vogtle 1 & 2 Electric Generating Plants,'' dated October 2007] which shows that while the driving pressure increases by about a factor of almost two, the flow resistance increases, because the tube-to-tubesheet contact pressure also increases. Depending on the depth within the tubesheet, the relative increase in resistance could easily be larger than that of the pressure potential. Therefore, the leak rate under normal operating conditions could exceed its allowed value before the accident condition leak rate would be expected to exceed its allowed value. This approach is termed an application of the ''bellwether principle.'' While such a decrease in the leak rate is expected, the postulated accident leak rate could conservatively be taken to be bounded by twice the normal operating leak rate if the increase in contact pressure is ignored.

Since normal operating leakage is limited by VEGP TS 3.4.13 and by NEI 97–06 (Reference 3) [NEI 97–06, ''Steam Generator Program Guidelines,'' Revision 2, dated May 2, 2005] to less than 150 gpd throughout one SG in the VEGP Units 1 and 2 SGs, the attendant accident condition leak rate, assuming all leakage to be from lower tubesheet indications, would be bounded by 0.20 gpm in the faulted SG which is less than the accident analysis assumption of 0.35 gpm to the affected SG included in Section 15.1.5 of the VEGP FSAR. Hence, it is reasonable to omit any consideration of inspection of the tube, tube end weld, bulges/overexpansions or other anomalies below 17 inches from the top of the hot leg tubesheet.

Based on the above discussion, the proposed changes do not involve an increase in the consequences of an accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed changes do not involve the use or installation of new equipment and the currently installed equipment will not be operated in a new or different manner. No new or different system interactions are created and no new processes are introduced. The proposed changes will not introduce any new failure mechanisms, malfunctions, or accident initiators not already considered in the design and licensing bases.

Based on this evaluation, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

No. The proposed changes maintain the required structural margins of the SG tubes for both normal and accident conditions. NEI 97–06 (Reference 3) and RG 1.121 (Reference 4), are used as the bases in the development of the limited tubesheet inspection depth methodology for determining that SG tube integrity considerations are maintained within acceptable limits. RG 1.121 (Reference 4) describes a method acceptable to the NRC for meeting the following General Design Criteria (GDC).

- GDC 14, ''Reactor coolant pressure boundary,''
- GDC 15, ''Reactor coolant system design,''
- GDC 31, ''Fracture prevention of reactor coolant pressure boundary,'' and,
- GDC 32, ''Inspection of reactor coolant pressure boundary.''

RG 1.121 concludes that by determining the limiting safe conditions for tube wall degradation, the probability and consequences of a SGTR are reduced. This RG uses safety factors on loads for tube burst that are consistent with the requirements of Section III of the ASME Code [American Society of Mechanical Engineers, Boiler and Pressure Vessel Code].

Application of the limited tubesheet inspection depth criteria will preclude

unacceptable primary-to-secondary leakage during all plant conditions. The methodology for determining leakage provides for large margins between calculated and actual leakage values in the proposed limited tubesheet inspection depth criteria.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street, NE., Atlanta, Georgia 30308–2216.

NRC Branch Chief: Evangelos C. Marinos.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: October 23, 2007.

Description of amendment request: The amendments will relocate the surveillance test intervals of various Technical Specifications (TSs) to a licensee-controlled program (risk-informed Initiative 5(b)) in accordance with the Surveillance Frequency Control Program, which is being added to the Administrative Controls section of the TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. [Do] the proposed change[s] involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change[s] [involve] the relocation of various surveillance test intervals from Technical Specifications (TS) to a licensee-controlled program. The proposed change[s] [do] not involve the modification of any plant equipment or affect basic plant operation. The proposed change[s] will have no impact on the design or function of any safety related structures, systems or components. Surveillance test intervals are not assumed to be an initiator of any analyzed event, nor are they assumed in the mitigation of consequences of accidents. The surveillance requirements themselves will be maintained in the TS along with the applicable Limiting Conditions for Operation (LCOs) and Action statements. The surveillances performed at the intervals specified in the licensee-controlled program will assure that the affected system or component function is maintained, that the facility operation is within the Safety Limits, and that the LCOs are met.

Therefore, the proposed change[s] [do] not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. [Do] the proposed change[s] create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change[s] [do] not involve any physical alteration of plant equipment and does not change the method by which any safety-related structure, system, or component performs its function or is tested. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged.

The methods governing plant operation and testing remain consistent with current safety analysis assumptions.

Therefore, the proposed change[s] will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. [Do] the proposed change[s] involve a significant reduction in a margin of safety?

Response: No.

The proposed change[s] [do] not negate any existing requirement, and [do] not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by relocation of the surveillance test intervals to a licensee-controlled program.

Therefore, the proposed change[s] [do] not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for amendments involves no significant hazards consideration.

Attorney for licensee: A. H. Gutterman, Esq., Morgan, Lewis & Bockius, 1111 Pennsylvania Avenue, NW., Washington, DC 20004.

NRC Branch Chief: Thomas G. Hiltz.

U.S. Department of Transportation (USDOT), United States Maritime Administration (MARAD), License No. NS–1, Docket No. 50–238, Nuclear Ship Savannah (NSS)

Date of amendment request: October 9, 2007.

Description of amendment request: The proposed license amendment would modify the Technical Specification (TS) requirements to clarify the TS and make the requirements commensurate with the current ship status and decommissioning schedule. Thirty-nine TS changes are proposed. The proposed changes modify the TS as follows:

- Delete requirements more appropriate for the Final Safety Analysis Report;
- Provide consistent titles and phrases;
- Delete duplicate requirements;
- Organize similar requirements into single locations;
- Remove requirements that can be implemented through current regulations;
- Delete archaic requirements;
- Invoke requirements commensurate with current ship status and decommissioning schedule;
- Format and renumber, as appropriate;
- Revise requirements to reflect historical practices;
- Revise TS to be consistent with the Decommissioning Quality Assurance Plan; and
- Correct errors introduced in License Amendment 13, Reference (a).

The application for license amendment is available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The ADAMS accession number for the October 9, 2007, request is ML072880143.

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes are administrative and do not involve modification of any plant equipment or affect basic plant operation. The NSS's reactor is not operational and the level of radioactivity in the NSS has significantly decreased from the levels that

existed when the 1976 Possession-only License was issued. No aspect of any of proposed changes is and initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased.

Therefore, the proposed changes no not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident evaluated?

Response: No.

All of the proposed changes are administrative and do not involve physical alteration of plant equipment that was not previously allowed by Technical Specifications. These proposed changes do not change the method by which any safety-related system performs its function. As such, no new or different types of equipment will be installed, and the basic operation of installed equipment is unchanged. The methods governing plant operation and testing remain consistent with current safety analysis assumptions.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

Response: No.

All of the proposed changes are administrative in nature. No margins of safety exist that are relevant to the ship's defueled and partially dismantled reactor. As such, there are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety as a result of the proposed changes. The proposed changes involve movement of the ship, changes in the performance of responsibilities and reflect significantly improved radiological conditions since 1976.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based upon the staff's review of the licensee's analysis, as well as the staff's own evaluation, the staff concludes that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Senior Technical Advisor, N.S. Savannah: Erhard W. Koehler, MARAD, Office of Ship Disposal Programs.

NRC Branch Chief: Andrew Persinko.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of amendment request: October 24, 2007.

Description of amendment request: The amendments would revise the Technical Specifications (TS) Limiting Condition for Operations (LCO) 3.8.7 and 3.8.9, pertaining to electrical power systems and distribution associated with the 120 Volt AC vital bus inverters. The TS changes are intended to support operability of components shared between Unit 1 and Unit 2. The proposed changes will add new Conditions, Required Action statements and Completion Times for LCO 3.8.7 and LCO 3.8.9 to address shared components.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. [Does the proposed amendment] involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed amendment does not involve a significant increase in the probability or consequence of an accident previously analyzed. There is no change to how or under what conditions the inverters or 120 VAC vital buses are operated, nor are there any changes to acceptable operating parameters. Operability requirements, which are consistent with current operation of the inverters and vital buses, are being established for the inverters and vital buses associated with shared systems. The proposed change will ensure that there is an operable electrical control circuit for the Auxiliary Building Central Exhaust subsystem filter and bypass dampers for each train of the [Emergency Core Cooling System Pump Room Exhaust Air Cleanup System] ECCS PREACS which will ensure that the evaluated dose consequences for [design basis accidents] DBAs will not be exceeded.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. [Does the proposed amendment] create the possibility of a new or different kind of accident from any accident previously evaluated?

The implementation of the proposed changes does not create the possibility of an accident of a different type than was previously evaluated in the [Updated Final Safety Analysis Report] UFSAR. There is no change to how or under what conditions the inverters or 120 VAC vital buses are operated nor are there any changes to acceptable operating parameters. The proposed operability requirements, which are consistent with current operation of the inverters and vital buses, are being established for the inverters and vital buses associated with shared systems. The proposed changes ensure vital 120 VAC power is available to support operation of the Auxiliary Building Central Exhaust subsystems. These changes do not alter the nature of events postulated in the UFSAR nor do they introduce any unique precursor mechanisms.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. [Does the proposed amendment] involve a significant reduction in the margin of safety?

The implementation of the proposed changes does not reduce the margin of safety. The proposed changes for the 120 VAC Vital Bus System and Inverters do not affect the ability of these systems or components to perform their intended safety functions to provide power to required safety and monitoring systems or components. Operability requirements, which are consistent with current operation of the inverters and vital buses, are being established for the inverters and vital buses associated with shared systems. These changes provide additional assurance that the Auxiliary Building Central Exhaust subsystems will operate to maintain the margin of safety.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Esq., Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Evangelos C. Marinos.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance

with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area 01F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR Reference staff at 1 (800) 397–4209, (301) 415–4737 or by e-mail to *pdr@nrc.gov.*

Carolina Power & Light Company, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina.

Date of application for amendments: January 22, 2007, as supplemented by letter dated September 28, 2007.

Brief Description of amendments: The amendments change the Technical Specifications (TSs) related to the fuel design description and the fuel criticality methods to accommodate the transition to AREVA NP fuel.

Date of issuance: November 27, 2007.

Effective date: Date of issuance, to be implemented within 60 days.

Amendment Nos.: 243 and 271.

Facility Operating License Nos. DPR–71 and DPR–62: Amendments changed the TSs.

Date of initial notice in ***Federal Register:*** August 29, 2007 (72 FR 49742). The supplement dated September 28, 2007, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 27, 2007.

No significant hazards consideration comments received: No.

Entergy Gulf States, Inc., and Entergy Operations, Inc., Docket No. 50–458, River Bend Station, Unit 1, West Feliciana Parish, Louisiana

Date of amendment request: August 17, 2007.

Brief description of amendment: The amendment revised the date for performing the ''Type A test'' in the River Bend Station, Unit 1, Technical Specification 5.5.13, ''Primary Containment Leak Rate Testing Program,'' from ''prior to December 14, 2007,'' to ''prior to April 14, 2008.''

Date of issuance: December 3, 2007.

Effective date: As of the date of issuance and shall be implemented 60 days from the date of issuance.

Amendment No.: 155.

Facility Operating License No. NPF–47: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** September 11, 2007 (72 FR 51857). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 3, 2007.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC (EGC), Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois.

Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois.

Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois.

Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois.

EGC and PSEG Nuclear LLC, Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3 (PBAPS), York and Lancaster Counties, Pennsylvania.

Date of application for amendments: December 15, 2006.

Brief description of amendments: The amendments modify the technical specifications (TSs) by replacing the term ''plant-specific'' with ''generic'' when discussing job titles in TS Section 5.2.1.a. This revision will ensure the TS description is consistent with the licensee Quality Assurance Topical Report (QATR). The proposed amendment will also revise the PBAPS TS Section 5.2.1.a to replace the reference to the Updated Final Safety Analysis Report with reference to the EGC QATR. This change aligns the PBAPS TS wording with the rest of the licensee fleet.

Date of issuance: November 19, 2007.

Effective date: As of the date of issuance and shall be implemented within 60 days of the date of issuance.

Amendment Nos.: 152, 152, 147, 147, 225, 217, 187, 174, 265, 269, 236, and 231.

Facility Operating License Nos. NPF–37, NPF–66, NPF–72, NPF–77, DPR–19, DPR–25, NPF–11, NPF–18, DPR–29, DPR–30, DRP–44, and DPR–56: The amendments revised the Technical Specifications and Operating Licenses.

Date of initial notice in ***Federal Register:*** March 13, 2007 (72 FR 11387).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 19, 2007.

No significant hazards consideration comments received: No.

Luminant Generation Company LLC, Docket Nos. 50–445 and 50–446, Comanche Peak Steam Electric Station, Unit Nos. 1 and 2, Somervell County, Texas

Date of amendment request: December 19, 2006.

Brief description of amendments: Amendments revise the requirements in Technical Specification (TS) 5.5.8, ''Inservice Testing Program,'' to update references to the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, Section XI, as the source of requirements for the inservice testing of ASME Code Class 1, 2, and 3 pumps and valves, and address the applicability of Surveillance Requirement 3.0.2 to other normal and accelerated frequencies specified as 2 years or less in the Inservice Testing Program.

Date of issuance: December 4, 2007.

Effective date: As of the date of issuance and shall be implemented within 120 days of the date of issuance.

Amendment Nos.: Unit 1–140; Unit 2–140.

Facility Operating License Nos. NPF–87 and NPF–89: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** May 22, 2007 (72 FR 28724). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated December 4, 2007.

No significant hazards consideration comments received: No.

Nebraska Public Power District, Docket No. 50–298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: August 16, 2007, as supplemented by letter dated November 5, 2007.

Brief description of amendment: The amendment revised Technical Specification 5.5.6, ''Inservice Testing Program,'' to allow a one-time extension of the 5-year frequency requirement for setpoint testing of safety valve MS–RV–70ARV.

Date of issuance: December 4, 2007.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 228.

Facility Operating License No. DPR–46: Amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in **Federal Register:** September 25, 2007 (72 FR 54476). The supplement dated November 5, 2007, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as initially published in the **Federal Register**. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 4, 2007.

No significant hazards consideration comments received: No.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: April 12, 2006, and supplemented November 21, 2006.

Brief description of amendment: The amendment incorporates the Nuclear Regulatory Commission (NRC) approved, License Termination Plan (LTP), and associated addendum, into the Rancho Seco license and specifies limits on the changes the licensee is allowed to make to the approved LTP without prior NRC review and approval.

Date of issuance: November 26, 2007.

Effective date: November 26, 2007.

Amendment No: 133.

Facility Operating License No. DPR–54: The amendment revised the License.

Date of initial notice in ***Federal Register***: February 13, 2007 (72 FR 6789).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated November 26, 2007.

No significant hazards consideration comments received: No.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of application for amendments: July 14, 2006, as supplemented by letters dated June 28, September 26, and November 2, 2007.

Brief description of amendments: The amendments incorporate a description of the parent tube inspection limitation adjacent to the nickel band portion of the lower sleeve joint and provide the basis for the structural and leakage integrity of the joint being ensured with the existing inspection of the parent tube adjacent to the nickel band region.

Date of issuance: November 29, 2007.

Effective date: As of its date of issuance, to be implemented within 60 days of issuance.

Amendment Nos.: Unit 2–215; Unit 3–207.

Facility Operating License Nos. NPF–10 and NPF–15: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** September 12, 2006 (71 FR 53720). The supplements dated June 28, September 26, and November 2, 2007, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 29, 2007.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of application for amendments: June 5, 2007, as supplemented June 11, 2007.

Brief description of amendments: The amendments revised the Technical Specifications testing frequency for surveillance requirement 3.1.4, ''Control Rod Scram Times,'' from ''120 days cumulative operation in MODE 1'' to ''200 days cumulative operation in MODE 1.''

Date of issuance: November 26, 2007.

Effective date: As of the date of issuance and shall be implemented within 45 days from the date of issuance.

Amendment Nos.: 254, 198.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: Amendments revised the licenses and the technical specifications.

Date of initial notice in ***Federal Register:*** July 17, 2007, (72 FR 39084).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated November 26, 2007.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 10th day of December 2007.

For the Nuclear Regulatory Commission.

Catherine Haney,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E7–24284 Filed 12–17–07; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Availability; NUREG–1574, Rev. 2, ''Standard Review Plan on Transfer and Amendment of Antitrust License Conditions and Antitrust Enforcement''

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission is announcing the completion and availability of NUREG–1574, Rev. 2, ''Standard Review Plan on Transfer and Amendment of Antitrust License Conditions and Antitrust Enforcement,'' dated November 2007.

ADDRESSES: A copy of NUREG–1574, Rev. 2 is available for inspection and/or copying for a fee in the NRC Public Document Room, 11555 Rockville Pike, Rockville, Maryland. You may also electronically access NUREG-series publications and other NRC records at NRC's Public Electronic Reading Room at *http://www.nrc.gov/reading-rm.html*.

FOR FURTHER INFORMATION CONTACT: Steven R. Hom, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Telephone: 301–415–1537, e-mail *srh@nrc.gov*.

SUPPLEMENTARY INFORMATION: NUREG–1574, Rev. 2 (ADAMS accession no. ML072260035) reflects the Energy Policy Act of 2005's removal of the NRC's antitrust review responsibilities regarding applications for licenses under sections 103 and 104 of the Atomic Energy Act of 1954, as amended. Accordingly, antitrust review procedures that existed in the previous

''Standard Review Plan on Antitrust Reviews'' (NUREG–1574, published December 1997) have been omitted from NUREG–1574, Rev. 2. New guidance has been incorporated on the appropriate disposition of existing antitrust license conditions during direct license transfers and on the review of applications to amend antitrust license conditions outside of license transfers. NUREG–1574, Rev. 2 also provides guidance regarding the NRC's responsibility to refer certain antitrust matters to the Attorney General, and regarding the NRC's enforcement of antitrust license conditions. NUREG–1574, Rev. 2 supersedes the Standard Review Plan on Antitrust Reviews, NUREG–1574, in its entirety.

Notice of the availability of the draft version of NUREG–1574, Rev. 2 for public comment was published in the **Federal Register** on June 7, 2007 (72 FR 31627). Comments were received from the Nuclear Energy Institute (NEI) dated July 9, 2007. NEI stated that the draft NUREG–1574, Rev. 2 correctly focuses the NRC staff's evaluation of antitrust issues as it conducts limited reviews of existing antitrust license conditions in the context of certain license transfers and license amendment requests related to existing antitrust license conditions. According to NEI, the nuclear energy industry believes the draft of NUREG–1574, Rev. 2 accurately sets forth the state of the law as it applies to NRC licensees. NEI recommended no changes to the draft NUREG–1574, Rev. 2. No other comments were received.

With the exception of some minor editorial changes, the text of the draft NUREG–1574, Rev. 2 was carried over to the final NUREG–1574, Rev. 2.

Congressional Review Act (CRA)

Under the Congressional Review Act (CRA) of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Management and Budget.

Dated at Rockville, Maryland, this 12th day of December, 2007.

For the Nuclear Regulatory Commission.

Michael J. Case,

Director, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. E7–24471 Filed 12–17–07; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56949; File No. SR–OPRA–2007–03]

Options Price Reporting Authority; Notice of Filing and Order Approving on a Temporary Basis Not To Exceed 120 Days a Proposed Amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information, as Modified by Amendment No. 1 Thereto, To Modify Various Provisions of the OPRA Plan and the OPRA Fee Schedule To Reflect the Elimination of Separate Fees for Access to Market Data Concerning Certain Foreign Currency Options

December 12, 2007.

I. Introduction

Pursuant to section 11A of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 608 thereunder,[2] notice is hereby given that on October 9, 2007, the Options Price Reporting Authority (''OPRA'') submitted to the Securities and Exchange Commission (''Commission'') an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA Plan'').[3] The proposed amendment would amend various provisions of the OPRA Plan in order to reflect the elimination of the separate fees for access to market data concerning Foreign Currency Options (''FCOs'') that currently apply to certain FCOs traded on the Phlx. The OPRA Fee Schedule would similarly be revised to reflect the elimination of the separate FCO service access fees. On November 14, 2007, OPRA submitted Amendment No. 1 to the proposal.[4] On December 11, 2007, OPRA submitted a revised version of Exhibit II to Amendment No. 1 to the proposal, which it requested be substituted for the original version of Exhibit II.[5] This order approves the proposal as modified by Amendment No. 1 for a temporary period not to exceed 120 days, and solicits comment on the proposal from interested persons.

II. Description and Purpose of the Amendment

Effective March 14, 1995, the OPRA Plan was amended to authorize the imposition of separate, unbundled access charges for market information pertaining to FCOs.[6] Subsequently, effective January 1, 1996, separate access charges for market information were imposed by OPRA, and subject to the exception described below, such separate charges have remained in effect since that time.[7] More recently, OPRA adopted a temporary exception to the separate FCO access fees for ''new'' FCOs first listed on any exchange on or after December 6, 2005, pursuant to which access to market information pertaining to such securities has been included within OPRA's basic information service, and has required payment only of OPRA's basic service access fees.[8] This temporary exception, which is set forth in Section VIII(c)(iii) of the OPRA Plan, is scheduled to expire by its terms on December 31, 2007, at which time, absent further action, all FCOs would become subject to separate FCO service access fees.

Currently, certain classes of FCOs traded on the Phlx are subject to the separate FCO access fees, while other classes of FCOs traded on that exchange (those first listed on or after December 6, 2005) are subject to OPRA's basic service access fees. The only other exchange currently trading FCOs is the ISE, where all of the FCOs were listed subsequent to December 6, 2005, and thus are subject only to OPRA's basic service access fees.

Phlx recently informed OPRA that for business reasons it has ceased listing new series of physical delivery FCOs to replace expiring series, and instead provides a market for foreign currency derivative securities through the listing of new classes of U.S. dollar-settled

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[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The OPRA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder (formerly Rule 11Aa3–2). *See* Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The full text of the OPRA Plan is available at *http://www.opradata.com.*

The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The six participants to the OPRA Plan are the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Incorporated, the International Securities Exchange, LLC (''ISE''), NYSE Arca, Inc., and the Philadelphia Stock Exchange, Inc. (''Phlx'').

[4] Amendment No. 1 did not make any substantive changes to the text of the proposed OPRA Plan amendment, but instead provided a revised Exhibit I to the original filing and offered a new Exhibit II to the proposal. Amendment No. 1 replaced the original filing in its entirety.

[5] The revised Exhibit II made technical changes to the original and corrected an outdated reference to the ''NASD,'' which is now called ''FINRA.''

[6] *See* Securities Exchange Act Release No. 35487 (March 14, 1995), 60 FR 14984 (March 21, 1995) (File No. S7–8–90).

[7] *See* Securities Exchange Act Release No. 36613 (December 20, 1995), 60 FR 67144 (December 28, 1995) (SR–OPRA–95–5).

[8] *See* Securities Exchange Act Release Nos. 52901 (December 6, 2005), 70 FR 74061 (December 14, 2005) (SR–OPRA–2005–03) and 55049 (January 5, 2007), 72 FR 1568 (January 12, 2007) (SR–OPRA–2006–02).

FCOs, sometimes referred to as World Currency Options. Under the current OPRA Plan, access to market data concerning all options, including the new U.S. dollar-settled FCOs as well as individual equity options and cash-settled index options, is subject to OPRA's basic service access fees. In the case of U.S. dollar-settled FCOs, this reflects the temporary exception described above, whereas in the case of equity and index options it is because OPRA has never adopted separate access fees for its index option service, but instead has made index options subject to the same basic service access fees that apply to equity options.

The purpose of this proposed amendment is to maintain this same fee structure after the temporary exception for FCOs expires at the end of 2007. Trading in existing classes of physical delivery FCOs on Phlx will be restricted to closing transactions until the last outstanding class expires on March 14, 2008, if the remaining positions in these classes are not closed out sooner. Thus by that date, if not sooner, there will no longer be any physical delivery FCOs traded on the Phlx that are subject to the existing separate FCO service access fees. At that time, assuming the effectiveness of this proposed amendment, access to market data for all options, including U.S. dollar-settled FCOs and all other FCO securities, will require payment only of OPRA's basic service access fees.

As noted, pursuant to the temporary exception in the OPRA Plan for ''new'' FCOs, all of the FCOs currently traded on ISE are subject only to OPRA's basic service access fees, and none are subject to the separate FCO service access fees. However, unless the OPRA Plan is amended to eliminate the separate access fees for FCOs, upon the expiration of the temporary exception, FCOs traded on ISE would become subject to the separate FCO service access fees. In order to avoid making this change to the status quo on ISE, the effect of which would be to subject FCO subscribers to what for them would be a new, additional, access fee for continued access to FCO market information, ISE joined with Phlx in authorizing the elimination of the separate FCO access fees, and in requesting OPRA to amend the OPRA Plan to reflect the elimination of these separate fees.

As proposed to be amended, the OPRA Plan will treat FCOs in exactly the same manner in which it now treats index options. Specifically, similar to index options, the OPRA Plan will continue to provide for a separate FCO accounting center and provide a framework for the possible future imposition of a separate access fees when and if authorized by the parties that provide a market in those securities, subject to satisfying the requirements of the Act.

Because the proposed amendment cannot become effective until the elimination by expiration or by closing transaction of the last remaining open position in physical delivery FCOs traded on Phlx that are subject to the separate FCO service access fees, which could be as late as March 14, 2008, and because it is necessary to retain the temporary exception from the separate FCO service access charges until these separate charges no longer apply, OPRA proposes to extend the temporary exception, currently scheduled to expire on December 31, 2007, until as late as March 14, 2008. Accordingly, this proposed amendment includes an extension of the temporary exception provided for in section VIII(c)(iii) of the OPRA Plan until such time as there is no longer any open interest in physical delivery FCOs traded on the Phlx that are subject to the separate FCO service access fees. In no event will this be later than March 14, 2008. The Phlx has undertaken to advise OPRA when that last remaining open interest no longer exists, so that the separate FCO service access fees and the temporary exception can be removed from the OPRA Plan effective as of that time, in accordance with this proposed OPRA Plan amendment.

The text of the proposed amendment to the OPRA Plan and the proposed changes to the OPRA Fee Schedule are available at OPRA, the Commission's Public Reference Room, and *http://opradata.com/pdf/proposed_amendments.pdf*.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed OPRA Plan amendment is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–OPRA–2007–03 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-OPRA–2007–03. 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 plan amendment that are filed with the Commission, and all written communications relating to the proposed plan amendment 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 OPRA. 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–OPRA–2007–03 and should be submitted on or before January 8, 2008.

IV. Discussion

After careful review, the Commission finds that the proposed OPRA Plan amendment, as modified by Amendment No. 1, is sufficient under the Act and the rules and regulations thereunder for temporary approval of not more than 120 days.[9] Specifically, the Commission believes that the proposed OPRA Plan amendment, is sufficient under section 11A of the Act[10] and Rule 608(b)(4)[11] thereunder for temporary approval not to exceed 120 days in that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to preserve the status quo by extending the deadline set forth in section VIII(c)(iii) of the OPRA Plan until such

[9] In approving the proposed OPR Plan Amendment, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78k–1.

[11] 17 CFR 242.608(b)(4).

time as there is no longer any open interest in physical delivery FCOs traded on the Phlx that are subject to the separate FCO service access fee. The Commission believes that OPRA's proposal, which would amend various provisions of the OPRA Plan and the OPRA Fee Schedule in order to reflect the elimination of the separate fees for access to market data concerning FCOs that currently apply to certain FCOs traded on the Phlx, is appropriate in light of Phlx's decision to cease listing new series of physical delivery FCOs to replace expiring series. The proposed amendment would maintain the same fee structure after the temporary exception would otherwise expire on December 31, 2007. Further, once the remaining positions in existing classes of physical delivery FCOs listed on the Phlx are Phlx are closed-out, access to market data for all options, including dollar-settled FCOs and all other FCO securities will require payment of the same fee, OPRA's basic service access fee.

Finally, the Commission finds that it is appropriate to put the proposed OPRA Plan amendment, as modified by Amendment No.1, into effect summarily upon publication of notice on a temporary basis not to exceed 120 days to extend for a brief period the temporary exception provided for in section VIII(c)(iii) of the OPRA Plan and thus preserve the status quo. Absent such extension, the ISE would become subject to the separate FCO service access fee. Accordingly, the Commission finds that is necessary or appropriate in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanism of, a national market system to approve the proposed OPRA Plan amendment, as modified by Amendment No. 1 thereto, on a temporary basis not to exceed 120 days.

V. Conclusion

It is therefore ordered, pursuant to Section 11A of the Act,[12] and Rule 608 thereunder,[13] that the proposed OPRA Plan amendment (SR-OPRA–2007–03), as modified by Amendment No. 1, be, and it hereby is, approved on a temporary basis not to exceed 120 days.

[12] 15 U.S.C. 78k–1.

[13] 17 CFR 242.608.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–24484 Filed 12–17–07; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56950; File No. SR–OPRA–2007–04]

Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of Proposed Amendment To Revise OPRA's Fee Schedule

December 12, 2007.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 608 thereunder,[2] notice is hereby given that on October 16, 2007 the Options Price Reporting Authority (''OPRA'') submitted to the Securities and Exchange Commission (''Commission'') an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA Plan'').[3] Specifically, OPRA proposes to revise the device-based professional subscriber fees charged by OPRA in respect of its Basic Service. Similarly, the proposal would make a conforming change to OPRA's Enterprise Rate Professional Subscriber Fee (''Enterprise Rate''). On November 14, 2007, OPRA submitted a revised Exhibit I, which it requested be substituted for the Exhibit I attached to the original filing.[4] On December 11, 2007, OPRA submitted a further revised Exhibit I, which it asked be substituted for the Exhibit I submitted on November 14, 2007.[5] The Commission is publishing this notice to solicit comments from interested persons on the proposed OPRA Plan amendment.

I. Description and Purpose of the Amendment

The purpose of the amendment is to make incremental increases in OPRA's device-based professional subscriber fees in respect of its Basic Service and in respect of the Enterprise Rate charged to those subscribers who elect that rate in place of device-based fees. These increases would be phased in over a three-year period. Specifically, OPRA proposes to increase the current $20 monthly per device fee by $1.00 in each of the years 2008, 2009, and 2010. OPRA also proposes to increase the Enterprise Rate, currently a monthly fee of $20 times the number of a subscriber's U.S.-based registered representatives, by this same amount in each of these years. These increases would become effective on January 1 of each year.

OPRA's Basic Service currently consists of market data and related information pertaining to equity options, index options, and most (soon to be all) foreign currency options (''OPRA Data'').[6] Professional subscribers are persons who subscribe to receive OPRA Data and do not qualify for the reduced fees charged to nonprofessional subscribers. OPRA's Enterprise Rate is based on the number of a professional subscriber's U.S.-based registered representatives and independent investment advisers who contract with the subscriber to provide advisory services to the subscriber's customers.

The proposed increases in the device-based professional subscriber fees and in the Enterprise Rate are intended to generate additional revenues for OPRA and its participating exchanges that are needed to cover actual and anticipated increases in the costs of collecting, consolidating, processing, and disseminating options market

[14] 17 CFR 200.30–3(a)(29).

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The OPRA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder (formerly Rule 11Aa3–2). *See* Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The full text of the OPRA Plan is available at *http://www.opradata.com.*

The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The six participants to the OPRA Plan are the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Incorporated, the International Securities Exchange, Inc. (''ISE''), the NYSE Arca, Inc., and the Philadelphia Stock Exchange, Inc. (''Phlx'').

[4] The second revised Exhibit I reflects technical changes and sets forth the entire OPRA Fee Schedule. As originally filed, Exhibit I included only that portion of the OPRA Fee Schedule pertaining to OPRA's professional subscriber fees.

[5] The revised Exhibit I made technical changes to the prior version of Exhibit I and corrected an outdated reference to the ''NASD,'' which is now called ''FINRA.''

[6] Commencing January 1, 1996, OPRA data pertaining to foreign currency options (''FCOs'') was made subject to separate FCO Service access fees. However, pursuant to an exception for FCOs first listed on any exchange on or after December 6, 2005, these separate access fees do not currently apply to most of the FCOs traded on the Phlx, or to any of the FCOs traded on the ISE, which are the only two exchanges currently providing a market in FCOs. OPRA has recently filed a Plan amendment (SR–OPRA–2007–03) that proposes the elimination of all remaining separate access fees for FCOs. Upon the effectiveness of that amendment, which OPRA anticipates will occur no later than March 14, 2008, access to market information pertaining to all FCOs would be included within OPRA's Basic Service and would require payment only of OPRA's Basic Service access fees.

information and assuring the reliability and integrity of that information. According to OPRA, these increases reflect the costs of continuing enhancements to and upgrades of the OPRA system and related exchange systems since the time these fees were last adjusted in order to enable OPRA, its participant exchanges, and its vendors to handle a greater volume of market information as a result of the continuing expansion of listed options trading and to provide a greater degree of redundancy and security in the OPRA system. Past and projected expansion of options trading reflects such factors as an increase in the number of exchanges that trade options and in the number of options classes and series traded on each exchange, and actual and anticipated growth in the number of quotes on account of the ongoing implementation of quoting in penny intervals. The fee increases also take into account the loss of revenue on account of the elimination of separate fees for access to OPRA's FCO Service.[7] OPRA estimates that the overall effect of the proposed increases in professional subscriber fees would be to increase revenues derived from these fees by approximately 5% in each of the three years covered by the proposal, before giving effect to the elimination of the FCO access fee upon the discontinuation of OPRA's separate FCO Service.

The text of the proposed amendment to the OPRA Plan is available at OPRA, the Commission's Public Reference Room, and *http://opradata.com*.

II. Implementation of the OPRA Plan Amendment

Pursuant to paragraph (b)(3)(i) of Rule 608 under the Act,[8] OPRA designated this amendment as establishing or changing a fee or other charge collected on behalf of all of the OPRA participants in connection with access to, or use of, OPRA facilities, thereby qualifying for effectiveness upon filing. In order to give persons subject to these fees advance notice of the changes, the first of these fee changes is not proposed to be implemented until January 1, 2008.

The Commission may summarily abrogate the amendment within sixty days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 608(b)(2) under the Act[9] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act.[10]

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed OPRA Plan amendment is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File No. SR–OPRA–2007–04 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–OPRA–2007–04. 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 plan amendment that are filed with the Commission, and all written communications relating to the proposed plan amendment 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 OPRA. 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–OPRA–2007–04 and should be submitted on or before January 8, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

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[7] *See id.*

[8] 17 CFR 242.608(b)(3)(i).

[9] 17 CFR 242.608(b)(2).

[10] For purposes of calculating the 60-day period within which the Commission may summarily abrogate the proposed rule change pursuant to Rule 608(b)(3) under the Act, the Commission considers the period to commence on December 11, 2007, the date on which OPRA submitted the second revised Exhibit I. *See* 17 CFR 242.608(b)(3).

[11] 17 CFR 200.30–3(a)(29).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56941; File No. 4–551]

Program for Allocation of Regulatory Responsibilities Pursuant to Rule 17d–2; Order Approving and Declaring Effective a Plan for the Allocation of Regulatory Responsibilities Among the American Stock Exchange LLC, the Boston Stock Exchange, Inc., the Chicago Board Options Exchange, Incorporated, the International Securities Exchange, LLC, Financial Industry Regulatory Authority, Inc., NYSE Arca, Inc., and the Philadelphia Stock Exchange, Inc.

December 11, 2007

On October 30, 2007, the American Stock Exchange LLC (''Amex''), the Boston Stock Exchange, Inc. (''BSE''), the Chicago Board Options Exchange, Incorporated (''CBOE''), the International Securities Exchange, LLC (''ISE''), Financial Industry Regulatory Authority, Inc. (''FINRA''), NYSE Arca, Inc. (''NYSE Arca''), and the Philadelphia Stock Exchange, Inc. (''Phlx'') (collectively, ''Participants'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 17d–2 thereunder,[2] a proposed plan for the allocation of regulatory responsibilities (''Plan'').[3] The Plan was published for comment on November 9, 2007.[4] The Commission received no comments on the Plan. This order approves and declares effective the Plan.

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] *See infra* Section II (describing the proposed Plan).

[4] *See* Securities Exchange Act Release No. 56731 (November 1, 2007), 72 FR 63637 (File No. 4–551) (''Notice'').

I. Introduction

Section 19(g)(1) of the Act,[5] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or registered securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d)[6] or Section 19(g)(2)[7] of the Act. Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[8] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[9] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[10] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[11] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[12] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for notice and comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

The Plan is intended to reduce regulatory duplication for common members by allocating regulatory responsibility for certain options-related market surveillance matters among the Participants.[13] Under the Plan, a Participant will serve as the Designated Options Surveillance Regulator (''DOSR'') for each common member assigned to it and will assume regulatory responsibility with respect to that common member's compliance with applicable common rules for certain accounts. As proposed, the Plan currently is limited to the review of expiring exercise declarations pursuant to the common rules listed in proposed Exhibit A to the Plan. When an SRO has been named as a common member's DOSR, all other SROs to which the common member belongs will be relieved of regulatory responsibility for that common member, pursuant to the terms of the Plan, with respect to the applicable common rules specified in Exhibit A to the Plan. The full text of the proposed Plan and Exhibit A thereto can be found in the Notice.

III. Discussion

The Commission finds that the proposed Plan is consistent with the factors set forth in Section 17(d) of the Act[14] and Rule 17d–2(c) thereunder[15] in that the proposed Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of a national market system. In particular, the Commission believes that the proposed Plan is an achievement in cooperation among the Participants and should reduce regulatory duplication by allocating to the DOSR the responsibility for certain options-related market surveillance matters that would otherwise be performed by multiple Participants. Accordingly, the proposed Plan promotes efficiency by reducing costs to common members. Furthermore, because the Participants will coordinate their regulatory functions in accordance with the Plan, the Plan should promote investor protection.

The Commission notes that the Plan will be administered by a committee known as the Options Surveillance Group (the ''OSG''). The Commission further notes that, under the Plan, the Participants will allocate among themselves certain regulatory responsibilities relating to compliance by their common members with such options rules of the Participants as the Participants shall determine are substantially similar and shall approve from time to time, insofar as such rules relate to market surveillance (collectively, the ''Common Rules''). The Common Rules covered by the Plan are specifically listed in Exhibit A to the Plan, as may be amended by the Participants from time to time upon unanimous written agreement by the Participants. The Commission notes that each year, or more frequently if required by changes in the rules of a Participant, each Participant will submit to the other Participants, through the Chair of the OSG, an updated list of Common Rules for review, and each Participant will confirm in writing to the Chair of the OSG whether that Participant's rules listed in Exhibit A continue to qualify

[5] 15 U.S.C. 78s(g)(1).

[6] 15 U.S.C. 78q(d).

[7] 15 U.S.C. 78s(g)(2).

[8] 15 U.S.C. 78q(d)(1).

[9] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[10] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[11] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[12] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[13] The proposed plan is wholly separate from the multiparty options agreement made pursuant to Rule 17d–2 by and among Amex, BSE, CBOE, ISE, NASD (n/k/a FINRA), NYSE, NYSE Arca, and Phlx involving the allocation of regulatory responsibilities with respect to common members for compliance with common rules relating to the conduct of broker-dealers of accounts for listed options or index warrants entered into on December 1, 2006, and as may be amended from time to time. *See* Securities Exchange Act Release Nos. 55145 (January 22, 2007), 72 FR 3882 (January 26, 2007) (File No. S7–966) and 55532 (March 26, 2007), 72 FR 15729 (April 2, 2007) (File No. S7–966).

[14] 15 U.S.C. 78q(d).

[15] 17 CFR 240.17d–2(c).

as Common Rules under the Plan. In reviewing the list of Common Rules, the Participants may add additional rules that qualify as Common Rules, will delete rules that are no longer identical or substantially similar to the Common Rules, and will confirm that the remaining rules included on Exhibit A continue to qualify as Common Rules. The Commission notes that all amendments to the Plan, excluding certain changes to Exhibits A and B, must be filed with and approved by the Commission.[16]

In addition, no less frequently than every two years, the OSG will allocate common members that conduct an options business among the Participants, and the Participant to which a common member is allocated will serve as the DOSR for that common member. The Plan also permits the Participants, subject to notice, to terminate the Plan or cancel their participation in the Plan. The Commission notes that a cancelling Participant will retain its regulatory responsibilities under the Plan until such time as the Commission has approved the cancellation or termination of the Plan.

The Commission also notes that the proposed Plan is wholly separate from the multiparty options agreement made pursuant to Rule 17d–2 by and among Amex, BSE, CBOE, ISE, NASD (n/k/a FINRA), NYSE, NYSE Arca, and Phlx involving the allocation of regulatory responsibilities with respect to common members for compliance with common rules relating to the conduct of broker-dealers of accounts for listed options or index warrants entered into on December 1, 2006, and as may be amended from time to time.[17]

IV. Conclusion

This Order gives effect to the Plan filed with the Commission in File No. 4–551. The Participants shall notify all members affected by the Plan of their rights and obligations under the Plan.

It is therefore ordered, pursuant to Section 17(d) of the Act,[18] that the Plan in File No. 4–551 by and between Amex, BSE, CBOE, ISE, FINRA, NYSE Arca, and Phlx, filed pursuant to Rule 17d–2 under the Act,[19] is hereby approved and declared effective.

It is further ordered that those SRO Participants that are not the DOSR as to a particular common member are relieved of those regulatory responsibilities allocated to the common member's DOSR under the Plan.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–24467 Filed 12–17–07; 8:45 am]

BILLING CODE 8011–01–P

[16] With respect to this proposed Plan, the Participants may include an additional rule in the list of Common Rules on Exhibit A without having to file an amendment to the Plan with the Commission, as long as such rules of each Participant that are to be included in Exhibit A meet the definition of Common Rules contained in the Plan and are otherwise consistent with the allocation of regulatory responsibility pursuant to the terms of the Plan.

[17] *See* Securities Exchange Act Release Nos. 55145 (January 22, 2007), 72 FR 3882 (January 26, 2007) (File No. S7–966) (notice) and 55532 (March 26, 2007), 72 FR 15729 (April 2, 2007) (File No. S7–966) (order).

[18] 15 U.S.C. 78q(d).

[19] 17 CFR 240.17d–2.

[20] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of: Avitech Life Sciences, Inc.; Order of Suspension of Trading

December 14, 2007.

It appears to the Securities and Exchange Commission that the market for the securities of Avitech LifeSciences, Inc. (''Avitech,'' trading symbol AVLF), may be reacting to manipulative forces or deceptive practices and that there is insufficient current public information about the issuer upon which an informed investment decision may be made, particularly concerning (1) the identity of and prior securities fraud judgments against persons who appear to be involved in the offer and sale of Avitech shares; (2) the financial performance and business prospects of Avitech; and (3) offerings to foreign investors and any restrictions on the resale of shares.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period of 9:30 a.m. EST, December 14, 2007 through 11:59 p.m. EST, on December 28, 2007.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 07–6095 Filed 12–14–07; 12:26 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of: Green Machine Development Corp.; Order of Suspension of Trading

December 14, 2007.

It appears to the Securities and Exchange Commission that the market for the securities of Green Machine Development Corp. (''Green Machine,'' trading symbol GMVP), may be reacting to manipulative forces or deceptive practices and that there is insufficient current public information about the issuer upon which an informed investment decision may be made, particularly concerning (1) the identity of and prior securities fraud judgments against persons who appear to be involved in the offer and sale of Green Machine shares; (2) the financial performance and business prospects of Green Machine; and (3) offerings to foreign investors and any restrictions on the resale of shares.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period of 9:30 a.m. EST, December 14, 2007 through 11:59 p.m. EST, on December 28, 2007.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 07–6096 Filed 12–14–07; 12:26 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of: Xiiva Holdings Inc.; Order of Suspension of Trading

December 14, 2007.

It appears to the Securities and Exchange Commission that the market for the securities of Xiiva Holdings, Inc. (''Xiiva,'' trading symbol XIVAF), may be reacting to manipulative forces or deceptive practices and that there is insufficient current public information about the issuer upon which an informed investment decision may be made, particularly concerning (1) the identity of and prior securities fraud judgments against persons who appear to be involved in the offer and sale of

Xiiva shares; (2) the financial performance and business prospects of Xiiva; and (3) offerings to foreign investors and any restrictions on the resale of shares.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed company.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the above-listed company is suspended for the period of 9:30 a.m. EST, December 14, 2007 through 11:59 p.m. EST, on December 28, 2007.

By the Commission.

J. Lynn Taylor,

Assistant Secretary.

[FR Doc. 07–6097 Filed 12–14–07; 12:26 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56943; File No. SR–CBOE–2007–133]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Class Quoting Limits

December 12, 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 November 29, 2007, the Chicago Board Options Exchange, Incorporated (''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 CBOE proposes to amend CBOE Rule 8.3A pertaining to Class Quoting Limits. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.org/Legal*), at the Exchange's Office of the Secretary, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE Rule 8.3A, Interpretation and Policy .01, establishes the upper limit, *i.e.*, Class Quoting Limit (''CQL''), on the number of members that may quote electronically in a particular product traded on CBOE's Hybrid Trading System or Hybrid 2.0 Platform. CBOE determined to establish the current CQLs in 2005 to ensure that it has the ability to effectively handle all quotes generated by its members, and because CBOE does not have systems bandwidth capacity to support an unlimited number of electronic quoters in every class.[5] The CQLs that CBOE established varied from 25 to 40, with the CQL for all Hybrid Trading Classes being 25, and the CQLs for products trading on the Hybrid 2.0 Platform ranging from 25 to 40 depending on the trading volume of the product in the preceding calendar quarter.

CBOE now proposes to amend Rule 8.3A, Interpretation and Policy .01, to increase to fifty the CQL for products trading on the Hybrid Trading System or Hybrid 2.0 Platform.[6] CBOE does not believe maintaining the existing CQL levels is appropriate and necessary, and represents that it has the systems bandwidth capacity to support this increase in the CQLs. Additionally, CBOE believes that establishing a CQL level of 50 for products traded on CBOE's Hybrid Trading System or Hybrid 2.0 Platform will alleviate the operational burden of having to calculate and assign different CQLs each quarter for products traded on the Hybrid 2.0 Platform based on revised trading volume statistics, and maintaining lists of classes that have ''increased CQLs'' because the number of quoters in a product on the last trading day of the quarter exceeded the product's new CQL.

If CBOE's President previously had determined to increase the CQL in a particular product due to exceptional circumstances in accordance with Interpretation and Policy .01(c) of Rule 8.3A, then the product will continue to maintain the increased CQL notwithstanding this rule change provided the increased CQL exceeded 50. If the increased CQL was less than 50, then pursuant to this rule change the product's CQL would now be set at 50.[7]

Finally, because paragraph (a)(ii) of Interpretation .01 of Rule 8.3A is proposed to be deleted in connection with this rule change, CBOE proposes to incorporate the language of paragraph (a)(ii) in new paragraph (b) of Interpretation .01 which pertains to the authority of the President to increase the CQL in a particular class due to exceptional circumstances. In that regard, if the President (or his designee) later determines to reduce the CQL upon cessation of the exceptional circumstances, any reduction must be undertaken in accordance with the following procedure. If a member changes his/her appointment and ceases quoting electronically in that class after the President (or his designee) has determined to decrease the CQL, the ''increased'' CQL will decrease by one until such time that the number of remaining members quoting electronically in the product equals the ''reduced CQL.'' From that point forward, the number of members quoting electronically in the product may not exceed the ''reduced CQL.''

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) Act[9] requirements

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 51366 (March 14, 2005), 70 FR 13217 (March 18, 2005) (approving SR–CBOE–2004–75).

[6] Presently, all products traded on CBOE except three are traded on the Hybrid 2.0 Platform.

[7] *See* Securities Exchange Act Release No. 56772 (November 8, 2007), 72 FR 64261 (November 15, 2007) (increasing the CQL in fourteen option classes due to exceptional circumstances). The CQL in Goldman Sachs Group will continue to be 60, whereas the CQL in the other option classes will now be set at 50 pursuant to this rule filing.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule 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 the public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file 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,[10] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12] At any time within 60 days of the filing of such 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.

Under Rule 19b–4(f)(6) of the Act,[13] the proposal does not become operative for 30 days after the date of its filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest. The Exchange represents that there currently is a waitlist in some option classes traded on the Exchange and that the Exchange has not filed a proposed rule change to increase the CQL in these classes in light of the current filing.[14] The Exchange has requested that the Commission waive the 30-day operative date, so that the proposal may become operative upon filing, enabling parties currently on the waitlist to begin quoting an option without delay. The Commission agrees and, consistent with the protection of investors and the public interest, has determined to waive the 30-day operative date so that the proposal may become operative upon filing.[15]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2007–133 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2007–133. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2007–133 and should be submitted on or before January 8, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–24468 Filed 12–17–07; 8:45 am]

BILLING CODE 8011–01–P

[10] CBOE fulfilled this requirement.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] *Id.*

[14] Telephone conversation between Patrick Sexton, Associate General Counsel, CBOE, and Sonia Trocchio, Special Counsel, Division of Trading and Markets, Commission (December 6, 2007).

[15] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56940; File No. SR–NASDAQ–2007–095]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify Fees for Members Using the Nasdaq Market Center

December 11, 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 November 30, 2007, The NASDAQ Stock Market LLC (''Nasdaq'') 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 prepared substantially by Nasdaq. Pursuant to Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2)[4] thereunder, Nasdaq has designated this proposal as establishing or changing a member due, fee, or other charge, which renders the proposed rule change effective immediately upon filing.

The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 7 CFR 240.19b–4.

[3] 5 U.S.C. 78s(b)(3)(A)(ii).

[4] 7 CFR 240.19b–4(f)(2).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to modify pricing for Nasdaq members using the Nasdaq Market Center. Nasdaq will implement this proposed rule change on December 3, 2007. The text of the proposed rule change is available at *http://nasdaq.complinet.com*, Nasdaq, 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, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq is proposing changes to its fees for routing odd lot and mixed lot orders to the New York Stock Exchange (''NYSE'') and NYSE Arca. In the case of odd lot orders routed to NYSE Arca, NYSE Arca charges Nasdaq a fee of $0.03 per share executed for securities listed on an exchange other than Nasdaq and a fee of $0.004 per share executed for Nasdaq-listed securities. [5] Nasdaq is proposing to pass these fees through directly to its members whose orders are routed to NYSE Arca, [6] but only if the orders are entered into Nasdaq as odd lot orders. Thus, if Nasdaq partially executes an order and routes a remaining odd lot, Nasdaq's normal routing fees would apply to the odd lot.

In the case of odd lot orders and the odd lot portion of partial odd lot orders routed to NYSE, NYSE charges $0.0004 per share executed for securities other than exchange-traded funds (''ETFs''), and charges its regular execution fee for ETFs.[7] However, various NYSE rules and policies discourage the submission of odd lots to the NYSE, and Nasdaq therefore believes that it is appropriate to use its fee schedule to discourage the submission of routable odd lot and mixed lot orders into Nasdaq.[8] Specifically, in the case of an odd lot that does not check the Nasdaq book prior to routing, Nasdaq will charge $0.03 per share executed, while in the case of the odd lot portion of a partial round lot that does not check the book, Nasdaq will charge $0.01 per share executed. Nasdaq's current routing fees will remain in effect for orders that check the book, since in these cases, the routing of the odd lot to NYSE may be due to the order being partially executed by Nasdaq. A fee of 0.3% of the total transaction cost will apply to orders in securities priced at less than $1 per share.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[9] in general, and with Section 6(b)(4) of the Act,[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Nasdaq operates or controls.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective upon filing with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act [11] and Rule 19b–4(f)(2) thereunder,[12] in that the proposed rule change establishes or changes a member due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2007–095 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–NASDAQ–2007–095. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Nasdaq. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–

[5] *See* NYSE Arca Equities Fee Schedule (October 1, 2007) (available at *http://www.nyse.com/pdfs/NYSEArca_Equities_Fees.pdf*).

[6] A fee of 0.3% of the total transaction cost would apply to orders in securities priced at less than $1 per share, which is higher than NYSE Arca's fee for executing such orders but consistent with Nasdaq's fee for routing other orders priced under $1.

[7] See NYSE 2007 Price List (available at *http://www.nyse.com/pdfs/2007pricelist.pdf*).

[8] Nasdaq also notes that NYSE Arca charges $0.03 per share for routing odd lot orders in non-Nasdaq securities, and Nasdaq's routing fees will be equal to or lower than this level.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78s(b)(3)(A)(ii).

[12] 17 CFR 240.19b–4(f)(2).

NASDAQ–2007–095 and should be submitted on or before January 8, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–24466 Filed 12–17–07; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–56938; File No. SR–Phlx–2007–63]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Approval of a Proposed Rule Change Relating to Short Interest Reporting

December 10, 2007.

I. Introduction

On August 16, 2007, the Philadelphia Stock Exchange, Inc. (''Phlx'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–Phlx–2007–63 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] On September 20, 2007, Phlx amended the proposed rule change.[2] Notice of the proposal was published in the **Federal Register** on October 3, 2007.[3] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

The proposed rule change conforms Phlx Rule 786 to rule changes made by other self-regulatory organizations (''SROs'') to implement uniform changes to the short interest reporting requirements across SROs.

First, Phlx is making a technical change to the text of Phlx Rule 786, Supplementary Material .01. Supplementary Material .01 provides that, subject to certain limited exceptions, short positions required to be reported under the rule are those resulting from short sales as the term is defined in Rule 200 of Regulation SHO. The term ''short sale'' is actually defined in Rule 200(a) of Regulation SHO.[4] Therefore, Phlx is amending the text of Supplementary Material .01 to reference Regulation SHO Rule 200(a), instead of Rule 200, in order to eliminate any confusion.

Second, Phlx is adding a new section, Supplementary Material .02, to Phlx Rule 786. The new language adopts exceptions to the short interest reporting requirement. Phlx is also adding conforming language relating to the new section to Rule 786, Supplementary Material .01. Currently, any transaction that is marked ''sell short exempt'' is exempt from the reporting requirement. Beginning on July 6, 2007, the ''short exempt'' marking requirement was eliminated by the Commission.[5] Therefore, beginning on July 6, 2007, all transactions marked short will be covered by Phlx's reporting requirement. However, other SROs have modified their short interest reporting rules to exclude five specific transactions that were previously contained in the now eliminated Rule 10a–1 under the Act.[6] The rule change is designed to conform Phlx's reporting requirement to those of other SROs and increase uniformity for broker-dealers as they comply with various rules across SROs, which should reduce costs and increase efficiency for those broker-dealers.

III. Discussion

Section 6(b)(5) of the Act[7] requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The rule change is designed to conform Phlx's reporting requirement to those of other SROs and increase uniformity for broker-dealers as they comply with various rules across SROs, which should reduce costs and increase efficiency for those broker-dealers. Accordingly, because the rule change will lead to greater uniformity in SRO rules, the Commission finds that the rule change meets the requirements of Section 6(b)(5) of the Act because it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the rule change is consistent with the requirements of the Act, in particular Section 6(b) of the Act[8] and the rules and regulations thereunder.[9]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–Phlx–2007–63) be and hereby is approved.

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E7–24465 Filed 12–17–07; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 11122 and # 11123]

Oregon Disaster Number OR–00023

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 Oregon (FEMA–1733–DR), dated 12/09/2007.

Incident: Severe Storms and Flooding.

Incident Period: 12/01/2007 and continuing.

EFFECTIVE DATE: 12/10/2007.

Physical Loan Application Deadline Date: 02/07/2008.

EIDL Loan Application Deadline Date: 09/09/2008.

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, Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the State of Oregon, dated 12/09/2007 is hereby amended to include the following areas as adversely affected by the disaster:

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] Amendment No. 1, which replaced the original proposed rule change in its entirety, made clarifying changes to the original proposed rule change.

[3] Securities Exchange Act Release No. 56541 (September 26, 2007), 72 FR 56427 (October 3, 2007) (Phlx–2007–63).

[4] 17 CFR 242.200(a).

[5] *See* Securities Exchange Act Release No. 55970 (June 28, 2007), 72 FR 36348 (July 3, 2007).

[6] *See, e.g.*, Securities Exchange Act Release No. 56300 (August 22, 2007), 72 FR 49342 (August 28, 2007) (NYSEArca–2007–63).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f(b).

[9] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[10] 17 CFR 200.30–3(a)(12).

Primary Counties: Clatsop.

All other counties contiguous to the above named primary county have previously been declared.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. E7–24470 Filed 12–17–07; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Small Business Investment Companies; Increase in Maximum Leverage Ceiling

13 CFR 107.1150(a) sets forth the maximum amount of Leverage (as defined in 13 CFR 107.50) that a Small Business Investment Company may have outstanding at any time. The maximum Leverage amounts are adjusted annually based on the increase in the Consumer Price Index published by the Bureau of Labor Statistics. The cited regulation states that the Small Business Administration will publish the indexed maximum Leverage amounts each year in a Notice in the **Federal Register**.

Accordingly, effective the date of publication of this Notice, and until further notice, the maximum Leverage amounts under 13 CFR 107.1150(a) are as stated in the following table:

If your Leverageable Capital is:	Then your maximum Leverage is:
(1) Not over $21,800,000	300 percent of Leverageable Capital.
(2) Over $21,800,000 but not over $43,500,000	$65,400,000 + [2 × (Leverageable Capital − $21,800,000)].
(3) Over $43,500,000 but not over $65,300,000	$108,800,000 + (Leverageable Capital − $43,500,000).
(4) Over $65,300,000	$130,600,000.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 11, 2007.

A. Joseph Shepard,

Associate Administrator for Investment.

[FR Doc. E7–24469 Filed 12–17–07; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 6029]

Culturally Significant Objects Imported for Exhibition Determinations: ''Poussin and Nature: Arcadian Visions''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the objects to be included in the exhibition ''Poussin and Nature: Arcadian Visions,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Metropolitan Museum of Art, New York, NY, from on or about February 11, 2008, until on or about May 11, 2008, and at possible additional exhibitions or venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–453–8050). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: December 11, 2007.

C. Miller Crouch,

Principal Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. E7–24495 Filed 12–17–07; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 6028]

Deposit of Instrument of Ratification by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: On December 12, 2007, the United States deposited its instrument of ratification for the Hague Convention on Protection of Children and Co-operation with Respect to Intercountry Adoption (the Convention). In accordance with the terms of the Convention, the Convention will enter into force with respect to the United States on April 1, 2008.

The United States signed the Convention on March 31, 1994 and the President transmitted it to the Senate for its advice and consent on June 11, 1998. (S. Treaty Doc. 105–51 at III (1998)). On September 20, 2000, the Senate gave its advice and consent to the ratification of the Convention, subject to certain declarations, and on October 6, 2000, Congress enacted the implementing legislation for the Convention, the Intercountry Adoption Act of 2000, Public Law 106–279, 42 U.S.C. 14901–14952 (the IAA). The President signed the instrument of ratification on November 16, 2007.

FOR FURTHER INFORMATION CONTACT: Miki Stebbing at 202–736–9086. Hearing or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Convention is a multilateral treaty that provides a framework for the adoption of children habitually resident in one country that is a party to the Convention by persons habitually resident in another country that is also a party to the Convention. The Convention establishes procedures to be followed in these intercountry adoption cases and imposes safeguards to protect the best interests of children. When the Convention enters into force for the United States, it will apply to the United States as both a country of origin (in outgoing adoption cases, i.e., where children are emigrating from the United States to a foreign country) and a receiving country (in incoming adoption cases, i.e., where children are immigrating to the United States from a foreign country).

The implementing legislation for the Convention is the IAA. Under the Convention, the IAA, and the final rule

on accreditation, 22 CFR part 96, all agencies and persons providing adoption services in Convention cases must be accredited, temporarily accredited, approved, supervised or exempt in order to provide adoption services in Convention cases. By the terms of the IAA, Convention cases are adoption cases initiated in the child's country of residence with the filing of the appropriate application (the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative in the United States) on or after April 1.

Dated: December 7, 2007.

Maura Harty,

Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. E7–24494 Filed 12–17–07; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice 6014]

Overseas Schools Advisory Council Notice of Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Executive Committee Meeting on Thursday, January 17, 2008, at 9:30 a.m. in Conference Room 1105, Department of State Building, 2201 C Street, NW., Washington, DC. The meeting is open to the public.

The Overseas Schools Advisory Council works closely with the U.S. business community in improving those American-sponsored schools overseas, which are assisted by the Department of State and attended by dependents of U.S. Government families and children of employees of U.S. corporations and foundations abroad.

This meeting will deal with issues related to the work and the support provided by the Overseas Schools Advisory Council to the American-sponsored overseas schools. The agenda includes a review of the recent activities of American-sponsored overseas schools and the overseas schools regional associations, a review of projects selected for the 2006 and 2007 Educational Assistance Programs, which are under development, and selection of projects for the 2008 Educational Assistance Program.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. Access to the State Department is controlled, and individual building passes are required for all attendees. Persons who plan to attend should so advise the office of Dr. Keith D. Miller, Department of State, Office of Overseas Schools, Room H328, SA–1, Washington, DC 20522–0132, telephone 202–261–8200, by January 7, 2008. Each visitor will be asked to provide his/her date of birth and driver's licence or U.S. passport number at the time of registration and attendance and must carry a valid photo ID to the meeting. All attendees must use the C Street entrance to the building.

Dated: December 11, 2007.

Keith D. Miller,

Executive Secretary, Overseas Schools Advisory Council, Department of State.

[FR Doc. E7–24490 Filed 12–17–07; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice 6030]

Solicitation of Input and Participation in a Dialogue To Review the Standardized Program Structure for Foreign Assistance

The Office of the Director of U.S. Foreign Assistance (F) is commencing public consultations on the ''Standardized Program Structure for Foreign Assistance'' (Program Structure). The Program Structure was developed in 2006 through a deliberative interagency process as part of the Secretary's Foreign Assistance Reform. It serves as a lexicon for categorizing and tracking foreign assistance activities from a number of different foreign assistance appropriation accounts, collectively totaling in approximately $25 billion in U.S. Foreign Assistance.

F will consider changes to the Program Structure through a three-phase process:

- Phase I will engage public stakeholders (including Non-Governmental Organizations—NGOs) in dialogue;
- Phase II will engage Federal interagency partners; and
- Phase III will occur when all external and internal stakeholder input is collected and analyzed, and then forwarded to the Director of U.S. Foreign Assistance for a decision regarding proposed adjustments to the Program Structure.

This process is expected to take 4–6 months from the start date of the first stage, and will result in a refined Program Structure that will serve as the foundation for future planning and performance products. This notice pertains to Phase I.

The purpose of the consultative process is to fulfill a commitment to engage with external stakeholders to obtain input to improve the Program Structure (for example, to clarify definitions, identify gaps, or remove duplication). Consultation with external stakeholders and analysis of their inputs are expected to last for a period of between 8–12 weeks. F will use the administrative, technical, and logistical services of the National Academy of Public Administration (NAPA) to facilitate consultations.

Effective December 3, 2007, the Department of State will solicit the public for recommended changes at the ''program area'' level (e.g. Transnational Crime; Rule of Law and Human Rights; Health; Macroecomonic Foundation for Growth; Disaster Readiness) of the structure, and below (i.e. program element; program sub-element). The public is strongly encouraged to review the PROGRAM STRUCTURE by going to the following Internet site: *http://www.state.gov/documents/organization/93447.pdf*. Written recommendations for changes will be accepted ONLY between December 3–14, 2007 (*tentative timeframe*), and must be made, by means of e-mail, to the following address: *ForeignAssistanceDefinitions@state.gov*. Recommendations must state clearly the recommended change, the rationale for the change, and the expected impact on other aspects of the Program Structure.

Following the solicitation period, five (5) focus group meetings (addressing each of the program objectives) will be managed by the Department of State, and hosted and facilitated by NAPA at their location (900 7th Street, NW., Washington, DC 20001). Focus group sessions are tentatively scheduled to take place the week of January 7, 2008. Participation will be limited to a predetermined number of attendees (due to space limitations), but the Department of State and NAPA will make every effort to ensure representation of a broad cross-section of stakeholders. The focus groups will review written comments, discuss any additional suggestions for changes and make recommendations about which changes should be further considered by the Department of State. Individuals and organizations interested in participating in focus group sessions should contact Lena Trudeau, Program Area Director, Strategic Initiatives, National Academy of Public Administration, (202) 315–5476 (Direct), *ltrudeau@napawash.org*.

Following the focus groups, a plenary session will review recommendations made by each of the groups, before final recommendations are forwarded to the

Department of State for consideration by the Federal interagency. The plenary session will occur in the late January timeframe (specific date to be determined) at NAPA offices, and like the focus groups, be limited to a predetermined number of attendees due to space limitations. Attendance will be determined by the Department of State with the objective of ensuring balanced and broad representation from stakeholders.

The Department of State is committed to engaging its critical stakeholders in an unprecedented opportunity to review its Program Structure, so as to improve its foreign assistance reform effort currently underway. General information related to U.S. Foreign Assistance may be found at the following Internet site: *http://www.state.gov/f/*.

Dated: December 10, 2007.

Paula R. Lynch,

Acting Director Office of Global/Functional Affairs, Department of State.

[FR Doc. E7–24491 Filed 12–17–07; 8:45 am]

BILLING CODE 4710–02–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Requirements (ICRs) abstracted below have been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICRs describes the nature of the information collections and their expected burdens. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on October 5, 2007 (72 FR 57097).

DATES: Comments must be submitted on or before January 17, 2008.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292), or Ms. Gina Christodoulou, Office of Support Systems Staff, RAD–43, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6139). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Pub. L. 104–13, 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On October 5, 2007, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 72 FR 57097. FRA received one comment in response to this notice.

The comment came from John P. Tolman, Vice President and National Legislative Representative of the Brotherhood of Locomotive Engineers and Trainmen (BLET). The BLET is the duly designated and recognized collective bargaining representative for the craft or class of Locomotive engineer employed on all Class I railroads. The BLET also represents operating and other employees on numerous Class II and Class III railroads. In his letter, Mr. Tolman stated the following:

> BLET supports the full range of information collection encompassed under OMB Control Number 2130–0500. However, BLET believes the revision of certain of FRA's forms to require railroads to provide additional information already in their possession will enhance the safety data available to FRA and facilitate more precise analyses of trends in the industry. Specifically, the BLET is concerned that exclusive reliance on mileage-based data in developing accident/incident and injury casualty rates already has compromised the quality of analysis of switching operations. Furthermore, the narrow focus on mileage-based data also may infect data analysis for other freight operations in the future, because mileage-based measures fail to reflect the ongoing evolution of remote control locomotive operations throughout the American railroad industry.

Mr. Tolman then alluded to FRA's prior 60-day **Federal Register** renewal notice pertaining to these activities that was published on December 14, 2005 (70 FR 74103). He noted:

> In response to that notice, the BLET filed comments on January 4, 2006 * * * In those comments, we explained in detail, our rationale for revising certain FRA forms to require railroads to report the number of employee hours spent in each of the various classes of service, in addition to the mileage totals currently reported.

In its response to BLET's comments of January 4, 2006, FRA acknowledged that BLET had raised important issues which needed to be looked into carefully. FRA further remarked that it would like to examine these issues by initiating an independent study sometime in 2006, budget permitting.

In the current BLET letter dated November 29, 2007, Mr. Tolman goes on to observe:

> In the 21+ months since FRA acknowledged the need to study the vital safety issues our 2006 comments raised, funding for the study has not been allocated. We believe that lack of re-authorization for the rail safety program has been a major factor in this needed work not going forward. Nonetheless, the need for such a study—and possible revision of applicable forms thereafter—is as great today as it was nearly two years ago. Indeed, given that FRA has published at least two sets of guidelines pertaining to non-incidental remote control locomotive operations on main track, the issue of data normalization has become more pressing now, in our view. Accordingly, we urge FRA to reiterate the shared concerns identified in our previous comments, and to reaffirm its intention to study the issue when sufficient funding is available to do so.

FRA appreciates BLET's current letter of support for this vital information collection, and now reaffirms its intention to study this issue. Further, FRA hereby states that it will commit agency funding to this study, and plans on beginning this study sometime in the second quarter of 2008. Once this study is completed, FRA will review its accident/incident forms to determine appropriate changes and will, of course, keep the BLET fully apprised of developments.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30 day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30 day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The proposed requirements are

being submitted for clearance by OMB as required by the PRA.

Title: Accident/Incident Reporting and Recordkeeping.

OMB Control Number: 2130–0500.

Type of Request: Extension of a currently approved collection.

Affected Public: Railroads.

Form(s): FRA F 6180.54/55/55A/56/57/78/81/97/98/99/107.

Abstract: The collection of information is due to the railroad accident reporting regulations set forth in 49 CFR part 225 which require railroads to submit monthly reports summarizing collisions, derailments, and certain other accidents/incidents involving damages above a periodically revised dollar threshold, as well as certain injuries to passengers, employees, and other persons on railroad property. Because the reporting requirements and the information needed regarding each category of accident/incident are unique, a different form is used for each category.

Annual Estimated Burden Hours: 47,521 hours.

Addressee: Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW., Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via e-mail to OMB at the following address: *oira_submissions@omb.eop.gov.*

Comments are invited on the following: Whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on December 12, 2007.

D.J. Stadtler,

Director, Office of Financial Management, Federal Railroad Administration.

[FR Doc. E7–24516 Filed 12–17–07; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2007 0023]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ALL GOOD.

SUMMARY: As authorized by Pub. L. 105–383 and Pub. L. 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2007–0023 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before January 17, 2008.

ADDRESSES: Comments should refer to docket number MARAD–2007–0023. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel ALL GOOD is:

Intended Use: ''sportfishing charter.''

Geographic Region: ''Gulf of Mexico off Texas to 100 NM.''

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** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–19478).

Dated: December 12, 2007.

By order of the Maritime Administrator.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. E7–24525 Filed 12–17–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2007–0024]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel WINDY DAY.

SUMMARY: As authorized by Pub. L. 105–383 and Pub. L. 107–295, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD–2007–0024 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S.

that use U.S.-flag vessels. If MARAD determines, in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

DATES: Submit comments on or before January 17, 2008.

ADDRESSES: Comments should refer to docket number MARAD–2007–0024. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21–203, Washington, DC 20590. Telephone 202–366–5979.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel WINDY DAY is:

Intended Use: ''Charter boat to carry a maximum of 6 passengers on day trips.''

Geographic Region: ''Florida''.

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** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–19478).

Dated: December 12, 2007.

By order of the Maritime Administrator.

Christine Gurland,

Acting Secretary, Maritime Administration.

FR Doc. E7–24526 Filed 12–17–07; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2007–28733; Notice 2]

Bentley Motors, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

Bentley Motors, Inc. (Bentley) has determined that certain motor vehicles that it produced between July 2006 and March 2, 2007 do not comply with paragraphs S4.5.1(b)(3) and S4.5.1(e)(3) of 49 CFR 571.208, Federal Motor Vehicle Safety Standard (FMVSS) No. 208, Occupant Crash Protection. Bentley has filed an appropriate report pursuant to 49 CFR Part 573, Defect and Noncompliance Responsibility and Reports. Notice of receipt of a petition was published, with a 30-day public comment period on August 16, 2007 in the **Federal Register** (72 FR 46126). The National Highway Traffic Safety Administration (NHTSA) received no comments. To view the petition and all supporting documents: Go to *http://www.regulations.gov* and enter the legacy docket no. NHTSA–2007–28733.

For further information on this decision, contact Mr. Charles Case, Office of Vehicle Safety Compliance, NHTSA, telephone (202) 366–5319 or facsimile (202) 366–5930.

Affected are a total of approximately 244 model year 2007 Bentley Arnage and Azure model passenger cars produced between July 2006 and March 2, 2007. Paragraph S4.5.1(b)(3)of FMVSS No. 208 requires:

(3) Vehicles certified to meet the requirements specified in S19, S21, or S23 on or after September 1, 2003 shall have a label permanently affixed to either side of the sun visor, at the manufacturer's option, at each front outboard seating position that is equipped with an inflatable restraint. The label shall conform in content to the label shown in Figure 11 of this standard and shall comply with the requirements of S4.5.1(b)(3)(i) through S4.5.1(b)(3)(iv).

(i) The heading area shall be yellow with the word ''WARNING'' and the alert symbol in black.

(ii) The message area shall be white with black text. The message area shall be no less than 30 cm^2 (4.7 in^2).

(iii) The pictogram shall be black on a white background. The pictogram shall be no less than 30 mm (1.2 in) in length.

(iv) If the vehicle does not have a back seat, the label shown in the figure may be modified by omitting the statement: ''The BACK SEAT is the SAFEST place for CHILDREN.''

(v) If the vehicle does not have a back seat or the back seat is too small to accommodate a rear-facing child restraint consistent with S4.5.4.1, the label shown in the figure may be modified by omitting the statement: ''Never put a rear-facing child seat in the front.''

Paragraph S4.5.1(e)(3) of FMVSS No. 208 requires:

(3) Vehicles certified to meet the requirements specified in S19, S21, and S23 on or after December 1, 2003, that are equipped with an inflatable restraint for the passenger position shall have a label attached to a location on the dashboard or the steering wheel hub that is clearly visible from all front seating positions. The label need not be permanently affixed to the vehicle. This label shall conform in content to the label shown in Figure 12 of this standard and shall comply with the requirements of S4.5.1(e)(3)(i) through S4.5.1(e)(3)(iv).

(i) The heading area shall be yellow with black text.

(ii) The message area shall be white with black text. The message area shall be no less than 30 cm^2 (4.7 in^2).

(iii) If the vehicle does not have a back seat, the label shown in Figure 12 may be modified by omitting the statement: ''The back seat is the safest place for children.''

(iv) If the vehicle does not have a back seat or the back seat is too small to accommodate a rear-facing child restraint consistent with S4.5.4.1, the label shown in Figure 12 may be modified by omitting the statement: ''Never put a rear-facing child seat in the front.''

In Bentley's description of the noncompliance, it explains that instead of the ''advanced air bag'' warning labels required pursuant to the paragraphs S4.5.1(b)(3) and S4.5.1(e)(3) of FMVSS No. 208 the affected vehicles were equipped with the ''pre-advanced'' air bag warning labels conforming to paragraph S4.5.l(b)(l) and S4.5.1(e)(1).

Bentley stated that it has corrected the problem that caused these errors so that they will not be repeated in future production. Bentley also states that it believes the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted.

Bentley argues that because the ''pre-advanced'' sun visor labels used on the vehicles carry essentially the equivalent or even more emphatic warnings to those required in the regulation and because the owner's manual information correctly describes the advanced air bag system, there is no safety risk or cause for consumer confusion arising from the installed labeling.

Bentley additionally states that the vehicles otherwise comply with all advanced air bag requirements, that the

owner manuals contain the correct information required for advanced airbags, and that it has no record of customers contacting the company with inquiries, complaints, or comments with regard to air bag warning labels.

NHTSA Decision

The following explains our rationale.

NHTSA agrees with Bentley that the noncompliance is inconsequential to motor vehicle safety. The noncompliant labels lack a statement that the vehicle is equipped with advanced airbags. However, both the passenger air bag telltale lamp and the owner's manual indicate the presence of advanced airbags.

The noncompliant sun visor label contains all of the specific warnings required on the compliant label: Death or serious injury can occur; the back seat is the safest place for children; never put a rear-facing child seat in the front; and always use seat belts and child restraints. The noncompliant label also warns occupants to sit as far back as possible from the air bag. The noncompliant label lacks the recommendation to see the owner's manual for more information about air bags. Because the noncompliant permanent sun visor label contains virtually the same information as required by S4.5.1(b)(3), the absence of this reference to the owner's manual and the lack of a reference to ''advanced air bags'' do not constitute a consequential safety issue.

The noncompliant removable dash label contains similar information to that required by S4.5.1(e)(3): Children can be killed or seriously injured by the air bag; the back seat is the safest place for children; always use seat belts or child restraints. However, the noncompliant dash label does not contain the statement, ''Never put a rear-facing child seat in the front'', or the recommendation to see the owner's manual for more information about air bags. This label is a removable label that most likely will not stay on the vehicle once it is purchased. The statement, ''Never put a rear-facing child seat in the front'' is present on the permanent sun visor label and visible to the vehicle user. As discussed above with regard to the sun visor label, the lack of the references to advanced air bags and the owner's manual are not consequential in light of the presence of the critical warning on the dash label. Therefore, NHTSA agrees with Bentley's assessment that this noncompliance will not result in any consequential safety risk.

In consideration of the foregoing, NHTSA has decided that Bentley has met its burden of persuasion that the labeling noncompliance described is inconsequential to motor vehicle safety. Accordingly, Bentley's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: December 12, 2007.

Daniel C. Smith,

Associate Administrator for Enforcement.

[FR Doc. E7–24443 Filed 12–17–07; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Application for Special Permits

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

ACTION: List of Applications for Special Permits.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. Each mode of transportation for which a particular special permit is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before January 17, 2008.

Address Comments To: Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on December 12, 2007.

Delmer F. Billings,

Director, Office of Hazardous Materials, Special Permits and Approvals.

NEW SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14613–N	.....	Valero St. Charles, Norco, LA	49 CFR Subpart C of Part 172.	To authorize the transportation in commerce of certain hazardous materials without shipping paper documentation when transported across public roads within the Valero facility. (mode 1)
14614–N	.....	Great Lakes Chemicals Corporation, West Lafayette, IN.	49 CFR	To authorize the transportation in commerce of non-DOT specification cylinders manufactured in the U.S. for export with valving and relief device requirements of the country that the cylinders will be exported to for use in transporting various compressed gases. (modes 1, 3)

NEW SPECIAL PERMITS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permits thereof
14615–N	.....	SET Environmental Inc., Houston, TX.	49 CFR 173.244	To authorize the one-time, one-way transportation in commerce of three irregularly shaped sodium dispersion vessels in alternative packaging. (mode 1)
14616–N	.....	Chlorine Service Company, Kingwood, TX.	49 CFR 178.245–1(a)	To authorize the manufacture, marking, sale and use of certain DOT Specification 51 steel portable tanks or UN steel portable tanks conforming with Section VIII, Division 2 of the ASME Code instead of Section VIII, Division 1, for the transportation in commerce of Division 2.1 and 2.2 materials. (modes 1, 2, 3)
14617–N	.....	Western International Gas & Cylinders, Inc., Bellville, TX.	49 CFR 172.203(a), 172.301(c), 180.205(f)(4), 180.205(g), 180.209(a).	To authorize the transportation in commerce of certain compressed gases in DOT specification 3A and 3AA cylinders when retested by 100 percent ultrasonic examination and external visual inspection in lieu of internal visual inspection and the hydrostatic retest. (modes 1, 2, 3, 4, 5)
14618–N	.....	Carrier Transicold, Athens, GA	49 CFR 177.834(1)(2)(i).	To authorize the use cargo heaters in a motor vehicle when transporting flammable liquids or flammable gases in commerce. (mode 1)
14619–N	.....	EXEA Corporation, Dallas, TX	49 CFR 179.13	To authorize the transportation in commerce of DOT Specification 105S100W tank cars having a maximum gross weight on rail of 286,000 pounds. (mode 2)
14620–N	.....	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 177.834(h)	To authorize filling and discharging of a DOT Specification 4L cylinder with certain Division 2.2 compressed gases without removal from the transport vehicle. (mode 1)
14621–N	.....	Beijing Tianhai Industry Co., Ltd., Beijing.	49 CFR 173.302a and 180.205.	To authorize the manufacture, mark, sale, and use of non-DOT specification fully wrapped carbon-fiber reinforced aluminum lined cylinders. (modes 1, 2, 3, 4, 5)
14622–N	.....	Occidental Chemical Corporation, Dallas, TX.	49 CFR 179.15(e)	To authorize the transportation in commerce of certain DOT specification 105J500W tank cars containing Chlorine that do not meet the start-to-discharge requirements for pressure relief devices. (mode 2)
14623–N	.....	Formulated Solutions, Clearwater, FL.	49 CFR 173.306(a)(3)(v).	To authorize the manufacture, marking, sale and use of a bag-on-valve container for the transportation of non-flammable aerosols which have been tested by an alternative method in lieu of the hot water bath test. (modes 1, 2, 3, 4, 5)

[FR Doc. 07–6078 Filed 12–17–07; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Special Permit

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

ACTION: List of Applications for Modification of Special Permit.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, special permits from the Department of Transportation's Hazardous Material Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the application described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Request of modifications of special permits (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' demote a modification request. There applications have been separated from the new application for special permits to facilitate processing.

DATES: Comments must be received on or before January 2, 2008.

ADDRESSES: *Address Comments to:* Record Center, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the special permit number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center,

East Building, PHH–30, 1200 New Jersey Avenue Southeast, Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for modification of special permit is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on December 12, 2007.

Delmer F. Billings,

Director, Office of Hazardous Materials, Special Permits and Approvals.

MODIFICATION SPECIAL PERMITS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of special permit thereof
7954–M	.....	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.301(d)(2); 173.302(a)(3).	To modify the special permit to authorize the transportation in commerce of an additional Division 2.3 gas in 3T cylinders.
10232–M	.....	ITW Sexton (Former Grantee: Sexton Can Company, Inc.), Decatur, AL.	49 CFR 173.304	To modify the special permit to authorize a capacity increase to 61 cubic inches of the non-refillable, non-DOT specification container for the transportation of Division 2.2 materials.
11513–M	.....	ATK Launch Systems Inc. (Former Grantee: ATK Thiokol, Inc.), Brigham City, UT.	49 CFR 172.101, 173.52, 173.54.	To modify the special permit to authorize the use of static free plastic dividers instead of individual static free inner packagings.
11526–M	.....	BOC Gases	49 CFR 172.302(c), (2), (3), (4), (5); 173.34(e)(1), (3), (4), (8); 173.34(15)(vi).	To modify the special permit to authorize larger cylinders.
11984–M	RSPA–3173	American Airlines, Inc. (formerly ATA), Tulsa, OK.	49 CFR 172.102(c)(1) special provision 60.	To modify the special permit to clarify that one safety device is necessary to prevent actuation and to clarify the packaging requirements.
12102–M	RSPA–4005	Veolia ES Technical Solutions, L.L.C., Flanders, NJ.	49 CFR 173.56(i); 173.56(b).	To modify the special permit to authorize transportation by common or contract carrier of an additional Class 1 explosive material desensitized by wetting with water, alcohol or other suitable diluent so as to eliminate their explosive properties.
12405–M	RSPA–6766	Air Products & Chemicals, Inc., Allentown, PA.	49 CFR 173.304(a)(2); 173.304(b).	To modify the special permit to make it consistent with other similar special permits regarding marking tube trailers.
12562–M	RSPA–8306	Taeyang Industrial Company Ltd., Cheonan-City.	49 CFR 173.304(d)(3)(ii).	To modify the special permit to authorize an additional Division 2.2 hazardous material.
13107–M	RSPA–13276 ..	Sensors, Inc., Saline, MI	49 CFR 172 Subparts C and G.	To modify the special permit to authorize the discharge of a Division 2.1 material from an authorized DOT specification cylinder without removing the cylinder from the vehicle on which it is transported.
13599–M	RSPA–18712 ..	Air Products & Chemicals Inc., Allentown, PA.	49 CFR 173.304a(a)(2)	To modify the special permit to authorize an increase in fill densities/ratios for the DOT Specification seamless steel cylinders transporting a Division 2.2 material.
14167–M	PHMSA–20669	Trinityrail, Dallas, TX	49 CFR 173.26, 173.314(c), 179.13 and 179.100–12(c).	To modify the special permit to authorize an additional Division 6.1 hazardous material.
14419–M	.....	Voltaix, North Branch, NJ	49 CFR 173.181(a)	To modify the special permit to authorize an increase in cylinder capacity.
14510–M	PHMSA–28186	Clean Earth Systems, Inc., Tampa, FL.	49 CFR 173.12(b), 173.12(b)(2)(i).	To modify the special permit to authorize the transportation in commerce by motor vehicle of certain hazardous materials in larger UN4G fiberboard boxes lined with polyethylene.
14563–M	PHMSA–29093	The Procter & Gamble Distributing LLC, Cincinnati, OH.	49 CFR 171.8 and 173.306(a)(3).	To modify the special permit to extend the date for the one-time, one-way, transportation in commerce of certain non-DOT specification metal receptacles containing Division 2.1 material as Consumer commodity, ORM–D by motor vehicle for disposal only.

[FR Doc. 07–6079 Filed 12–17–07; 8:45 am]
BILLING CODE 4909–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 35109]

Arizona Eastern Railway, Inc.—Acquisition and Operation Exemption-Union Pacific Railroad Company

Arizona Eastern Railway, Inc. (AZER), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from Union Pacific Railroad Company (UP) and operate a 67.7-mile line of railroad known as the Clifton Subdivision, extending between milepost 1150.00 at Lordsburg, NM, and milepost 1217.70 at Clifton, AZ.[1]

The transaction is expected to be consummated on or after February 1, 2008.

AZER certifies that its projected annual revenues as a result of the transaction will not result in AZER becoming a Class II or Class I rail carrier. However, because its projected annual revenues will exceed $5 million, AZER also has certified to the Board on December 3, 2007, that it has complied with the employee notice requirements of 49 CFR 1150.42(e). Pursuant to that provision, the exemption may not become effective until 60 days from the date of certification to the Board, which would be February 1, 2008.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed by January 25, 2008 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 35109, must be filed with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John D. Heffner, John D. Heffner, PLLC, 1750 K Street, NW., Suite 350, Washington, DC 20006.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: December 10, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–24292 Filed 12–17–07; 8:45 am]
BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–290 (Sub- No. 271X)]

Norfolk Southern Railway Company—Abandonment Exemption—in Wyoming and Genesee Counties, NY

Norfolk Southern Railway Company (NSR) has filed a verified notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments* to abandon a 4.50-mile line of railroad extending between milepost UG 360.20 at Alexander and milepost UG 364.70 at Attica, in Wyoming and Genesee Counties, NY. The line traverses United States Postal Service Zip Codes 14005 and 14011, and includes the stations of Alexander and Attica.

NSR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements of 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on January 17, 2008, unless stayed pending reconsideration.[1] Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by December 28, 2007. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 7, 2008, with the Surface Transportation Board, 395 E Street, SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to NSR's representative: James R. Paschall, Senior General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

NSR has filed environmental and historic reports which address the effects, if any, of the abandonment on the environment and historic resources. SEA will issue an environmental assessment (EA) by December 21, 2007. Interested persons may obtain a copy of the EA by writing to SEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If

[1] Iowa Pacific Holdings LLC owns AZER through its wholly owned subsidiary Permian Basin Railways, Inc.

[1] By letter dated November 29, 2007, BP Rail Corporation D/B/A BP Rail (BPR) advised the Board of its intent to file an offer of financial assistance (OFA) to purchase the 4.50-mile line proposed for abandonment. In the November 29 letter, BPR also requested that NSR provide certain information regarding the line, including the required minimum purchase price. BPR also requested that the Board toll the 30-day period for submitting OFAs for an additional 60 days in order to provide the offeror with an adequate opportunity to receive, review and analyze the material provided by NSR and submit its OFA. These requests will be handled in a separate decision.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each OFA must be accompanied by the filing fee, which currently is set at $1,300. *See* 49 CFR 1002.2(f)(25).

consummation has not been effected by NSR's filing of a notice of consummation by December 18, 2008, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov*.

Decided: December 7, 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. E7–24390 Filed 12–17–07; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–54–94]

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–54–94 (TD 8668), Environmental Settlement Funds-Classification (Section 301.7701–4).

DATES: Written comments should be received on or before February 19, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, 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: Environmental Settlement Funds—Classification.

OMB Number: 1545–1465.

Regulation Project Number: PS–54–94.

Abstract: This regulation provides guidance to taxpayers on the proper classification of trusts formed to collect and disburse amounts for environmental remediation of an existing waste site to discharge taxpayers' liability or potential liability under applicable environmental laws. Section 301.7701–4(e)(3) of the regulation provides that the trustee of an environmental remediation trust must furnish to each grantor a statement that shows all items of income, deduction, and credit of the trust for the taxable year attributable to the portion of the trust treated as owned by the grantor. The statement must provide the grantor with the information necessary to take the items into account in computing the grantor's taxable income.

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: 500.

Estimated Time per Respondent: 4 minutes.

Estimated Total Annual Burden Hours: 2000.

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: December 6, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–24398 Filed 12–17–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[TD 9052]

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, Notice of Significant Reduction in the Rate of Future Benefit Accrual.

DATES: Written comments should be received on or before February 19, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, 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: Notice of Significant Reduction in the Rate of Future Benefit Accrual.

OMB Number: 1545–1780.

Regulation Project Number: REG–136193–01.

Abstract: In order to protect the rights of participants in qualified pension plans, plan administrators must provide notice to plan participants and other parties, if the plan is amended in a particular manner. No government agency receives this information.

Current Actions: There are no changes being made to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 4,000.

Estimated Time per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 40,000.

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: December 6, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–24405 Filed 12–17–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–262–82]

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–262–82 (TD 8600), Definition of an S Corporation (§ 1.1361–3).

DATES: Written comments should be received on or before February 19, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, 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: Definition of an S Corporation.

OMB Number: 1545–0731.

Regulation Project Number: PS–262–82.

Abstract: This regulation provides the procedures and the statements to be filed by certain individuals for making the election under Internal Revenue Code section 136(d)(2), the refusal to consent to the election, or the revocation of that election. The statements required to be filed are used to verify that taxpayers are complying with requirements imposed by Congress under subchapter S.

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 and individuals.

Estimated Number of Respondents: 1,005.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 1,005.

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: December 6, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–24406 Filed 12–17–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–105344–01]

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 an existing final regulation, REG–105344–01 (TD 9036) Disclosure of Returns and Return Information by Other Agencies (§ 301.6103(p)(2)(B)–1).

DATES: Written comments should be received on or before February 19, 2008 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, 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: Disclosure of Returns and Return Information by Other Agencies.

OMB Number: 1545–1757.

Regulation Project Number: REG–105344–01.

Abstract: In general, under the regulations, the IRS is permitted to authorize agencies with access to returns and return information under section 6103 of the Internal Revenue Code to redisclose returns and return information based on a written request and the Commissioner's approval, to any authorized recipient set forth in Code section 6103, subject to the same conditions and restrictions, and for the same purposes, as if the recipient had received the information from the IRS directly.

Current Actions: There are no changes to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Federal, estate, local or tribal governments.

Estimated Number of Respondents: 11.

Estimated Time Per Respondent: 1 hour.

Estimate Total Annual Burden Hours: 11.

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: December 6, 2007.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. E7–24408 Filed 12–17–07; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Proposed Agency Information Collection Activities; Comment Request—Statement on Sound Practices Concerning Elevated Risk Complex Structured Finance Activities

AGENCY: Office of Thrift Supervision (OTS), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The proposed information collection request (ICR) described below has been submitted to the Office of Management and Budget (OMB) for review and approval, as required by the Paperwork Reduction Act of 1995. OTS is soliciting public comments on the proposal.

DATES: Submit written comments on or before January 17, 2008. A copy of this ICR, with applicable supporting documentation, can be obtained from RegInfo.gov at *http://www.reginfo.gov/public/do/PRAMain*.

ADDRESSES: Send comments, referring to the collection by title of the proposal or by OMB approval number, to OMB and OTS at these addresses: Office of Information and Regulatory Affairs, Attention: Desk Officer for OTS, U.S. Office of Management and Budget, 725-17th Street, NW., Room 10235, Washington, DC 20503, or by fax to (202) 395–6974; and Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, by fax to (202) 906–6518, or by e-mail to *infocollection.comments@ots.treas.gov*. OTS will post comments and the related index on the OTS Internet Site at *http://www.ots.treas.gov*. In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *public.info@ots.treas.gov*, or send a facsimile transmission to (202) 906–7755.

FOR FURTHER INFORMATION CONTACT: For further information or to obtain a copy of the submission to OMB, please contact Ira L. Mills at, *ira.mills@ots.treas.gov* (202) 906–6531, or facsimile number (202) 906–6518, Litigation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: OTS may not conduct or sponsor an information collection, and respondents are not required to respond to an information collection, unless the information collection displays a currently valid OMB control number. As part of the approval process, we invite comments on the following information collection.

Title of Proposal: Statement on Sound Practices Concerning Elevated Risk Complex Structured Finance Activities.

OMB Number: 1550–0111.

Form Number: N/A.

Description: The Statement describes some of the internal controls and risk management procedures that may help financial institutions identify, manage, and address the heightened reputational and legal risks that may arise from elevated risk complex structured finance transactions.

Type of Review: Extension without change of currently approved collection.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 5.

Estimated Frequency of Response: On occasion.

Estimated Burden Hours per Response: 25 hours.

Estimated Total Burden: 125 hours.

Clearance Officer: Ira L. Mills, (202) 906–6531, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

Dated: December 13, 2007.

Deborah Dakin,

Senior Deputy Chief Counsel, Regulations and Legislation Division.

[FR Doc. E7–24503 Filed 12–17–07; 8:45 am]

BILLING CODE 6720–01–P

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Federal Register

Vol. 72, No. 242

Tuesday, December 18, 2007

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General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

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FEDERAL REGISTER PAGES AND DATE, DECEMBER

67831–68040 3
68041–68470 4
68471–68742 5
68743–69136 6
69137–69568 7
69569–70218 10
70219–70478 11
70479–70762 12
70763–71054 13
71055–71198 14
71199–71574 17
71575–71742 18

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8207 68041
8208 68469
8209 69135
8210 70761
8211 71197

Executive Orders:
11582 (See 13453) 70477
13453 70477

5 CFR

530 67831
575 67831

7 CFR

205 ..... 69569, 70479
246 68966
301 ..... 69137, 70763
305 70219
354 70765
613 68743
905 68471
923 71055
983 69139
985 71199
1924 70220
1944 70220
3550 70220

Proposed Rules:
51 68542
319 70237
718 71606
915 69624
925 70811
930 70240
944 ..... 69624, 70811
948 70244
1412 71606
1427 71606

9 CFR

130 70765
156 70765

10 CFR

Ch. I 68043
19 68043
20 68043
50 68043

Proposed Rules:
51 71083

12 CFR

3 69288
201 71202
202 71056
208 69288
220 70486
225 69288
226 71058
325 69288
559 69288
560 69288
563 69288
567 69288
620 68060

Proposed Rules:
41 70944
222 70944
334 70944
571 70944
717 70944
1750 68656

14 CFR

11 68473
13 68473
17 68473
23 ..... 69572, 69574, 69577, 69579
26 ..... 68618, 70486
36 68473
39 ..... 67841, 67843, 67845, 67847, 69572, 69574, 69577, 69579, 69583, 69585, 69587, 69590, 69591, 69593, 69595, 69598, 69600, 69601, 69604, 69606, 69608, 69610, 69612, 69614, 71204, 71206, 71210, 71212, 71214, 71216, 71218
71 ..... 70767, 70768, 70769, 71060
91 68473
97 ..... 68062, 70771, 70772
121 70486
129 70486
139 68473
150 68473
193 68473
404 68473
406 68473

Proposed Rules:
1 68763
23 68763
25 68763
39 ..... 67864, 67866, 67868, 67870, 67873, 67998, 68106, 68108, 68764, 68766, 69628, 69630, 69635, 70247, 70249, 71086, 71089, 71271, 71273, 71275, 71277, 71279, 71281, 71284, 71286
71 ..... 69638, 71606, 71607, 71608
91 68763
121 68763
125 68763
135 68763
139 68763

15 CFR

740 70509
772 70509
806 71220

16 CFR

Proposed Rules:
660.....70944

17 CFR

230.....71546
239.....71546
240.....69554, 70450
Proposed Rules:
210.....71610
229.....71610
231.....71610
241.....71610

18 CFR

Proposed Rules:
410.....67875

20 CFR

401.....69616
402.....69616
Proposed Rules:
404.....70527

21 CFR

20.....69108
25.....69108
201.....69108
202.....69108
207.....69108
210.....68064
211.....68064
225.....69108
226.....69108
500.....69108
510.....68477, 69108
511.....69108
515.....69108
516.....69108
520.....68477
522.....69142
558 .....68478, 68479, 69108, 70774, 70776
1300.....67850
1308.....69618
Proposed Rules:
133.....70251
210.....68111, 68113
211.....68111, 68113

22 CFR

126.....71575
127.....70777

23 CFR

630.....68480

24 CFR

598.....71008

25 CFR

36.....68491

26 CFR

1 .....70779, 71060, 71061
Proposed Rules:
1.....67878

27 CFR

Proposed Rules:
4.....71289, 71290
9.....71289, 71290
70.....71290

28 CFR

50.....69143

29 CFR

102.....68502
1910.....71061
4006.....71222
4007.....71222
4022.....71071
4044.....71071
Proposed Rules:
29.....71020
1910.....71091
2550.....70988
4041.....68542
4042.....68542

30 CFR

206.....71231
701.....68000
773.....68000
774.....68000
778.....68000
843.....68000
847.....68000
Proposed Rules:
756.....71291
943.....71293
946.....71295

31 CFR

351.....67853
353.....67853
359.....67853
360.....67853
363.....67853

32 CFR

68.....70222

33 CFR

110.....70513
117 .....68503, 69144, 70515, 70516
161.....70780
165 .....68504, 68506, 70780
Proposed Rules:
117.....68118, 68548

34 CFR

75.....69145

36 CFR

7.....70781
Proposed Rules:
1193.....71613
1194.....71613

37 CFR

Proposed Rules:
201.....70529

38 CFR

3.....68507
17.....68070

40 CFR

49.....69618
50.....71072
51.....71072
52 .....67854, 68072, 68508, 68511, 68515, 69148, 69621, 70804, 71073, 71245, 71576
81.....68515, 70222
94.....68518
97.....68515, 71576
131.....70517
174.....68525, 68744
180 .....68529, 68534, 68662, 69150, 71077
271.....70229
300.....68075
Proposed Rules:
9.....69522
50.....7148871579
52 .....67878, 68118, 68119, 68551, 69175, 70255, 70540, 70811, 71095, 71297
60.....69175
62.....70812
63.....70543
81.....70255
94.....69522
271.....70266

41 CFR

302-4.....70234
Proposed Rules:
102-39.....70266

42 CFR

411.....68075
422.....68700
423.....68700
424.....68075
431.....68077
440.....68077
441.....68077
488.....71579

43 CFR

Proposed Rules:
2800.....70376
2880.....70376
2920.....70376

44 CFR

64.....68748, 68750
67 .....68768, 68769, 68784, 68795, 68806
Proposed Rules:
67.....68752

47 CFR

25.....70807
54.....67858
64.....70808
73.....67859
Proposed Rules:
64.....71099
73.....67880

48 CFR

216.....69158
227.....69159
252.....69159
Proposed Rules:
225.....69176
228.....69177
231.....69176, 69177
252.....69177

49 CFR

192.....70808
385.....71247
395.....71247
564.....68234
571.....68234, 68442
630.....68756

50 CFR

17.....70648
229.....67859, 67861
300.....68093, 68762
648 .....68095, 68096, 70235
660 .....68097, 69162, 71583
679.....71601
Proposed Rules:
17 .....69034, 70269, 70284, 70716, 71040, 71298
223.....71102
300.....70286
600.....70286
622.....68551
648.....71315
679.....68810, 68833
697.....70286

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT DECEMBER 18, 2007

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

West Virginia; published 12-18-07

SOCIAL SECURITY ADMINISTRATION

Social Security benefits:

Federal old age, survivors, and disability insurance—

Digestive system impairments; medical criteria evaluation; published 10-19-07

STATE DEPARTMENT

International Traffic in Arms Regulations:

Embargoed countries; list; published 12-18-07

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; published 12-3-07

Boeing; published 11-13-07

Fokker; published 12-3-07

TRANSPORTATION DEPARTMENT

Federal Railroad Administration

Railroad locomotive safety standards:

Locomotives with inoperative sanders; additional flexibility in use; published 10-19-07

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Grapes grown in Southeastern California and imported table grapes; comments due by 12-28-07; published 12-13-07 [FR 07-06049]

Potatoes (Irish) grown in Colorado; comments due by 12-26-07; published 12-11-07 [FR E7-23839]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Plant-related quarantine, domestic:

Imported fire ant; comments due by 12-24-07; published 10-25-07 [FR E7-21003]

AGRICULTURE DEPARTMENT

Farm Service Agency

Special programs:

Dairy Disaster Assistance Payment Program III; comments due by 12-26-07; published 11-26-07 [FR E7-22904]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Endangered and threatened species:

Critical habitat designations—

North Pacific right whale; comments due by 12-28-07; published 10-29-07 [FR 07-05367]

COMMERCE DEPARTMENT

Patent and Trademark Office

Trademark cases:

Mark description in trademark applications; comments due by 12-24-07; published 10-25-07 [FR E7-21075]

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Petroleum refineries; wastewater treatment systems and storage vessels; requirements

Hearing; comments due by 12-28-07; published 11-8-07 [FR E7-21938]

Air programs:

Ambient air quality standards, national—

Imperial County, CA; nonattainment and reclassification determination; comments due by 12-24-07; published 11-23-07 [FR E7-22868]

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Fenamidone; comments due by 12-24-07; published 10-24-07 [FR E7-20670]

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Agency information collection activities; proposals, submissions, and approvals; comments due by 12-28-07; published 10-29-07 [FR 07-05366]

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Medicaid:

Medicaid Integrity Audit Program; eligible entity and contracting requirements; comments due by 12-24-07; published 11-23-07 [FR E7-22773]

Medicare and Medicaid:

Nurse aide training program; waiver of disapproval; comments due by 12-24-07; published 11-23-07 [FR E7-22629]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Human drugs:

Sunscreen drug products for over-the-counter human use; proposed amendment of final monograph; comments due by 12-26-07; published 11-28-07 [FR 07-05853]

HOMELAND SECURITY DEPARTMENT

Coast Guard

Drawbridge operations:

Maryland; comments due by 12-24-07; published 11-8-07 [FR E7-21882]

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Critical habitat designations—

San Diego thornmint; comments due by 12-27-07; published 11-27-07 [FR E7-22971]

INTERIOR DEPARTMENT

Freedom of Information Act; implementation; amendment; comments due by 12-24-07; published 10-25-07 [FR E7-21012]

SOCIAL SECURITY ADMINISTRATION

Organization and procedures:

Administrative Law Judge, Appeals Council, and Decision Review Board appeals levels; amendments; comments due by 12-28-07; published 10-29-07 [FR E7-20690]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Airbus; comments due by 12-26-07; published 11-26-07 [FR E7-22921]

Alpha Aviation Design Ltd.; comments due by 12-27-07; published 11-27-07 [FR E7-23017]

Boeing; comments due by 12-24-07; published 11-7-07 [FR E7-21843]

British Aerospace Aircraft Group; comments due by 12-27-07; published 11-27-07 [FR E7-23025]

Cessna; comments due by 12-26-07; published 10-26-07 [FR E7-21127]

Cessna Aircraft Co.; comments due by 12-24-07; published 10-24-07 [FR E7-20862]

General Electric Co.; comments due by 12-24-07; published 10-25-07 [FR E7-21000]

McDonnell Douglas; comments due by 12-28-07; published 11-13-07 [FR E7-22090]

Rolls-Royce plc; comments due by 12-24-07; published 10-25-07 [FR E7-20999]

Societe de Motorisations Aeronautiques; comments due by 12-28-07; published 11-28-07 [FR E7-22812]

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Consolidated returns; intercompany obligations; comments due by 12-27-07; published 9-28-07 [FR E7-19134]

Reportable transactions disclosure requirements; American Jobs Creation Act modifications; comments due by 12-26-07; published 9-26-07 [FR E7-18934]

S Corporation securities; guidance under AJCA of 2004 and GOZA of 2005; comments due by 12-27-07; published 9-28-07 [FR E7-18987]

Tax-exempt bonds; arbitrage guidance; comments due by 12-26-07; published 9-26-07 [FR 07-04734]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws

Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws.html*.

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H.R. 3688/P.L. 110–138

United States-Peru Trade Promotion Agreement Implementation Act (Dec. 14, 2007; 121 Stat. 1455)

Last List December 17, 2007

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