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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.

FEDERAL RESERVE SYSTEM

12 CFR Part 229

[Regulation CC; Docket No. R–1306]

Availability of Funds and Collection of Checks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; technical amendment.

SUMMARY: The Board of Governors (Board) is amending appendix A of Regulation CC to delete the reference to the Utica office of the Federal Reserve Bank of New York and reassign the Federal Reserve routing symbols currently listed under that office to the head office of the Federal Reserve Bank of Cleveland and the head office of the Federal Reserve Bank of Philadelphia. The Board is also amending appendix B of Regulation CC to delete the reference to the Utica office. In addition, the Board is providing advance notice of future amendments to appendix A that are anticipated in connection with the next phase of the Reserve Banks' restructuring of the check-processing operations within the Federal Reserve System.

DATES: The amendments to appendix A under the Second and Fourth Federal Reserve Districts (Federal Reserve Banks of New York and Cleveland) that revise the listings for the Utica office and the Cleveland head office are effective February 23, 2008.

The amendment to appendix A under the Third Federal Reserve District (Federal Reserve Bank of Philadelphia) is effective March 29, 2008. The removal of the second Federal Reserve District (Federal Reserve Bank of New York) is effective March 29, 2008.

The revision of appendix B is effective March 29, 2008.

FOR FURTHER INFORMATION CONTACT: Jack K. Walton II, Associate Director (202/452–2660), or Joseph P. Baressi, Financial Services Project Leader (202/452–3959), Division of Reserve Bank Operations and Payment Systems; or Heatherun Sophia Allison (202/452–3565), Senior Counsel, Legal Division. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202/263–4869.

SUPPLEMENTARY INFORMATION:

Background

Regulation CC establishes the maximum period a depositary bank may wait between receiving a deposit and making the deposited funds available for withdrawal.[1] A depositary bank generally must provide faster availability for funds deposited by a ''local check'' than by a ''nonlocal check.'' A check drawn on a bank is considered local if it is payable by or at a bank located in the same Federal Reserve check-processing region as the depositary bank. A check drawn on a nonbank is considered local if it is payable through a bank located in the same Federal Reserve check-processing region as the depositary bank. Checks that do not meet the requirements for ''local'' checks are considered ''nonlocal.''

Appendix A to Regulation CC contains a routing number guide that assists banks in identifying local and nonlocal banks and thereby determining the maximum permissible hold periods for most deposited checks. The appendix includes a list of each Federal Reserve check-processing office and the first four digits of the routing number, known as the Federal Reserve routing symbol, of each bank that is served by that office for check-processing purposes. Banks whose Federal Reserve routing symbols are grouped under the same office are in the same check-processing region and thus are local to one another. Appendix B to Regulation CC reduces the generally permissible hold times for nonlocal check deposits collected between certain check-processing regions from 5 days to 3 days due to generally faster collection times between these regions.

[1] For purposes of Regulation CC, the term ''bank'' refers to any depository institution, including commercial banks, savings institutions, and credit unions.

Final Amendments to Appendix A and Appendix B

The Reserve Banks announced in June 2007 that the check-processing operations of the Utica office of the Federal Reserve Bank of New York would cease in the first quarter of 2008.[2] Effective February 23, 2008, banks with 0220, 2220, 0223, and 2223 routing symbols, currently assigned to the Utica office of the Federal Reserve Bank of New York for check-processing purposes, will be reassigned to the head office of the Federal Reserve Bank of Cleveland. On March 29, 2008, banks with 0213 and 2213 routing symbols, also currently assigned to the Utica office for check-processing purposes, will be reassigned to the head office of the Federal Reserve Bank of Philadelphia.[3] As a result of these changes, some checks that are drawn on and deposited in banks located in the affected check-processing regions and that currently are nonlocal checks will become local checks subject to faster availability schedules.

The Board is amending the lists of routing symbols associated with the Federal Reserve Banks of New York, Philadelphia, and Cleveland to conform to the transfer of operations from the New York Reserve Bank's Utica office to the Cleveland and Philadelphia Reserve Banks' head offices. The amendments affecting the Federal Reserve Banks of New York and Cleveland that list the 0220, 2220, 0223, and 2223 routing symbols under the Cleveland head office are effective February 23, 2008. The amendments that list the 0213 and 2213 routing symbols under the Philadelphia head office and delete the appendix A reference to the Utica office are effective March 29, 2008. In addition, because the Utica check-processing region will no longer exist, the Board is deleting the appendix B reference to the Utica office, and these

[2] The Reserve Banks' June 2007 press release is available online at *http://www.federalreserve.gov/newsevents/press/other/20070626a.htm*.

[3] Banks in the current Utica, Cleveland, and Philadelphia check-processing regions should note that the Federal Reserve Banks' transfer of the Utica office's check-processing operations to both the Cleveland head office and the Philadelphia head office differs from the Reserve Banks' June 2007 announcement indicating that the Utica office's operations would be transferred to the Philadelphia head office. The Reserve Banks believe that this arrangement will better serve the needs of affected depository institutions.

amendments are also effective March 29, 2008.

The Board believes that today's notice should provide banks ample time to make any needed processing changes before the effective date of the amendments, including allowing affected banks to amend their availability schedules and related disclosures, if necessary, and provide their customers with notice of these changes.[4] The Federal Reserve routing symbols assigned to all other Federal Reserve branches and offices will remain the same at this time. The Board, however, intends to issue similar notices approximately sixty days prior to the elimination of check-processing operations at some other Reserve Bank offices, as described below.

Information About Anticipated Future Changes to Appendix A

The Federal Reserve Banks announced in June 2007[5] additional planned reductions in the number of locations at which they will process checks. These steps were taken in response to the continued nationwide decline in check usage and to position the Reserve Banks more effectively to meet the cost recovery requirements of the Monetary Control Act of 1980. Between 2008 and early 2011, the Reserve Banks plan to cease check-processing operations at all of their check-processing offices except four: Cleveland, Philadelphia, Atlanta, and Dallas. Listed below are the branches and offices from which and to which the Reserve Banks plan to transfer check-processing operations and the tentative timeframe for each transfer:[6]

Branches and offices that no longer will process checks	Branches and offices to which check processing is planned to be transferred	Tentative timeframe for transfer
Memphis, TN	Atlanta, GA	Third quarter 2008.
Cincinnati, OH	Cleveland, OH	Fourth quarter 2008.
Seattle, WA	Dallas, TX	Fourth quarter 2008.
Windsor Locks, CT	Philadelphia, PA	First quarter 2009.
Charlotte, NC	Atlanta, GA	Second quarter 2009.
Minneapolis, MN	Cleveland, OH	Third quarter 2009.
Baltimore, MD	Philadelphia, PA	Fourth quarter 2009.
Chicago, IL	Cleveland, OH	First quarter 2010.
Denver, CO	Dallas, TX	Second quarter 2010.
Jacksonville, FL	Atlanta, GA	Third quarter 2010.
Des Moines, IA	Cleveland, OH	Fourth quarter 2010.
Los Angeles, CA	Dallas, TX	Fourth quarter 2010.
St. Louis, MO	Atlanta, GA	First quarter 2011.

The Board plans to amend appendix A in connection with each stage of the restructuring to delete the name of the office that will no longer process checks and transfer the affected Federal Reserve routing symbols to another check-processing office. The Board intends to provide notice of each stage of the restructuring and the associated amendments to appendix A approximately 60 days prior to the effective date of the amendment in order to give affected banks ample time to make processing changes and, if necessary, amend their availability schedules and related disclosures and provide their customers with notice of any changes to their availability schedules.

Administrative Procedure Act

The Board has not followed the provisions of 5 U.S.C. 553(b) relating to notice and public participation in connection with the adoption of the final rule. The revisions to appendix A and appendix B are technical in nature and are required by the statutory and regulatory definitions of ''check-processing region.'' Because there is no substantive change on which to seek public input, the Board has determined that the section 553(b) notice and comment procedures are unnecessary. In addition, the underlying consolidation of Federal Reserve Bank check-processing offices involves a matter relating to agency management, which is exempt from notice and comment procedures.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR Part 1320 Appendix A.1), the Board has reviewed the final rule under authority delegated to the Board by the Office of Management and Budget. The technical amendments to appendix A of Regulation CC will delete the reference to the Utica office of the Federal Reserve Bank of New York and reassign the routing symbols listed under that office to the head offices of the Federal Reserve Banks of Philadelphia and Cleveland. The technical amendment to appendix B of Regulation CC will delete the reference to the Utica office. The depository institutions that are located in the affected check-processing regions and that include the routing numbers in their disclosure statements would be required to notify customers of the resulting change in availability under § 229.18(e). However, all paperwork collection procedures associated with Regulation CC already are in place, and the Board accordingly anticipates that no additional burden will be imposed as a result of this rulemaking.

List of Subjects in 12 CFR Part 229

Banks, Banking, Reporting and recordkeeping requirements.

Authority and Issuance

■ For the reasons set forth in the preamble, the Board is amending 12 CFR part 229 to read as follows:

PART 229—AVAILABILITY OF FUNDS AND COLLECTION OF CHECKS (REGULATION CC)

■ 1. The authority citation for part 229 continues to read as follows:

Authority: 12 U.S.C. 4001–4010, 12 U.S.C. 5001–5018.

[4] Section 229.18(e) of Regulation CC requires banks to notify consumer account holders within 30 days after implementing a change that improves the availability of funds.

[5] See footnote two above.

[6] In addition, as the Reserve Banks announced in May 2006, the Reserve Banks plan to cease check-processing operations at the head office of the Federal Reserve Bank of Kansas City in the first half of 2008. (See *http://www.federalreserve.gov/newsevents/press/other/20060531a.htm*.) Rather than transfer Kansas City check-processing operations to the head office of the Federal Reserve Bank of St. Louis as they announced at that time, however, the Reserve Banks instead plan to transfer the Kansas City check-processing operations to the head office of the Federal Reserve Bank of Dallas. For updates on the Reserve Banks' check-processing plans, see *http://www.frbservices.org/Retail/CheckProcessChanges2008.html*.

■ 2. Effective February 23, 2008, the Second and Fourth Federal Reserve District routing symbol lists in appendix A are revised to read as follows:

Appendix A to Part 229—Routing Number Guide to Next-Day Availability Checks and Local Checks

* * * * *

Second Federal Reserve District

[Federal Reserve Bank of New York]

Utica Office

0213
2213

* * * * *

Fourth Federal Reserve District

[Federal Reserve Bank of Cleveland]

Head Office

0220
0223
0410
0412
0430
0432
0433
0434
0440
0441
0720
0724
2220
2223
2410
2412
2430
2432
2433
2434
2440
2441
2720
2724

Cincinnati Branch

0420
0421
0422
0423
0442
0515
0519
0740
0749
0813
0830
0839
0863
2420
2421
2422
2423
2442
2515
2519
2740
2749
2813
2830
2839
2863

* * * * *

■ 3. Effective March 29, 2008, the Second and Third Federal Reserve District routing symbol lists in appendix A are amended by removing the Second Federal Reserve District and revising the Third Federal Reserve District to read as follows:

Appendix A to Part 229—Routing Number Guide to Next-Day Availability Checks and Local Checks

* * * * *

Third Federal Reserve District

[Federal Reserve Bank of Philadelphia]

Head Office

0210
0212
0213
0214
0215
0216
0219
0260
0280
0310
0311
0312
0313
0319
0360
2210
2212
2213
2214
2215
2216
2219
2260
2280
2310
2311
2312
2313
2319
2360

* * * * *

■ 4. Appendix B is revised to read as follows:

Appendix B to Part 229—Reduction of Schedules for Certain Nonlocal Checks

A depositary bank that is located in the following check-processing territories shall make funds deposited in an account by a nonlocal check described below available for withdrawal not later than the number of business days following the banking day on which funds are deposited, as specified below.

Federal Reserve office	Number of business days following the banking day funds are deposited
Kansas City 0865, 2865	3

By order of the Board of Governors of the Federal Reserve System, January 2, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8–6 Filed 1–7–08; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0410; Directorate Identifier 2007–NM–338–AD; Amendment 39–15325; AD 2008–01–02]

RIN 2120–AA64

Airworthiness Directives; Viking Air Limited Model (Caribou) DHC–4 and (Caribou) DHC–4A Airplanes

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

ACTION: Final rule; request for comments.

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

During a heavy maintenance check on a DHC–4 aircraft, an operator discovered that both of the upper engine mount bracket assemblies on one aircraft were cracked. Further inspection of the operator's fleet confirmed that engine mount bracket assemblies on five out of ten aircraft were also cracked.

* * * * *

Failure of the upper engine mount bracket assembly could result in separation of the engine from the airplane. This AD requires actions that are intended to address the unsafe condition described in the MCAI.

DATES: This AD becomes effective January 23, 2008.

The Director of the Federal Register approved the incorporation by reference of a certain publication, listed in the AD as of January 23, 2008.

We must receive comments on this AD by February 7, 2008.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–

30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: George Duckett, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7325; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2007–26, dated November 7, 2007 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> During a heavy maintenance check on a DHC–4 aircraft, an operator discovered that both of the upper engine mount bracket assemblies on one aircraft were cracked. Further inspection of the operator's fleet confirmed that engine mount bracket assemblies on five out of ten aircraft were also cracked.
>
> As an interim action to prevent failure of upper engine mount bracket assemblies, this directive mandates a one-time fluorescent penetrant inspection. Subsequent corrective action may be implemented in the future pending results of the investigation.

Failure of the upper engine mount bracket assembly could result in separation of the engine from the airplane. Corrective actions include replacing any cracked engine mount bracket assembly with a new assembly. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Viking Air Limited has issued Alert Service Bulletin V4/0001, dated November 9, 2007. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This AD

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

Differences Between the AD and the MCAI or Service Information

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

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

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because failure of the upper engine mount bracket assembly could lead to separation of the engine from the airplane. Therefore, we find that notice and opportunity for prior public comment hereon are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2008–0410; Directorate Identifier 2007–NM–338–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Authority for This Rulemaking

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

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

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this AD:

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

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

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

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2008–01–02 Viking Air Limited (Formerly Bombardier, Inc.): Amendment 39–15325. Docket No. FAA–2008–0410; Directorate Identifier 2007–NM–338–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective January 23, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Viking Air Limited Model (Caribou) DHC–4 and (Caribou) DHC–4A airplanes, certificated in any category.

Subject

(d) Air Transport Association (ATA) of America Code 54: Nacelles/Pylons.

Reason

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

''During a heavy maintenance check on a DHC–4 aircraft, an operator discovered that both of the upper engine mount bracket assemblies on one aircraft were cracked. Further inspection of the operator's fleet confirmed that engine mount bracket assemblies on five out of ten aircraft were also cracked.

''As an interim action to prevent failure of upper engine mount bracket assemblies, this directive mandates a one-time fluorescent penetrant inspection. Subsequent corrective action may be implemented in the future pending results of the investigation.''

Failure of the upper engine mount bracket assembly could result in separation of the engine from the airplane. Corrective actions include replacing any cracked engine mount bracket assembly with a new assembly.

Actions and Compliance

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

(1) Within 10 flight hours after the effective date of this AD, do a fluorescent penetrant inspection (FPI) for cracking of the upper engine mount bracket assemblies having part numbers C4WM1090–1 and C4WM1090–2, in accordance with the Accomplishment Instructions of Viking Alert Service Bulletin V4/0001, dated November 9, 2007. Before further flight, replace any cracked engine mount bracket assembly with a new engine mount bracket assembly, in accordance with the Accomplishment Instructions of the alert service bulletin.

(2) Within 7 days after completing the inspection required by paragraph (f)(1) of this AD or within 30 days after the effective date of this AD, whichever occurs later, report any crack found to: Viking Technical Support, E-mail: *technical.support@vikingair.com;* telephone 250–656–7227; toll free 1–800–663–8444; fax 250–656–0673.

(3) Actions done before the effective date of this AD in accordance with Viking All Operators Message 2007–4–11–02, Revision A, dated November 5, 2007, are considered acceptable for compliance with the requirements of this AD.

FAA AD Differences

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

Other FAA AD Provisions

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

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: George Duckett, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7325; fax (516) 794–5531. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

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

Related Information

(h) Refer to MCAI Canadian Airworthiness Directive CF–2007–26, dated November 7, 2007; Viking All Operators Message 2007–4–11–02, Revision A, dated November 5, 2007; and Viking Alert Service Bulletin V4/0001, dated November 9, 2007; for related information.

Material Incorporated by Reference

(i) You must use Viking Alert Service Bulletin V4/0001, dated November 9, 2007, to do the actions required by this AD, unless the AD specifies otherwise.

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

(2) For service information identified in this AD, contact Viking Air Limited, 9574 Hampden Road, Sidney, British Columbia V8L 5V5, Canada.

(3) You may review copies at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on December 20, 2007.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. E7–25613 Filed 1–7–08; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2007–28649; Airspace Docket No. 07–ANM–10]

Establishment of Class E Airspace; Wheatland, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will establish Class E airspace at Wheatland, WY. Additional Class E airspace is necessary to accommodate aircraft using a new Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) at Phifer Airfield. This will improve the safety of Instrument Flight Rules (IFR) aircraft executing the new RNAV GPS SIAP at Phifer Airfield, Wheatland, WY.

DATES: *Effective Date:* 0901 UTC, April 10, 2008. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, System Support Group, Western Service Area, 1601 Lind Avenue, SW., Renton, WA 98057; telephone (425) 917–6726.

SUPPLEMENTARY INFORMATION:

History

On September 18, 2007, the FAA published in the **Federal Register** a notice of proposed rulemaking to establish Class E airspace at Wheatland, WY, (72 FR 53201). This action would improve the safety of IFR aircraft executing this new RNAV GPS SIAP approach procedure at Phifer Airfield, Wheatland, WY. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9R signed August 15, 2007, and effective September 15, 2007, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace at Wheatland, WY. Additional controlled airspace is necessary to accommodate IFR aircraft executing a new RNAV (GPS) approach procedure at Phifer Airfield, Wheatland, WY.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under 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 airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes additional controlled airspace at Phifer Airfield, Wheatland, WY.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR 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 the Federal Aviation Administration Order 7400.9R, Airspace Designations and Reporting Points, signed August 15, 2007, and effective September 15, 2007 is amended as follows:

Paragraph 6005. Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM WY E5 Wheatland, WY [New]

Wheatland, Phifer Airfield, WY
(Lat. 43°03′20″ N., long. 104°55′43″ W.)

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phifer Airfield, WY and within 4 miles north and 4 miles south of the Phifer Airfield, WY 080° radial extending from the 9-mile radius to 12.90 miles east of the Phifer Airfield, WY.

* * * * *

Issued in Seattle, Washington, on December 14, 2007.

Clark Desing,

Manager, System Support Group, Western Service Center.

[FR Doc. E8–26 Filed 1–7–08; 8:45 am]

BILLING CODE 4910–13–P

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Parts 806 and 808

Review and Approval of Projects

AGENCY: Susquehanna River Basin Commission (SRBC).

ACTION: Final rule.

SUMMARY: This document contains amendments to project review regulations. These amendments include language clarifying the definition of ''agricultural water use,'' and providing a qualified exception to the consumptive use approval requirements for agricultural water use projects. Also, an error in the ''Authority'' citation for Part 808 is corrected.

DATES: These rules are effective March 15, 2008.

ADDRESSES: Susquehanna River Basin Commission, 1721 N. Front Street, Harrisburg, PA 17102–2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, 717–238–0423; Fax: 717–238–2436; *e-mail: rcairo@srbc.net.* Also, for further information on the final rulemaking, visit the Commission's Web site at *http://www.srbc.net.*

SUPPLEMENTARY INFORMATION:

Background and Purpose of Amendments

Since 1995, SRBC has continued to suspend the application of its consumptive use regulation to agricultural water uses pending the implementation of a mitigation method that is more suited to agriculture's unique circumstances.

The Commission's member states have taken definitive steps to support projects that will provide storage and release of water to mitigate agricultural water use in their jurisdictions and thus satisfy the standards for consumptive use mitigation set forth in 18 CFR 806.22. The final rulemaking will amend 18 CFR 806.4 (a)(1) to provide an exception for agricultural water use projects from the consumptive use review and approval requirements of 18 CFR 806.4 (a)(1) and (3), unless water is diverted for use beyond lands that are at least partially in the basin, and provided the Commission makes a determination that the state-sponsored projects are sufficient to meet the consumptive use mitigation standards contained in 18 CFR 806.22.

A second amendment clarifies the definition of ''agricultural water use'' in 18 CFR 806.3, 806.4 and 806.6 by inserting the word ''products'' after the word ''turf.'' This will clarify that the maintenance of turf grass as part of a project or facility, such as a golf course, does not constitute an agricultural water use. Only the raising of turf products for sale such as sod would constitute an agricultural water use with this clarification.

A third amendment corrects an error made as part of the December 5, 2006 rulemaking in the ''Authority'' citation to Part 808 by replacing the erroneous Sec. 3.5 (9) with the correct Sec. 3.4 (9).

The Commission convened a public hearing on November 7, 2007 in Williamsport, PA and held the comment

period open until November 15, 2007. No public comments were received.

List of Subjects in 18 CFR Parts 806 and 808

Administrative practice and procedure, Water resources.

■ Accordingly, for the reasons set forth in the preamble, 18 CFR parts 806 and 808 are amended as follows:

PART 806—REVIEW AND APPROVAL OF PROJECTS

Subpart A—General Provisions

■ 1. The authority citation for part 806 continues to read as follows:

Authority: Secs. 3.4, 3.5 (5), 3.8, 3.10 and 15.2, Pub. L. 91–575, 84 Stat. 1509 *et seq.*

■ 2. In § 806.3, revise the definition of ''agricultural water use'' to read as follows:

§ 806.3 Definitions.

* * * * *

Agricultural water use. A water use associated primarily with the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock and poultry. The term shall include aquaculture.

* * * * *

■ 3. In § 806.4, revise paragraph (a)(1) introductory text, paragraph (a)(3) introductory text, and paragraph (b)(3) to read as follows:

§ 806.4 Projects requiring review and approval.

(a) * * *

(1) *Consumptive use of water.* Any consumptive use project described below shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.22, and, to the extent that it involves a withdrawal from groundwater or surface water, shall also be subject to the standards set forth in § 806.23. Except to the extent that they involve the diversion of the waters of the basin, public water supplies shall be exempt from the requirements of this section regarding consumptive use; provided, however, that nothing in this section shall be construed to exempt individual consumptive users connected to any such public water supply from the requirements of this section. Provided the commission determines that low flow augmentation projects sponsored by the commission's member states provide sufficient mitigation for agricultural water use to meet the standards set forth in § 806.22, and except as otherwise provided below, agricultural water use projects shall not be subject to the requirements of this paragraph (a)(1). Notwithstanding the foregoing, an agricultural water use project involving a diversion of the waters of the basin shall be subject to such requirements unless the property, or contiguous parcels of property, upon which the agricultural water use project occurs is located at least partially within the basin.

* * * * *

(3) *Diversions.* Except with respect to agricultural water use projects not subject to the requirements of paragraph (a)(1) of this section, the projects described below shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.24. The project sponsors of out-of-basin diversions shall also comply with all applicable requirements of this part relating to consumptive uses and withdrawals.

* * * * *

(b) * * *

(3) Transfer of land used primarily for the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock, or poultry, or for aquaculture, to the extent that, and for so long as, the project's water use continues to be for such agricultural water use purposes.

* * * * *

■ 4. In § 806.6, revise paragraph (b)(3) to read as follows:

§ 806.6 Transfers of approval.

* * * * *

(b) * * *

(3) A project involving the transfer of land used primarily for the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock or poultry, or for aquaculture, to the extent that, and for so long as, the project's water use continues to be for such agricultural water use purposes.

* * * * *

PART 808—HEARINGS AND ENFORCEMENT ACTIONS

■ 5. Revise the authority citation for part 808 to read as follows:

Authority: Secs. 3.4 (9), 3.5 (5), 3.8, 3.10 and 15.2, Pub. L. 91–575, 84 Stat. 1509 *et seq.*

* * * * *

Dated: December 17, 2007.

Paul O. Swartz,

Executive Director.

[FR Doc. E8–23 Filed 1–7–08; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2007–0185]

Drawbridge Operation Regulations; Norwalk River, Norwalk, CT

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the Washington Street S136 Bridge, across the Norwalk River, mile 0.0, at Norwalk, Connecticut. This deviation allows the bridge owner to open only one of the two moveable spans for bridge openings between January 2, 2008 and March 31, 2008. Vessels that require a full two-span bridge opening will be required to provide at least a twelve-hour advance notice by calling the bridge operator at (203) 866–7691. This deviation is necessary to facilitate scheduled bridge maintenance.

DATES: This deviation is effective from January 2, 2008 through March 31, 2008.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, One South Street, New York, New York, 10004, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (212) 668–7165. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Judy Leung-Yee, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The Washington Street S136 Bridge, across the Norwalk River, mile 0.0, at Norwalk, Connecticut, has a vertical clearance in the closed position of 9 feet at mean high water and 16 feet at mean low water. The existing regulations are listed at 33 CFR 117.217(a).

The owner of the bridge, Connecticut Department of Transportation, requested a temporary deviation to facilitate scheduled structural maintenance and painting at the bridge.

In order to perform the structural and bridge painting operations, one of the two moveable spans must remain in the closed position in order to erect paint containment and perform the required bridge maintenance.

Under this temporary deviation the Washington Street S136 Bridge across the Norwalk River, mile 0.0, at Norwalk, Connecticut, need open only one of the two moveable spans for bridge openings from January 2, 2008 through March 31, 2008. Vessels requiring a full two-span bridge opening may do so provided that they give at least a twelve-hour advance notice to the bridge operator by calling (203) 866–7691.

Should the bridge maintenance authorized by this temporary deviation be completed before the end of the effective period published in this notice, the Coast Guard will rescind the remainder of this temporary deviation, and the bridge shall be returned to its normal operating schedule. Notice of the above action shall be provided to the public in the Local Notice to Mariners and the **Federal Register**, where practicable.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: December 27, 2007.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E8–104 Filed 1–7–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[USCG–2007–0186]

Drawbridge Operation Regulations; Chelsea River, Chelsea and East Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the regulation governing the operation of the Chelsea Street Bridge across the Chelsea River at mile 1.2, between Chelsea and East Boston, Massachusetts. Under this temporary deviation, a two-hour advance notice shall be required between 3:30 p.m. and 7 a.m., from January 2, 2008 through January 8, 2008. Vessels that can pass under the draw without a bridge opening may do so at all times. This deviation is necessary to facilitate scheduled bridge maintenance.

DATES: This deviation is effective from 3:30 p.m. on January 2, 2008 through 7 a.m. on January 8, 2008.

ADDRESSES: Materials referred to in this document are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District Bridge Branch Office maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364.

SUPPLEMENTARY INFORMATION: The Chelsea Street Bridge, across the Chelsea River at mile 1.2, between Chelsea and East Boston, Massachusetts, has a vertical clearance in the closed position of 9 feet at mean high water and 19 feet at mean low water. The existing drawbridge operation regulations are listed at 33 CFR § 117.593.

The owner of the bridge, the City of Boston, requested a temporary deviation to facilitate scheduled bridge maintenance, the installation of radio control system necessary to operate the bridge traffic signals and vehicular crash gates on the Chelsea side of the waterway.

The Chelsea Street Bridge facilitates deep draft commercial vessel traffic transiting to several oil facilities located upstream from the bridge. The oil facilities and the shipping pilots were notified. No objections were received.

Under this temporary deviation, the Chelsea Street Bridge shall open on signal after at least a two-hour advance notice is given by calling the bridge on VHF channel 13 or by telephone at 617–635–7636, between 3:30 p.m. and 7 a.m., from January 2, 2008 through January 8, 2008. Vessels that can pass under the bridge without a bridge opening may do so at all times.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: December 27, 2007.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. E8–105 Filed 1–7–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2007–0191]

RIN 1625–AA00

Safety Zones: Northeast Gateway, Deepwater Port, Atlantic Ocean, Boston, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones 500 meters around the primary components, two independent submerged turret loading buoys, of Excelerate Energy's Northeast Gateway Deepwater Port, Atlantic Ocean, and its accompanying systems. The purpose of these temporary safety zones is to protect vessels and mariners from the potential safety hazards associated with deepwater port facilities. All vessels, with the exception of deepwater port support vessels, are prohibited from entering into or moving within either of the safety zones.

DATES: This rule is effective from January 8, 2008 until May 7, 2008.

ADDRESSES: Documents indicated in this preamble as being available in the docket, are part of docket USCG–2007–0191 and are available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, contact Chief Eldridge McFadden, Waterways Management Division, Coast Guard Sector Boston, at 617–223–5160. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. The deepwater port facilities discussed elsewhere in this rule were recently completed and present a potential safety

hazard to vessels, especially fishing vessels, operating in the vicinity of the submerged structures associated with the deepwater port facility. A more robust regulatory scheme to ensure the safety and security of vessels operating in the area will be developed by separate rulemaking. These safety zones are needed to protect vessels from the hazard posed by the presence of the currently uncharted, submerged deepwater infrastructure. Delaying the effective day pending completion of notice and comment rulemaking is contrary to the public interest to the extent it would expose vessels currently operating in the area to the known, but otherwise uncharted submerged hazards.

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Any delay encountered in this regulation's effective date would be impracticable and contrary to public interest since it would expose vessels currently operating in the area to the known, by otherwise uncharted submerged hazards.

Background and Purpose

On May 14, 2007, the Maritime Administration (MARAD), in accordance with the Deepwater Port Act of 1974, as amended, issued a license to Excelerate Energy to own, construct, and operate a natural gas deepwater port, ''Northeast Gateway.'' Northeast Gateway Deepwater Port (NEGDWP) is located in the Atlantic Ocean, approximately 13 nautical miles south-southwest of the City of Gloucester, Massachusetts, in Federal waters. The coordinates for its two submerged turret loading (STL) buoys are: STL Buoy A, Latitude 42°23′39″ N, Longitude 070°35′28″ W and STL Buoy B, Latitude 42°23′55″ N, Longitude 070°36′48″ W. The NEGDWP will accommodate the mooring, connecting, and offloading of two liquefied natural gas carriers (LNGCs) at one time. The NEGDWP operator plans to offload LNGCs by degasifying the LNG on board the vessels. The regasified natural gas is then transferred through two submerged turret loading buoys, via a flexible riser leading to a seabed pipeline that ties into the Algonquin Gas Transmission Pipeline for transfer to shore.

Excelerate recently completed installation of the STL buoys and associated sub-surface infrastructure, which includes, among other things, a significant sub-surface sea anchor and mooring system.

Discussion of Rule

The Coast Guard is establishing two temporary safety zones 500 meters around the Northeast Gateway Deepwater Port (NEGDWP) STL buoys as described above to protect vessels from these submerged hazards. All vessels, other than Liquefied Natural Gas carriers and associated support vessels, are prohibited from entering into or moving within these safety zones.

This rule is effective upon publishing in the **Federal Register** and for 120 days thereafter.

Regulatory Evaluation

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

This regulation may have some impact on the public in excluding vessels from the areas of these zones. This impact, however, is outweighed by the safety risk mitigated by the enactment of these zones.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule will have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit or anchor in those portions of Atlantic Ocean covered by the safety zones. For the reasons outlined in the Regulatory Evaluation section above, this rule will not have a significant impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If this rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call Lieutenant Commander Heather Morrison, Chief, Waterways Management Division, Coast Guard Sector Boston, at 617–223–3028.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it 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.

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.1D and Department of Homeland Security Management Directive 5100.1, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of the categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation as the rule establishes a safety zone.

A final ''Environmental Analysis Check List'' and a final ''Categorical Exclusion Determination'' will be available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add temporary § 165.T01–0191 to read as follows:

§ 165.T01–0191 Safety Zones: Northeast Gateway, Deepwater Port, Atlantic Ocean, Boston, MA.

(a) *Location.* The following areas are safety zones: All navigable waters of the United States within a 500-meter radius of the two submerged turret loading buoys of the Northeast Gateway Deepwater Port located at 42°23′39″ N, 70°35′28″ W and 42°23′55″ N, 070°36′48″ W. All coordinates are North American Datum 1983.

(b) *Definitions.* As used in this section—

Authorized representative means a Coast Guard commissioned, warrant, or petty officer or a Federal, State, or local law enforcement officer designated by or assisting the Captain of the Port, Boston (COTP).

Deepwater port means any facility or structure meeting the definition of deepwater port in 33 CFR 148.5.

Navigable Waters of the United States means all waters of the territorial sea as described in Presidential Proclamation No. 5928 of December 27, 1988, which declared that the territorial sea of the United States extends to 12 nautical miles from the baseline of the United States.

Support vessel means any vessel meeting the definition of support vessel in 33 CFR 148.5.

(c) *Regulations.* (1) The general regulations contained in 33 CFR § 165.23 apply.

(2) In accordance with the general regulations in § 165.23 of this part, entry into or movement within these zones is prohibited unless authorized by the Captain of the Port, Boston. Liquefied Natural Gas Carrier vessels and related Support Vessels calling on the Northeast Gateway Deepwater Port are authorized to enter and move within the safety zones of this section in the normal course of their operations.

(3) All persons and vessels shall comply with the Coast Guard Captain of the Port or authorized representative.

(4) Upon being hailed by an authorized representative by siren, radio, flashing light or other means, the operator of the vessel shall proceed as directed.

(5) Persons and vessels may contact the Coast Guard to request permission to enter the zone on VHF–FM Channel 16 or via phone at 617–223–5761.

Dated: December 26, 2007.

Frederick G. Myer,

Commander, U.S. Coast Guard, Acting Captain of the Port, Boston, Massachusetts.

[FR Doc. 08–35 Filed 1–4–08; 12:03 pm]

BILLING CODE 4910–15–U

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2007–0097]

RIN 1625–AA87

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

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

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

DATES: This rule is effective from January 2, 2008, until February 7, 2008.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket [USCG–2007–0097] and are available for inspection or copying at Coast Guard Sector St. Petersburg, Prevention Department, 155 Columbia Drive, Tampa, FL 33606–3598 between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays. They are also available in our online docket via *www.regulations.gov*.

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

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is necessary to continue security zones where the [COTP Sector St. Petersburg, FL. 07–047] temporary final rule established them to ensure the security of vessels, facilities, and the surrounding areas within the Captain of the Port Sector St. Petersburg Zone. The Coast Guard is making these changes permanent through the implementation of a final rule published elsewhere in today's **Federal Register**. The Coast Guard published a notice of proposed rulemaking in the **Federal Register** on November 6, 2007 (72 FR 62609), in that separate rulemaking for the final rule. Temporary Final Rule [COTP Sector St. Petersburg, FL. 07–047] will expire just before the final rule comes into effect on February 7, 2008. The purpose of this temporary final rule is to maintain the security zones between the time the [COTP Sector St. Petersburg, FL. 07–047] expires and the implementation of the final rule [USCG–2007–0062].

For the same reasons, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

This temporary final rule adopts the currently established revisions to the Tampa Bay security zones as published under [COTP Sector St. Petersburg, FL. 07–047] and as proposed the NPRM published on November 6, 2007. The temporary final rule [COTP Sector St. Petersburg, FL. 07–047] lasts only through January 1, 2008, at which time the final rule [USCG–2007–0062] published elsewhere in today's **Federal Register** will not yet be effective. As referenced in the temporary final rule [COTP Sector St. Petersburg, FL. 07–047], the Maritime Transportation Security Act mandated Area Maritime Security Committee convened a working group to validate the existing security zones within Tampa Bay that were established following the terrorist attacks of September 11, 2001. These existing security zones included some established September 3, 2003, codified in 33 CFR 165.760, and some established September 1, 2003, codified in § 165.764 (68 FR 47852, August 12, 2003).

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

- § 165.760(a)(1), Rattlesnake, Tampa, FL;
- § 165.760(a)(3), Sunshine Skyway Bridge, Tampa, FL;
- § 165.760(a)(5), Piers, Seawalls, and Facilities, Port of Tampa, Port Sutton and East Bay;
- § 165.760(a)(6), Piers, Seawalls, and Facilities, Port of Tampa, East Bay and the eastern side of Hooker's Point;
- § 165.760(a)(7), Piers, Seawalls, and Facilities, Port of Tampa, on the western side of Hooker's Point; and
- § 165.760(a)(8), Piers, Seawalls, and Facilities, Port of Manatee.
- § 165.764(a)(1), Big Bend, Tampa Bay, Florida zone. The Security Zones revised includes 3 zones within the Port of Tampa (Port Sutton and East Bay; East Bay and the eastern side of Hooker's Point; and the western side of Hooker's Point), Sunshine Skyway Bridge, Rattlesnake and Big Bend and Port of Manatee. At the Port of Tampa, a minor adjustment to the Security Zone boundary was implemented for alignment with protected assets. The East Bay segment of the Security Zone was discontinued. The Security Zone beneath the Sunshine Skyway Bridge was reduced to the size of the navigable channel. The Rattlesnake area Security Zone was expanded shoreward to protect critical facilities. The Big Bend Security Zone was slightly modified to align with the natural barriers around the facility.

Discussion of Rule

This temporary rule extends the regulation established by temporary final rule [COTP Sector St. Petersburg, FL. 07–047]. The following security zones will temporarily suspend paragraphs in §§ 165.760 and 165.764 that are being replaced by these new security zones or that are no longer needed. The coordinates are based on North American Datum (NAD) 1983.

- *Rattlesnake, Tampa, FL.* All water from surface to bottom, in Old Tampa Bay east and south of a line commencing at position 27°53.32′ N, 082°32.05′ W; north to 27°53.36′ N, 082°32.05′ W, including the fenced area encompassing the Chemical Formulators Chlorine Facility.
- *Sunshine Skyway Bridge, FL.* All waters in Tampa Bay, from surface to bottom, in Cut ''A'' channel beneath the bridge's main span encompassed by a line connecting the following points: 27°37.30′ N, 082°39.38′ W to 27°37.13′ N, 082°39.26′ W; and, the bridge structure columns, base and dolphins. This is specific to the bridge structure and dolphins and does not include waters adjacent to the bridge columns or dolphins outside of the bridge's main span.
- *Piers, seawalls, and facilities, Port of Tampa and Port Sutton, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities in Port Sutton within the Port of Tampa encompassed by a line connecting the following points: 27°54.15′ N, 082°26.11′ W, east northeast to 27°54.19′ N, 082°26.00′ W, then northeast to 27°54.37′ N, 082°25.72′ W, closing off all Port Sutton channel, then northerly to 27°54.48′ N, 082°25.70′ W.
- *Piers, seawalls, and facilities, Port of Tampa, on the western side of Hooker's Point, Tampa, FL.* All waters, from surface to bottom, extending 50 yards from the shore, seawall and piers around facilities on Hillsborough Bay northern portion of Cut ''D'' channel, Sparkman channel, Ybor Turning Basin, and Ybor channel within the Port of Tampa encompassed by a line connecting the following points: 27°54.74′ N, 082°26.47′ W, northwest to 27°55.25′ N, 082°26.73′ W, then north-northwest to 27°55.60′ N, 082°26.80′ W,

then north-northeast to 27°56.00′ N, 082°26.75′ W, then northeast to 27°56.58′ N, 082°26.53′ W, and north to 27°57.29′ N, 082°26.51′ W, west to 27°57.29′ N, 082°26.61′ W, then southerly to 27°56.65′ N, 082°26.63′ W, southwesterly to 27°56.58′ N, 082°26.69′ W, then southwesterly and terminating at 27°56.53′ N, 082°26.90′ W.

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

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

Regulatory Evaluation

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

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

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may impact the following entities, some of which may be small entities: the owners or operators of vessels who wish to transit in the areas where the security zones are enforced. This rule will not have a significant impact on a substantial number of small entities because the majority of the zones are limited in size, leaving ample room for vessels to navigate around the zones. The zones will not significantly impact commuter and passenger vessel traffic patterns, and mariners will be notified of the zones via local notice to mariners and marine broadcasts. Also, the Captain of the Port may, on a case-by-case basis allow persons or vessels to enter a security zone.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the office listed under **FOR FURTHER INFORMATION CONTACT,** for assistance in understanding this rule. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not

likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Technical Standards

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

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

Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add new temporary § 165.T07–0097 to read as follows:

§ 165.T07–0097 Security Zone; Tampa Bay, Port of Tampa, Rattlesnake and Big Bend; Florida.

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

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

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

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

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

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

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

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

(c) *Effective period.* This section is effective from January 2, 2008, until February 7, 2008.

§ 165.760 [Amended]

■ 3. In § 165.760, from January 2, 2008, until February 7, 2008, suspend paragraphs (a)(1), (a)(3), (a)(5), (a)(6), (a)(7) and (a)(8).

§ 165.764 [Amended]

■ 4. In § 165.764, from January 2, 2008, until February 7, 2008, suspend paragraph (a)(1).

Dated: December 29, 2007.

A.S. Young,

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

[FR Doc. 08–21 Filed 1–3–08; 3:47 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[USCG–2007–0062]

RIN 1625–AA87

Security Zone; Tampa Bay, Port of Tampa, Port of St. Petersburg, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River; FL

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing revisions to certain security zones within the Captain of the Port Sector St. Petersburg Zone (formerly the Captain of the Port Tampa Zone). The purpose of these revisions is to ensure the security of vessels, facilities, and the surrounding areas within these zones. Entry into the area encompassed by these revised security zones is prohibited without permission of the Captain of the Port or a designated representative.

DATES: This rule is effective February 7, 2008.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket [USCG–2007–0062] and are available for inspection or copying at Coast Guard Sector St. Petersburg, Prevention Department, 155 Columbia Drive, Tampa, FL 33606–3598 between 7:30 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

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

SUPPLEMENTARY INFORMATION:

Regulatory Information

On November 6, 2007, we published a notice of proposed rulemaking (NPRM) entitled ''Security Zone; Tampa Bay, Port of Tampa, Port of St. Petersburg, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, FL'' in the **Federal Register** (72 FR 62609). We received no letters in the mail commenting on the proposed rule and no comments in the *www.regulations.gov* electronic docket. No public meeting was requested, and none was held.

Background and Purpose

The Maritime Transportation Security Act authorized the establishment of Area Maritime Security Committees (AMSC) that ''advise, consult with, report to, and make recommendations'' on matters relating to maritime security in an AMSC's port area. See 46 U.S.C. 70112(a)(2) and 33 CFR 103.205. One topic the Tampa Bay AMSC discussed is the existing security zones established soon after the terrorist attacks of September 11, 2001. See 68 FR 47852, August 12, 2003, and 68 FR 52340, September 3, 2003.

These existing security zones were established in 2003 and codified in 33 CFR 165.760 and 165.764 by the Captain of the Port Tampa. As stated in the notice of proposed rulemaking published November 6, 2007, in this rulemaking, there were a number of temporary security zone rules issued before these two final rules. See 68 FR 7093, February 12, 2003, and 68 FR 19166, April 18, 2003.

Some of the security zones in §§ 165.760 and 165.764 were suspended from July 26, 2007, until January 1, 2008, and revised, and temporary security zones were made effective during this same period. See 72 FR 45162, August 13, 2007. These temporary changes were made based on the newly-developed Maritime Security Risk Analysis tool utilized by the AMSC. A temporary final rule [USCG–2007–0097] published elsewhere in today's **Federal Register** extended these changes from January 2, 2008, until February 7, 2008, when this final rule becomes effective.

A Tampa Bay AMSC working group evaluated risk to the maritime transportation system (MTS) within Tampa Bay, and assessed various risk mitigation options. The results of the risk assessment indicated the need to revise the following established security zones for the purpose of enhancing port security for the region:

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

The five revised zones temporarily replacing these five suspended zones appear in § 165.T07–047(a)(1) through (5), but will expire by January 2, 2008, and also in temporary § 165.T07–0097(a) (1) through (5), but will expire February 7, 2008. The risk assessment also indicated that two of the zones suspended—§ 165.760(a)(6) [Piers, seawalls, and facilities, Port of Tampa, East Bay and the eastern side of Hooker's Point], and (a)(8) [Piers, seawalls, and facilities, Port of Manatee]—were no longer needed.

The security zones in this final rule have been discussed, vetted and recommended by representatives of the Department of Homeland Security's Office of Infrastructure Protection, the Western Florida Area Maritime Security Committee, the Florida Region IV and VI Regional Domestic Security Task Forces, and numerous local agencies who share in the maritime security mission in the Tampa Bay region. These revisions are needed to ensure the security of vessels, facilities, and the surrounding areas within the Captain of the Port Sector St. Petersburg Zone following the expiration of temporary § 165.T07–0097.

In 2005, Sector St. Petersburg was created, replacing the Captain of the Port Tampa Zone. Authority to create security zones in the Tampa Bay region now resides with the Sector St. Petersburg Captain of the Port. See 70 FR 41415, July 19, 2005, and 72 FR 36316, July 2, 2007.

Discussion of Comments and Changes

No comments were received. There are no changes to the regulatory text from the notice of proposed rulemaking that was published in the **Federal Register** November 6, 2007.

Regulatory Evaluation

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

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

Small Entities

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

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the majority of the zones are limited in size, leaving ample room for vessels to navigate around the zones. The zones will not significantly impact commuter and passenger vessel traffic patterns, and mariners will be notified of the zones via local notice to mariners and marine broadcasts. Also, the Captain of the Port may, on a case-by-case basis, allow persons or vessels to enter a security zone.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. Small business may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulator Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to the small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

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

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

Environment

We have analyzed this rule under Commandant Instruction M16475.1D which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. A preliminary ''Environmental Analysis Check List'' is available in the docket where indicated under **ADDRESSES.** No comments were made regarding the environmental impact of revising the security zones in Tampa Bay, FL.

List of Subjects in 33 CFR Part 165

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

Words of Issuance and Regulatory Text

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. In § 165.760, revise paragraphs (a)(1), (a)(3), (a)(5), (a)(7), (b) and (c), and add paragraphs (a)(14) and (a)(15) to read as follows:

§ 165.760 Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River; Florida.

(a) * * *

(1) *Rattlesnake, Tampa, FL.* All water, from surface to bottom, in Old Tampa Bay east and south of a line commencing at position 27°53.32′ N, 082°32.05′ W; north to 27°53.36′ N, 082°32.05′ W, including on land portions of Chemical Formulators Chlorine Facility, where the fenced area is bounded by a line connecting the following points: 27°53.21′ N, 082°32.11′ W; west to 27°53.22′ N, 082°32.23′ W; then north to 27°53.25′ N, 082°32.23′ W; then west again to 27°53.25′ N, 082°32.27′ W; then north again to 27°53.29′ N, 082°32.25′ W; then east to 27°53.30′ N, 082°32.16′ W; then southeast terminating at 27°53.21′ N, 082°32.11′ W.

* * * * *

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

* * * * *

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

* * * * *

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

* * * * *

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

(15) *Weedon Island Power Plant, FL.* All waters of Tampa Bay, from surface to bottom, extending 50-yards from the shore, seawall and piers around the Power Facility at Weedon Island encompassed by a line connecting the following points: 27°51.52′ N, 082°35.82′ W; then north and east along the shore to 27°51.54′ N, 082°35.78′ W; then north to 27°51.68′ N, 082°35.78′ W; then north to 27°51.75′ N, 082°35.78′ W, closing off entrance to the canal; then north to 27°51.89′ N, 082°35.82′ W; then west along the shore to 27°51.89′ N, 082°36.10′ W; then west to 27°51.89′ N, 082°36.14′ W, closing off entrance to the canal.

(b) *Definitions.* As used in this section—

Cruise ship means a vessel required to comply with 33 CFR part 120.

Designated representative means Coast Guard Patrol Commanders including Coast Guard coxswains, petty officers and other officers operating Coast Guard vessels, and federal, state, and local officers designated by or assisting the Captain of the Port (COTP), in the enforcement of regulated navigation areas, safety zones, and security zones.

(c) *Regulation.* (1) Entry into or remaining on or within the zones described in paragraph (a) of this section is prohibited unless authorized by the Captain of the Port Sector St. Petersburg or a designated representative.

(2) Persons desiring to transit the area of the security zone may contact the Captain of the Port Sector St. Petersburg or a designated representative on VHF channel 16 to seek permission to transit the area. If permission is granted, all persons and vessels must comply with the instructions of the Captain of the Port or designated representative. In the case of moving security zones, notification of activation of these zones will be given by Broadcast Notice to Mariners on VHF FM Marine Band Radio, Channel 22A. For vessels not equipped with a radio, there will also be on site notification via a designated representative of the Captain of the Port.

Note to §165.760 (c)(2): A graphical representation of all fixed security zones will be made available via the Coast Pilot and nautical charts.

(3) *Enforcement.* Under §165.33, no person may cause or authorize the operation of a vessel in the security zones contrary to the provisions of this section.

* * * * *

§ 165.764 [Removed and reserved]

■ 3. Remove and reserve § 165.764.

Dated: December 29, 2007.

A.S. Young,

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

[FR Doc. 08–20 Filed 1–3–08; 3:48 pm]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2007–0215; FRL–8513–8]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Section 110(a)(1) 8-Hour Ozone Maintenance Plan and Amendments to the 1-Hour Ozone Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions

submitted by West Virginia. These revisions pertain to: the maintenance plan prepared by West Virginia to maintain the 8-hour national ambient air quality standard (NAAQS) for ozone in Greenbrier County, which is designated attainment for the ozone NAAQS; and two amendments to the existing 1-hour ozone maintenance plan, which include removal of the obligation to submit a maintenance plan for the 1-hour NAAQS eight years after approval of the initial 1-hour maintenance plan, and removal of the State's obligation to implement contingency measures upon a violation of the 1-hour NAAQS. The purpose of this approval is to ensure Federal enforceability of the state air program plan and to maintain consistency between the State-adopted plan and the approved SIP. This action is being taken under the Clean Air Act (CAA).

DATES: *Effective Date:* This final rule is effective on February 7, 2008.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2007–0215. All documents in the docket are listed in the *www.regulations.gov* website. Although listed in the electronic docket, some information is not publicly available, i.e., confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy for public inspection 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, WV 25304.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by e-mail at *shandruk.irene@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Section 110(a)(1) of the Clean Air Act (CAA) requires, in part, that states submit to EPA plans to maintain any NAAQS promulgated by EPA. EPA interprets this provision to require that areas that were maintenance areas for the 1-hour ozone NAAQS, but attainment for the 8-hour ozone NAAQS submit a plan to demonstrate the continued maintenance of the 8-hour ozone NAAQS. EPA established June 15, 2007, three years after the effective date of the initial 8-hour ozone designations, as the deadline for submission of plans for these areas.

On May 20, 2005, EPA issued guidance that applies, in part, to areas that are designated attainment/unclassifiable for the 8-hour ozone standard and that had an approved 1-hour ozone maintenance plan. The purpose of the guidance, referred to as section 110(a)(1) guidance, is to assist the states in the development of a SIP which addresses the maintenance requirements found in section 110(a)(1) of the CAA. There are five components of the section 110(a)(1) maintenance plan which are: (1) An attainment inventory, which is based on actual typical summer day emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) for a ten-year period from a base year as chosen by the state; (2) a maintenance demonstration which shows how the area will remain in compliance with the 8-hour ozone standard for 10 years after the effective date of designations (June 15, 2004); (3) a commitment to continue to operate air quality monitors; (4) a contingency plan that will ensure that a violation of the 8-hour ozone NAAQS is promptly addressed; and (5) an explanation of how the State will track the progress of the maintenance plan.

On November 7, 2007 (72 FR 62809), EPA published a notice of proposed rulemaking (NPR) for the State of West Virginia. The NPR proposed approval of the 8-hour ozone maintenance plan for Greenbrier County, as well as concurrent approval of two amendments to its existing 1-hour ozone maintenance plan, which include (a) removal of the obligation to submit a maintenance plan for the 1-hour NAAQS eight years after approval of the initial 1-hour maintenance plan, and (b) removal of the State's obligation to implement contingency measures upon a violation of the 1-hour NAAQS. The formal SIP revision was submitted by West Virginia on November 29, 2006.

II. Summary of SIP Revision

The WVDEP 8-hour ozone maintenance plan addresses the components of the section 110(a)(1) 8-hour ozone maintenance plan as outlined in EPA's May 20, 2005 guidance. West Virginia requested approval of their 8-hour ozone maintenance plan for Greenbrier County, as well as concurrent approval of two amendments to its existing 1-hour ozone maintenance plan.

Emissions Inventory: An emissions inventory is an itemized list of emission estimates for sources of air pollution in a given area for a specified time period. WVDEP has provided a comprehensive and current emissions inventory for NO_X and VOCs. WVDEP has chosen to use 2002 as the base year from which it will project emissions. The maintenance plan also includes an explanation of the methodology used for determining the anthropogenic (area and mobile sources) emissions. There are no Title V point sources located in Greenbrier County, so a 2002 point source inventory was not compiled. The inventory is based on emissions from a typical ozone season day. The term ''typical'' refers to emissions being emitted during a typical weekday during the months where ozone concentrations are typically the highest.

Maintenance Demonstration and Tracking Progress: With regard to demonstrating continued maintenance of the 8-hour ozone standard, West Virginia projects that the total emissions from Greenbrier County will decrease during the ten-year maintenance period. WVDEP has projected emissions for 10 years from the effective date of initial designations, or 2014. In 2002, the total anthropogenic emissions in Greenbrier County were 7.7 tons/ozone season day for VOCs and 7.4 tons/ozone season day for NO_X. The projected 2014 anthropogenic emissions from Greenbrier County are 7.0 tons/ozone season day for VOCs and 4.9 tons/ozone season day for NO_X. As such, the plan demonstrates that, from an emissions projections standpoint, emissions are projected to decrease.

It is important to note that the formation of ozone is dependent on a number of variables which cannot be estimated through emissions growth and reduction calculations. A few of these variables include weather and the transport of ozone precursors from outside the maintenance area. In the section 110(a)(1) maintenance plan, WVDEP had indicated that the state will track the progress of the maintenance plan by updating the emissions inventory for Greenbrier County approximately every three years. The emissions inventory update will include point, area, and mobile emissions. Information from these future updates will be compared with the projected growth estimates for the 2002 base inventory data to track maintenance of the standard.

Ambient Monitoring: With regard to the ambient air monitoring component of the maintenance plan, West Virginia commits to continue operating air quality monitoring stations in accordance with 40 CFR Part 58 throughout the maintenance period to

verify maintenance of the 8-hour ozone standard, and will submit quality-assured ozone data to EPA through the AIRS system.

Contingency Measures: EPA interprets section 110(a)(1) of the CAA to require that the state develop a contingency plan that will ensure that any violation of a NAAQS is promptly corrected. The purposes of the contingency measures, as outlined in West Virginia's maintenance plan, is to accordingly select and adopt one or more measures outlined in the maintenance plan so as to assure continued attainment in the event that a violation of the ozone NAAQS is measured. Violation of the 8-hour ozone standard would trigger one or more of the control measures outlined in the plan.

Approval of two amendments to West Virginia's existing 1-hour maintenance plan has also been requested by WVDEP. Section 175A(b) requires that maintenance plans be updated. The 1-hour maintenance plan for Greenbrier County extends to 2005, but no update has been developed. West Virginia identifies the most important reason for this being that available resources are being devoted to attainment and maintenance of the 8-hour standard since the 8-hour standard is considered by the State to be more protective than the former 1-hour standard upon which the current maintenance plan is based. As such, West Virginia is amending this existing maintenance plan, which is codified at 40 CFR 52.2520(e), for the Greenbrier County 1-hour maintenance area by removing the State's obligation to submit a maintenance plan for the 1-hour NAAQS eight years after approval of the initial 1-hour maintenance plan, and is requesting approval of these amendments.

III. Final Action

EPA is approving the SIP revisions submitted by WVDEP pertaining to their section 110(a)(1) 8-hour ozone maintenance plan for Greenbrier County, West Virginia. This plan demonstrates how the State intends to maintain the 8-hour NAAQS for ozone. Additionally, EPA is concurrently approving two amendments to the existing 1-hour ozone maintenance plan: (1) Removal of the obligation to submit a maintenance plan for the 1-hour NAAQS 8 years after approval of the initial 1-hour maintenance plan; and (2) removal of the State's obligation to implement contingency measures upon a violation of the 1-hour NAAQS.

IV. 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 CAA. 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 CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 10, 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 approving the section 110(a)(1) 8-hour Ozone Maintenance Plan for Greenbrier County, West Virginia, and concurrent approval of two amendments to the existing 1-hour ozone maintenance plan may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 19, 2007.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart XX—West Virginia

■ 2. In § 52.2520, the table in paragraph (e) is amended by:

■ a. Revising the existing entry for Ozone Maintenance Plan & contingency measures (Greenbrier County).

■ b. Adding an entry for the 8-hour Ozone Maintenance plan for Greenbrier County, WV, at the end of the table.

The amendments read as follows:

§ 52.2520 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*
Ozone Maintenance Plan & contingency measures.	Greenbrier County	9/9/94	8/4/95, 60 FR 39857	52.2565(c)(36)
*	*	*	*	*
		11/29/06	1/8/08, *[Insert page number where the document begins].*	Action includes (a) removal of the obligation to submit a maintenance plan eight years after initial approval, and (b) removal of the obligation to implement contingency measures upon a violation of the NAAQS
*	*	*	*	*
8-Hour Ozone Maintenance Plan for Greenbrier County, WV.	Greenbrier County	11/29/06	1/8/08, *[Insert page number where the document begins].*	

[FR Doc. E7–25640 Filed 1–7–08; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 1304 and 1306

RIN 0970–AB90

Head Start Program

AGENCY: Administration for Children and Families (ACF), HHS.

ACTION: Final rule.

SUMMARY: This final rule implements the addition of family child care as a Head Start and Early Head Start program option. Family child care is care and education provided to children in a private home or other family-like setting. In keeping with the goal of designing programs that meet family and community needs, some Head Start and Early Head Start agencies have identified family child care as an effective Head Start service delivery model.

DATES: *Effective Dates:* This final rule is effective February 7, 2008.

FOR FURTHER INFORMATION CONTACT: Camille Loya, Office of Head Start, Administration on Children and Families, 1250 Maryland Avenue, SW., Washington, DC 20024; (202) 401–5964.

SUPPLEMENTARY INFORMATION:

I. Program Purpose
II. Background and Purpose of Rule
III. Summary of Major Provisions of the Rule
IV. Rulemaking History
V. Section-by-Section Discussion of Comments
VI. Impact Analysis

SUPPLEMENTARY INFORMATION:

I. Program Purpose

Head Start is authorized under the Head Start Act (the Act), Title VI, Subtitle A, Chapter 8 of the Public Law 97–35, the Omnibus Reconciliation Act of 1981 (42 U.S.C. 9801 *et seq.*). It is a national program providing comprehensive child development services primarily to low-income children from birth to five years of age, pregnant women, and their families. To help enrolled children achieve their full potential, Early Head Start and Head Start programs provide comprehensive health, nutritional, educational, social, and other services.

Additionally, programs are required to provide for the direct participation of the parents of enrolled children in the development, conduct, and direction of local programs. Parents also receive training and education to foster their understanding of and involvement in the development of their children. In fiscal year 2005, Early Head Start and Head Start served 906,993 children and their families through over 2,000 local grantee and delegate agencies. More than 23 million children and families have been served since the 1965 initiation of the Head Start program.

While Early Head Start and Head Start are intended to serve primarily children whose families have incomes at or below the poverty line, or who receive public assistance, Head Start regulations

permit up to 10 percent of the children in local programs to be from families who do not meet these low-income criteria. The Act also requires that a minimum of 10 percent of the enrollment opportunities in each program be made available to children with disabilities. These children are expected to participate in the full range of Head Start services and activities with their non-disabled peers and to receive special educational and related services, as needed.

II. Background and Purpose of the Rule

The authority for this final rule is found in sections 644(a) and 644(c) and section 645A(b)(9) of the Head Start Act (42 U.S.C. 9839(a), 9839(c), and 9840a(b)(9)). Sections 644(a) and (c) require the issuance of regulations setting standards for organization, management, and administration of Head Start programs. Section 645A(b)(9) requires that Early Head Start agencies comply with the requirements established by the Secretary concerning design and operation of such programs.

Since the program's inception, Head Start grantee and delegate agencies have been required to use data from a community assessment as required by 45 CFR 1305.3 to design programs that meet local community needs and support individual family goals. As a result, over the years, Head Start has implemented a variety of program options, including the provision of comprehensive child development services in centers (the center-based option), in the child's home (the home-based option), or through a combination of center and home-based services (the combination option). With the issuance of this final rule, regulations applicable to family child care, as a program option, are established. Family child care is care and education provided to children in a private home or other family-like setting not necessarily the child's home as in the home-based option. In keeping with the goal of designing programs that meet family and community needs, some Head Start and Early Head Start agencies have identified family child care as an effective Head Start service delivery model. Family child care may offer advantages in greater hours of service, flexibility, and smaller group size. Many families believe their children will benefit from a home-like setting and multi-age groupings that can include siblings.

The formal recognition of the family child care setting as a Head Start and Early Head Start program option is particularly relevant given the increased participation of many parents in the workforce or education and training opportunities. This increase is largely due to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104–193, which created the Temporary Assistance for Needy Families (TANF) program. To support parents as they pursue training opportunities and seek and maintain employment, Head Start will provide increased opportunities for full day and full year services. Partnerships with other community agencies will ensure quality, flexibility and cost effectiveness. Because family circumstances may vary and many low income wage earners are obligated to work non-traditional hours, full day services may include extended hours of care including evenings and weekends. The family child care option may be particularly appropriate in these and other situations as it will provide grantee and delegate agencies with more flexibility in designing services to meet individual family needs. Early Head Start programs may choose the home-like setting of family child care for serving infants and toddlers from families with parents who are working or in training as a result of TANF. Family child care also may be a particularly appropriate option in rural areas where families are widely dispersed or in any area where there is a shortage of facilities. Finally the family child care option may be ideal for some children whose temperaments and learning styles flourish in a smaller, less formal setting.

Family child care has long been considered a possible Head Start program option. Since 1970, Head Start has served as a catalyst for promoting discussions and collaborations among a variety of organizations and agencies interested in expanding Head Start's comprehensive services to family child care settings. With the intent of increasing the availability of family child care services, beginning in 1984 and continuing through 1997, a number of Head Start grantees established family child care homes through innovative demonstration grants and program expansions. In keeping with its role as a national laboratory for the field of child development and early education, the Office of Head Start funded these demonstration projects to provide resources and leadership in the implementation of Head Start comprehensive services in family child care settings. This effort helped agencies meet community and family needs and provided opportunities for exchanging information and experience among the participating agencies and establishing a professional network among previously isolated providers.

To help raise the level of quality in the family child care community and to support agencies in delivering Head Start's comprehensive child development services within the family child care setting, the Office of Head Start has supported significant initiatives to promote the professional development of family child care staff, including establishing the Child Development Associate (CDA) credential for family child care providers. This nationally awarded credential is recognized in 47 States as meeting staff qualification requirements for child care licensing. To promote developmentally appropriate programming for infants, toddlers, and preschoolers in family child care, Head Start supported the development of a curriculum and corresponding staff training program titled, ''The Creative Curriculum for Family Child Care.'' Head Start also engaged in extensive work with a satellite distance learning network and over 45 community colleges to offer child development courses and other classes relevant to the provision of family child care, leading to the award of the CDA credential. In 1988, Head Start collaborated with the State of Washington and local community colleges to support the Job Training Partnership Act (JTPA) and Welfare Reform by providing education and credentialing opportunities for family child care providers, including Head Start parents.

From 1992 to 1997, the Office of Head Start conducted an ''Evaluation of the Head Start Family Child Care Homes Demonstration'' to determine whether the services provided in family child care settings had the capacity to meet the Head Start Program Performance Standards and have impacts comparable to those resulting from enrollment in center based Head Start programs. Based on the data from this study, family child care was found to be a viable setting for providing comprehensive Head Start services at costs comparable to those for full-day center-based services. Although the study focused on programs serving four year old children, the findings show that services delivered in a family child care setting can meet Head Start standards of quality and can produce similar outcomes for children and families.

Based on these initiatives, accumulated experience, and research, the Office of Head Start identified indicators of quality family child care. These quality indicators include: use of licensed homes with very small groups of children, especially when infants and

toddlers are enrolled; qualified family child care providers with adequate training and experience; implementation of a curriculum based on sound child development principles; the integral involvement of parents; and the provision of strong support from the Head Start program to the family child care providers.

Through the demonstration efforts and through recent expansion of Head Start and Early Head Start enrollment, approximately five percent of programs currently provide family child care to some of their children and families under approved locally-designed models. Approximately 5,000 children are enrolled in these programs. We expect that this number will increase following publication of this final rule.

In the past several years, the Office of Head Start has convened several groups of representatives from a cross-section of for-profit and non-profit family child care programs, other organizations and agencies, experts, and parents to advise the Office of Head Start regarding various aspects of family child care programming. The family child care issues addressed by these groups included staff-child ratios, staff qualifications, oversight and support for the family child care provider and utilization of multiple funding sources. Informed by years of experience, and by a wide range of individuals and groups, as well as the findings of the evaluation study, the Office of Head Start is implementing regulations that will add family child care as a Head Start and Early Head Start program option.

All Head Start and Early Head Start grantees and delegate agencies must comply with the Head Start Performance Standards and other applicable regulations. Current Standards (45 CFR part 1304) were published in the **Federal Register** on November 5, 1996 (61 FR 57186) and were effective January 1, 1998. The Standards include requirements for Early Childhood Development and Health Services, Family and Community Partnerships and Program Design and Management. Early Childhood Development and Health includes child health and developmental services, education and early childhood development, child health and safety, child nutrition, and child mental health. Program Design and Management includes program governance, management systems and procedures, human resources, and facilities, materials and equipment. All Head Start and Early Head Start programs, regardless of program options offered, must comply with the Head Start Performance Standards and other regulations including 45 CFR part 1304 (Program Performance Standards for the Operation of Head Start Programs by Grantee and Delegate Agencies), 45 CFR parts 1301 (Head Start Grants Administration), 1302 (Policies and Procedures for Selection, Initial Funding, and Refunding of Head Start Grantees and for Selection of Replacement Grantees, 1303 (Appeal Procedures for Head Start Grantees and Current or Prospective Delegate Agencies), 1305 (Eligibility, Recruitment, Selection, Enrollment and Attendance in Head Start), 1306 (Head Start Staffing Requirements and Program Options), 1308 (Head Start Program Performance Standards on Services to Children with Disabilities), 1309 (Facilities), and 1310 (Head Start Transportation Services).

Several program elements are unique to family child care and thus are not addressed specifically in the current Head Start Program Performance Standards. These elements include the hours and days of possible operation, differences in staff qualification, differences in indoor and outdoor facilities and space, group size and age composition variations, different health and safety issues, role of the Head Start Policy Council and the applicability of management policies and procedures.

Other program elements, such as child development and education, proportionate Policy Council, Committee or other governing group representation, and the conduct of home visits are addressed in the Head Start Performance Standards and are made applicable to the Head Start family child care program option. In addition to the Head Start Program Performance Standards and other Head Start regulations, Head Start and Early Head Start grantee and delegate agencies implementing the family child care program option must ensure the provisions, as specified in this revision, are met. Also, Early Head Start programs are required to ''provide early, continuous, child development and family supportive services on a year-round basis (62 FR 18966). Therefore, grantee and delegate agencies providing Early Head Start through the family child care option must provide these services year round.

III. Summary of the Major Provisions of the Rule

A summary of the major provisions of the final rule follows. The rule:

- Establishes requirements for including family child care settings as a Head Start and Early Head Start program option.
- Describes the minimum credentials, which must be held or obtained by providers of Head Start and Early Head Start family child care services.
- Describes the minimum knowledge and experience that must be possessed by family child care providers who enroll Head Start and Early Head Start children.
- Describes the minimum qualifications of the Head Start or Early Head Start child development specialist.
- Specifies training opportunities that must be made available to family child care providers.
- Requires that family child care homes establish schedules to meet the needs of Head Start and Early Head Start parents.
- Requires that Head Start and Early Head Start programs offering the family child care option ensure that homes are available that can accommodate the special needs of children with disabilities.
- Specifies minimum requirements for the indoor and outdoor space available to children enrolled in the Head Start or Early Head Start family child care option.
- Describes Policy Council role in program decision to offer family child care option and requires proportionate representation of family child care providers on Policy Council or Policy Committee.
- Establishes requirements to ensure the health and safety of Head Start and Early Head Start children enrolled in the family child care option.
- Establishes allowable adult to child ratios and group size limits for the family child care program option.
- Requires that agencies offering the family child care option employ a child development specialist to provide support and oversight to family child care providers.
- Requires that homes where family child care is provided as a Head Start or Early Head Start program option are licensed or otherwise certified by State, Tribal or local authority.

IV. Rulemaking History

On August 29, 2000, the Department of Health and Human Services (Department) published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (65 FR 52394), proposing regulations establishing requirements for the provision of family child care as a Head Start and Early Head Start program option. Copies of the proposed regulation were mailed to all Head Start and Early Head Start grantee and delegate agencies. Interested individuals were given 60 days to comment on the proposed rule. During

the 60-day comment period, the Department received 1,166 individual comments from 217 respondents. The respondents included Head Start and Early Head Start grantee and delegate agencies, family child care providers, parents, people with college and university affiliations, and other public and private agencies and individuals interested in family child care and Head Start.

This final rule amends Head Start Regulation 45 CFR part 1306 to provide grantees authority to operate a family child care program option and specify what requirements will be imposed on Head Start programs implementing this option. We have amended the final rule in a judicious manner, and taken time to carefully consider the large number of comments in order to provide clarity to the family child care program option.

V. Section-by-Section Discussion of Comments

The comments were analyzed and categorized by regulatory section. Only those sections for which comments were made or which were changed in the final rule are discussed below.

Section 1304.52(h)(1)—Human Resource Management

This section described the qualifications required for family child care providers with Head Start or Early Head Start children enrolled.

Comments. This section elicited the largest number of comments from respondents. Three comments supported the proposed section as written. The remaining respondents made specific recommendations for changes. Several comments cautioned that the section implied an employer-employee relationship and other sections were inconsistent with this assumption. Three respondents objected to the requirement that providers have ''previous child care experience.'' Several respondents indicated that the Department should allow family child care providers to possess the Child Development Associate Credential (CDA) in preschool, home-based or infant-toddler services as more people have these and it gives them much of the necessary foundation in early learning. Many of the comments asked for clarification of the section's stipulations. Ten respondents wrote that ''child care experience'' should be liberally interpreted to allow parents and others to become family child care providers. Two respondents questioned experience as a prerequisite given the lack of a commensurate requirement for Head Start and Early Head Start center based teachers.

Eighty comments were critical of the provision's requirement that providers obtain at least a CDA within one year of hire. The majority indicated that one year is not a reasonable length of time to receive a degree. Some respondents suggested specific allowances including permitting longer time for non-English speakers. One respondent asked if the Office of Head Start would provide funds for providers to obtain a credential. Many respondents indicated that the allowable time period for obtaining a credential or degree is too short. Recommendations ranged from 18 to 60 months, but the majority of respondents, wrote that 24 months would be reasonable. A few respondents indicated that there should be no requirement at all for provider education. Finally, several respondents drew attention to the difficulty of obtaining a CDA in rural areas, while several others made the same statement about small cities or ''disadvantaged'' cities.

Response. Previous experience and the possession of a degree or CDA are critical indicators of the ability to provide high quality services for young children. In response to comments indicating that the specified time period was unreasonable, the final regulation allows up to two years to obtain a CDA. The final rule specifies that providers offering family child care as a Head Start or Early Head Start option must enroll in a CDA program within six months of beginning service provision. While it is true that access to the CDA program and colleges and universities varies across the country, distance learning opportunities via satellite and computer, are increasing access significantly regardless of geography. The requirement that providers have ''early child care experience'' was left essentially unchanged. The lack of specificity, in both duration and nature, related to the requirement permits considerable latitude in interpretation while still holding agencies responsible for ensuring that providers who they employ or with whom they contract are qualified.

The language in the final rule was clarified throughout to indicate that Head Start or Early Head Start and family child care program relationships may be contractual or employer-employee based on the nature of each situation.

Section 1304.52(h)(3)

Under the proposed rule, this section required that agencies offering the family child care program option ensure that alternative arrangements are made for enrolled children in the event a provider or family child care facility is unavailable.

Comments. Five respondents indicated full support for this provision. One respondent suggested a minimum of three substitutes be available for each provider. One respondent indicated that alternative arrangements should be a recommendation, not a requirement. Several respondents indicated that the rule should be changed from requiring ''alternative arrangements'' to requiring ''alternative plans'' which would allow more flexibility. Several respondents indicated concern about the qualifications of substitute staff and the safety of alternative facilities. Writers also emphasized that young children should not be left in the care of strangers in the event the family child care provider is unavailable. Several respondents wrote that this provision was overly prescriptive, indicating that the responsibility for alternative arrangements should be borne by the family child care provider, not the Head Start or Early Head Start grantee. Many writers expressed concern that requiring substitute arrangements represents a prohibitive cost.

Finally, respondents pointed out that arrangement for alternative care, either when planned or in the event of an emergency, should be made by family child care providers with the parents of the enrolled children. A few comments indicated that the responsibility for finding alternative care should rest entirely with parents as such responsibility ''promotes the parent's self-sufficiency.'' Several respondents requested that the Office of Head Start provide recommendations of appropriate alternative sites when the family child care home is not available.

Response. We agree with respondents that the proposed rule was unnecessarily stringent regarding this provision and did not fully account for the variety of issues surrounding alternate care arrangements. The final rule has been changed to specify that grantees offering the family child care option ensure that closures for emergency reasons are minimized and providers work with parents to establish emergency notification and alternative care arrangement plans. The rule further specifies that providers must notify parents of any planned closures well in advance.

Section 1304.52(h)(4)

This section of the proposed rule specified that when a grantee or delegate provides substitute or additional staff, such staff must have the knowledge and experience necessary to

implement the Head Start family child care option.

Comments. There were three comments on this section. One respondent recommended clarification of the requirements for a family child care assistant. The other two respondents stated that it is unreasonable to require substitutes to meet education criteria.

Response. The final rule was re-worded slightly to require that substitutes and assistants have training and experience necessary to ensure the continuous provision of quality services. The change acknowledges that assistants and substitutes may not be equipped to single handedly ''implement the Head Start family child care program,'' but that they must be qualified to maintain services and contribute to a safe nurturing environment in the provider's absence or as an assistant to the provider.

Section 1304.52(h)(5)

This section of the proposed rule required that at the time of hire, the child development specialist must have at least an Associate degree in child development or early childhood education.

Comments. One respondent suggested that any degree should be acceptable as long as a minimum amount of course work in child development or early childhood education is obtained.

Response. The provision was re-worded from the NPRM to be consistent with the degree requirement specifications for teachers as written in the Head Start Act. The child development specialist will provide support and guidance for family child care providers and must have the academic background necessary to ensure sound Knowledge of child development and early learning.

Section 1304.52(l)(5)(i–viii)

This section of the proposed rule specified that grantee and delegate agencies offering family child care must provide specific training topics for family child care staff.

Comments. Eight respondents supported regulations requiring training for family child care staff. One respondent indicated that grantee and delegate agencies should determine the amount and type of training based on the needs of family child care providers. Another respondent recommended changing the wording to state that agencies shall make the specified training available, but not required, because providers may have different needs and resources. Several respondents objected to the requirement that the Head Start or Early Head Start agency's curriculum be implemented in the family child care home, stating that there should be flexibility to allow the selection of a curriculum that best fits an individual family child care home. One respondent suggested that the required certification in cardiopulmonary resuscitation (CPR) should include CPR for adults as well as infant and child CPR. Finally there were a number of comments suggesting additional training topics including, the Head Start Performance Standards, meeting the needs of children with disabilities, cultural competency, the importance of relationships, business training, observation skills and stress management.

Response. The language in the final rule is changed to specify that grantee and delegate agencies offering the family child care option must make opportunities available for providers to receive training in the following topics: Knowledge of child development; curriculum implementation; working with children with disabilities; effective communication with children and their families; knowledge of safety, hygiene and health, including infant and child CPR; identification and reporting of possible child abuse; information on the United States Department of Agriculture's Child and Adult Care Food Program; and other training as necessary based on individual needs. The NPRM's section 1304.52(i)(5)(vii), regarding appropriate sanitation and hygiene, was combined with paragraph (v) regarding safety and health issues because the requirements are closely related.

Section 1306.3(n)

This section of the proposed rule provided definitions of ''family child care'' and ''Head Start family child care.'' There were no significant comments specifically in response to this section. However, the word ''comprehensive'' was added to describe the Head Start and Early Head Start services provided to children enrolled in family child care. The addition was made to clarify the nature of the services to be provided.

Section 1306.3(o)

This section of the proposed rule provided the definition of ''family child care program option'' as the provision of Head Start and Early Head Start services to children receiving child care in the home of the provider or in a family-like setting, such as space in an apartment building which has been set aside for the provision of child care.

Comments. One respondent requested clarification on the definition of ''family-like'' setting. Other respondents questioned whether family child care would be permitted in public housing facilities because it would be a commercial venture.

Response. The definition remains essentially unchanged. The term ''family-like setting'' could include the myriad of households in which American families live, as long as there is conformance with applicable regulations. The phrase ''under the auspices of an Early Head Start or Head Start grantee or delegate agency'' was deleted as unnecessary.

Section 1306.3(p)

This section of the proposed rule defined the term ''family child care teacher'' as the provider of Head Start or Early Head Start services to children in their own residence or a family-like setting.

Comments. There were 28 comments submitted that addressed this section. Six respondents supported use of the term ''family child care teacher'' as they felt it would enhance the public perception of a professional role. Twenty-two respondents objected to the term ''teacher'' and some suggested alternatives. Several respondents indicated concern that the term ''teacher'' would too narrowly imply a home set up and operated like a child care or preschool center. Other respondents commented that the term ''teacher'' is not reflective of their myriad roles, including, small business owner, nurturer, and homemaker. Three respondents suggested that use of the word teacher may influence the ability to maintain a contractual rather than employer relationship. Alternative titles suggested by respondents included, ''family child caregiver,'' ''early care and education provider,'' ''family child care professional'' and ''family child care learning professional.'' One respondent indicated that ''family child care provider'' is the nationally recognized term for individuals who provide child care in a family-like setting. The writer noted the use of that term in National Association for Family Child Care materials and in the United States Department of Agriculture's Child and Adult Care Food Program (CACFP).

Response. We agree with the respondents who suggest that the term ''teacher'' might not be the most appropriate title. While we believe teaching is a primary function when children are enrolled in the Head Start family child care option, we changed the term to ''*Family Child Care Provider*'' in the regulation to be

inclusive of the variety of relationships grantees may establish to offer family child care as a program option.

Section 1306.20(g)

This section of the proposed rule specified that when Head Start or Early Head Start children are enrolled, designated group size limits apply and the provider's own children under the age of six years must be counted in the group size.

Comments. There were seven respondents who indicated that inclusion of the provider's own children in the adult to child ratio would pose a significant financial burden. Several of these respondents included information about less restrictive State requirements.

Response. We added language to the final rule section 1306.20(g) to indicate the provider's children under the age of six must be included in the group count whenever present in the home. While we recognize this may reduce the capacity of the provider to enroll children, we believe that children under age six need considerable adult support and excluding them from the count could pose a danger to the safety and development of the group.

Section 1306.20(g)(1)

This section stated that when no more than two of the children are under three years of age, the maximum group size is six children.

Section 1306.20(g)(2)

This section of the proposed rule specified that when more than two children are under three years of age, the maximum group size is four children and in such cases, no more than two of the four children may be under the age of 24 months.

Comments. This section generated a substantial number of responses. Many responses were in favor of the provision, but several of these cautioned it might not be financially viable. A majority of respondents indicated criticism of the adult to child ratios proposed. Several respondents suggested that the allowable ratio and group size should be consistent with those established for Head Start center-based programs, one teacher for every eight three-to five-year old children. Others suggested deferring to each State's family child care licensing regulations. Several respondents forwarded copies of various States' regulations.

Another category of comments elicited by this section suggested that the provisions governing group family child care include larger group size with a second adult assisting the family child care provider.

Response. We agree with respondents that Head Start family child care group size limits and adult-child ratios should generally reflect those established for Head Start and Early Head Start. The primary considerations in determining ratio and group size requirements are the safety, education, and well-being of enrolled children. We reviewed the family child care licensing regulations in all the States where they exist and found tremendous variability in allowable group size and adult-child ratios. We feel that simply deferring to States is not an acceptable option as it would not ensure the ratios and group sizes required for the delivery of high quality Head Start and Early Head Start services.

We changed the final rule to be more consistent with requirements for Head Start classrooms. A majority of States identify a ratio of approximately six children, with no more than two under two years of age, for a single provider and the final rule was changed to reflect this majority. This consistency with the Head Start requirement will reduce problems associated with variance from State regulations. In view of the many possible advantages and research supporting the quality of ''family group'' child care homes, we have included a provision allowing a family child care provider and an assistant to care for up to twelve children when no more than four of the children are under two years of age.

The ratio for teacher to infants and toddlers in Early Head Start classrooms is one to four. We maintain this ratio for the family child care option with the stipulation that no more than two of the four children may be under the age of 24 months. We believe this ratio and the associated age limits are necessary both in the event of an emergency and for the provision of high quality services.

Section 1306.20(g)(3)

In the proposed rule, this section specified that when children requiring additional care because of special needs are enrolled, ''* * * group sizes are smaller than the maximum allowed.''

Comments. There were several comments on this section indicating concern that additional compensation would be required if the group size was reduced in order to cover the resulting lost revenue. Other respondents were concerned about how an appropriate ''smaller'' group size would be determined when special needs children were enrolled. One respondent recommended having a ''special needs aide'' to assist when a child with a disability is enrolled. Several responded that decisions about group size must be made in accordance with individual needs.

Response. We agree that children's special needs are extremely diverse and decisions about group size must take into account the individual needs of children enrolled. Young children with disabilities are entitled to appropriate education and related services in the least restrictive environment where their needs can be met. If the family child care home is deemed the least restrictive environment, the local jurisdiction must provide any necessary services. The language in the final rule is modified slightly to indicate that it may be necessary to adjust group size or accommodate additional assistance to meet the needs of children with disabilities. Head Start and Early Head Start grantees must ensure that at least ten percent of enrollment opportunities are available to children with disabilities.

Section 1306.20(h)(1)

Under the proposed rule, this section specified that Head Start and Early Head Start programs offering the family child care option must provide support and oversight to providers through the employment of a child development specialist and through other staff with responsibilities related to the provision of comprehensive services. Included was the requirement that there are mechanisms in place for assuring communication with providers at all times when Head Start or Early Head Start children are present.

In the NPRM section 1306.20(h)(2) it was also specified that a full-time child development specialist be assigned no more than 12 family child care homes with part-time child development specialists being assigned a proportionate number. We have combined this section into a single section 1306.20(h)(1) in this final rule.

Comments. Respondents indicated concern that dictating the hours of service and requiring external oversight could jeopardize the capacity to maintain a contractual, as opposed to employee to employer, relationship. Several respondents indicated they currently provide Head Start services as specified in their contracts with the support, but not supervision of the grantee. One respondent recommended that support be specifically identified.

A number of respondents indicated support for the proposal that child development specialists be assigned a limited number of family child care homes, but some said they would require additional funding to meet the requirement. Other respondents questioned a prescribed ratio given the

potential variation in traveling distance between homes reflective of the region or area where the grantee or delegate agency operates. Many respondents indicated that the requirement as stated would influence the ability of providers to maintain a contractual, as opposed to employee, relationship with the grantee or delegate agency. Several respondents proposed different ratios ranging from one specialist to every six family child care homes to one specialist for every 15 family child care homes. One respondent suggested that the ratio should be based on the number of children enrolled rather than the number of homes as the number of children enrolled in each home may vary considerably. Finally a number of respondents objected to the prescription of a child development specialist, arguing it would limit program flexibility in providing staff to best meet the individual needs of family child care providers. Others argued the provision as written makes erroneous assumptions about a relative lack of child development qualifications on the part of family child care providers.

Response: We agree that the specific responsibilities of the child development specialist will depend on the nature of the relationship between the grantee or delegate agency and the family child care providers. The final rule was modified to broadly require that child development specialists and other Head Start staff with specific responsibilities for the provision of comprehensive services provide support for the family child care option homes.

We also agree that Head Start programs will need flexibility in designing their family child care option. We believe that a child development specialist is essential to connect the family child care homes with the Head Start and Early Head Start program and ensure effective communication. Based on these two conditions, we deleted section 1306.20(h)(2), as designated in the NPRM, and added language to section 1306.20(h)(1) to require that programs offering the family child care option employ and assign child development specialists or other Head Start or delegate agency staff to ensure the provision of high quality comprehensive services.

Section 1306.20(h)(2)

This section (section 1306.20(h)(3) in the NPRM) specified that the responsibilities assigned to child development specialists include unannounced and announced visits to family child care homes with at least one 90 minute visit per home per week.

Comments. A number of respondents supported the proposed standard speculating that providers would welcome the visits and that the child development specialist would positively influence family child care services. Several respondents indicated concern that the visits not be intrusive. The majority of respondents wrote that the provision should be modified. Many felt that the requirement was too prescriptive and not adequately flexible to ensure responsiveness to the needs of individual providers. One respondent suggested that the visits of various specialists during a single week could be combined to constitute the required 90 minute visit. Others suggested reducing the requirement to bi-weekly visits or permitting phone or e-mail communication in lieu of visits. There also were suggestions for including a monthly meeting of providers in the requirements.

Response. We agree with respondents that the need for child development specialist visits may vary considerably among providers. Veteran providers with early childhood degrees for example, may not need the same number and duration of visits as new providers who are enrolled in CDA or early childhood education classes for the first time. We believe, however, that the grantee agency must have a systematic approach to ensure that providers have regular access to the resources and specialists that the Head Start or Early Head Start agency offers. Whether its relationship with providers is contractual or employment based, grantees and delegates will need assurance that all applicable regulations are met. The final rule was re-worded to clarify that the grantee or delegate agency must assign responsibilities to the child development specialist to support and ensure the provision of high quality services at each family child care home. The duration and timing of such visits may vary, but there must be at least one visit to every provider every two weeks and some form of contact at least once per week. Visits must be both announced and unannounced.

Section 1306.20(h)(3)

This section (section 1306.20(h)(4) in the NPRM) of the proposed rule stated that the child development specialist must conduct health, nutrition and safety checks of the home, and must observe and assess curriculum implementation and child development services. The section also required that the specialist provide on-site feedback and training and technical assistance to the providers including support for the development of collegial or mentoring relationships.

Comments. The responses applicable to this section were submitted under proposed section 1306.20(h)(2) and (3) and related to concern that the requirement is too stringent and doesn't reflect the wide variety of strengths and needs across family child care settings.

Response. The language in the final rule was modified to clarify that the role of the child development specialist includes: Verifying compliance with either contract requirements or agency policy depending on the nature of the relationship; facilitating communication between the family child care provider, Head Start and Early Head Start staff, enrolled families and other community services; making recommendations for training and technical assistance; and supporting providers in developing collegial or mentoring relationships.

1306.20(i)

This section of the proposed rule required that grantees or delegates formally assign family child care management functions to agency staff.

Comments. This provision elicited six comments, all of which were supportive. One respondent indicated that responsibilities should be assigned not only to existing staff, but that new staff should be hired as necessary.

Response. This section was considered unnecessary as provision for the assignment of management functions is currently required in 1304.52(a). Therefore, the section was deleted from the final rule.

Section 1306.20(i)

Under the proposed rule, this section (1306.20(j) in the NPRM) specified that to ensure that all program services are available to children enrolled in the family child care option, grantee and delegate agencies must ensure that providers are supported by agency staff with responsibilities related to the provision of comprehensive services as described by 45 CFR parts 1304 and 1308. There were no comments in response to this section. However, the provision was reworded to simply state that grantee and delegate agencies must ensure that children enrolled in the family child care option receive comprehensive Head Start or Early Head Start services as described by 45 CFR parts 1304 and 1308.

Section 1306.31(a)

This section of the proposed rule was amended to include Family Child Care in the list of Head Start program options that consists of a center-based option, a

home-based option, and a combination program option.

Sections 1306.35 and 1306.36 were revised and redesignated as sections 1306.36 and 1306.37 respectively and a new section 1306.35 was added.

Section 1306.35(a)(1).

This section of the proposed rule required that agencies implementing the family child care option must ensure that each family child care home operates year round, five or more days per week and at least six hours per day.

Comments. Many respondents stated confusion about this provision. Some respondents indicated that they interpreted ''year round'' to mean no vacation or holiday time would be permitted. Two respondents indicated that if the grantee or delegate sets required hours of operation, it would preclude a contractual relationship. Many people suggested modifying the provision to allow family child care providers to determine their schedules and keep enrolled families informed. Other respondents pointed out that they serve populations who, due to seasonal employment or school or college enrollment, only require part-year care. Several comments suggested that six hours per day would never be enough and the regulation should specify a minimum of nine or ten hours.

Response. We agree with respondents that family child care providers must establish hours and days of operation in accordance with the needs of enrolled families and their own needs. We do not wish to interfere with the ability of providers to remain independent contractors. We also recognize the large degree of variation in need for care according to individual community and family circumstances. The final rule was changed to allow greater flexibility while still emphasizing the need to meet community needs. It states that grantees and delegates must ensure that the family child care option, whether provided directly or via contractual arrangement, operates sufficient hours to meet the child care needs of the children enrolled and their families.

Section 1306.35(a)(2)(i)(ii).

In the proposed rule, paragraph (i) of section 1306.35(a)(2) specified that agencies offering the family child care option must ensure that family child care homes are available to serve children with disabilities and accommodate parents with disabilities. Paragraph (ii) stated that services must be provided as specified in children's individual education plans (IEPs) or Individual Family Services Plans (IFSPs).

Comments. Respondent suggested that the Office of Head Start needs to make funds available to renovate homes to make them accessible and provide funds to offset revenue lost when a child with a disability requires a smaller group size. One respondent indicated concern that family child care providers are not certified in special education and therefore could not provide an appropriate placement for children with disabilities. Another respondent pointed out that accommodations in each home would need to be based on the needs of the individual children enrolled. Finally two respondents recommended requiring that Head Start and Early Head Start agency specialists be required to act as resources for children with disabilities and their families.

Response. Head Start and Early Head Start agencies must make ten percent of all enrollment opportunities available for children with disabilities. The final rule references the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and 45 CFR Part 1308, the Head Start Performance Standards for Services to Children with Disabilities which require that children's special needs be met in the least restrictive possible environment. Grantees and delegates offering the family child care program option must ensure the availability of a setting among family child care homes as appropriate. The words ''as appropriate'' were added at section 1306.35(a)(2)(i) to indicate that a family child care home may be an appropriate setting for meeting the special education and related service needs of a child with a diagnosed disability.

Section 1306.35(a)(3)

In the proposed rule, this section required that Head Start family child care homes provide sufficient indoor and outdoor space for children to be supervised and participate in activities that foster physical, emotional, and cognitive growth and development.

Comments. This section generated a number of responses. Several recommended that clarification of the term ''sufficient space'' be provided in the final rule. Respondents indicated concern about providers who live in apartments being able to provide outdoor space and possible conflicts between the Head Start regulation for Family Child Care as a program option and State child care licensing requirements.

Response. The language in the final rule was clarified to include that at a minimum, Head Start Family Child Care option homes must meet State licensing requirements for usable space. In the event the State does not include specifications regarding space, agencies offering the option must ensure that the available space is safe and adequate for child development. There must be sufficient indoor space for individual child and small group experiences to occur and the provider must have access to safe outdoor areas where children can play. The nature of outdoor space may vary considerably based on the child care home's location, but agencies must ensure that children are protected from hazards, are supervised at all times, and age appropriate experiences are available.

Section 1306.35(a)(4)

Under the proposed rule, this section required that agencies include Policy Councils in decisions to ''hire or terminate contracted Head Start family child care teachers.''

Comments. Respondents strongly objected to this provision, pointing out that the requirement would be inappropriate in contractual situations.

Response. The final rule indicates that the Policy Council's decision making role must be exercised at the point of including family child care as a program option. Under the final rule, the Policy Council will participate in hiring and termination decisions consistent with 45 CFR 1304.50(d)(1)(xi). The section was also expanded to include the required proportionate representation of the family child care option on the Policy Council.

Section 1306.35(b)(1)

In the proposed rule, this section required that agencies offering the family child care option have a plan in place to ensure the health and safety of children and conduct at least one safety inspection of each home each year. Further requirements regarding frequent observations by the child development specialist policies and procedures to correct identified concerns also were included.

Comments. Some respondents agreed that a safety plan should be required, but recommended additional criteria for inspections. One respondent indicated concern that requiring a grantee safety plan applicable to family child care homes could compromise the capacity for a contractual relationship with a provider.

Response. The final rule specifies that agencies offering the family child care option must ensure the health and safety of children enrolled. When an agency employs family child care providers directly, it must establish written descriptions of health, safety, and emergency policies and procedures.

When the family child care option is offered through contractual arrangements with providers, the contracts must specify the provider's obligations for ensuring the health and safety of children enrolled in Head Start.

Section 1306.35(b)(2)(i)

This section of the proposed rule required that Head Start and Early Head Start children enrolled in the family child care program option be kept away from potentially hazardous situations, including, sources of heat and appliances. It also stated that premises must be free from health endangering pests.

Comments. Respondents strongly objected to what they read as a prohibition against children's participation in cooking activities. Several pointed out the value of kitchen experiences as related to science and math learning. Others emphasized the developmental benefits related to learning about good nutrition and health. One respondent observed that kitchen appliances are present in all households and banning all child access will fail to permit teaching about safety around such appliances. One person indicated concern that the provision contradicted what she is learning in her CDA classes. Finally, one respondent suggested that providers should have a safety plan that includes how children will safely participate in meal preparation.

Response. We agree that experiences in the kitchen can be significant contributors to child development. It also is true that virtually all children grow up with kitchen appliances in their homes. We modified the language in the final rule to state that children enrolled in the Head Start or Early Head Start Family Child Care Option must be protected from potential hazards, including those posed by appliances. We also specify that premises must be free of pests and that chemicals used to control pests are not to be used during hours of operation of the family child care home.

Section 1306.35(b)(ii)

This section required that smoke and carbon monoxide detectors be installed in spaces occupied by children.

Comments. One respondent objected that carbon monoxide detectors should not be required as they are too expensive. Another indicated that required detectors should be provided by the grantee or delegate agency at no charge to the provider. One respondent said the required detectors should reflect the year of the home's construction. A company that manufactures alarms asserted the need for the proper installation and maintenance of alarms.

Response. While we appreciate concerns regarding cost, the safety advantages of smoke and carbon monoxide detectors are well documented. We continue to require the detectors under the final rule.

Section 1306.35(b)(iii)

Under the proposed rule, this section required radon detectors in family child care homes where basements are devoted to the program.

Comments. There were three respondents to this section. One objected on the grounds of cost, one objected because there is not a commensurate requirement for Head Start centers, and the third said that the grantee should have to pay for the detectors.

Response. The final rule was clarified to maintain the requirement that radon detectors are required when family child care sites have basements and the local health officials recommend the use of the detectors.

Section 1306.35(b)(iv)

Under the proposed rule, this section required that children be directly supervised at all times.

Comments. Respondents indicated that this provision would be problematic as often only one provider is present with children and may need to take care of a personal need which requires a temporary pause in direct supervision.

Response. We clarified the final rule to emphasize that children are supervised and kept safe at all times. Providers must be able to assure the safety of any child not within view for any period.

Section 1306.35(b)(2)(v)

In the proposed rule, this section required ''enhanced supervision'' when children are near a body of water or a source of heat or when they are being transported.

Comments. Respondents indicated a need for clarification regarding the meaning of this provision. For example, several respondents asked for more explanation of ''enhanced supervision'' and one respondent indicated that the term ''heat source'' is too vague.

Response. We clarified the final rule slightly to state that when family child care is offered as a Head Start or Early Head Start program option, providers must ensure the safety of children around any body of water, road or other potential hazard, or if children are being transported.

Section 1306.35(b)(vi)

This provision in the proposed rule required that all water hazards be enclosed with a fence and safeguarded against access by children.

Comments. Respondents indicated varying amounts of agreement with this section. Several emphasized the value of water as a teaching tool and protested a complete prohibition to supervised access by children. Some indicated that supervision is the key to water safety; others recommended requiring locked gates and attendants trained in first aid and cardiopulmonary resuscitation (CPR).

Response. The final rule clarifies that unsupervised access by children to all water hazards are prevented by a fence.

Section 1306.35(b)(2)(vii)

This section stated in the proposed rule that no firearms or other weapons shall be kept in space occupied by or accessible to children.

Comments. Respondents requested clarification about whether this section would require removal of weapons from a child care home or whether locking up weapons could satisfy the requirement.

Response. The provision was left unchanged in the final rule. Providers must comply with State and local licensing regulations. If those regulations permit weapons in the home, providers must ensure that those weapons are kept out of areas occupied by children and that they are absolutely inaccessible to children by any means.

Section 1306.35(b)(2)(viii)

In the proposed rule, this section required that alcohol and other drugs not be consumed while children are present and are not accessible to children at any time.

Comments. One respondent indicated that the final rule should specify that smoking and prescription drugs are allowed. Others suggested requiring that alcohol and drugs of any kind be kept in locked cabinets or boxes.

Response. The final rule is unchanged. The statement that drugs and alcohol not be accessible to children requires that providers accomplish this through any necessary means, including keeping them in locked containers or removing them from the premises. Every effort should be made to avoid taking over the counter or prescription drugs while children are in care. If a provider must use a prescription drug while children are in care, the provider must prevent children from accessing that drug. It

should be noted that the limitations regarding smoking that apply when children are enrolled in center-based Head Start or Early Head Start also apply when children are enrolled in the Head Start or Early Head Start Family Child Care Option.

Section 1306.35(b)(2)(ix)

Under the program rules, this section required that domestic animals be disease free, immunized, appropriately restrained and kept from children.

Comments. A substantial number of respondents unanimously supported the first three conditions, properly immunized, disease free, and appropriately restrained animals, but opposed the requirement that animals be ''kept from children.'' Some respondents indicated concern that, as Head Start grantees, they would lose many of their family child care partners if they required them to ''get rid of their family pets.'' Many respondents stated the important role responsible interaction with pets can have in the development of young children. Others pointed out that pets reside in many early childhood classrooms. One respondent stated that many family child care homes are on farms and that animals can help withdrawn children. Another respondent stressed that parents make the decision about placement for their child, and if there is an objection to a pet at a home, another provider can be identified.

Response. We agree that pets can play important roles in the lives of young children. However, there are health and safety risks inherent in a close association between pets and young children. These risks vary according to the type of pet, the condition of its environment and the safeguards established by a provider. We clarified the final rule to state that providers must keep up to date health certificates signed by a veterinarian for any pets which have contact with children. The Head Start grantee or delegate agency must ensure that any pets residing with family child care providers are appropriately managed to ensure child safety at all times. The nature of pet safety measures will vary in accordance with the type of animal involved. For example, while some animals will need to be prevented from having any contact with children, others may require making sure children wash their hands after handling the animal. It should be noted that while child safety is our paramount concern, the health and well-being of animals must also be considered.

Section 1306.35(c)

In the proposed rule, this provision required that ''emergency coverage plans'' be in place to ensure that a qualified substitute provider is in place in the event the regular provider must leave due to an emergency.

Comments. Several respondents recommended no change to this section. Other respondents suggested it should be the grantee or delegate agency's responsibility to provide coverage in the event of an emergency.

Response. We have re-worded the provision to indicate that grantee and delegate agencies offering the family child care program option must ensure that providers have made plans of how they will notify parents in the event of any emergency or unplanned interruption in service. Such plans may include the use of alternate sites or substitute providers. Parents must be informed that they may need to pick their child up and arrange care if the child is ill or if an emergency arises.

Section 1306.35(d)

This section of the proposed rule stated that grantees and delegates must ensure that homes where Head Start or Early Head Start family child care services are offered meet State, Tribal, and local licensing requirements. When State, Tribal, and local regulations vary from the Head Start Standards, the more stringent regulation shall apply.

Comments. This provision elicited several comments. Two respondents agreed unconditionally. One respondent suggested that grantees may need to provide initial funding to bring family child care homes up to licensable condition. One respondent pointed out that, if the relationship is contractual, the grantee can require a family child care license, but can't actually secure the license for the provider. One respondent suggested that the Head Start requirement would increase the workload for State licensing officials and they should be notified in advance to begin preparation. The same respondent suggested that, in States where there are no family child care licensing regulations, Head Start grantees should perform inspections of family child care homes.

Response. The section remains unchanged in the final rule for consistency with Head Start licensing requirements.

Section 1306.36

This section in the proposed rule asserted the continued right of the Commissioner of the Administration on Children, Youth and Families to fund alternative program variations.

Comments. There were five comments to this section. One respondent indicated concern that the proposed regulations made no allowance for existing Head Start family child care relationships. The other respondents supported the idea of additional program variations to meet unique community needs.

Response. The final rule remains unchanged. It is expected that existing Head Start and Early Head Start family child care options will be modified as necessary to meet the requirements of this rule. If there are existing relationships that vary from the requirements of the rule due to specific community needs, those programs can apply to the Director of the Office of Head Start for approval as alternative program variations or local program options.

Section 1306.37

This section of the proposed rule stipulated that any exception to the requirements contained in sections 1306.32, 1306.33, 1306.34, and 1306.35 would only be granted if the Director of the Office of Head Start determines that the grantee made a reasonable effort to comply but was unable to do so because of limitations or circumstances of a specific community or communities served by the grantee. This section did not elicit any comments. The section remains unchanged in the final rule.

V. Impact Analyses

Executive Order 12866

Executive Order 12866 requires that regulations be drafted to ensure that there is consistency with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. This final rule establishes a program option, which will not require grantees to expend a significant amount of funds. Agencies choosing to operate this program option will not incur significant costs exceeding those costs incurred to deliver Head Start services in other program settings, such as in center-based or home-based settings and options.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that the Federal government anticipate and reduce the impact of rules and paperwork requirements on small businesses. For each rule with a ''significant economic impact on a substantial number of small entities'' an analysis must be prepared describing

the rule's impact on small entities. Small entities are defined by the Act to include small businesses, small nonprofit organizations and small governmental entities. This rule will affect small entities.

In keeping with the goal of designing programs to meet community and family needs, Head Start agencies have identified family child care as a preferred option for parents who believe their children will benefit from a home-like setting. Head Start agencies also have found that family child care is a suitable option for parents who are working or in training, or when families need care for more than one child. While we have no measure at this point to estimate the number of grantees that are small entities which will choose the family child care option, we believe the number which will choose it will not be significant at this time, given the newness of the option and diversity of needs across the country. For this reason, the Secretary certifies that this rule will not have a significant impact on substantial numbers of small entities.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104–13, all Departments are required to submit to the Office of Management and Budget (OMB) for review and approval any reporting or recordkeeping requirements inherent in a proposed or final rule. This final rule does not contain any information collection or recordkeeping requirements.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) requires that a covered agency prepare a budgetary impact statement before promulgating a rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a covered agency must prepare a budgetary impact statement, section 205 further requires that it select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with the statutory requirements. In addition, section 205 requires a plan for informing and advising any small government that may be significantly or uniquely impacted by the proposed rule. We have determined that this final rule will not impose a mandate that will result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year. Accordingly, we have not prepared a budgetary impact statement, specifically addressed the regulatory alternatives considered, or prepared a plan for informing and advising any significantly or uniquely impacted small government.

Congressional Review of Rulemaking

This rule is not a ''major'' rule as defined in Chapter 8 of 5 U.S.C.

The Family Impact Requirement

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277, Div. A, section 101(h)) requires a family impact assessment affecting family well-being.

Family Impact

Many parents, especially those from low-income families, work during nontraditional hours, and their work schedules often change from week to week. The Head Start family child care option will ensure the availability of quality child care during both traditional and nontraditional work hours. Head Start family child care also provides a network that ensures training to increase the competence of the family child care teacher as well as a system of back-up in the event that he or she is unavailable. Allowing parents to place their Early Head Start or Head Start children as well as school-age children in the care of one provider will decrease the number of stops they must make to drop children off prior to going to work. The availability of family child care increases the choices available to parents by ensuring that their children are well cared for, and ensures that parents are not distracted from their work by worrying about the dependability and quality of care being provided to their children. This will increase family financial stability by enabling parents to secure and keep jobs. Many low-income workers have minimal leave and little flexibility in their work schedules and are unable to take time off to compensate for unreliable care or to make numerous phone calls to ensure the safety and well-being of their children. Head Start ensures a level of quality care for children, as well as back-up systems, thereby promoting family stability.

Executive Order 13132

Executive Order 13132 on Federalism applies to policies that have Federalism implications, defined as ''regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, or on the distribution of powers and responsibilities among the various levels of government.'' This rule does not have Federalism implications for State or local governments as defined in the Executive Order.

List of Subjects

45 CFR Part 1304

Dental health, Education of disadvantaged, Grant program—social programs, Health care, Mental health programs, Nutrition, Reporting and recordkeeping requirements.

45 CFR Part 1306

Education of disadvantaged, Grant program—social programs.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: January 26, 2007.

Daniel C. Schneider,

Acting Assistant Secretary for Children and Families.

Dated: September 20, 2007.

Michael O. Leavitt,

Secretary of Health and Human Services.

■ For the reasons set forth in the preamble, 45 CFR parts 1304 and 1306 are amended to read as follows:

PART 1304—PROGRAM PERFORMANCE STANDARDS FOR OPERATION OF HEAD START PROGRAMS BY GRANTEE AND DELEGATE AGENCIES

■ 1. The authority citation for part 1304 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*

■ 2. Amend § 1304.52 by redesignating paragraphs (h) through (k) as (i) through (l), and adding new paragraphs (h) and (l)(5) to read as follows:

§ 1304.52 Human resource management.

* * * * *

(h) *Family child care providers.* (1) Head Start and Early Head Start grantee and delegate agencies must ensure that family child care providers have previous early child care experience and, at a minimum, enroll in a Child Development Associate (CDA) program or an Associates or Bachelor's degree program in child development or early childhood education within six months of beginning service provision. In addition, such grantee and delegate agencies must ensure that family child care providers acquire the CDA credential or Associate's or Bachelor's degree within two years of February 7, 2008 or, thereafter, within two years of beginning service provision.

(2) Family child care providers who enroll Head Start children must have the knowledge and skill necessary to

develop consistent, stable, and supportive relationships with young children and their families, and sufficient knowledge to implement the Head Start Performance Standards and other applicable regulations.

(3) Grantee and delegate agencies offering the family child care option must ensure that closures of the family child care setting for reasons of emergency are minimized and that providers work with parents to establish alternate plans when emergencies do occur. Grantees and delegates must also ensure that the family child care home advises parents of planned closures due to vacation, routine maintenance, or other reason well in advance.

(4) Substitute staff and assistant providers used in family child care must have necessary training and experience to ensure the continuous provision of quality services to children.

(5) At the time of hire, the child development specialist must have, at a minimum, an Associate degree in child development or early childhood education.

(6) Child development specialists must have knowledge and experience in areas that include the theories and principles of child growth and development, early childhood education (birth to age five), and family support. Child development specialists must have previous early childhood experience, familiarity with the Child Development Associate (CDA) competency standards and knowledge and understanding of the Head Start Program Performance Standards and other applicable regulations.

* * * * *

(l) * * *

(5) In addition, grantee and delegate agencies offering the family child care program option must make available to family child care providers training on:

(i) Infant, toddler, and preschool age child development;

(ii) Implementation of curriculum (see § 1304.3(a)(5) for the definition of curriculum);

(iii) Skill development for working with children with disabilities;

(iv) Effective communication with infants, toddlers, and preschoolers and with their families;

(v) Safety, sanitation, hygiene, health practices and certification in, at minimum, infant and child cardiopulmonary resuscitation (CPR);

(vi) Identifying and reporting suspected child abuse or neglect;

(vii) United States Department of Agriculture's Child and Adult Care Food Program; and

(viii) Other areas necessary to increase the knowledge and skills of the family child care providers.

* * * * *

PART 1306—HEAD START STAFFING REQUIREMENTS AND PROGRAM OPTIONS

■ 1. The authority citation for part 1306 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*

■ 2. Amend § 1306.3 by adding new paragraphs (n), (o), and (p) to read as follows:

§ 1306.3 Definitions.

* * * * *

(n) *Family child care* is care and education provided to children in a private home or other family-like setting. *Head Start family child care* means Head Start and Early Head Start comprehensive services provided to a small group of children through their enrollment in family child care.

(o) *Family child care program option* means Head Start and Early Head Start and child care services provided to children receiving child care primarily in the home of a family child care provider or other family-like setting, such as space in a public housing complex which has been licensed by the state and set aside specifically for the provision of or purpose of providing family child care.

(p) *Family child care provider* means the provider of Early Head Start or Head Start services in his or her place of residence or in another family-like setting.

■ 3. Amend § 1306.20 by adding new paragraphs (g), (h), and (i), to read as follows:

§ 1306.20 Program staffing patterns.

* * * * *

(g) Grantee and delegate agencies offering the family child care program option must ensure that in each family child care home where Head Start children are enrolled, the group size does not exceed the limits specified in this paragraph. Whenever present, not at school or with another care provider, the family child care provider's own children under the age of six years must be included in the count.

(1) When there is one family child care provider, the maximum group size is six children and no more than two of the six may be under two years of age. When there is a provider and an assistant, the maximum group size is twelve children with no more than four of the twelve children under two years of age.

(2) One family child care provider may care for up to four infants and toddlers, with no more than two of the four children under the age of 18 months.

(3) Additional assistance or smaller group size may be necessary when serving children with special needs who require additional care.

(h)(1) Grantee and delegate agencies offering the family child care program option must provide support for family child care providers through a child development specialist or other Head Start or delegate agency staff member with responsibilities related to the provision of comprehensive Head Start and Early Head Start services.

(2) The grantee or delegate agency will assign responsibilities to the child development specialist and other agency staff to support and ensure the provision of quality Head Start services at each family child care home. These responsibilities must include both regular announced and unannounced visits to each home. The duration and timing of such visits will be planned in accordance with the needs of each home but shall occur not less than once every two weeks.

(3) During visits to family child care homes the child development specialist will periodically verify compliance with either contract requirements or agency policy depending on the nature of the relationship; facilitate ongoing communication between grantee or delegate agency staff, family child care providers, and Head Start and Early Head Start families; provide recommendations for technical assistance; and support the family child care provider in developing collegial or mentoring relationships with other child care professionals.

(i) Head Start, Early Head Start and delegate agencies must ensure that children in the Head Start family child care option receive comprehensive services as specified in 45 CFR Parts 1304 and 1308.

■ 4. Amend § 1306.31 by revising paragraph (a) to read as follows:

§ 1306.31 Choosing a Head Start program option.

(a) Grantees may choose to implement one or more than one of four program options: a center-based option, a home-based program option, a combination program option, or a family child care option.

* * * * *

■ 5. Sections 1306.35 and 1306.36 are redesignated as § 1306.36 and § 1306.37, respectively, and revised, and a new § 1306.35 is added to read as follows:

§ 1306.35 Family child care program option.

(a) *Grantee and delegate agency implementation.* Grantee and delegate agencies offering the family child care program option must:

(1) *Hours of operation.* Ensure that the family child care option, whether provided directly or via contractual arrangement, operates sufficient hours to meet the child care needs of families.

(2) *Serving children with disabilities.* (i) Ensure the availability of family child care homes capable of serving children and families with disabilities affecting mobility as appropriate; and

(ii) Ensure that children with disabilities enrolled in family child care are provided services which support their participation in the early intervention, special education, and related services required by their individual family service plan (IFSP) or individual education plan (IEP) and that the child's teacher has appropriate knowledge, training, and support.

(3) *Program Space-indoor and outdoor.* Ensure that each family child care home has sufficient indoor and outdoor space which is usable and available to children. This space must be adequate to allow children to be supervised and safely participate in developmentally appropriate activities and routines that foster their cognitive, socio-emotional, and physical development, including both gross and fine motor. Family child care settings must meet State family child care regulations.

(4) *Policy Council role.* The Policy Council must approve or disapprove the addition of family child care as a Head Start or Early Head Start program option. When families are enrolled in the Head Start or Early Head Start family child care program option, they must have proportionate representation on the Policy Council or policy committee.

(b) *Facilities.* (1) *Safety Plan.* Grantees and delegate agencies offering the family child care program option must ensure the health and safety of children enrolled. The family child care home must have a written description of its health, safety, and emergency policies and procedures, and a system for routine inspection to ensure ongoing safety.

(2) *Injury prevention.* Grantee and delegate agencies must ensure that:

(i) Children enrolled in the Head Start family child care program option are protected from potentially hazardous situations. Providers must ensure that children are safe from the potential hazards posed by appliances (stove, refrigerator, microwave, etc). Premises must be free from pests and the use of chemicals or other potentially harmful materials for controlling pests must not occur while children are on premises.

(ii) Grantee and delegate agencies must ensure that all sites attended by children enrolled in Head Start and Early Head Start are equipped with functioning and properly located smoke and carbon monoxide detectors.

(iii) Radon detectors are installed in family child care homes where there is a basement and such detectors are recommended by local health officials;

(iv) Children are supervised at all times. Providers must have systems for assuring the safety of any child not within view for any period (e.g. the provider needs to use the bathroom or an infant is napping in one room while toddlers play in another room);

(v) Providers ensure the safety of children whenever any body of water, road, or other potential hazard is present and when children are being transported;

(vi) Unsupervised access by children to all water hazards, such as pools or other bodies of water, are prevented by a fence;

(vii) There are no firearms or other weapons kept in areas occupied or accessible to children;

(viii) Alcohol and other drugs are not consumed while children are present or accessible to children at any time; and

(ix) Providers secure health certificates for pets to document up to date immunizations and freedom from any disease or condition that poses a threat to children's health. Family child care providers must ensure that pets are appropriately managed to ensure child safety at all times.

(c) *Emergency plans.* Grantee and delegate agencies offering the family child care option must ensure that providers have made plans to notify parents in the event of any emergency or unplanned interruption of service. The provider and parent together must develop contingency plans for emergencies. Such plans may include, but are not limited to, the use of alternate providers or the availability of substitute providers. Parents must be informed that they may need to pick the child up and arrange care if the child becomes ill or if an emergency arises.

(d) *Licensing requirements.* Head Start programs offering the family child care option must ensure that family child care providers meet State, Tribal, and local licensing requirements and possess a license or other document certifying that those requirements have been met. When State, Tribal, or local requirements vary from Head Start requirements, the most stringent provision takes precedence.

§ 1306.36 Additional Head Start program option variations.

In addition to the center-based, home-based, combination programs, and family child care options defined in this part, the Director of the Office of Head Start retains the right to fund alternative program variations to meet the unique needs of communities or to demonstrate or test alternative approaches for providing Head Start services.

§ 1306.37 Compliance waiver.

An exception to one or more of the requirements contained in §§ 1306.32, 1306.33, 1306.34, and 1306.35 will be granted only if the Director of the Office of Head Start determines, on the basis of supporting evidence, that the grantee made a reasonable effort to comply with the requirement but was unable to do so because of limitations or circumstances of a specific community or communities served by the grantee.

[FR Doc. E7–25462 Filed 1–7–08; 8:45 am]

BILLING CODE 4184–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket No. 02–386; FCC 07–221]

Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission declines to adopt rules and regulations implementing minimum customer account record exchange obligations on all local carriers. This action is necessary because the Commission does not believe mandating the exchange of customer account information between LECs is appropriate at this time.

DATES: Effective December 21, 2007.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David Marks, Consumer and Governmental Affairs Bureau at (202) 418–0347 (voice), or e-mail *David.Marks@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Rules and Regulations Implementing*

Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, Report and Order, document FCC 07–221, adopted December 18, 2007, released December 21, 2007, declining to adopt rules and regulations implementing minimum customer account record exchange obligations on all local carriers.

Copies of document FCC 07–221 and any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. Document FCC 07–221 and any subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. Customers may contact the Commission's duplicating contractor at their Web site: *http://www.bcpiweb.com* or call 1–800–378–3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice) or (202) 418–0432 (TTY). Document FCC 07–221 can also be downloaded in Word and Portable Document Format (PDF) at: *http://www.fcc.gov/cgb/policy*.

Paperwork Reduction Act of 1995 Analysis

The *Report and Order* does not contain new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, it does not contain any new or modified ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198. *See* 47 U.S.C. 3506(c)(4).

Synopsis

In 2005, the Commission released a Further Notice of Proposed Rulemaking (*Further Notice*), FCC 05–29 published at 70 FR 32258, June 2, 2005, in which the Commission sought comment on whether to require the exchange of customer account information between local exchange carriers (LECs). In response to the *Further Notice*, BellSouth filed comments urging the Commission to adopt standards for LEC-to-LEC migrations. BellSouth urged the Commission to adopt information exchange requirements for all LECs and require carriers to respond to customer record requests within 24 hours.

Upon a review of the record, the Commission declines to adopt mandatory minimum standards for the exchange of customer account information between LECs. The Commission does not believe mandating the exchange of customer account information between LECs is appropriate at this time for several reasons.

First, a number of commenters note that Alliance for Telecommunications Industry Solutions (ATIS), Ordering and Billing Forum (OBF) has developed Local Service Migration Guidelines that are specifically designed to facilitate the sharing of customer service records among LECs. Because ATIS OBF is an established industry forum that includes representatives of both incumbent LECs and competitive LECs, the Commission encourages carriers to adhere to the industry-established guidelines and, where necessary, to work with the OBF industry forum to further develop and refine them.

Second, the Commission notes that a number of state commissions have addressed issues relating to local service migrations. Unlike LEC-to-inter-exchange carrier (IXC) information sharing requirements, for which states and a broad coalition of carriers supported nationwide standards for the exchange of information, the record here suggests that the problems with LEC-to-LEC exchanges may not be as widespread and, therefore, may be more appropriately addressed by individual state commissions, which are well-suited to address local service matters between LECs operating in their states.

Third, the Commission disagrees with those commenters that maintain LEC-to-LEC information sharing raises the same issues as LEC-to-IXC information sharing. Access to information makes LEC-to-LEC migrations different. In the LEC-to-IXC context, the Commission noted that certain transactions affecting an IXC's ability to provide service and manage customers' accounts, including the execution of customer preferred interexchange carrier (PIC) requests, are carried out, not by the customer's IXC, but by the customer's LEC. Because a LEC's exclusive control of the local switch could enable a LEC to place a customer on an IXC's network without the IXC's knowledge, the Commission determined that effective communications between LECs and IXCs is critical to an IXC's ability to maintain accurate billing records and to honor customer PIC selections and other customer requests. In the LEC-to-LEC situation, it does not appear that the new LEC is operating in the same information vacuum, or that the information needed could not be obtained from the LEC's new customer.

Finally, to the extent that critical customer account information cannot reasonably be obtained from a LEC's own customer and the customer's former LEC fails to provide such information in a timely manner thus causing unreasonable delay in a local service migration, the Commission notes that such conduct may constitute a violation of the Act and the Commission's rules. The Commission encourages carriers to bring such matters to our attention through the Commission's formal complaint procedures, which allow us to review them on a case-by-case basis to determine the scope and seriousness of the issues presented.

Congressional Review Act

Because no new rules are adopted in this order, the Commission will not send a copy of the *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

Ordering Clauses

Pursuant to the authority contained in sections 1–4, 201, 202, 222, 258, and 303(r) of the Communications Act of 1934, as amended; 47 U.S.C. 151–154, 201, 202, 222, 258, and 303(r), the *Report and Order* is adopted.

The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of this *Report and Order* to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–118 Filed 1–7–08; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register

Vol. 73, No. 5

Tuesday, January 8, 2008

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 HOMELAND SECURITY

Bureau of Customs and Border Protection

19 CFR Parts 4, 12, 18, 101, 103, 113, 122, 123, 141, 143, 149 and 192

[USCBP–2007–0077]

RIN 1651–AA70

Importer Security Filing and Additional Carrier Requirements; Correction

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: Customs and Border Protection (CBP) published a Notice of Proposed Rulemaking on January 2, 2008, in the **Federal Register**, which proposed new information submission requirements for importers and carriers pertaining to cargo before the cargo is brought to the United States by vessel. That document contained two errors in the ''Addresses'' section regarding the docket number and the name of the CBP Office. To ensure that the public has the correct information for submitting comments on this proposed rule, this document provides those corrections.

DATES: This correction is effective on January 8, 2008. The comment deadline for the proposed rule published at 73 FR 90 remains March 3, 2008.

FOR FURTHER INFORMATION CONTACT: Richard Di Nucci, Office of Field Operations, (202) 344–2513.

SUPPLEMENTARY INFORMATION: On January 2, 2008, Customs and Border Protection (CBP) requested public comment on the Notice of Proposed Rulemaking for Importer Security Filing and Additional Carrier Requirements, as published in the **Federal Register** on the same date. Since CBP anticipates receiving public comment on that document, it is necessary to ensure that the public has the correct information for submitting comments to *www.regulations.gov*. This document corrects the two errors in the ''Addresses'' section of that document, as follows.

1. In the **Federal Register** of January 2, 2008, in FR Doc. E7–25306, on page 90, beginning in the first column, first bullet point of the ''Addresses'' section, please correct this section by removing the following language in the final line, ''Dept: [INSERT DOCKET NUMBER].'' and adding, in its place, the applicable docket number, to read:

• *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments via docket number USCBP–2007–0077.

2. In the **Federal Register** of January 2, 2008, in FR Doc. E7–25306, on page 90, beginning in the second column, first line, second bullet point of the **ADDRESSES** section, please correct this section by removing the words, ''Office of Trade'' and adding, in its place, ''Office of International Trade'', to read:

• *Mail:* Border Security Regulations Branch, Office of International Trade, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW. (Mint Annex), Washington, DC 20229.

Dated: January 2, 2008.

Joanne Roman Stump,

Acting Director, Regulations and Disclosure Law Division, Regulations and Rulings, Office of International Trade.

[FR Doc. E8–50 Filed 1–7–08; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. OSHA–2007–0024]

RIN 12187–AC23

Regulatory Flexibility Act Review of the Methylene Chloride Standard

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

ACTION: Reopening of comment period.

SUMMARY: OSHA is reopening the comment period for its review of the Methylene Chloride Standard under Section 610 of the Regulatory Flexibility Act and Section 5 of Executive Order 12866 on Regulatory Planning and Review.

DATES: Written comments to OSHA must be sent or postmarked by March 10, 2008.

ADDRESSES: You may submit comments, identified by Docket No. OSHA–2007–0024, by any of the following methods:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov*, which is the Federal eRulemaking Portal. Follow the instructions on-line for making electronic submissions.

Fax: If your submissions, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger and courier service: You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2007–0024, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210. Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.–4:45 p.m., Eastern Time.

Instructions: All submissions must include the Agency name and the OSHA docket number for this rulemaking (OSHA–2007–0024). Submissions are placed in the public docket without change and may be available online at *http://www.regulations.gov*. Therefore, do not include private materials such as social security numbers.

Docket: To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries: Kevin Ropp, Office of Communications, Room N–3647, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1999. For technical inquiries: Joanna Dizikes Friedrich, Directorate of Evaluation and Analysis, Occupational

Safety and Health Administration, Room N–3641, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1939, fax (202) 693–1641.

SUPPLEMENTARY INFORMATION: OSHA is conducting a review of the Methylene Chloride Standard (29 CFR 1910.1052) under Section 610 of the Regulatory Flexibility Act and Section 5 of Executive Order 12866 on Regulatory Planning and Review. On July 10, 2007, OSHA provided background information about the review, raised questions of special concern to the Agency, and requested public comments (72 FR 37501). The 90-day comment period ended on October 9, 2007. In response to a request for additional time to comment received from the Building and Construction Trades Department, AFL–CIO, OSHA is reopening the comment period for an additional 60 days. Accordingly, written comments must now be submitted (sent or postmarked) by March 10, 2008. Granting this additional time to comment on the review will allow this and other stakeholders time to provide more thorough comments on the review which in turn will give OSHA a more complete record.

Authority: This document was prepared under the direction of Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued under Section 610 of the Regulatory Flexibility Act (5 U.S.C. 610) and Section 5 of Executive Order 12866 (58 FR 51735, October 4, 1993).

Signed at Washington, DC, this 3rd day of January, 2008.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E8–62 Filed 1–7–08; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF EDUCATION

34 CFR Parts 674, 682, 685, and 686

Office of Postsecondary Education; Notice of Intent To Establish Negotiated Rulemaking Committees Under Title IV of the Higher Education Act of 1965, as Amended

AGENCY: Department of Education.

ACTION: Notice of negotiated rulemaking.

SUMMARY: The Secretary of Education (Secretary) announces the establishment of two negotiated rulemaking committees to develop proposed regulations related to the Federal student aid programs authorized by Title IV of the Higher Education Act of 1965, as amended (HEA). The first committee will develop proposed regulations for the Teacher Education Assistance for College and Higher Education (TEACH) Grant program. The second committee will develop proposed regulations for other Federal student aid programs authorized by Title IV of the HEA.

DATES: The dates for the negotiated rulemaking sessions are listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: John Kolotos, U.S. Department of Education, 1990 K Street, NW., room 8018, Washington, DC 20006. Telephone: (202) 502–7762. E-mail: *John.Kolotos@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION: On October 22, 2007, we published a notice in the **Federal Register** (72 FR 59494) announcing our intent to establish one or two negotiated rulemaking committees to prepare proposed regulations under Title IV of the HEA. In the notice, we also announced three hearings where interested parties could suggest issues for consideration by the negotiating committees. We also invited parties to submit issues for consideration in writing. Finally, we requested nominations for individual negotiators, who represent key stakeholder constituencies that are involved in the Federal student aid programs, to serve on these committees.

After considering the information we received at the hearings and in writing, we have decided to establish two negotiating committees that will begin meeting in January 2008. The first committee will develop proposed regulations for the TEACH Grant program. The TEACH Grant regulations will be in a new Part 686 in Title 34 of the Code of Federal Regulations. The second committee will develop proposed regulations for the Federal student loan programs.

In selecting individuals from the submitted nominations, the Department has tried to assemble a balanced and complementary representation of the interests affected by the subject matter, consistent with section 492 of the HEA. We believe the individuals selected will bring valuable knowledge and expertise to the table, and will work as a cohesive unit to assist us in developing proposed regulations that are both reasonable and effective. Individuals that were not selected as members of the committees will be able to attend the meetings and have access to the negotiators. The committee meetings will be open to the public.

Participation in the rulemaking process is not limited to members of the committees or those who work with the committees. Following the negotiated rulemaking process, we will publish for public comment proposed regulations in the **Federal Register**. We anticipate that proposed regulations developed by the TEACH Grant committee will be published in April 2008. We anticipate that proposed regulations developed by the Student Loan committee will be published in June 2008.

TEACH Grant Committee Topics, Members, and Meeting Schedule

The topics the TEACH Grant Committee are likely to address all relate to the new TEACH Grant program and include:

Institutional Eligibility.
Program Eligibility.
Student Eligibility.
Conversion of Grant to Loan.
Repayment.
Conforming Changes.

This list of topics is tentative. Topics may be added as the process continues.

The members of the TEACH Grant Committee and the interests they are representing are:

Elementary and Secondary Education and Alternative Routes to Teacher Certification: Dr. Nell Ingram, Dallas Independent School District.

Four-year Public Institutions: William Graves, Dean, Darden College of Education, Old Dominion University.

Sandra Robinson, Dean, College of Education, University of Central Florida.

Joseph Pettibon, Assistant Provost, Student Financial Aid, Texas A&M University.

Herbert Brunkhorst, Professor of Science, Education and Biology, and Chair, Science, Math and Technology Education, California State University San Bernardino.

Alternates: J. Robert Hendricks, Associate Dean, College of Education, University of Arizona.

Beth Stack, Director of Operations, Student Financial Services, University of Pittsburgh.

Jan Lariviere, Associate Director for Teacher Development, Center for Science Education, University of Kansas.

Four-year Private Institutions: Janet Dodson, Director of Financial Aid, Doane College.

Scott Fleming, Government Relations, Georgetown University.

Ellis Salim, Director of Financial Aid, Baker College.

Alternates: Bernard Pekala, Director of Financial Strategies, Boston College.

Thomas O'Neill, Jr., President, Association of Independent Colleges and Universities of Nebraska.

Two-year Public Institutions: Patrick Moore, Director of Financial Aid, Delaware Technical and Community College.

For-Profit Institutions: Marry Dorrell, Corporate Vice President of Student Finance, Career Education Corporation.

Students: Carmen Berkeley, United States Students Association.

Alternate: Cedric Lawson, United Council of University of Wisconsin Students.

Associations: Terry Hartle, Senior Vice President, American Council of Education.

Alternate: Cyndy Littlefield, Association of Jesuit Colleges and Universities.

Department of Education: Gail McLarnon.

We have scheduled a total of three negotiated rulemaking sessions, all of which will be held at our offices on 1990 K Street, NW., Washington, DC 20006. The following schedule is subject to change. We will announce any changes to this schedule on the Department's Web site at *http://www.ed.gov/policy/highered/reg/hearulemaking/2008/index2008.html*.

Session 1: January 8–January 10.

Session 2: January 22–January 24.

Session 3: February 6–February 8.

For the first negotiating session, the TEACH Grant committee is scheduled to meet from 9 a.m. to 5 p.m. each day.

For Session 2, the committee is scheduled to meet from 9 a.m. to 5 p.m. each day.

For Session 3, the committee is scheduled to meet from 1 p.m. to 5 p.m. on February 6 and from 9 a.m. to 5 p.m. on February 7 and 8.

Student Loan Committee Topics, Members, and Meeting Schedule

The topics the Student Loan Committee is likely to address are:

Income-based Repayment Plan (IBR).

Conforming the Economic Hardship Deferment with IBR.

Public Service Loan Forgiveness.

Definition of Not-for-Profit Holder.

Harmonizing HEROES Waivers with Other Benefits Provided to Returning and Active Duty Military.

Federal Preemption of State Laws Related to improper inducements and arrangements between schools, lenders and other entities in the student loan programs.

This list of topics is tentative. Topics may be added as the process continues.

The members of the Student Loan Committee and the interests they are representing are:

Students: Luke Swarthout, United States PIRG.

Alternate: Rebecca Thompson, United States Student Association.

Graduate and Professional Students: Carrie Steere-Salazar, American Association of Medical Colleges.

Alternate: Radhika Miller, National Lawyers Guild Partnership for Civil Justice.

Legal Aid: Deanne Loonin, National Consumer Law Center.

Alternate: Lauren Saunders, National Consumer Law Center.

Four-year Public Institutions: Allison Jones, California State University.

Alternate: Anna Griswold, Pennsylvania State University.

Four-year Private Institutions: Eileen O'Leary, Stonehill College.

Alternate: Kathleen Koch, Seattle University School of Law.

Two and Four-year Public Institutions: George Chin, City University of New York.

For-profit Institutions: Mark Pelesh, Corinthian Colleges.

Alternate: Tammy Halligan, Career College Association.

Lenders—For-Profit: Tom Levandowski, Wachovia Corporation.

Alternate: Walter Balmas, MyRichUncle.

Lenders—Non-Profit: Scott Giles, Vermont Student Assistance Corporation.

Alternate: Phil Van Horn, Wyoming Student Loan Corporation.

Guaranty Agencies: Gene Hutchins, New Jersey Higher Education Student Assistance Authority.

Alternate: Dick George, Great Lakes Higher Education Guaranty Cooperation.

Servicers: Wanda Hall, EDFinancial Services.

Alternate: Rob Sommers, Sallie Mae.

Collection Agencies: Martin Darnian, Windham Professionals.

Alternate: Carl Perry, Progressive Financial Services.

Associations: Anne Gross, NACUBO.

Department of Education: Dan Madzelan.

We have scheduled a total of three negotiated rulemaking sessions, all of which will be held at our offices on 1990 K Street, NW., Washington, DC 20006. The following schedule is subject to change. We will announce any changes to this schedule on the Department's Web site at *http://www.ed.gov/policy/highered/reg/hearulemaking/2008/index2008.html.*

Session 1: January 14–January 16.

Session 2: February 4–February 6.

Session 3: March 4–March 6.

For the first negotiating session, the Student Loan Committee is scheduled to meet from 9 a.m. to 5 p.m. each day.

For Session 2, the committee is scheduled to meet from 9 a.m. to 5 p.m. on February 4th and 5th; and from 9 a.m. to 12 noon on February 6th.

For Session 3, the committee is scheduled to meet from 9 a.m. to 5 p.m. each day.

Electronic Access to This Document

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Program Authority: 20 U.S.C. 1098a.

Dated: January 3, 2008.

Diane Auer Jones,

Assistant Secretary for Postsecondary Education.

[FR Doc. E8–121 Filed 1–7–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 422 and 423

[CMS–4133–P]

RIN 0938–AP25

Medicare Program; Option for Prescription Drug Plans To Lower Their Premiums for Low-Income Subsidy Beneficiaries

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

ACTION: Proposed rule.

SUMMARY: This proposed rule would provide for an option for Medicare

Prescription Drug Plan (PDP) Sponsors to offer a separate prescription drug premium amount for low-income subsidy (LIS) individuals subject to certain conditions. We are proposing to allow PDP Sponsors to offer a reduced premium amount for LIS-eligible individuals to ensure that at least five PDP Sponsors in every PDP region would have a PDP with a premium at or below the premium subsidy amount. This provision will help to ensure there are a sufficient number of organizations offering zero-premium plans in each region and reduce the number of LIS beneficiary reassignments to other organizations.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 10, 2008.

ADDRESSES: In commenting, please refer to file code CMS–4133–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

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

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

2. *By regular mail*. You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–4133–P, P.O. Box 8010, Baltimore, MD 21244–8010.

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–4133–P, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier*. If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to one of the following addresses. If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–9994 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 FURTHER INFORMATION CONTACT: Deondra Moseley, (410) 786–4577. Meghan Elrington, (410) 786–8675.

SUPPLEMENTARY INFORMATION:

Submitting Comments: We welcome comments from the public on all issues set forth in this rule to assist us in fully considering issues and developing policies. You can assist us by referencing the file code CMS–4133–P and the specific ''issue identifier'' that precedes the section on which you choose to comment.

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable 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 also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

I. Background

[If you choose to comment on issues in this section, please include the caption ''BACKGROUND'' at the beginning of your comments.]

The beneficiary premiums for Prescription Drug Plans (PDP) are based on an annual bidding process. Each year the beneficiary premium for a Part D plan can change as a result of this bidding process. In addition, each year, as required by statute, CMS recalculates the Federal Part D premium subsidy available to low-income beneficiaries based on the new premiums for plans in each region. As a result of these premium and subsidy changes, the premium for a Part D plan can be fully covered by the low-income subsidy (LIS) in one year and not the following year.

The amount of the premium subsidy available to LIS-eligible individuals cannot be calculated until after bids are submitted for the calendar year in question, because the subsidy amount is based on the bids that are submitted. Therefore, a PDP sponsor whose premium for LIS-eligible enrollees is currently zero does not know at the time its bid is submitted whether the premium that would result from its bid will be higher or lower than the premium subsidy amount.

LIS-eligible individuals enrolled in a PDP that does not charge them a premium are faced with the possibility that the plan they are enrolled in will impose a premium during the next calendar year that would require them to make monthly payments. Section 1860D–1(b)(1)(C) of the Social Security Act (the Act) mandates the initial enrollment of full-benefit dual eligible individuals not choosing a plan into a PDP where they would not pay a premium. It does not, however, require that individuals be reassigned to a plan that would not charge them a premium, if they would be required to pay a premium in their plan the following calendar year. Using our authority under Section 1860D–1(b)(1)(A) of the Act to, ''establish a process for the enrollment, disenrollment, termination, and change of enrollment of Part D eligible individuals in prescription drug plans,'' we have specified that LIS-eligible individuals facing the above situation may ''elect'' a PDP with no premium (to which they would be randomly assigned) by taking no action. We have referred to this process as our reassignment process. Beneficiaries eligible for the full low-income premium subsidy, including beneficiaries dually eligible for benefits under Titles XVIII and XIX of the Social Security Act, are subject to reassignment. Beneficiaries eligible for a partial premium subsidy are not subject to reassignment.

For 2008, the number of beneficiaries reassigned to a different organization under this process varied widely by region, ranging from as few as 17

beneficiaries to approximately 402,322 beneficiaries. The average number of beneficiaries reassigned to an organization other than the one with which they were enrolled was 34,044 per region.

Alternatively, LIS beneficiaries can affirmatively elect to stay in their plan and begin paying a premium, or choose another plan with or without a premium. While this policy prevents an LIS-eligible individual who did not choose to elect a plan from being charged a premium, it disrupts continuity and stability in coverage.

Currently, under the demonstration project entitled, ''Medicare Demonstration to Transition Enrollment of Low-Income Subsidy Beneficiaries'' (established in 2007 and extended to 2008), if the premium amount for a LIS-eligible individual in the above situation is lower than a specified de minimis amount, the individual would not be charged this de minimis amount, and could remain in his or her current plan without paying a premium. This demonstration also transitions the calculation of the low-income benchmark premium amount for a region from a method that weights the standardized Part D bids for PDPs equally to the statutory method, which calculates the benchmarks by weighting the bids for PDPs and MA–PD plans in that region based on plan enrollment. While the evaluation for this demonstration project is still underway, we believe the de minimis policy has demonstrated the advantages of the continuity of care and stability that result from permitting LIS-eligible individuals effectively to be charged a lower total premium than the total premium amount charged in the case of non-LIS-eligible individuals. Accordingly, we believe that PDP Sponsors should have this option on an ongoing basis under regular program rules, subject to limitations that ensure the integrity of the bid process, and retain incentives to submit competitive bids.

We believe that the statute could reasonably be interpreted to permit, consistent with limitations that would be set forth in regulations, PDP Sponsors to establish a separate premium for LIS-eligible individuals in the amount of the low-income premium subsidy. Section 1860D–13(a)(1)(F) of the Act ordinarily requires that a prescription drug premium be uniform. This rule applies, however, ''except as provided in subparagraphs (D) (which provides for the late enrollment penalty) and (E) (which governs LIS-eligible individuals) * * *''. In addition 1860D–13(a)(1)(E) of the Act provides that in the case of an LIS-eligible individual, the premium ''is subject to decrease * * *''. While we initially interpreted this language to refer only to the decrease in the amount paid by the LIS-eligible individual in the amount of the low-income premium subsidy, we believe that the statutory language would also permit an interpretation that would allow PDP Sponsors to charge a decreased premium amount in the case of such individuals. When subject to the limitations as proposed here, this reasonable interpretation of the statute supports our goal of ensuring continuity of care and stability, while ensuring the integrity of the bid process and retaining incentives for organizations to submit competitive bids. We believe that our earlier interpretation of the statute did not take into account the flexibility afforded by section 1860D–13(a)(1)(E) of the statute, which is broadly worded to provide that for a LIS eligible individual, ''[t]he monthly beneficiary premium is subject to decrease[.]''

II. Provisions of the Proposed Regulations

[If you choose to comment on issues in this section, please include the caption ''PROVISIONS OF THE PROPOSED REGULATIONS'' at the beginning of your comments.]

We are proposing to make revisions to the regulations in order to implement an option for PDP Sponsors to reduce PDP beneficiary premiums for LIS-eligible individuals. This option would not be made available to plans that offer enhanced alternative coverage. Specifically, we are proposing to revise § 422.262 and § 423.286(e), to provide for an exception to the general rule for uniformity of premiums. We are also proposing to revise § 423.286(e), to state that the monthly beneficiary premium paid by the beneficiary may be eliminated as provided in § 423.780.

We are proposing to amend § 423.34(d), to clarify that PDPs that have a separate premium for LIS-eligible individuals under our proposed option would not be eligible to receive ''auto-enrollees'' under section 1860D–1(b)(1)(C) of the Act. However, PDP Sponsors that have separate premiums for LIS enrollees in their PDPs would keep their existing LIS enrollees. An auto-enrollment would continue to be available only to PDPs with a standard prescription drug premium that is equal to, or below, the LIS amount.

In addition, we are proposing to revise § 423.780, to permit a PDP sponsor, subject to the conditions discussed below, to establish a separate premium for LIS-eligible individuals in the amount of the low-income premium subsidy amount when the premium that would otherwise apply would exceed this amount.

Several options were considered as we developed this proposed rule. We considered allowing all PDP Sponsors to make a business judgment, after the LIS amount was established, whether to reduce their premium to the subsidy amount for LIS-eligible individuals without regard to the amount by which their premium would otherwise exceed the amount of the subsidy. We did not choose this approach for two reasons. First, if the difference between the two amounts were too great, this would produce a significant disparity between the revenue needs assumed in the bid, and the revenue that would be received under the reduced premium, and undermine the integrity of the bid process. More importantly, if a PDP sponsor knew that it could be assured of reducing its premium for LIS-eligible individuals to the LIS amount no matter how much the premium produced by its bid exceeded this amount, this would greatly reduce existing incentives to bid as low as possible.

Second, we considered changing our approach to re-assignment from allowing LIS-eligible individuals to be re-assigned if they take no action to an approach that would allow LIS-eligible individuals to be informed of zero-premium PDP options, but would remain in their current plan if they take no action. We consulted with beneficiary advocate groups about this approach, and many expressed concerns about LIS-eligible individuals being subjected to premium costs without them electing to pay them. We further considered only reassigning LIS individuals if the premium they would have to pay were above a certain level, on the assumption that a relatively low premium amount may not present a financial hardship. However, this would raise complicated issues regarding collection of these premium amounts.

We are proposing to retain the current reassignment policy and permit certain PDP Sponsors to reduce premiums for LIS-eligible individuals to the subsidy amount, while limiting the amount the premium produced by bids could be reduced to reach the LIS amount. We considered proposing a fixed dollar amount, as is employed under the current de minimis demonstration, and would be employed under the change in reassignment policy discussed above. However, we again were concerned about an approach that permanently would employ a fixed dollar figure, and decided that a methodology under which the number is not known in

advance would better preserve incentives to submit a low bid.

We are proposing to apply this rule to PDPs only, as current auto-assignment rules do not apply to beneficiaries enrolled in MA-PDs. For this same reason, we do not plan to apply this rule to partial subsidy eligible enrollees. Furthermore, partial subsidy eligible enrollees already pay a premium, as their subsidy is only a percentage of the subsidy amount. A change from the subsidy amount to a higher premium does not have the same impact on them that it does on a full-subsidy eligible beneficiary, who would go from a zero-premium to paying one.

We accordingly propose to set the amount at a region-specific level that would ensure LIS-eligible individuals in each region a robust choice among zero-premium PDPs. Specifically, we are proposing that the limit on the amount by which premiums could be reduced for LIS-eligible individuals be an amount that ensures that at least five PDP Sponsors (i.e., organizations offering PDPs) in every PDP region would have a PDP with a premium at or below the premium subsidy amount. We chose the minimum number of five PDP Sponsors per region because this represents the mid-range number of PDP Sponsors in key regions that qualified for assignment of low-income subsidy-eligible beneficiaries in 2008. Specifically, in 2008 the number of PDP Sponsors with zero-premium plans for LIS individuals ranges from a low of two to a high of eight organizations in key regions with significant MA enrollment. The option of five organizations as a minimum threshold was selected to maintain the average 2008 level of competitiveness. This proposed rule would not affect regions in which there would be at least five PDP Sponsors offering zero-premium plans without this rule in place. In order to achieve the goal of stability for beneficiaries and plans, and offer multiple provider options, this test will be applied at the organizational level (PDP sponsor), rather than the plan (PDP) level. We believe that capping the number of premium differential organizations at a number that would produce zero-premium plans from at least five PDP Sponsors would maintain or possibly improve upon the current competitiveness of bids. We invite public comments on our choice of the minimum number five as the minimum number of Sponsors offering zero-premium plans, as well as on the other options discussed above that we considered, and any additional options that we are not proposing in this proposed rule.

PDP Sponsors will be required to elect this option in their bids. CMS will add a checkbox to the current Bid Pricing Tool submitted by PDP Sponsors in June of each year for each PDP to be offered. Sponsors will use this checkbox to indicate that the PDP will have two premiums—one for enrollees not eligible for the full LIS subsidy and another for LIS-eligible enrollees if they qualify under this rule. This rule will not increase the amount of the low-income premium subsidy paid to plans to account for the difference between the low-income premium subsidy and the premium produced by the plan's bid.

We note that PDP Sponsors that elect this option would be obligated, under our proposed regulations, to charge all LIS-eligible enrollees in affected plans a premium amount that would be the premium subsidy amount if the prescription drug premium produced by their bid did not exceed the amount established to ensure at least five PDP Sponsors offer zero-premium plans in each region. This premium would be part of the benefit package they would be obligated under their contract to cover.

III. Collection of Information Requirements

The information collection requirements contained in § 423.780(f)(i) of this proposed rule are subject to the Paperwork Reduction Act (PRA). However, the burden associated with the requirement for the PDP sponsor to elect the option of providing for a separate prescription drug premium amount for LIS individuals is included in the burden estimate associated with the Bid Pricing Tool for Prescription Drug Plans which is currently approved under OMB approval number 0938–0944.

IV. Response to Comments

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

V. Regulatory Impact Statement

A. Overall Impact

We have examined the impact 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), Executive Order 13132 on Federalism, and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This rule permits Prescription Drug Plan (PDP) Sponsors, subject to conditions, to lower their premiums for low-income subsidy beneficiaries to ensure there are a sufficient number of organizations offering zero-premium plans in each region and reduce the number of reassignments compared to the current regulatory framework. We believe this proposed rule would lead to Federal savings of approximately $20 million per year. This assumes full enrollment weighting for the calculations of the low-income benchmark premium amounts. The estimate was developed by applying this rule against the 2008 bids and this impact was projected throughout the forecast period. The estimate does not anticipate any change in bidding strategies or outcomes. All organizations with existing LIS beneficiaries that could be assigned out of the organization are assumed to elect the option to retain their beneficiaries including receiving reduced premiums for such LIS members. LIS beneficiaries that are assigned out of organizations are assumed to be randomly assigned to organizations that have premiums below the low income premium subsidy benchmark. We invite public comment on the assumptions included in this assessment.

We also evaluated the potential for non-Federal costs and savings associated with this rule. A small number of Part D sponsors would forego revenue associated with the reduction in their beneficiary premium for low income beneficiaries. In addition, we anticipate a reduction in administrative costs for these sponsors, as well as for sponsors to which the beneficiaries would have been reassigned in the absence of this rule. However, we believe that these costs and savings would be relatively small. We invite public comment on this assessment of non-Federal costs and savings. This rule

does not reach the economic threshold and thus is not considered a major rule.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of $6.5 million to $31.5 million in any 1 year. Individuals and States are not included in the definition of a small entity. We are not preparing an analysis for the RFA because we have determined, and the Secretary certifies, that this regulation will not have a significant economic impact on a substantial number of small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this regulation will not have a significant impact on the operations of a substantial number of 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 1 year of $100 million in 1995 dollars, updated annually for inflation. That threshold level is currently approximately $127 million. This rule will have no consequential effect on State, local, or tribal governments in the aggregate, or by the private sector.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. Since this regulation does not impose any costs on State or local governments, the requirements of E.O. 13132 are not applicable.

B. Anticipated Effects

The number of PDP Sponsors offering PDPs that had low enough premiums to qualify for low-income assignments for 2008 ranged from two to eight organizations per region in key regions that had a relatively high proportion of beneficiaries enrolled in MA plans. Five is the average number of PDP Sponsors offering plans that qualified for low-income assignments in these regions; we selected the five PDP Sponsor option to maintain the 2008 level of competitiveness in the bidding process. The 5 plan requirement is an attempt to balance the two goals of introducing beneficiary stability, particularly in regions with very low LIS premium subsidy benchmarks, together with maintaining the incentives in the competitive bidding process. There may be negative consequences if the 5 organizational requirement is too high and the plans bid less competitively or if the 5 organizational requirement is too low and there are an even greater number of low-income beneficiary reassignments. In addition, based on analysis of the 2008 bids, and assuming no de minimis demonstration is in place, CMS anticipates that seven regions would be affected by having a minimum of five plans. CMS estimates that a three Sponsor minimum would have affected five regions, while a seven Sponsor minimum would have affected ten regions. Therefore, we anticipate that this regulation will increase the number of PDP Sponsors offering zero-premium PDPs that would be available to full low-income subsidy-eligible beneficiaries. This proposed regulation would also decrease the number of reassignments of LIS-eligible beneficiaries to other PDPs, compared to the level of reassignment under the current regulation absent a de minimis policy. This decrease in beneficiary movement across plans would boost program stability for both beneficiaries and plans. Based on an analysis of 2008 bids, the five-organization minimum requirement results in 0.2 million fewer beneficiary assignments as compared to the current regulatory framework. The five-organization minimum requirement results in 0.5 million more beneficiary reassignments than would occur under the de minimis policy.

Lastly, CMS expects the improved program continuity and stability that would be produced by this rule would help prevent an increase in costs and risks imposed on PDP Sponsors. The higher the threshold for the number of PDP Sponsors per region offering zero-premium PDPs, the greater the negative impact on competitive bidding. We are seeking to strike a balance between minimizing LIS reassignments and preserving the integrity of the competitive bidding process. The results of competitive bidding in 2008 generated an average of five PDP Sponsors per region eligible for reassignments in certain key regions with relatively high MA enrollment. Selecting five as the minimum organization threshold under this proposed rule is intended to achieve this balance.

This approach maintains a strong incentive to bid low to keep and possibly add LIS beneficiaries. Absent the rule, there may be a ''winner take all'' outcome in certain regions with one organization acquiring all of the LIS beneficiaries in the region. It is difficult to predict what would happen in the absence of this rule, but we would expect some organizations would be induced to bid even lower while other organizations would give up on this population and bid higher. From a cost perspective these factors may offset relative to the proposed rule, but the volatility issue would remain.

C. Alternatives Considered

As stated in the Background section of this proposed rule, we considered allowing PDP Sponsors to reduce their premium to the subsidy amount after it was established for LIS-eligible individuals without regard to the amount of their premium. We also considered allowing plans with premiums under a fixed dollar amount to reduce their low-income premiums to the premium subsidy amount. We determined, however, that these options would undermine the integrity and competitiveness of the bidding process.

We also considered changing our approach to reassignment to an approach that would allow LIS-eligible individuals to be informed of zero-premium PDP options, but would remain in their current plan, regardless of the premium, if they take no action. Beneficiary advocacy groups were concerned about beneficiaries being charged a premium without electing to pay it. We further considered only reassigning LIS individuals if the premium they would have to pay were above a certain relatively low premium amount; however, this would raise complicated issues regarding collection of these premium amounts.

We chose to propose to retain the current reassignment policy and, in regions that would not otherwise have at least five zero-premium plans for LIS enrollees, permit a sufficient number of PDPs to reduce their premiums for LIS individuals so that the region includes five zero-premium plans. We believe this option would both maintain or possibly improve upon the current competitiveness of bids and reduce reassignments for beneficiaries.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects

42 CFR Part 422

Administrative practice and procedure, Grant programs—health, Health care, Health insurance, Health maintenance organizations (HMO), Loan programs—Health, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 423

Administrative practice and procedure, Emergency medical services, Health facilities, Health maintenance organizations (HMO), Medicare, Penalties, Privacy, Reporting and recordkeeping.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as set forth below:

PART 422—MEDICARE ADVANTAGE PROGRAM

1. The authority citation for part 422 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

Subpart F—Submission of Bids, Premiums, and Related Information and Plan Approval

2. Amend § 422.262 to revise paragraph (c)(1) to read as follows:

§ 422.262 Beneficiary premiums.

(c) * * *

(1) *General rule.* Except as permitted for supplemental premiums pursuant to § 422.106(d), for MA contracts with employers and labor organizations, the MA monthly bid amount submitted under § 422.254, the MA monthly basic beneficiary premium, the MA monthly supplemental beneficiary premium, the MA monthly prescription drug premium (except as provided in § 423.780), and the monthly MSA premium of an MA organization may not vary among individuals enrolled in an MA plan (or segment of the plan as provided for local MA plans under paragraph (c)(2) of this section). In addition, the MA organization cannot vary the level of cost-sharing charged for basic benefits or supplemental benefits (if any) among individuals enrolled in an MA plan (or segment of the plan).

* * * * *

PART 423—VOLUNTARY MEDICARE PRESCRIPTION DRUG BENEFIT

3. The authority citation for part 423 continues to read as follows:

Authority: Secs 1102, 1860D–1 through 1860D–42, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395w–101 through 1395w–152, and 1395hh).

Subpart B—Eligibility and Enrollment.

4. Amend § 423.34 by—

A. Revising paragraph (d)(1).

B. Adding a new paragraph (d)(3).

The revisions and additions read as follows:

§ 423.34 Enrollment of full-benefit dual eligible individuals.

* * * * *

(d) * * *

(1) *General rule.* Except as provided in paragraph (d)(3) of this section, CMS must automatically enroll full-benefit dual eligible individuals who fail to enroll in a Part D plan into a PDP offering basic prescription drug coverage in the area where the individual resides that has a monthly beneficiary premium that does not exceed the low-income premium subsidy amount (as defined in § 423.780(b)). In the event that there is more than one PDP in an area with a monthly beneficiary premium at or below the low-income premium subsidy amount, individuals must be enrolled in such PDPs on a random basis.

(2) * * *

(3) PDPs whose premiums were reduced for LIS beneficiaries under § 423.780(f) would not be entitled to automatic enrollment under paragraph (d)(1) of this section.

* * * * *

Subpart F—Submission of Bids and Monthly Beneficiary Premiums; Plan Approval

5. Amend § 423.286 by revising paragraph (e) to read as follows:

§ 423.286 Rules regarding premiums.

* * * * *

(e) *Decrease in monthly beneficiary premium for low-income assistance.* The monthly beneficiary premium paid by the beneficiary may be eliminated as provided in § 423.780.

* * * * *

Subpart P—Premiums and Cost-Sharing Subsidies for Low-Income Individuals

6. Amend § 423.780 by adding a new paragraph (f) to read as follows:

§ 423.780 Premium subsidy.

* * * * *

(f) *Option for a reduced premium amount for full subsidy eligible individuals.* PDP sponsors have the option of providing for a separate prescription drug premium amount for full subsidy eligible individuals for prescription drugs plans under § 423.104(d) or (e) subject to the following conditions—

(1) The PDP sponsor must elect this option at the time its bid is submitted, and agree to set its prescription drug premium for all full subsidy eligible individuals at the premium subsidy amount under paragraph (b) of this section for the entire coverage year if

(i) The PDP sponsor puts forward no other PDP in the PDP region that is offering a premium below the premium subsidy amount or closer to the premium subsidy amount; and

(ii) Its premium amount would otherwise equal or be below the amount established under paragraph (f)(ii) of this section.

(2) Following the establishment of the premium subsidy amount, CMS will review the bids of PDP sponsors that have elected the option under paragraph (f)(i) of this section, and determine an amount that, when added to the premium subsidy amount, would produce a premium amount that is no greater than the amount that would equal or exceed the prescription drug premium amount produced by bids for at least five PDP sponsors in every PDP region.

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

Dated: December 13, 2007.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: December 28, 2007.

Michael O. Leavitt,

Secretary.

[FR Doc. 08–15 Filed 1–3–08; 10:12 am]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61 and 69

[WC Docket No. 07–135; DA 07–5082]

Establishing Just and Reasonable Rates for Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: In this document, the Federal Communications Commission (Commission) extends the date for filing reply comments from December 31, 2007, to January 16, 2008, to provide parties additional time to evaluate the extensive comments received and prepare their replies.

DATES: Reply comments are due on or before January 16, 2008.

ADDRESSES: Interested parties may file reply comments on or before January 16, 2008. All filings related to this Notice of Proposed Rulemaking should refer to WC Docket No. 07–135. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's Rulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://www.fcc.gov/cgb/ecfs* or the Federal eRulemaking Portal: *http://www.regulations.gov.* Filers should follow the instructions provided on the Web site for submitting comments.

• For ECFS filers, if multiple dockets or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to *ecfs@fcc.gov*, and include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.

• *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

• Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554.

• To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: Douglas Slotten, Wireline Competition Bureau, Pricing Policy Division, (202) 418–1572.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order in WC Docket No. 07–135, adopted on December 20, 2007, and released on December 20, 2007. The complete text of this Order is available for public inspection Monday through Thursday from 8 a.m. to 4:30 p.m. and Friday from 8 a.m. to 11:30 a.m. in the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, Room CY–A257, 445 12th Street, SW., Washington, DC 20554. The complete text is available also on the Commission's Internet site at *http://www.fcc.gov.* Alternative formats are available for persons with disabilities by contacting the Consumer and Governmental Affairs Bureau, at (202) 418–0531, TTY (202) 418–7365, or at *fcc504@fcc.gov.* The complete text of the decision may be purchased from the Commission's duplicating contractor, Best Copying and Printing, Inc., Room CY–B402, 445 12th Street, SW., Washington, DC 20554, telephone (202) 488–5300, facsimile (202) 488–5563, TTY (202) 488–5562, or e-mail at *fcc@bcpiweb.com.*

Synopsis of Order

1. Reply comments are currently due on December 31, 2007, 72 FR 64179 (Nov. 15, 2007). We find that providing an additional sixteen days to file reply comments in this proceeding will facilitate the development of a more accurate and complete record. We note that it is the policy of the Commission that extensions of time shall not be routinely granted. Given the complexity of the issues that are raised, the large number of comments that were filed, and the intervening holidays, however, we find that good cause exists to provide all parties an extension of time from December 31, 2007 to January 16, 2008 for filing reply comments in this proceeding.

2. *Accordingly, it is ordered* that, pursuant to §§ 4(i), 4(j), and 5(c) of the Communications Act, 47 U.S.C. 154(i), 154(j), 155(c), and §§ 0.91, 0.291, and 1.46 of the Commission's rules, 47 CFR 0.91, 0.291, 1.46, reply comments in this matter shall be filed on or before January 16, 2008.

3. *It is further ordered* that the motions of FUTUREPHONE.COM, LLC., the National Telephone Cooperative Association and the Independent Telephone and Telecommunications Alliance, and CTIA—the Wireless Association for Extension of Time are granted, as set forth herein.

Federal Communications Commission.

Dana R. Shaffer,

Chief, Wireline Competition Bureau.

[FR Doc. E8–117 Filed 1–7–08; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 192

[Docket No. PHMSA—2005—21305, Notice 2]

RIN 2137–AE26

Pipeline Safety: Polyamide-11 (PA–11) Plastic Pipe Design Pressures

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: PHMSA proposes to revise the Federal pipeline safety regulations to allow certain thermoplastic pipelines made from new Polyamide-11 (PA–11) pipe to be designed using a higher design factor and to raise the design pressure limit for the same pipelines. Design pressure calculations and design pressure limitations for all other thermoplastic pipes (PE-polyethylene, PB-polybutylene, PVC-polyvinyl chloride, etc.) would remain unchanged. These rule changes would allow pipeline operators to operate certain pipelines constructed of new PA–11 pipe at higher operating pressures than currently allowed by the existing rules.

This would allow pipeline operators to take advantage of the strength characteristics of PA–11 pipe.

DATES: Anyone interested in filing written comments on this proposal must do so by February 7, 2008. PHMSA will consider late comments filed so far as practical.

ADDRESSES: Comments should reference Docket No. PHMSA–2005–21305 and may be submitted in the following ways:

- *E–Gov Web Site: http://www.regulations.gov.* This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE, Washington, DC 20590.
- *Hand Delivery:* DOT Docket Management System; U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: Identify the docket number, PHMSA–2005–21305, at the beginning of your comments. If you submit your comments by mail, submit two copies. To receive confirmation that PHMSA received your comments, include a self-addressed stamped postcard. Internet users may submit comments at *http://www.regulations.gov.*

Note: Comments are posted without changes or edits to *http://www.regulations.gov,* including any personal information provided. There is a privacy statement published on the internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Richard Sanders at (405) 954–7214, or by e-mail at *Richard.Sanders@dot.gov;* or Wayne Lemoi at (404) 832–1160, or by e-mail at *Wayne.Lemoi@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Theoretical Maximum Design Pressure for Plastic Pipe

Plastic pipe is used to transport various products in both pressure and non-pressure applications. In pressure service, such as the transport of water or natural gas, the theoretical maximum internal design pressure for plastic pipes is independent of the product being transported. That is, the theoretical maximum design pressure of a plastic pipe is a function of (1) the pipe's physical dimensions and (2) the long-term hydrostatic strength (LTHS) of the pipe material.

The physical dimensions used to calculate the design pressure of a plastic pipe are its outside diameter and wall thickness. In practice these physical dimensions are often expressed by a standard dimension ratio (SDR), which is the ratio of a pipe's average specified outside diameter to the minimum specified wall thickness of the pipe. For a given pipe diameter, the higher the SDR the thinner the pipe wall. Typical SDRs are specified in industry standards developed by the American National Standards Institute (ANSI).

The LTHS used to calculate the design pressure of a plastic pipe is usually represented in pipe design formulas by an assigned value known as the hydrostatic design basis (HDB). The HDB is a reflection of a plastic pipe's ability to resist internal pressure over long periods of time. The Hydrostatic Stress Board of the Plastics Pipe Institute (PPI) assigns an HDB to a plastic pipe material based on testing of the material using the industry accepted test methods published by ASTM International. The HDB for various plastic pipes can be found in the PPI Technical Report, TR–4, *Recommended Hydrostatic Strengths and Design Stresses for Thermoplastic Pipe and Fittings Compounds* (see *http://plasticpipe.org/publications/technical_reports.html*).

Allowable Design Pressure for Plastic Pipe

For safety reasons, plastic pipe in any service is not allowed to operate up to its theoretical maximum internal design pressure. That is, the theoretical maximum design pressure for plastic pipe in service is reduced by a safety factor to calculate an allowable design pressure, which is the pressure at which a pipe can safely operate. Safety factors, commonly referred to as design factors, are generally built into plastic pipe design pressure formulas to account for unknowns in the pipeline operations and environment. For example, plastic pipes used in water service may use a design factor of 0.50, which reduces the allowable design pressure to 50 percent of the theoretical maximum design pressure. For transporting natural gas, the Federal pipeline safety regulations set the design factor at a more conservative 0.32 due to the increased hazards associated with transporting natural gas as compared to water. This design factor limits a plastic pipe's allowable design pressure to 32 percent of its theoretical maximum design pressure. This proposed rulemaking would increase the design factor for plastic pipe in natural gas service to 0.40 (40 percent) for certain PA–11 pipe.

Design Pressure Limitations for Plastic Pipe in Natural Gas Service

For plastic pipe used to transport natural gas, the allowable design pressure is limited by the Federal pipeline safety regulations in two ways. First, as explained above, the plastic pipe design pressure formula in § 192.121 contains a built-in limitation of 0.32, which limits the allowable design pressure to 32 percent of the theoretical maximum design pressure. Second, the allowable design pressure calculated using the design formula in § 192.121 cannot exceed the design pressure limitations in § 192.123. For plastic pipes produced before July 14, 2004, the design pressure cannot exceed 100 pounds per square inch gauge (psig) (689 kilopascal (kPa)) for pipelines in distribution systems and in class 3 or 4 locations. For PE 2406 and PE 3408 polyethylene thermoplastic pipe produced after July 14, 2004, the allowable design pressure cannot exceed 125 psig (862 kPa) for 12-inch iron pipe size (IPS) [nominal pipe diameter] or less. This proposed rulemaking would increase the design pressure limit from 100 psig (689 kPa) to 200 psig (1378 kPa) for certain PA–11 pipe.

Arkema Rulemaking Petitions

In October 2004 Arkema, Inc. (Arkema), a manufacturer of PA–11 thermoplastic pipe, submitted two petitions to PHMSA requesting we revise 49 CFR 192.121 and 192.123. The first petition requested an increase in the design factor from 0.32 to 0.40 in § 192.121 for new PA–11 plastic pipes. The second petition requested an increase in the design pressure limit in § 192.123 from 100 psig (689 kPa) to 200 psig (1378 kPa) for new 2-inch IPS, PA–11 plastic pipes. These changes would allow new 2-inch IPS, PA–11 pipeline systems to be operated up to an allowable design pressure determined by the increased design factor of 0.40 or 200 psig (1378 kPa), whichever is less. The design factor and design pressure limits for all other plastic pipes would remain unchanged.

Arkema asserted in its petition that new PA–11 material will pose less risk to the public at a design factor of 0.40 than older thermoplastic piping materials used with a 0.32 design factor. Arkema also asserted that allowing an increased design pressure will allow gas companies to replace steel pipeline systems with 2-inch plastic pipe operating up to 200 psig (1378 kPa), and

avoid the risk of corrosion failure in steel pipes. A detailed technical justification, including performance test results for PA–11 pipe and a discussion of its history and use, is provided in the petitions. This information may be read in docket PHMSA–2005–21305.

Public Comments

On June 22, 2005, PHMSA published a notice in the **Federal Register** (70 FR 36093) seeking comments on the Arkema petitions. We received comments from two operators of PA–11 trial systems, one local gas distribution company, the Gas Piping Technology Committee (GPTC), the American Gas Association (AGA), the Illinois Commerce Commission (ICC), two plastic pipe fitting manufacturers and a plastics pipe consultant. All commenters supported the Arkema petitions. The ICC recommended that PHMSA consider requiring additional protection to prevent third-party damage to higher pressure natural gas lines and suggested adding a warning tape or other technology to protect these lines during digging. As a result of the public comments and recommendations made by PHMSA's staff, Arkema submitted two amended petitions to PHMSA on April 6, 2006. No public comments have been received for or against Arkema's amended petitions, which are discussed in detail below.

Arkema Amended Rulemaking Petitions

On April 6, 2006, Arkema submitted two amended petitions to PHMSA to replace the original petitions of October 2004. The new petitions addressed the public comments received by PHMSA and recommendations made by PHMSA's staff. In the first amended petition, Arkema requested an increase in the design factor in § 192.121 from 0.32 to 0.40 for new PA–11 pipe of all pipe diameters with two conditions. First, the minimum wall thickness for pipe of a given diameter must be SDR–11 or thicker. Second, the rapid crack propagation (RCP) characteristics of each new pipe diameter or thicker wall for an already tested diameter must be measured using accepted industry standard test methods. Arkema subsequently notes that since its original petition, industry test methods, including RCP testing, now have been completed to qualify new 4-inch pipe, which had not been tested at the time of the original petition. Therefore, PHMSA proposes to update the regulation to allow the revised design factor for new PA–11 up to 4-inch diameter pipe and appurtenances.

Arkema's second amended petition requested a revision to § 192.123 to allow the use of PA–11 pipe at a maximum allowable operating pressure of up to 200 psig (1378 KPa) for SDR–11 pipe at diameters of up to 4-inch IPS. This request is based on the availability of complete PA–11 piping systems, results from a three-year research program by the Gas Technology Institute (GTI) and the successful testing of exhumed samples from field installations of PA–11. Therefore, PHMSA is proposing to allow the use of PA–11 pipe at a maximum of 200 psig (1378 kPa). Arkema also supported the ICC recommendation to require warning tape and included proposed draft rule language in its amended petition to address this issue.

Polyamide–11 (PA–11) Plastic Piping Research and Evaluation

The GTI sponsored laboratory and field research on PA–11 pipe and piping systems beginning in the late 1990s. The research was accomplished by Nicor Technologies (Nicor). Final reports on this laboratory and field research are in the docket for this rulemaking.

In 1997, Nicor began with laboratory research on the physical, mechanical, and chemical properties of PA–11 pipe materials. Nicor used comprehensive laboratory testing and evaluation protocols to examine PA–11 pipe materials from three individual production samples and concluded that overall ''the results of the comprehensive short term and long term testing * * * indicate that PA–11 pipe is a suitable plastic alternative to steel systems operating at higher pressure and under exposure to high temperatures for a short period of time.''

Nicor followed up the laboratory research on the properties of PA–11 pipe materials with additional laboratory and field research on the economic feasibility of using PA–11 gas distribution piping systems at higher operating pressures and temperatures than currently permitted for plastic materials. Nicor performed laboratory tests on numerous PA–11 fittings and appurtenances. This was followed by the field testing of a PA–11 trial piping system installed at a Nicor private test site in Illinois, where Nicor installed approximately 400 feet of PA–11 pipe using three different installation techniques: Plowing, directional boring and open trenching. Nicor concluded that the ''results of the trial installation of PA–11 piping system have successfully demonstrated that PA–11 piping systems can be safely and effectively installed at higher operating pressures.''

Nicor used the results of the research on the PA–11 trial system to petition the ICC and PHMSA for a waiver to install and operate a PA–11 pipeline system at pressures above 100 psig (689 kPa) in Woodstock, Illinois. The ICC and PHMSA approved the waiver. The pipeline was installed in December 1999. This has allowed GTI and Nicor to continue the research on PA–11 piping systems. This final phase allowed the researchers to evaluate the effects of high operating pressures (150 psig), moisture, aging and other factors on an actual operating natural gas pipeline system. The study concluded, ''PA–11 has met or exceeded all of the provisions contained within ASTM D2513–99 [American Society of Testing Materials, *Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings*, D2513–99] Appendix XI for the use of new materials in underground natural gas distribution application[s].''

To continue and expand the research on PA–11, GTI solicited several utilities to participate in field trials across the United States. The utilities sought and received both Federal and State waivers to allow some of the PA–11 trial systems to be designed using a 0.40 design factor in the plastic pipe design formula in § 192.121 and to operate at pressures above the plastic pipe design limitations in § 192.123. The PA–11 trial systems were installed from December 1999 to November 2004 in Arizona, Illinois, Louisiana, New Mexico, Tennessee and Utah in various geographic, climatic and operating temperature and pressure environments. Three of the trial systems were designed using a design factor of 0.40. One system was designed using an HDB of 1600 psig at a temperature of 140° F. All the trial systems operate between 60 psig (413 kPa) and 200 psig (1378 kPa) with half operating above 175 psig (1206 kPa). The GTI final report on this research, *Utility Participation in PA–11 Evaluation Project, March 2005*, is in the docket for this rulemaking.

The Proposed Rule

Proposed Regulations

PHMSA is proposing to change the design pressure limits in §§ 192.121 and 192.123 for certain PA–11 pipes. The changes would allow new 4-inch IPS or less, SDR–11, PA–11 pipelines to be designed using a design factor of 0.40 (in lieu of 0.32) in the plastic pipe design formulas in § 192.121. The design pressure limit in § 192.123 would be raised from 100 psig (689 kPa) to 200 psig (1378 kPa) for new 4-inch IPS or less, SDR–11, PA–11 plastic pipe used in distribution system pipelines and in pipelines in class 3 and 4

locations. This would allow design pressures up to the design pressure calculated in § 192.121 but not greater than 200 psig (1378 kPa). All other design pressure limitations would remain unchanged.

Basis for Increasing the Design Factor for PA–11 Plastic Pipe

When 49 CFR Part 192 was first promulgated in 1970 there were multiple design factors for plastic pipe based on the class location in which the pipeline was installed. They ranged from 0.20 in class 4 locations to 0.32 in class 1 locations. In 1977, the Materials Transportation Board (MTB) [now PHMSA] proposed a single design factor within the range of 0.32 to 0.50 to be used in the plastic pipe design formula in § 192.121 (see 42 FR 8386). This single factor would allow operators to use the same pipe for identical design pressures throughout their systems, thus saving the cost of keeping various pipes and matching components in inventory for different class locations. At the time of that proposal, some commenters, including the Technical Pipeline Safety Standards Committee (TPSSC) suggested that a design factor of 0.40 be adopted, based on its many years of satisfactory use prior to adoption of the more conservative factor in § 192.121.

Other commenters favored a single design factor equal to 0.50. This view was stated for several reasons, but it was based primarily on the fact that plastic pipe did not have a history of pressure failures. After considering the several arguments favoring either 0.40 or 0.50, a 0.32 design factor was adopted. The more conservative increment was chosen to protect against unforeseeable events and has remained in effect since May 1978.

The 0.32 design factor was accepted as a conservative value based on the state of plastic pipe technology in 1978. Advances in plastic pipe technology coupled with the extensive laboratory and field research on PA–11 by Nicor under the sponsorship of the GTI, provide sufficient evidence that the design factor can be increased to 0.40 for certain PA–11 pipes without compromising safety. This evidence includes the history of the PA–11 trial systems, which have been operating safely for several years at increased operating pressures. Moreover, increasing the design factor may allow PA–11 pipe to be used in lieu of steel pipe in some locations, thereby reducing corrosion, a primary factor in pipeline failures.

Basis for Increasing the Design Pressure Limit for PA–11 Plastic Pipe

When 49 CFR Part 192 was first promulgated in 1970 the design pressure limit for plastic pipe used in distribution systems and class 3 or 4 locations was set at 100 psig (689 kPa), which was the design pressure limit in ANSI B31.8 Standard, *Gas Transmission Distribution and Piping Systems.* The design pressure was raised in 2004 for PE 2406 and 3408 thermoplastic pipe because of new developments in polyethylene materials and better technology for detecting the rate of crack growth, i.e., slow crack growth.

When PHMSA was considering the pressure limit increase for PE 2406 and PE 3408 thermoplastic pipes, eleven of the commenters on the proposed new rule agreed the proposed increase in the design pressure limit was warranted. AGA, for example, noted that modern polyethylene pipe was already being reliably operated at pressures greater than 100 psig (689 kPa) under waivers granted by State pipeline safety regulators. AGA further contended that the reliability of newer polyethylene pipe was supported by laboratory and field analysis of the long-term hydrostatic strength of the polyethylene materials.

Bay State and Northern Natural Gas, two natural gas distribution system operators, suggested that the design pressure limit be established per International Organization for Standardization (ISO) standards, which allow any design pressure permitted by the measured HDB. UGI Utilities suggested an even higher maximum allowable pressure. However, because there was insufficient data to conclude that pipelines operating at such pressures would operate safely, PHMSA concluded that prescribing a maximum pressure higher than 125 psig was unsupported at that time. The design pressure limit for existing pipe and new pipes other than PE 2406 and PE 3408, such as PA–11, remains at 100 psig (689 kPa).

As explained above, the design pressure of thermoplastic pipe is a function of the physical dimensions and HDB of the pipe. Therefore, for plastic pipes of the same physical dimensions, or SDR, the calculated design pressure is directly proportional to the HDB. PA–11 has an HDB twice that of PE 2406. Therefore, the design pressure of PA–11 calculated using the plastic pipe design formula in § 192.121 is twice the design pressure of PE 2406. For SDR–11 pipe, the calculated design pressure of PA–11 is 160 psig, while the design pressure of PE 2406 is 80 psig. With the current design pressure limit of 100 psig in § 192.123 for distribution systems and class 3 or 4 locations, however, PA–11 is limited to a design pressure of only 4 percent of its HDB while the PE 2406 can operate up to 6.4 percent of its HDB. If PE 2406 can safely operate at 6.4 percent of its HDB, 80 psig, then it stands to reason that PA–11 should also be allowed to operate at 6.4 percent of its HDB, 160 psig, all else being equal.

But all else is not equal. Existing regulations allow certain sizes of PE 2406 pipes to operate up to 125 psig (10 percent of HDB) in distribution systems and class 3 or 4 locations. For example, a PE 2406, SDR–7 pipeline with a calculated design pressure of 133 psig could operate up to 125 psig (10 percent of HDB), but a PA–11, SDR–7 pipeline would be limited to 100 psig (4 percent of HDB) in the exact same application. If the design limits were applied equally based on the long-term pressure carrying capability of each pipe, the PA–11, SDR–7 pipeline would be allowed to operate up to 250 psig (10 percent of HDB).

The proposed regulation would only allow pipelines constructed from 4-inch IPS or less, PA–11, SDR–11 pipe to be operated up to 200 psig (8 percent of HDB). This requires two actions. First, the design factor in § 192.121 would have to be raised to 0.40, as explained above, so the calculated design pressure will equal 200 psig (1378 kPa). Second, the design pressure limit in § 192.123 would have to be raised to 200 psig (1378 kPa) to allow PA–11 pipelines to operate at 200 psig (1378 kPa) in distribution systems and class 3 or 4 locations. PHMSA believes these changes would not be inconsistent with pipeline safety because the HDB of PA–11 is twice that of PE 2406. Moreover, the extensive laboratory and field research, coupled with the successful field trial systems, validate that PA–11 pipelines can safely operate up to 200 psig (1378 kPa).

Regulatory Analyses and Notices

Privacy Act Statement

Anyone may search the electronic form of comments received in response to any of our dockets by the name of the individual submitting the comment (or signing the comment if submitted for an association, business, labor union, etc.). You may review the Department of Transportation's (DOT) complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Executive Order 12866 and DOT Policies and Procedures

This proposed rulemaking is not a significant regulatory action under section 3(f) of Executive Order 12866 (58 FR 51735) and, therefore, was not reviewed by the Office of Management and Budget. This proposed rulemaking is not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034).

Installing PA–11 is not mandated; it is optional. PHMSA believes operators may choose to install PA–11 pipe, rather than some other type of pipe, only if it is the most cost-effective alternative available. Consequently, PHMSA anticipates that the benefits of this proposal will equal or exceed its costs. Any gas transmission operators with (or installing) pipelines in class 3 or 4 locations could potentially be affected by the proposed rulemaking. Furthermore, all gas distribution operators could potentially be affected by the proposed rule. In total, PHMSA estimates that the proposed rule could potentially affect 900 gas transmission operators and 1,450 gas distribution system operators. The draft economic evaluation is available for review and comment in the docket.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), PHMSA must consider whether rulemaking actions would have a significant economic impact on a substantial number of small entities. PHMSA estimates that the proposed rulemaking could potentially affect as many as 479 transmission system operators that are small entities, as well as 1,131 gas distribution systems that are small entities.

The proposed rule mandates no action by gas pipeline operators. Rather, it provides operators with an option to use PA–11 pipe in certain pipeline systems based on economic, operations or other considerations. Consequently, the proposal imposes no economic burden on these potentially affected gas pipeline operators. PHMSA concludes this proposed rulemaking would not have a significant negative economic impact on any small entity.

Executive Order 13175

PHMSA has analyzed this rulemaking according to Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Because the proposed rule would not significantly or uniquely affect the communities of the Indian tribal governments or impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13175 do not apply.

Paperwork Reduction Act

This proposal does not impose any new information collection requirements.

Unfunded Mandates Reform Act of 1995

This proposed rulemaking does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the proposed rulemaking.

National Environmental Policy Act

PHMSA has analyzed the proposed rulemaking for purposes of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and preliminarily determined the proposed rulemaking may provide minor beneficial impacts on the quality of the human environment due primarily to a potential reduction in corrosion leaks if PA–11 pipe is used to replace steel pipe. The draft environmental assessment is available for review and comment in the docket. PHMSA will make a final determination on environmental impact after reviewing the comments on this proposal.

Executive Order 13132

PHMSA has analyzed the proposed rulemaking according to Executive Order 13132 (''Federalism''). The proposal does not have a substantial direct effect on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. The proposed rulemaking does not impose substantial direct compliance costs on State and local governments. This proposed regulation would not preempt state law for intrastate pipelines. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply.

Executive Order 13211

Transporting gas impacts the nation's available energy supply. However, this proposed rulemaking is not a ''significant energy action'' under Executive Order 13211 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, the Administrator of the Office of Information and Regulatory Affairs has not identified this proposal as a significant energy action.

List of Subjects in 49 CFR Part 192

Gas, Natural gas, Pipelines, Pipeline safety.

For the reasons provided in the preamble, PHMSA proposes to amend 49 CFR Part 192 as follows:

PART 192—TRANSPORTATION OF NATURAL GAS AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

1. The authority citation for part 192 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, 60116, and 60118; and 49 CFR 1.53.

2. Revise § 192.121 to read as follows:

§ 192.121 Design of plastic pipe.

Subject to the limitations of § 192.123, the design pressure for plastic pipe is determined by either of the following formulas:

$$P = 2\ S\ t\ (DF) / (D - t)$$

$$P = 2S\ (DF) / (SDR - 1)$$

Where:

P = Design pressure, gauge, psig (kPa).

S = For thermoplastic pipe, the HDB is determined in accordance with the listed specification at a temperature equal to 73° F (23° C), 100° F (38° C), 120° F (49° C), or 140° F (60° C). In the absence of an HDB established at the specified temperature, the HDB of a higher temperature may be used in determining a design pressure rating at the specified temperature by arithmetic interpolation using the procedure in Part D.2 of PPI TR–3/2004, *HDB/PDB/SDB/MRS Policies* (incorporated by reference, see § 192.7). For reinforced thermosetting plastic pipe, 11,000 psig (75,842 kPa).

t = Specified wall thickness, inches (mm).

D = Specified outside diameter, inches (mm).

SDR = Standard dimension ratio, the ratio of the average specified outside diameter to the minimum specified wall thickness, corresponding to a value from a common numbering system that was derived from the American National Standards Institute preferred number series 10.

D F = 0.32, or = 0.40 for nominal pipe size (IPS) 4 or less, SDR–11, polyamide-11 (PA–11) pipe produced after February 7, 2008 only.

3. Amend § 192.123 to revise paragraph (a) introductory text and to add a new paragraph (f) to read as follows:

§ 192.123 Design limitations for plastic pipe.

(a) Except as provided in paragraph (e) and paragraph (f) of this section, the design pressure may not exceed a gauge pressure of 100 psig (689 kPa) for plastic pipe used in:

* * * * *

(f) The design pressure for polyamide-11 (PA–11) pipe produced after February 7, 2008 may exceed a gauge pressure of 100 psig (689 kPa) provided that:

(1) The design pressure does not exceed 200 psig (1378 kPa);

(2) The pipe size is nominal pipe size (IPS) 4-inch or less;

(3) The pipe has a standard dimension ratio of SDR–11 only; and

(4) Pipes with design pressures above 100 psig (689 kPa) shall be buried with a warning tape or other device sufficient to warn an excavator of the presence of a high pressure gas line near the tape or other device before reaching the burial depth of the pipeline.

Issued in Washington, DC, on December 27, 2007.

Jeffrey D. Wiese,

Associate Administrator for Pipeline Safety.

[FR Doc. E8–33 Filed 1–7–08; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FWS–R8–ES–2007–0022; 1111 FY07 MO; ABC Code: B2]

Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition To List the Pygmy Rabbit (Brachylagus idahoensis) as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding and initiation of status review.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition To list the pygmy rabbit (*Brachylagus idahoensis*) as threatened or endangered under the Endangered Species Act of 1973, as amended (Act). We find that the petition presents substantial scientific or commercial information indicating that listing the pygmy rabbit may be warranted. Therefore, with the publication of this notice, we are initiating a status review to determine if listing the species is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial data and other information regarding this species. We will make a determination on critical habitat for this species, which was also requested in the petition, if and when we initiate a listing action.

DATES: The finding announced in this document was made on January 8, 2008. To be considered in the 12-month finding for this petition, data, comments, and information must be submitted to us on or before March 10, 2008.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS–R8–ES–2007–0022; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

We will not accept e-mail or faxes. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

FOR FURTHER INFORMATION CONTACT: Robert D. Williams, Field Supervisor, Nevada Fish and Wildlife Office by mail (see **ADDRESSES**), by telephone (775–861–6300), or by facsimile (775–861–6301). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Public Information Solicited

When we make a finding that a petition presents substantial information to indicate that listing a species may be warranted, we are required to promptly commence a review of the status of the species. To ensure that the status review is complete and based on the best available scientific and commercial information, we are soliciting information concerning the status of the pygmy rabbit. We request any additional information, comments, and suggestions from the public, other concerned governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties. We are opening a 60-day comment period to allow all interested parties an opportunity to provide information on the status of the pygmy rabbit throughout its range, including:

(1) Information regarding the species' historical and current population status, distribution, and trends; its biology and ecology; and habitat selection;

(2) information on the effects of potential threat factors that are the basis for a listing determination under section 4 (a) of the Act, which are:

(a) present or threatened destruction, modification, or curtailment of the species' habitat or range;

(b) overutilization for commercial, recreational, scientific, or educational purposes (in relation to the pygmy rabbit, this includes hunting and research);

(c) disease or predation;

(d) the inadequacy of existing regulatory mechanisms; or

(e) other natural or manmade factors affecting its continued existence; or

(3) information on management programs for the conservation of the pygmy rabbit.

Please note that comments merely stating support or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act (16 U.S.C. 1531 *et seq.*) directs that determinations as to whether any species is a threatened or endangered species must be made ''solely on the basis of the best scientific and commercial data available.'' At the conclusion of the status review, we will issue the 12-month finding on the petition, as provided in section 4(b)(3)(B) of the Act.

You may submit your comments and materials concerning this finding by one of the methods listed in the **ADDRESSES** section. We will not accept comments you send by e-mail or fax. Please note that we may not consider comments we receive after the date specified in the **DATES** section in our final determination.

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that we will post your entire comment—including your personal identifying information—on *http://www.regulations.gov.* 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.

Comments and materials we receive, as well as supporting documentation we used in preparing this finding, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service's Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, NV 89502–7147; telephone 775–861–6300.

Background

For more information on the biology, habitat, and range of the pygmy rabbit, please refer to the ''Species Information'' section in our previous 90-day finding published in the **Federal Register** on May 20, 2005 (70 FR 29253).

Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. We are to base this finding on information provided in the petition, supporting information submitted with the petition, and information otherwise available in our files at the time we make the determination. To the maximum extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish our notice of the finding promptly in the **Federal Register**.

Our standard for substantial scientific or commercial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted'' (50 CFR 424.14(b)). If we find that substantial scientific or commercial information was presented, we are required to promptly commence a status review of the species.

On April 21, 2003, we received a formal petition, dated April 1, 2003, from the Committee for the High Desert, Western Watersheds Project, American Lands Alliance, Oregon Natural Desert Association, Biodiversity Conservation Alliance, Center for Native Ecosystems, and Mr. Craig Criddle, requesting that the pygmy rabbit found in California, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming be listed as threatened or endangered in accordance with section 4 of the Act. The petition also requested that we designate critical habitat concurrently with listing, if listing occurs. The petition, which was clearly identified as such, contained information on the natural history, biology, and distribution of the pygmy rabbit. It also contained information on what the petitioners reported as potential threats to the species, including but not limited to, habitat loss due to agricultural practices, sagebrush conversion, livestock grazing, fire, mining, energy development, and recreation; hunting; research practices; disease; predation; intra- and inter-specific competition; natural stochastic events such as floods and drought; mortality caused by collisions with off-road vehicles, snowmobiles, and automobiles; and life history traits. The petition also discussed existing regulatory mechanisms and their perceived inadequacies.

In response to the petitioner's requests, we sent a letter to the petitioners dated June 10, 2003, explaining that we would not be able to address their petition until fiscal year 2004. Action on this petition was precluded by court orders and settlement agreements for other listing actions that required nearly all of our listing funds for fiscal year 2003. On May 3, 2004, we received a 60-day notice of intent to sue, and on September 1, 2004, we received a complaint regarding our failure to carry out the 90-day and 12-month findings on the status of the pygmy rabbit. On March 2, 2005, we reached an agreement with the plaintiffs to submit to the **Federal Register** a completed 90-day finding by May 16, 2005, and to complete, if applicable, a 12-month finding by February 15, 2006 (*Western Watersheds Project et al.* v. *U.S. Fish and Wildlife Service* (CV–04–0440–N–BLW) (D. Idaho).

On May 20, 2005, we published a 90-day finding in the **Federal Register** (70 FR 29253) stating that the petition did not present substantial information indicating that listing the pygmy rabbit may be warranted. On March 28, 2006, we received a complaint regarding alleged violations of the Act and the Administrative Procedure Act with regard to our May 20, 2005, 90-day finding (*Western Watersheds Project et al.* v. *Gale Norton and U.S. Fish and Wildlife Service* (CV 06–CV–00127–S–EJL) (D. Idaho)). On September 26, 2007, the court issued a judgment and memorandum order stating that the Service improperly imposed a higher standard than required for a 90-day petition finding when we reviewed the petition, and therefore found the Service's denial of the petition was contrary to the applicable law. More specifically, the court found that the Service inappropriately disputed the accuracy and the reliability of the information offered in the petition as to habitat and population loss without providing a rationale based on more accurate evidence of the species' range and reduction of population or habitat. The ruling states, and the Service agrees, that what is required at this stage of the listing process is a review of the petition for a determination of whether or not it presents substantial information indicating to a reasonable person that the petitioned action may be warranted. This standard is in contrast to the ''best scientific and commercial data'' standard applied to actually listing a species. The court's order remanded our May 20, 2005, 90-day finding and required the Service to issue a new 90-day finding on or before December 26, 2007. This notice constitutes our new 90-day finding to comply with the September 26, 2007, court ruling.

This finding does not address our prior listing of the Columbia Basin distinct population segment (DPS) of the pygmy rabbit. On November 30, 2001, we published an emergency listing and concurrent proposed rule to list this DPS of the pygmy rabbit as endangered (66 FR 59734 and 66 FR 59769, respectively). We listed the Columbia Basin DPS of the pygmy rabbit as endangered in our final rule dated March 5, 2003 (68 FR 10388).

Finding

Based on our reconsideration of the information provided in the petition, we find that it presents substantial scientific information that listing the pygmy rabbit may be warranted. Our process for making this 90-day finding under section 4(b)(3)(A) of the Act and 50 CFR 424.14(b) of our regulations is limited to a determination of whether the information in the petition meets the ''substantial scientific and commercial information'' threshold (as mentioned above). Therefore, we are initiating a status review to determine if listing the species is warranted. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information regarding this species.

If we determine that listing the pygmy rabbit is warranted, we intend to propose critical habitat to the maximum extent prudent and determinable at the time we propose to list the species.

Author

The primary author of this notice is the staff of the Nevada Fish and Wildlife Office (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: December 17, 2007.

Kenneth Stansell,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. E7–25017 Filed 1–7–08; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 73, No. 5
Tuesday, January 8, 2008

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Cane Sugar and Beet Sugar Marketing Allotments and Company Allocations, 2006-Crop Final and 2007-Crop Initial; Domestic Sugar Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: The Commodity Credit Corporation (CCC) is issuing this notice to publish the final 2006-crop cane state allotments and company allocations to sugarcane and sugar beet processors for the period from October 1, 2006 through September 30, 2007 (fiscal year (FY) 2007). This notice also publishes the 2007-crop (FY 2008) cane state allotments and company allocations based on an 8.450 million short tons, raw value (STRV) overall allotment quantity (OAQ) of domestic sugar. This applies to all domestic sugar marketed for human consumption in the United States from October 1, 2007, through September 30, 2008.

FOR FURTHER INFORMATION CONTACT: Barbara Fecso, Dairy and Sweeteners Analysis Group, Economic Policy and Analysis Staff, Farm Service Agency, USDA, 1400 Independence Avenue, SW., STOP 0516, Washington, DC 20250–0516; telephone (202) 720–4146; FAX (202) 690–1480; e-mail: *barbara.fecso@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

As part of the domestic sugar program, for sugar marketed for human consumption in the United States, CCC is required to make determinations establishing, adjusting, or suspending sugar marketing allotments. The Secretary is required to establish, by the beginning of each crop year, an appropriate allotment for the marketing by processors of sugar processed from sugar beets and from domestically produced cane sugar at a level the Secretary estimates will result in no forfeitures of sugar to the CCC under the loan program [1] (7 U.S.C. 1359bb(a)(1)). The Secretary is also required to publish the determinations in the **Federal Register** along with the reasons for the determinations (7 U.S.C. 1359hh).

CCC announced the Final FY 2007 and initial FY 2008 allotments and allocations in a September 27, 2007, news release. This notice provides the final allotments and allocations for FY 2007 and the initial allotments and allocations for FY 2008.

Final FY 2007 State Allotments and Company Allocations

The Secretary is required to reassign the remainder of the allocation to imports if the Secretary determines that processors will be unable to market their allocations after other reassignments and sales from CCC inventory have occurred (7 U.S.C. 1359ee(b)(1)(D)). In a July 31, 2007, news release, CCC announced the determination of a FY 2007 domestic cane sugar supply shortfall of 79,000 STRV and reassigned this deficit to imports. State allotments and company allocations were adjusted downward to reflect the ability of each company and each state to market its allocation and allotment.

The final 2006-crop (FY 2007) beet sugar and cane sugar marketing allotments are listed in the following table:

FY 2007 OVERALL BEET SUGAR AND CANE SUGAR ALLOTMENTS AND ALLOCATIONS

Distribution	FY 2007 allotments or allocations as of 5/25/07	Changes due to reassignments	Final FY 2007 allotments or allocations
Beet Sugar	4,755,625	0	4,755,625
Cane Sugar	3,619,375	−79,000	3,540,375
Reassignment to Imports	375,000	79,000	454,000
Total OAQ	8,750,000	0	8,750,000
Sugar Beet Processors' Marketing Allocations:			
Amalgamated Sugar Co	990,810	0	990,810
American Crystal Sugar Co	1,828,960	0	1,828,960
Michigan Sugar Co	477,920	0	477,920
Minn-Dak Farmers Co-op	296,690	0	296,690
So. Minn Beet Sugar Co-op	624,582	0	624,582
Western Sugar Co	473,221	0	473,221
Wyoming Sugar Co	63,441	0	63,441
Total Beet Sugar	4,755,625	0	4,755,625
State Cane Sugar Allotments:			
Florida	1,732,769	−17,282	1,715,487
Louisiana	1,423,167	−21,916	1,401,251
Texas	198,965	−18,347	180,618

[1] The sugar loan program provides loans to processors of domestically grown sugarcane and sugar beets (authorized by 7 U.S.C. 7272).

FY 2007 OVERALL BEET SUGAR AND CANE SUGAR ALLOTMENTS AND ALLOCATIONS—Continued

Distribution	FY 2007 allotments or allocations as of 5/25/07	Changes due to reassignments	Final FY 2007 allotments or allocations
Hawaii	264,474	−21,455	243,019
Total Cane Sugar	3,619,375	−79,000	3,540,375
Cane Processors' Marketing Allocations:			
Florida:			
Florida Crystals	673,033	−3,081	669,952
Growers Co-op. of FL	323,322	8	323,330
U.S. Sugar Corp	736,414	−14,209	722,205
Total	1,732,769	−17,282	1,715,487
Louisiana:			
Alma Plantation	128,232	−1,976	126,256
Cajun Sugar Co-op	119,059	1,448	120,507
Cora-Texas Mfg. Co	168,731	−2,600	166,131
Lafourche Sugars Corp	92,794	3,457	96,251
Louisiana Sugarcane Co-op	99,818	−1,567	98,251
Lula Westfield, LLC	206,718	−7,347	199,371
M.A. Patout & Sons	426,889	−6,579	420,310
St. Mary Sugar Co-op	126,000	−5,905	120,095
So. Louisiana Sugars Co-op	54,927	−847	54,080
Total	1,423,167	−21,916	1,401,251
Texas:			
Rio Grande Valley	198,965	−18,347	180,618
Hawaii:			
Gay & Robinson, Inc	53,811	0	53,811
Hawaiian Commercial & Sugar Company	210,663	−21,455	189,208
Total	264,474	−21,455	243,019

Initial FY 2008 State Allotments and Company Allocations

When CCC announced an 8.450 million ton STRV OAQ in an August 10, 2007, news release, it distributed 54.35 percent of the FY 2008 OAQ (4,592,575 STRV) to the beet sugar allotment. At that time, however, CCC determined that the cane sugar sector would be unable to fill 70,000 STRV of its allotment and withheld this amount for reassignment to imports. Consequently, of the 45.65 percent of the OAQ statutorily allotted to the cane sugar sector (3,857,425 STRV), only 3,787,425 STRV was allotted to cane sugar states for allocation to sugarcane processors. Cane sugar state allotments and processor allocations were announced by CCC in a September 27, 2007 news release.

Reasons for the Determinations for the Initial FY 2008 Allotments and Allocations

To establish sugar beet processor allocations, CCC applies the sugar beet sector's allotment to fixed company allocation shares. Likewise, cane sugar state and cane sugar processor allocations are calculated by applying fixed shares to the cane sugar allotment. Allocation shares will change only if CCC determines that a processor cannot fulfill its sugar allocation and reassigns the unused allocation to other processors or if a grower successfully transfers allocation commensurate with his production history to another processor.

CCC determined that South Louisiana Sugars Cooperative, Inc., a Louisiana sugarcane processor, was closed and accepted grower petitions to transfer allocation elsewhere. Permanent allocation transfers in Louisiana could not be made by the September 30, 2007, announcement deadline for FY 2008 allocations, but will be forthcoming.

CCC is required to limit the amount of sugarcane acreage that may be harvested in Louisiana for sugar or seed whenever marketing allotments are in effect and the quantity of sugarcane estimated to be produced in Louisiana, plus a reasonable carryover, exceeds the marketing allotment allocation for Louisiana. This limitation is referred to as a ''proportionate share,'' and is applied to each farm's sugarcane acreage base to determine the quantity of sugarcane that may be harvested on that farm. Because production is expected to be inadequate to fill Louisiana's FY 2008 allotment, CCC determined that there will be no proportionate share restrictions for the 2007 crop year.

In FY 2004, CCC determined that Puerto Rico's processors permanently terminated operations because no sugar had been processed for two complete years. Since Puerto Rico is entitled to an allocation by law, its allocation of 6,356 STRV is reassigned to the mainland cane sugar-producing states. Hawaii did not receive any of Puerto Rico's reassignment because it is not expected to use all of its current cane sugar allotment. A request for an allocation as a new entrant will be required for any mills in Puerto Rico to market cane sugar in the future.

The established 2007-crop (FY 2008) sugar beet and cane sugar marketing allotments are listed in the following table:

FY 2008 OVERALL BEET SUGAR AND CANE SUGAR ALLOTMENTS AND ALLOCATIONS

Distribution	Initial FY 2008 allotments or allocations	Changes due to reassignments	Adjusted initial FY 2008 allotments or allocations
Beet Sugar	4,592,575	0	4,592,575
Cane Sugar	3,857,425	−70,000	3,787,425
Reassignment to Imports	0	70,000	70,000
Total OAQ	8,450,000	0	8,450,000
Beet Processors' Marketing Allocations:			
Amalgamated Sugar Co	956,839	0	956,839
American Crystal Sugar Co	1,766,076	0	1,766,076
Michigan Sugar Co	461,535	0	461,535
Minn-Dak Farmers Co-op	286,518	0	286,518
So. Minn Beet Sugar Co-op	603,168	0	603,168
Western Sugar Co	457,172	0	457,172
Wyoming Sugar Co	61,266	0	61,266
Total Beet Sugar	4,592,575	0	4,592,575
State Cane Sugar Allotments:			
Florida	1,902,014	−81,411	1,820,603
Louisiana	1,471,422	2,155	1,473,577
Texas	165,345	32,755	198,100
Hawaii	318,644	−23,499	295,145
Total Cane Sugar	3,857,425	−70,000	3,787,425
Cane Processors' Marketing Allocations:			
Florida:			
Florida Crystals	783,109	−45,673	737,436
Growers Co-op. of FL	342,144	−12,101	330,043
U.S. Sugar Corp	776,761	−23,636	753,124
Total	1,902,014	−81,411	1,820,603
Louisiana:			
Alma Plantation	123,219	14,061	137,280
Cajun Sugar Co-op	148,785	−26,285	122,500
Cora-Texas Mfg. Co	153,514	36,367	189,881
Lafourche Sugars Corp	80,143	29,574	109,717
Louisiana Sugarcane Co-op	113,143	−14,018	99,124
Lula Westfield, LLC	173,759	57,850	231,608
M.A. Patout & Sons	413,376	33,590	446,966
St. Mary Sugar Co-op	149,867	−13,367	136,500
So. Louisiana Sugars Co-op	115,617	−115,617	0
Total	1,471,422	2,155	1,473,577
Texas:			
Rio Grande Valley	165,345	32,755	198,100
Hawaii:			
Gay & Robinson, Inc	73,145	−1,718	71,428
Hawaiian Commercial & Sugar Company	245,499	−21,781	223,718
Total	318,644	−23,499	295,145

Signed in Washington, DC, on January 2, 2008.

Glen L. Keppy,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. E8–35 Filed 1–7–08; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Information Collection; Transfer of Farm Records Between Counties

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is seeking comments from interested individuals and organizations on an extension of a currently approved information collection associated with transferring of farm records from one administrative county office to another.

DATES: Comments on this notice must be received on or before March 10, 2008 to be assured consideration.

ADDRESSES: Comments concerning this notice should be addressed to Farm Service Agency, USDA, Attn: Alison Groenwoldt, Agricultural Program Specialist, Common Provisions Branch, 1400 Independence Ave., SW., Washington, DC 20250. Comments should also be sent to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Comments also may be submitted by e-mail to: *alison.groenwoldt@wdc.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Alison Groenwoldt, Agricultural Program Specialist, (202) 720–4213 and *alison.groenwoldt@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Description of Information Collection

Title: Transfer of Farm Records Between Counties.

OMB Control Number: 0560–0253.

Type of Request: Extension with no revision.

Abstract: Farm owners or operators may elect to transfer farm records between counties when the principal dwelling of the farm operator has changed, a change has occurred in the operation of the land, or a change that would cause the receiving administrative county office to be more accessible such as a new highway and relocation of the county office building site. The transfer of farm records is also required when an FSA county office closes. FSA County Committees from both the transferring and receiving county must approve or disapprove all proposed farm transfers. In some cases, the State Committee and/or the National Office must also approve or disapprove proposed farm transfers.

Estimate of Burden: Average 10 minutes per response.

Type of Respondents: Owners and operators.

Estimated Number of Respondents: 25,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2,500 hours.

Comment is invited on: (1) 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) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information from those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget Approval.

Signed at Washington, DC, on January 2, 2008.

Glen L. Keyyp,

Acting Administrator, Farm Service Agency.

[FR Doc. E8–34 Filed 1–7–08; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Wallowa-Whitman National Forest, OR; Westside Rangeland Analysis

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent To Prepare an Environmental Impact Statement.

SUMMARY: The USDA, Forest Service will prepare an environmental impact statement to authorize livestock grazing within the Westside Rangeland Analysis Area on the Wallowa Valley Ranger District of the Wallowa-Whitman National Forest.

DATES: Written comments concerning the proposed action should be received by February 11, 2008. Send written comments and suggestions to Wallowa Valley District Ranger, Wallowa-Whitman National Forest, 88401 Highway 82, Box A, Enterprise, OR 97828.

FOR FURTHER INFORMATION CONTACT: Alicia Glassford, Interdisciplinary Team Leader, Wallowa-Whitman National Forest, Wallowa Mountains Office, 88401 Hwy 82, Box A, Enterprise, OR, Phone: (541) 426–5689.

SUPPLEMENTARY INFORMATION:

Purpose and Need

The purpose of and need for this action is to allocate forage for commercial livestock grazing. The Wallowa-Whitman National Forest Land and Resource Management Plan allows for livestock forage production where forage is in excess to basic plant and soil needs, wildlife needs, and where other specific resource conditions are to be achieved or maintained. While livestock grazing has been ongoing for many years in the Westside Rangeland Analysis Area, this grazing has been addressed through annual operating instructions which have not been subjected to a National Environmental Policy Act (NEPA) analysis process. Thus, the NEPA process for this group of allotments is being initiated.

Proposed Action

The Westside Rangeland Analysis Area (63,507 acres) is located approximately 20 miles north of Enterprise, Oregon and is the portion of National Forest System lands within the Wallowa Valley Ranger District generally located west of State Highway 3. The proposal will result in Allotment Management Plans for the six allotments within the Westside Rangeland Analysis Area: Buck Creek Allotment, Day Ridge Allotment, Mud Creek Allotment, North Powwatka Allotment, South Powwatka Allotment, and Tope Creek Allotment. Specific elements of the Proposed Action are as follows:

Authorize a total of 1579 head-months of livestock grazing on the 22,718-acre Buck Creek Allotment between June 1 and October 31.

Authorize a total of 100 head-months of livestock grazing on the 2,765-acre Day Ridge Allotment between May 15 and June 15.

Authorize a total of 3,528 head-months of livestock grazing on the 11,032-acre Mud Creek Allotment between May 15 and September 15.

Authorize a total of 774 head-months of livestock grazing on the 8074-acre North Powwatka Allotment between April 15 and November 15.

Authorize a total of 1171 head-months of livestock grazing on the 11,455-acre South Powwatka Allotment between June 1 and October 31.

Authorize a total of 429 head-months of livestock grazing on the 7,463-acre Tope Creek Allotment between June 1 and September 30.

Responsible Official

The Wallowa Valley District Ranger, Barbara C. Van Alstine, will be the responsible official for making the decision and providing direction for the analysis.

Nature of Decision To Be Made

The responsible official will decide whether or not to authorize commercial livestock grazing within the Westside Rangeland Area. The responsible official will also decide whether or not to select the proposed action as stated or modified, or to select an alternative to it, any mitigation measures needed and any monitoring that may be required.

Scoping Process

This notice of intent begins the scoping process in the development of the environmental impact statement. Public participation is especially important at several points during the development of the EIS. The Forest Service is seeking information, comments, and coordination with the Federal, State, and local agencies and tribal governments and individuals or organizations who may be interested in or affected by the proposed action. The public is asked to provide the responsible official with written comments describing their concerns about this project. The most useful comments to developing or refining the proposed action would be site specific concerns and those that pertain to authorizing livestock grazing within the Westside Rangeland Analysis Area that meets the Purpose of and Need for

Action. See **DATES** above for the mailing address for written comments.

Early Notice of Importance of Public Participation in Subsequent Environmental Review

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and to be available to the public for review by May 2008. EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will extend 45 days from the date the EPA notice appears in the **Federal Register**. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, and members of the public for their review and comment. It is very important that those interested in the management of the Wallowa-Whitman National Forest participate at that time.

The final EIS is scheduled to be completed in September 2008. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making the decision regarding authorization of livestock grazing. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points. Substantive comments are defined as ''comments within the scope of the proposed action, specific to the proposed action, and have a direct relationship to the proposed action, and include supporting reasons for the Responsible Official to consider (36 CFR 215.2). Submission of substantive comments is a prerequisite for eligibility to appeal under the 36 CFR part 215 regulations.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(Authority: 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: December 20, 2007.

Barbara C. Van Alstine,

Wallowa Valley District Ranger.

[FR Doc. 08–17 Filed 1–7–08; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 52–2007)]

Foreign-Trade Zone 202—Los Angeles, California, Area Application for Reorganization/Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Board of Harbor Commissioners of the City of Los Angeles, grantee of FTZ 202, requesting authority to reorganize and expand its zone in the Los Angeles area, adjacent to the Los Angeles-Long Beach Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on December 19, 2007.

FTZ 202 was approved on July 14, 1994 (Board Order 693, 59 FR 37464, 7/22/94), expanded on August 26, 1996 (Board Order 842, 61 FR 46763, 9/5/96) and on July 9, 1999 (Board Order 1043, 64 FR 38887, 7/20/99), and expanded/reorganized on April 30, 2004 (Board Order 1331, 69 FR 26065, 5/11/04). The zone project currently consists of 22 sites (5,704 acres) and a temporary site (10 acres) located at port facilities, industrial parks and warehouse facilities in Los Angeles, San Bernardino, Kern and Riverside Counties. (An expansion application is currently pending (Doc. 44–2006) to include a site (177 acres, Proposed Site 23) within the Tejon Industrial Complex in Lebec.)

The applicant is now requesting authority to reorganize and expand its zone project as follows. The changes will result in an overall net decrease of 329.25 acres in zone acreage.

Site 4 (Dominguez Technology Center)—Remove 35.4 acres (10 parcels) within the site due to changed circumstances (new site total—353.60 acres);

Site 5 (located at 300 W. Artesia Boulevard, Compton)—Remove the entire site from the zone project due to changed circumstances;

New Proposed Site 5 (8.51 acres, 2 parcels)—two warehouse facilities of 3Plus Logistics located at 20250 South Alameda Street in Rancho Dominguez (6.13 acres) and at 2730 El Presidio Street in Carson (2.38 acres);

Site 8 (located within Watson Industrial Center South, 1031/1035 Watson Center Road, Carson)—Combine Site 8 and Site 10 (Watson Industrial Center South) to become Site 10 (new site total—325 acres);

Site 9 (Harbor Gateway Industrial Area)—Expand the site to include Temporary Site 1 (10 acres) and include an additional 5.61 acres (Parcel A—15.61 acres); expand to include an additional parcel at 1451 Knox Street in Torrance (Parcel C—7.26 acres); and, rename existing Site 9 as Parcel B (7 acres) (new site total—29.87 acres);

Site 11 (Watson Corporate Center)—Expand the site to include an additional 46.79 acres (3 contiguous parcels) located at 2417 East Carson Street in Carson (new site total—153.79 acres);

Site 16 (Artesia Corridor Commerce Park)—Remove 9.8 acres within the site located at 1700 S. Wilmington Avenue, 1401 W. Walnut Street and 1805 S. Wilmington Street in Compton due to changed circumstances (new total—153.20 acres);

Site 19 (Chino South Business Park)—Remove 6.34 acres within the site located at 15982 San Antonio Avenue in Chino due to changed circumstances; and, expand the site to include an additional parcel (18.5 acres) located at

6711 Bickmore Avenue in Chino (new site total—83.16 acres); and,

Site 20 (Park Mira Loma West)—Remove 340.73 acres (11 parcels) within the site due to changed circumstances (new site total—284.15 acres).

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is March 10, 2008. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 24, 2008.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations: U.S. Department of Commerce, Export Assistance Center, 11150 West Olympic Boulevard, Suite 975, Los Angeles, CA 90064; and, Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

For further information, contact Camille Evans at *Camille_Evans@ita.doc.gov* or (202) 482–2350.

Dated: December 20, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8–113 Filed 1–7–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 53–2007]

Foreign-Trade Zone 38—-Spartanburg County, SC; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the South Carolina State Ports Authority, grantee of FTZ 38, requesting authority to expand its existing zone to include additional sites in the Greenville-Spartanburg, South Carolina Customs and Border Protection port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 20, 2007.

FTZ 38 was approved by the Board on May 4, 1978 (Board Order 131, 43 FR 20526, 5/12/78) and expanded as follows: on November 9, 1994 (Board Order 715, 59 FR 59992, 11/21/94); on July 23, 1997 (Board Order 910, 62 FR 40797, 7/30/97); on January 8, 1999 (Board Order 1015, 64 FR 3064, 1/8/99); and, on July 21, 2005 (Board Order 1404, 70 FR 44559).

The general-purpose zone project currently consists of seven sites (1,546 acres) in Spartanburg County/Laurens Counties: *Site 1* (20 acres)—within the 74-acre Global Trade Center located at 200 Forest Way, Greenville; *Site 2* (799 acres)—International Transport Center (111 acres) and Gateway International Business Center (688 acres), Greer; *Site 3* (97 acres)—Highway 290 Commerce Park (111 acres) and a warehouse facility (5 acres) located at 150 Parkway West, Duncan; *Site 4* (473 acres)—Wingo Corporate Park, Spartanburg; *Site 5* (118 acres)—TNT Logistics/Michelin North America, Inc., facility located at 101 Michelin Drive, Laurens; *Site 6* (20 acres)—Lakeside Business Center located at 961 Berry Shoals Road in Greer; and, *Temporary Site T–1* (19 acres)—ZF Lemforder Corporation, 240 Parkway East, in Duncan.

The applicant is now requesting authority to expand the general-purpose zone to include five additional sites in the area: *Proposed Site 8* (88 acres)—Riverbend Business Center, located at Cedar Crest Road and Compton Road, Spartanburg; *Proposed Site 9* (207 acres)—Corporate Center I–85 (193 acres, 2 parcels), located at 100 Corporate Center Drive, Spartanburg; and the Bryant Business Center (14 acres, 1 parcel), located at 140 Landers Drive, Spartanburg; *Proposed Site 10* (334 acres, 2 parcels)—Interchange Commerce Center, located at John Dodd Road and Interstate 26, Spartanburg; *Proposed Site 11* (51 acres)—Caliber Ridge Industrial Park, 1501 Highway 101 in Greer; and, *Proposed Site 12* (4 acres)—Industrial Warehousing, 100 Fortis Drive, Duncan. The proposed sites are owned by Fairforest Venture Partners (Site 8), Peter E. Weisman/Kinney Hill Associates, LP (Site 9), High Site and John Dodds Road Properties, LLC dba Johnson Development Associates, Inc. (Site 10), JLN Investors, Inc. (Site 11), and, Betula, LLC (Site 12). The sites will be used primarily for warehousing and distribution activities. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis.

The applicant is also requesting that 19 acres at *Site 3* (Highway 290 Commerce Park) be restored to zone status and that *Temporary Site T–1* (19 acres) located at 240 Parkway East in Duncan, be granted zone status on a permanent basis as *Site 7*. Additionally, the applicant is requesting that the Board make *Site 1* permanent at the Global Trade Center in Greenville (Site 1 was previously at the Highway 29 Industrial Park in Wellford).

In accordance with the Board's regulations, a member of the FTZ staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address listed below. The closing period for their receipt is March 10, 2008. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to March 24, 2008.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations: U.S. Department of Commerce Export Assistance Center, 216 S. Pleasantburg Drive, Suite 243, Buck Mickel Center, Greenville, S.C. 29607; and, Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

For further information, contact Christopher Kemp at *christopher_kemp@ita.doc.gov* or (202) 482–0862.

Dated: December 20, 2007.

Andrew McGilvray,

Executive Secretary.

[FR Doc. E8–112 Filed 1–7–08; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–846]

Brake Rotors from the People's Republic of China: Notice of Final Results of Expedited Second Sunset Review of Antidumping Duty Order

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

SUMMARY: On July 2, 2007, the Department of Commerce (''the Department'') published a notice of initiation of a sunset review of the antidumping duty order on brake rotors from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). *See Initiation of Five–Year*

(''Sunset'') Reviews, 72 FR 35968 (July 2, 2007) (''*Initiation Notice*''). On the basis of the notices of intent to participate, an adequate substantive response filed on behalf of a domestic interested party and an inadequate substantive response filed on behalf of a respondent interested party (*i.e.*, a U.S. importer), the Department conducted an expedited (120–day) sunset review of the antidumping duty order pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations. As a result of this sunset review, the Department finds that revocation of the antidumping duty order would likely lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

EFFECTIVE DATE: January 8, 2008.

FOR FURTHER INFORMATION CONTACT: Frances Veith, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4295.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 2007, the Department published the notice of initiation of the second sunset review of the antidumping duty order on brake rotors from the PRC pursuant to section 751(c) of the Act. *See Initiation Notice*. On July 17, 2007, the Department received a notice of intent to participate from a domestic interested party, the Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers (''petitioner''), within the deadline specified in section 351.218(d)(1)(i) of the Department's regulations, and from a respondent interested party, CWD, LLC (also known as Centric Parts) (''CWD''). Petitioner claimed interested party status under section 771(9)(C) of the Act as a domestic producer of brake rotors in the United States, and CWD claimed interested party status under section 771(9)(A) of the Act as a U.S. importer of brake rotors into the United States. The Department received substantive responses from petitioner and CWD within the deadline specified in section 351.218(d)(3)(i) of the Department's regulations and rebuttal submissions to those responses from petitioner and CWD on August 1 and August 6, 2007, respectively. On August 21, 2007, petitioner submitted to the Department a correction to its August 6, 2007, rebuttal response. On August 21, 2007, the Department notified the International Trade Commission (''ITC'') that respondent interested parties did not provide an adequate substantive response in this sunset review pursuant to section 751(c)(3)(B) of the Act. Therefore, because we did not receive an adequate substantive response from the respondent interested party, we determined to conduct an expedited review of the order pursuant to section 751(c)(3)(B) of the Act and section 351.218(e)(1)(ii)(C)(2) of the Department's regulations.[1] On November 5, 2007, the Department published a notice extending the time limit for the completion of the final results of this review until November 29, 2007. *See Brake Rotors from the People's Republic of China: Extension of Final Results of Expedited Sunset Review of Antidumping Duty Order*, 72 FR 62430 (November 5, 2007). On December 5, 2007, the Department published a notice extending the time limit for the completion of the final results of this review until December 31, 2007. *See Brake Rotors from the People's Republic of China: Extension of Time Limit for Final Results of Expedited Sunset Review of Antidumping Duty Order*, 72 FR 68562 (December 5, 2007).

Scope of the Order

The products covered by this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake rotors limit their use to the following types of motor vehicles: automobiles, all–terrain vehicles, vans and recreational vehicles under ''one ton and a half,'' and light trucks designated as ''one ton and a half.''

Finished brake rotors are those that are ready for sale and installation without any further operations. Semi–finished rotors are those on which the surface is not entirely smooth, and have undergone some drilling. Unfinished rotors are those which have undergone some grinding or turning.

These brake rotors are for motor vehicles, and do not contain in the casting a logo of an original equipment manufacturer (''OEM'') which produces vehicles sold in the United States. (*e.g.*, General Motors, Ford, Chrysler, Honda, Toyota, Volvo). Brake rotors covered in this order are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake rotors that are made of gray cast iron, which contain a steel plate, but otherwise meet the above criteria. Excluded from the scope of this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, with a diameter less than 8 inches or greater than 16 inches (less than 20.32 centimeters or greater than 40.64 centimeters) and a weight less than 8 pounds or greater than 45 pounds (less than 3.63 kilograms or greater than 20.41 kilograms).[2]

Brake rotors are currently classifiable under subheadings 8708.39.5010, 8708.39.5030, and 8708.30.5030 of the *Harmonized Tariff Schedule of the United States* (''HTSUS'').[3] Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the ''Issues and Decision Memorandum'' (''*Decision Memorandum*'') from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated concurrently with this notice, which is hereby adopted by this notice. The issues discussed in the *Decision Memorandum* include consideration of substantive responses, the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order were revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit in room B–099 of the main Commerce building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

[1] *See* the Department's August 21, 2007, letter to the ITC, regarding ''Expedited Sunset Review of the AD/CVD Order Initiated in July 2007.''

[2] In a 2007 scope ruling, the Department determined that brake rotors produced by Federal-Mogul and certified by Ford Motor Company are excluded from the scope of the order. *See* the January 17, 2007, Department memorandum entitled ''Scope Ruling of the Antidumping Duty Order on Brake Rotors from the People's Republic of China; Federal-Mogul Corporation.''

[3] As of January 1, 2005, the HTSUS classification for brake rotors (discs) changed from 8708.39.5010 to 8708.39.5030. As of January 1, 2007, the HTSUS classification for brake rotors (discs) changed from 8708.39.5030 to 8708.30.5030. *See Harmonized Tariff Schedule of the United States (2007) (Rev. 2)*, available at <www.usitc.gov>

Final Results of Review

Pursuant to section 752(c)(3) of the Act, we determine that revocation of the antidumping duty order on brake rotors from the PRC would likely lead to continuation or recurrence of dumping at the following weighted–average percentage margins:

Manufacturers/Exporters/Producers	Weighted–Average Margin (percent)
Hebei Metals and Minerals Import/export Corp.	8.51
Shandong Jiuyang Enterprise Corporation	8.51
Longjing Walking Tractor Works Foreign Trade I/E	8.51
Jilin Provincial Machinery & Equipment I/E Corp	8.51
Qingdao Metals, Minerals and Machinery Import & Export Corporation	8.51
Shanxi Machinery and Equipment Import & Export Corporation	8.51
Southwest Technical Import and Export Corporation	16.07
Xianghe Zichen Casting Corporation	8.51
Yantai Import and Export Corporation	3.56
Yenhere Corporation	8.51
PRC–Wide Entity	43.32

Excluded from the antidumping duty order are the following exporters and producer combinations:[6]

Exporter: China National Automotive Industry Import &Export Corporation

Producer: Shandong Laizhou CAPCO Industry;
Exporter: Shandong Laizhou CAPCO Industry

Producer: Shandong Laizhou CAPCO Industry;
Exporter: Shenyang Honbase Machinery Co., Ltd.
Producer: Shenyang Honbase Machinery Co., Ltd.;
Exporter: Shenyang Honbase Machinery Co., Ltd.
Producer: Lai Zhou Luyan Automobile Fittings Co., Ltd.;
Exporter: Lai Zhou Luyuan Automobile Fittings Co., Ltd.
Producer: Lai Zhou Luyuan Automobile Fittings Co., Ltd.;
Exporter: Lai Zhou Luyan Automobile Fittings Co., Ltd.
Producer: Shenyang Honbase or Laizhou Luyuan; and
Exporter: China National Machinery and Equipment I&E (Xinjiang) Corporation, Ltd.
Producer: Zibo Botai Manufacturing Co., Ltd.

In a five–year sunset review, it is the Department's policy to include companies that did not begin exporting until after the order was issued as part of the PRC–wide entity from the investigation.[7] For those companies that shipped after the order was issued, we determine that revocation of the antidumping duty order on brake rotors from the PRC would be likely to lead to continuation or recurrence of dumping at the PRC–wide percentage margin.

Notification Regarding Administrative Protective Order:

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with section 351.305 of the Department's regulations. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and this notice in accordance with sections 751(c), 752(c) and 777(i)(1) of the Act.

Dated: December 31, 2007.

Susan H. Kuhbach,

Acting Assistant Secretary for Import Administration.

[FR Doc. E8–116 Filed 1–7–08; 8:45 am]

BILLING CODE 3510–DS–S

[6] *See Notice of Antidumping Duty Order: Brake Rotors from the People's Republic of China*, 62 FR 18740 (April 17, 1997).

[7] *See Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin*, 63 FR 18871, 18873 (April 16, 1998).

DEPARTMENT OF COMMERCE

International Trade Administration

A–351–832, A–122–840, A–560–815, A–201–830, A–841–805, A–274–804, A–823–812

Carbon and Certain Alloy Steel Wire Rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders

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

SUMMARY: On September 4, 2007, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty orders on carbon and certain alloy steel wire rod (''wire rod'') from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). The Department has conducted expedited (120–day) sunset reviews for these orders pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of these sunset reviews, the Department finds that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping.

EFFECTIVE DATE: January 8, 2008.

FOR FURTHER INFORMATION CONTACT: Devta Ohri or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3853, or (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2007, the Department published the notice of initiation of the sunset reviews of the antidumping duty orders on wire rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine, pursuant to Section 751(c) of the Act. *See Initiation of Five–Year (''Sunset'') Reviews*, 72 FR 50659 (September 4, 2007) (''*Notice of Initiation*'').

The Department received a notice of intent to participate from the following domestic parties: Gerdau Ameristeel U.S. Inc.; ISG Georgetown, Inc.; Keystone Consolidated Industries, Inc.; and Rocky Mountain Steel Mills within the deadline specified in 19 CFR 351.218(d)(1)(i). The companies claimed

interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic like product in the United States. The Department received a separate notice of intent to participate from Nucor Corporation within the deadline specified in 19 CFR 351.218(d)(1)(i). Nucor Corporation also claimed interested party status under section 771(9)(C) of the Act, as a manufacturer of a domestic like product in the United States.

Gerdau Ameristeel U.S. Inc. reported that it is related to Gerdau S.A., a producer and exporter of subject merchandise in Brazil. ISG Georgetown, Inc. reported that it is related to the following producers and exporters of subject merchandise: Belgo Siderurgia S.A. in Brazil; Mittal Canada, Inc. in Canada; Siderurgica Lazaro Cardenas Las Truchas, SA in Mexico; Mittal Steel Point Lisas Ltd. in Trinidad and Tobago; and OJSC Mittal Steel Kryviy Rih in Ukraine. Pursuant to section 771(4)(B) of the Act, a domestic interested party may be excluded from participating as part of the domestic industry if it is related to an exporter of subject merchandise. In this sunset review, even if we excluded the parties above from participating as part of the domestic industry in the sunset review of the order, there would still be sufficient participation by other domestic interested parties to merit a sunset review of the order. Since there is sufficient industry support regardless of whether the two companies are included, we do not need to resolve the issue of whether to include or exclude Gerdau Ameristeel U.S. Inc. and ISG Georgetown, Inc. Therefore, collectively, Gerdau Ameristeel U.S. Inc., ISG Georgetown, Inc., Keystone Consolidated Industries, Inc.; Rocky Mountain Steel Mills; and Nucor Corporation will be known as the ''domestic interested parties.''

The Department received a complete substantive response to the notice of initiation from the domestic interested parties within the 30–day deadline specified in 19 CFR 351.218(d)(3)(i). We received no responses from respondent interested parties with respect to any of the orders covered by these sunset reviews, nor was a hearing requested. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2), the Department is conducting expedited (120–day) sunset reviews of the antidumping duty orders for Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine.

Scope of the Orders

The merchandise subject to these orders is certain hot–rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross–sectional diameter.

Specifically excluded are steel products possessing the above–noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (''HTSUS'') definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (i.e., products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. Grade 1080 tire cord quality rod is defined as: (i) grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross–sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

Grade 1080 tire bead quality rod is defined as: (i) grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross–sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified).

For purposes of grade 1080 tire cord quality wire rod and grade 1080 tire bead quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis - that is, the direction of rolling - of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod. This measurement methodology applies only to inclusions on certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that are entered, or withdrawn from warehouse, for consumption on or after July 24, 2003.

The designation of the products as ''tire cord quality'' or ''tire bead quality'' indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications is not included in the scope. However, should petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end–use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under review are currently classifiable under subheadings 7213.91.3010, 7213.91.3015, 7213.91.3090, 7213.91.3092, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6010, 7227.90.6051, 7227.90.6053, 7227.90.6058, 7227.90.6059, and 7227.90.6080 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

Analysis of Comments Received

All issues raised in these reviews are addressed in the ''Issues and Decision Memorandum for the Expedited Sunset Reviews of the Antidumping Duty Orders on Carbon and Certain Alloy Steel Wire Rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine; Final Results'' from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration (December 31, 2007), which is hereby adopted by this notice (''Decision Memo''). The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the orders were revoked. Parties can find a complete discussion of all issues raised in these reviews and the corresponding recommendations in this public memorandum which is on file in room B–099 of the main Department building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Reviews

We determine that revocation of the antidumping duty orders on wire rod from Brazil, Canada, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine would be likely to lead to continuation or recurrence of dumping at the following weighted–average percentage margins:

Manufacturers/Exporters/Producers	Weighted–Average Margin (percent)
Brazil.	
Belgo Mineira	94.73
All–Others Rate	74.45
Canada.	
Ispat Sidbec Inc.	3.86
Ivaco, Inc.	9.90
All–Others Rate	8.11
Indonesia.	
P.T. Ispat Indo	4.06
All–Others Rate	4.06
Mexico.	
SICARTSA	20.11
All–Others Rate	20.11
Moldova.	
Moldova–wide Rate	369.10
Trinidad and Tobago.	
Caribbean Ispat Ltd.	11.40
All–Others Rate	11.40
Ukraine.	
Krivorozhstal	116.37
All–Others Rate	116.37

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: December 31, 2007.

Susan H. Kuhbach,

Acting Assistant Secretary for Import Administration.

[FR Doc. E8–114 Filed 1–7–08; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

C–351–833

Carbon and Certain Alloy Steel Wire Rod from Brazil: Final Results of Expedited Five–Year Sunset Review of the Countervailing Duty Order

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

SUMMARY: On September 4, 2007, the Department of Commerce (''the Department'') published in the **Federal Register** the notice of initiation of the five–year sunset review of the countervailing duty order on carbon and certain alloy steel wire rod (''wire rod'') from Brazil, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). The Department has conducted an expedited sunset review of this order pursuant to section 751(c) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). As a result of this sunset review, the Department finds that revocation of the countervailing duty order is likely to lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the ''Final Results of Review'' section of this notice.

EFFECTIVE DATE: January 8, 2008.

FOR FURTHER INFORMATION CONTACT: Devta Ohri or Brandon Farlander, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, D.C. 20230; telephone: (202) 482–3853 or (202) 482–0182, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 4, 2007, the Department published the notice of initiation of the sunset review of the countervailing duty order on wire rod from Brazil, pursuant to section 751(c) of the Act. *See Initiation of Five–Year (''Sunset'') Reviews*, 72 FR 50659 (September 4, 2007) (''*Notice of Initiation*''). The Department received a notice of intent to participate from the following domestic parties: Gerdau Ameristeel U.S. Inc.; ISG Georgetown, Inc.; Keystone Consolidated Industries, Inc.; and Rocky Mountain Steel Mills within the deadline specified in 19 CFR 351.218(d)(1)(i). The companies claimed interested party status under section 771(9)(C) of the Act, as manufacturers of a domestic like product in the United States. The Department received a separate notice of intent to participate from Nucor Corporation within the deadline specified in 19 CFR 351.218(d)(1)(i). Nucor Corporation claimed interested party status under section 771(9)(C) of the Act, as a manufacturer of a domestic like product in the United States.

Gerdau Ameristeel U.S. Inc. reported that it is related to Gerdau S.A., a producer and exporter of subject merchandise in Brazil. ISG Georgetown, Inc. reported that it is related to Belgo Siderurgia S.A. in Brazil, a producer and exporter of subject merchandise. Pursuant to Section 771(4)(B) of the Act, a domestic interested party may be excluded from participating as part of the domestic industry if it is related to an exporter of subject merchandise. In this sunset review, even if we excluded the parties above from participating as part of the domestic industry in the sunset review of the order, there would

still be sufficient participation by other domestic interested parties to merit a sunset review of the order. Since there is sufficient industry support regardless of whether these two companies are included, we do not need to resolve the issue of whether to include or exclude Gerdau Ameristeel U.S. Inc. and ISG Georgetown, Inc. Therefore, collectively, Gerdau Ameristeel U.S. Inc., ISG Georgetown, Inc., Keystone Consolidated Industries, Inc.; Rocky Mountain Steel Mills; and Nucor Corporation will be known as the ''domestic interested parties.''

The Department received a complete substantive response to the notice of initiation from the domestic interested parties within the 30–day deadline specified in 19 CFR 351.218(d)(3)(i). We received no responses from respondent interested parties, nor was a hearing requested. Therefore, we conducted an expedited (120–day) sunset review of the CVD order on wire rod from Brazil, as provided for in section 351.218 (e)(1)(ii)(C)(2) of the Department's regulations.

Scope of the Order

The merchandise subject to this order is certain hot–rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, 5.00 mm or more, but less than 19.00 mm, in solid cross–sectional diameter.

Specifically excluded are steel products possessing the above–noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (''HTSUS'') definitions for (a) stainless steel; (b) tool steel; (c) high nickel steel; (d) ball bearing steel; and (e) concrete reinforcing bars and rods. Also excluded are (f) free machining steel products (i.e., products that contain by weight one or more of the following elements: 0.03 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorus, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium).

Also excluded from the scope are 1080 grade tire cord quality wire rod and 1080 grade tire bead quality wire rod. Grade 1080 tire cord quality rod is defined as: (i) grade 1080 tire cord quality wire rod measuring 5.0 mm or more but not more than 6.0 mm in cross–sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.15 mm; (vi) capable of being drawn to a diameter of 0.30 mm or less with 3 or fewer breaks per ton, and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.006 percent or less of nitrogen, and (5) not more than 0.15 percent, in the aggregate, of copper, nickel and chromium.

Grade 1080 tire bead quality rod is defined as: (i) grade 1080 tire bead quality wire rod measuring 5.5 mm or more but not more than 7.0 mm in cross–sectional diameter; (ii) with an average partial decarburization of no more than 70 microns in depth (maximum individual 200 microns); (iii) having no non–deformable inclusions greater than 20 microns and no deformable inclusions greater than 35 microns; (iv) having a carbon segregation per heat average of 3.0 or better using European Method NFA 04–114; (v) having a surface quality with no surface defects of a length greater than 0.2 mm; (vi) capable of being drawn to a diameter of 0.78 mm or larger with 0.5 or fewer breaks per ton; and (vii) containing by weight the following elements in the proportions shown: (1) 0.78 percent or more of carbon, (2) less than 0.01 percent of soluble aluminum, (3) 0.040 percent or less, in the aggregate, of phosphorus and sulfur, (4) 0.008 percent or less of nitrogen, and (5) either not more than 0.15 percent, in the aggregate, of copper, nickel and chromium (if chromium is not specified), or not more than 0.10 percent in the aggregate of copper and nickel and a chromium content of 0.24 to 0.30 percent (if chromium is specified).

For purposes of grade 1080 tire cord quality wire rod and grade 1080 tire bead quality wire rod, an inclusion will be considered to be deformable if its ratio of length (measured along the axis - that is, the direction of rolling - of the rod) over thickness (measured on the same inclusion in a direction perpendicular to the axis of the rod) is equal to or greater than three. The size of an inclusion for purposes of the 20 microns and 35 microns limitations is the measurement of the largest dimension observed on a longitudinal section measured in a direction perpendicular to the axis of the rod. This measurement methodology applies only to inclusions on certain grade 1080 tire cord quality wire rod and certain grade 1080 tire bead quality wire rod that are entered, or withdrawn from warehouse, for consumption on or after July 24, 2003.

The designation of the products as ''tire cord quality'' or ''tire bead quality'' indicates the acceptability of the product for use in the production of tire cord, tire bead, or wire for use in other rubber reinforcement applications such as hose wire. These quality designations are presumed to indicate that these products are being used in tire cord, tire bead, and other rubber reinforcement applications, and such merchandise intended for the tire cord, tire bead, or other rubber reinforcement applications is not included in the scope. However, should petitioners or other interested parties provide a reasonable basis to believe or suspect that there exists a pattern of importation of such products for other than those applications, end–use certification for the importation of such products may be required. Under such circumstances, only the importers of record would normally be required to certify the end use of the imported merchandise.

All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under review are currently classifiable under subheadings 7213.91.3010, 7213.91.3015, 7213.91.3090, 7213.91.3092, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6010, 7227.90.6051, 7227.90.6053, 7227.90.6058, 7227.90.6059, and 7227.90.6080 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in substantive responses by parties in this sunset review are addressed in the ''Issues and Decision Memorandum for the Expedited Sunset Review of the Countervailing Duty Order on Carbon and Certain Alloy Steel Wire Rod from Brazil; Final Results,'' (''Decision Memo''), from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated December 31, 2007, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of a countervailable subsidy, the net countervailable subsidy rate likely to

prevail if the order were revoked, and the nature of the subsidies.

Parties can find a complete discussion of all issues raised in this sunset review and the corresponding recommendation in this public memorandum which is on file in B–099, the Central Records Unit, of the main Commerce building. In addition, a complete version of the Decision Memo can be accessed directly on the Department's Web page at http://ia.ita.doc.gov/frn. The paper copy and electronic version of the Decision Memo are identical in content.

Final Results of Review

For the reasons stated in the Decision Memo, the Department determines that revocation of the countervailing duty order on wire rod from Brazil is likely to lead to continuation or recurrence of countervailable subsidies at the following countervailing duty rates:

Manufacturer/Exporter	Net Subsidy Rate (percent)
Belgo Mineira	6.74
Gerdau S.A.	2.76
All–Others	5.64

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective orders (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(c), 752(b), and 777(i) of the Act.

Dated: December 31, 2007.

Susan H. Kuhbach,

Acting Assistant Secretaryfor Import Administration.

[FR Doc. E8–115 Filed 1–7–08; 8:45 am]

BILLING CODE 3510–DS–S

COMMISSION OF FINE ARTS

2008 National Capital Arts and Cultural Affairs Program

Notice is hereby given that Public Law 99–190, as amended, authorizing the National Capital Arts and Cultural Affairs Program, has been funded for 2008 in the amount of $8,367,400.00. All requests for information and applications for grants should be sent to: 2008 NCACA Grant Program, U.S. Commission of Fine Arts, 401 F Street, NW., Suite 312, Washington, DC 20001–2728, Phone: 202–504–2200.

Deadline for receipt of grant applications as 1 March 2008.

This program provides grants for general operating support of organizations whose primary purpose is performing, exhibiting, and/or presenting the arts. To be eligible for a grant, organizations must be located in the District of Columbia, must be non-profit, non-academic institutions of demonstrated national repute, and must have annual incomes, exclusive of federal funds, in excess of one million dollars for each of the past three years, Organizations seeking grants must provide a Dun and Bradstreet (D&S) Data Universal Numbering System (DUNS) number when applying.

Thomas E. Luebke,

Secretary, U.S. Commission of Fine Arts.

[FR Doc. 08–16 Filed 1–7–08; 8:45 am]

BILLING CODE 6330–01–M

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for January 17, 2007, at 10 a.m. in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *http://www.cfa.gov*. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address, or call 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, December 31, 2007.

Thomas Luebke,

Secretary.

[FR Doc. 08–18 Filed 1–7–08; 8:45 am]

BILLING CODE 6330–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Proposed Information Collection; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the ''Corporation''), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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 requirement on respondents can be properly assessed.

Currently, the Corporation is soliciting comments concerning the AmeriCorps Annual Progress Report designed to collect demographic, performance, and narrative information from federal grantees. These reports will be submitted by grantees that receive Corporation funding through the Corporation's AmeriCorps State and National. Completion of the Progress Report is required as a condition of these awards.

Copies of the information collection request can be obtained by contacting the office listed in the addresses section of this notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by March 10, 2008.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Learn and Serve America; Attention Amy Borgstrom, Associate Director for Policy, Room 9515; 1201 New York Avenue, NW., Washington, DC 20525.

(2) By hand delivery or by courier to the Corporation's mailroom at Room 8100 at the mail address given in paragraph (1) above, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

(3) By fax to: (202) 606–3476, Attention Amy Borgstrom, Associate Director for Policy.

(4) Electronically through the Corporation's e-mail address system: *aborgstrom@cns.gov.*

FOR FURTHER INFORMATION CONTACT: Amy Borgstrom, (202) 606–6930, or by e-mail at *aborgstrom@cns.gov.*

SUPPLEMENTARY INFORMATION: The Corporation is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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 expected to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses).

Background

The Annual Progress Report will be completed by grantees of the Corporation's AmeriCorps State and National programs. The purpose of the information collection is to elicit accurate information from Corporation grantees in order to assess impacts and respond to requests for information from stakeholders.

Current Action

The Corporation seeks to renew their Annual Progress Report.

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Annual Progress Report.

OMB Number: 3045–0101.

Agency Number: None.

Affected Public: Current/prospective recipients of AmeriCorps State and National funding.

Total Respondents: 154.

Frequency: Annually.

Average Time per Response: Averages 8 hours.

Estimated Total Burden Hours: 1232 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

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 28, 2007.

Kristin McSwain,

Director, AmeriCorps State and National.

[FR Doc. E8–102 Filed 1–7–08; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF EDUCATION

Office of Safe and Drug-Free Schools; Overview Information; Readiness and Emergency Management for Schools; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2008

Catalog of Federal Domestic Assistance (CFDA) Number: 84.184E.

Dates: Applications Available: January 8, 2008.

Deadline for Transmittal of Applications: February 19, 2008.

Deadline for Intergovernmental Review: April 18, 2008. Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: Readiness and Emergency Management for Schools (REMS) grants support efforts by local educational agencies (LEAs) to improve and strengthen their school emergency management plans, including by training school personnel and students in emergency management procedures; communicating with parents about emergency plans and procedures; and coordinating with local law enforcement, public safety, public health, and mental health agencies.

Note: The REMS program was formerly known as the ''Emergency Response and Crisis Management'' grant program. As indicated elsewhere in this notice, the priorities and other application requirements used for this competition are from notices that were published in the **Federal Register** when the program operated under the name ''Emergency Response and Crisis Management.'' While the substance of those priorities and requirements remain the same, some references in the priorities and requirements have been changed in order to be consistent with the new name of the program and the terminology used in the emergency management field.

Priorities: This competition includes one absolute priority and two competitive preference priorities. The absolute priority is from (1) the notice of final priority and other application requirements for this program, published in the **Federal Register** on June 21, 2005 (70 FR 35652), and the competitive preference priorities and application requirements are from (2) the notice of final priorities published in the **Federal Register** on May 11, 2006 (71 FR 27576).

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:

Improvement and Strengthening of School Emergency Management Plans.

This priority supports LEA projects to improve and strengthen emergency management plans, at the district and school-building level, addressing the four phases of emergency management: Prevention-Mitigation, Preparedness, Response, and Recovery. Plans must include: (1) Training for school personnel and students in emergency management procedures; (2) Coordination with local law enforcement, public safety, public health, and mental health agencies; and (3) A method for communicating school emergency management policies and reunification procedures to parents and guardians.

Competitive Preference Priorities: For FY 2008 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i) we award an additional 10 points to an application that meets Priority 1 and we award an additional 5 points to an application that meets Priority 2. Applications that qualify for both Priorities 1 and 2 will receive points only under Priority 1.

These priorities are:

Priority 1—Competitive Preference Priority for LEAs That Have Not Previously Received a Grant Under the REMS Program (CFDA 84.184E) and Are Located in an Urban Areas Security Initiative Jurisdiction.

Under this priority, we give a competitive preference to applications from LEAs that (1) have not yet received a grant under this program (CFDA 84.184E) and (2) are located in whole or in part within Urban Areas Security Initiative (UASI) jurisdictions, as determined by the U.S. Department of Homeland Security (DHS). An applicant must meet both of these criteria in order to receive the competitive preference. Under a consortium application, all members of the LEA consortium need to meet both criteria to be eligible for the preference. Applications submitted by educational service agencies (ESAs) are eligible under this priority if each LEA to be served by the grant is located within a UASI jurisdiction and has not

received funding under this program directly, or as the lead agency or other partner in a consortium; however the ESA itself may have received a previous grant.

Because DHS' determination of UASI jurisdictions may change from year to year, applicants under this priority must refer to the most recent list of UASI jurisdictions published by DHS before submitting their applications to determine if they will receive a competitive preference under this priority.

Note: The Governor of each State has designated a State Administrative Agency (SAA) as the entity responsible for applying for, and administering, funds under the DHS Grant Program (which includes the UASI program). The SAA is also responsible for defining the geographic borders for jurisdictions included in the UASI program. Guidance on jurisdiction definitions can be found at: *http://www.ojp.usdoj.gov/odp/grants_hsgp.htm*

Priority 2—Competitive Preference Priority for LEAs That Have Not Previously Received a Grant Under the REMS Program (CFDA 84.184E).

Under this priority, we give competitive preference to applications from LEAs that have not previously received a grant under this program (CFDA 84.184E). Applicants (other than ESAs) that have received funding under this program directly, or as the lead agency or other partner in a consortium application under this program, will not receive competitive preference under this priority. For applications submitted by ESAs, each LEA to be served by the grant must not have received funding under this program directly, or as the lead agency, or other partner in a consortium application, in order for the ESA to be eligible under this priority; however the ESA itself may have received a previous grant.

Other Application Requirements: Applicants under this competition must meet the requirements in this section. Requirements (1), (2), and (4) are from the notice of final priority and other application requirements for this program, published in the **Federal Register** on June 21, 2005 (70 FR 35652), and requirements (3) and (5) are from the notice of final priorities and application requirements published in the **Federal Register** on May 11, 2006 (71 FR 27576).

1. *Partner Agreements.* To be considered for a grant award, an applicant must include in its application an agreement that details the participation of each of the following five community-based partners: Law enforcement, public safety, public health, mental health, and the head of the applicant's local government (for example, the mayor, city manager, or county executive). The agreement must include a description of each partner's roles and responsibilities in improving and strengthening emergency management plans at the district and school-building level, a description of each partner's commitment to the continuation and continuous improvement of emergency management plans at the district and school-building level, and an authorized signature representing the LEA and each partner acknowledging the agreement. If one or more of the five partners listed is not present in the applicant's community, or cannot feasibly participate, the agreement must explain the absence of each missing partner. To be considered eligible for funding; however, an application must include a signed agreement between the LEA, a law enforcement partner, and at least one of the other required partners (public safety, public health, mental health, or head of local government).

Applications that fail to include the required agreement, including information on partners' roles and responsibilities and on their commitment to continuation and continuous improvement (with signatures and explanations for missing signatures as specified above), will not be read.

Although this program requires partnerships with other parties, administrative direction and fiscal control for the project must remain with the LEA.

2. *Coordination With State or Local Homeland Security Plan.* All emergency management plans must be coordinated with the Homeland Security Plan of the State or locality in which the LEA is located. All States submitted such a plan to the Department of Homeland Security on January 30, 2004. To ensure that emergency services are coordinated, and to avoid duplication of effort within States and localities, applicants must include in their applications an assurance that the LEA will coordinate with, and follow, the requirements of its State or local Homeland Security Plan for emergency services and initiatives.

3. *Implementation of the National Incident Management System (NIMS).* Applicants must agree to implement their grant in a manner consistent with the implementation of the NIMS in their communities. Applicants must include in their applications an assurance that they have met, or will complete, all current NIMS requirements by the end of the grant period.

Because DHS' determination of NIMS requirements may change from year to year, applicants must refer to the most recent list of NIMS requirements published by DHS when submitting their applications. In any notice inviting applications, the Department will provide applicants with information necessary to access the most recent DHS list of NIMS requirements. Information about the FY 2007 NIMS requirements for tribal governments and local jurisdictions, including LEAs, may be found at: *http://www.fema.gov/pdf/emergency/nims/imp_mtrx_tribal.pdf*

Note: An LEA's NIMS compliance must be achieved in close coordination with the local government and with recognition of the first-responder capabilities held by the LEA and the local government. As LEAs are not traditional response organizations, first-responder services will typically be provided to LEAs by local fire and rescue departments, emergency medical service providers, and law enforcement agencies. This traditional relationship must be acknowledged in achieving NIMS compliance in an integrated NIMS compliance plan for the local government and the LEA. LEA participation in the NIMS preparedness program of the local government is essential to ensure that first-responder services are delivered to schools in a timely and effective manner. Additional information about NIMS implementation is available at: *http://www.fema.gov/emergency/nims/nims_compliance.shtm*

4. *Individuals With Disabilities.* The applicant's plan must demonstrate that the applicant has taken into consideration the communication, transportation, and medical needs of individuals with disabilities within the school district.

5. *Infectious Disease Plan.* To be considered for a grant award, applicants must agree to develop a written plan designed to prepare the LEA for a possible infectious disease outbreak, such as pandemic influenza. Plans must address the four phases of emergency management (Mitigation-Prevention, Preparedness, Response, and Recovery) and include a plan for disease surveillance (systematic collection and analysis of data that lead to action being taken to prevent and control a disease), school closure decision-making, business continuity (processes and procedures established to ensure that essential functions can continue during and after a disaster), and continuation of educational services.

Program Authority: 20 U.S.C. 7131.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 84, 85, 97, 98, 99, and 299. (b) The notice of final priority and other application requirements published in the **Federal Register** on June 21, 2005 (70 FR 35652).

(c) The notice of final priorities and application requirements published in the **Federal Register** on May 11, 2006 (71 FR 27576). (d) The notice of final eligibility requirement for the Office of Safe and Drug-Free Schools discretionary grant programs 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.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $24,000,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards later in FY 2008 and in FY 2009 and subsequent years from the list of unfunded applicants from this competition.

Estimated Range of Awards: $100,000–$500,000.

Estimated Average Size of Awards: $100,000 for small districts (1–20 school facilities); $250,000 for medium-sized districts (21–75 school facilities); and $500,000 for large districts (76 or more school facilities).

Estimated Number of Awards: 96.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 18 months.

III. Eligibility Information

1. *Eligible Applicants:* LEAs, including charter schools that are considered LEAs under State law, that do not currently have an active grant under the REMS program. 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) *Equitable Participation by Private School Children and Teachers.*

Section 9501 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), requires that State educational agencies (SEAs), LEAs, or other entities receiving funds under the Safe and Drug-Free Schools and Communities Act provide for the equitable participation of private school children, their teachers, and other educational personnel in private schools located in areas served by the grant recipient. In order to ensure that grant program activities address the needs of private school children, LEAs must engage in timely and meaningful consultation with private school officials during the design and development of the program. This consultation must take place before any decision is made that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate.

In order to ensure equitable participation of private school children, teachers, and other educational personnel, an LEA must consult with private school officials on such issues as: Hazards/vulnerabilities unique to private schools in the LEA's service area, training needs, and existing emergency management plans and resources already available at private schools.

(b) *Maintenance of Effort.*

Section 9521 of the ESEA permits LEAs to receive a grant only if the SEA finds that the combined fiscal effort per student or the aggregate expenditures of the LEA and the State with respect to the provision of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year.

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/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: Education Publications Center, P.O. Box 1398, Jessup, MD 20794–1398. Telephone, toll free: 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.ed.gov/pubs/edpubs.html* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.184E.

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 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: January 8, 2008.

Deadline for Transmittal of Applications: February 19, 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: April 18, 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 Readiness and Emergency Management for Schools grant competition, CFDA Number 84.184E, 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 the Readiness and Emergency Management for Schools grant competition at *http://www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.184, not 84.184E).

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.gov RegistrationBrochure.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 84.184E),
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 84.184E), 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 84.184E), 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 34 CFR 75.210 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. You must also submit an interim report nine months after the award date. This report should provide the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. The Secretary may also require more frequent performance reports in accordance with 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:* We have identified the following key Government Performance and Results Act of 1993 (GPRA) performance measures for assessing the effectiveness of the REMS grant program: (1) The percentage of REMS grant sites that demonstrate they have increased the number of hazards addressed by the improved school emergency management plan as compared to the baseline plan; (2) The percentage of REMS grant sites that demonstrate improved knowledge of school emergency management policies and procedures, district emergency policies and procedures, or both, by school staff with responsibility for emergency management functions; and (3) The percentage of REMS grant sites that have a plan for, and commitment to, the sustainability and continuous improvement of the school emergency management plan by the district and community partners beyond the period of Federal financial assistance.

These GPRA measures constitute the Department's indicators of success for this program. Applicants for a grant under this program are advised to give careful consideration to these measures in designing their proposed project, including considering how data for the measures will be collected. Grantees will be required to collect and report, in their interim and final performance reports, data on about their progress with regard to these measures.

VII. Agency Contact

For Further Information Contact: Sara Strizzi, U.S. Department of Education, 400 Maryland Ave., SW., Room 3E320, Washington, DC 20202–6450. Telephone: (303) 346–0924 or by e-mail: *sara.strizzi@ed.gov.*

If you use a TDD, call the 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 person 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: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: January 3, 2008.

Deborah A. Price,

Assistant Deputy Secretary for Safe and Drug-Free Schools.

[FR Doc. E8–120 Filed 1–7–08; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC08–23–001]

Arrowhead Louisiana Gathering LLC; Notice of Filing

January 2, 2008.

Take notice that on December 19, 2007, Arrowhead Louisiana Gathering LLC (''Arrowhead'') submitted a request for waiver of the requirement to file the FERC Form No. 6–Q for the second quarter of the 2007 calendar year.

In support thereof, Arrowhead states that while its tariff became effective June 9, 2007, it performed no service during the quarterly period ended June 30, 2007, and has no operating revenues to report for that period.

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 or 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: February 1, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–97 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08–20–000]

California Independent System Operator Corporation; Notice of Institution of Proceeding and Refund Effective Date

December 21, 2007.

On December 20, 2007, the Commission issued an order that instituted a proceeding in the above-referenced docket, pursuant to section 206 of the Federal Power Act (FPA) 16 U.S.C. 824e, to investigate the justness and reasonableness of extending the California Independent System Operator, Inc.'s Reliability Capacity Services Tariff until the earlier of the implementation of the Market Redesign and Technology Upgrade or an alternative backstop capacity procurement mechanism.

The refund effective date, established pursuant to section 206(b) of the Federal Power Act, will be the date of publication of this notice in the **Federal Register.**

Kimberly D. Bose,

Secretary.

[FR Doc. E8–47 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER05–849–000]

California Independent System Operator Corporation; Notice of Extension of Time

December 27, 2007.

On December 26, 2007, the Western Power Trading Forum (WPTF) filed a request for an extension of time to file an answer to the Public Utilities of the State of California's (CPUC) Motion to Supplement Request for Rehearing or, in the Alternative, to Supplement the CPUC's Response to the Motion For Clarification of the California Generators filed December 21, 2007, in the above-docketed proceeding (December 21 Motion). WPTF states that because of the intervening holidays and vacation schedules involving WPTF counsel and personnel, additional time is needed to coordinate and prepare a responsive filing.

Upon consideration, notice is hereby give that an extension of time for filing answers to the CPUC's December 21 Motion is granted and including January 14, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–54 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08–29–000]

Cargill Power Markets, LLC, Complainant, v. Independent System Operator New England, Inc., Central Maine Power Company, New England Power Company, NSTAR Electric Company, The United Illuminating Company Respondents; Notice of Complaint

January 2, 2008.

Take notice that on December 28, 2007, Cargill Power Markets, LLC, filed a formal complaint against Independent System Operator New England, Inc., Central Maine Power Company, New England Power Company, NSTAR Electric Company and The United Illuminating Company (collectively, Respondents), pursuant to the provisions of the Federal Power Act, and Commission Rule 206, alleging that the Respondents improperly processed a queue for transmission service on the Phase I/II HVDC–TF.

Cargill Power Markets, LLC certifies that copies of the complaint were served on the contacts for the Respondents as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the

appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on January 17, 2008.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. E8–42 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP05–357–007]

Cheniere Creole Trail Pipeline, L.P.; Notice of Application

December 28, 2007.

Take notice that on December 20, 2007, Cheniere Creole Trail Pipeline, L.P (Cheniere), 700 Milam Street, Suite 800, Houston, Texas 77002, filed in the above-referenced docket an abbreviated application pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the regulations of the Commission, to amend its certificate authority issued on June 15, 2006 in Docket No. CP05–357–000 *et al.*, as amended, in order to revise the initial transportation rates for Cheniere's Zone 1 facilities.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. 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: January 18, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–75 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–36–000]

Chestnut Ridge Storage LLC; Notice of Applications

December 28, 2007.

Take notice that on December 14, 2007, Chestnut Ridge Storage LLC (Chestnut Ridge), Ten Thousand Memorial Drive, Suite 200, Houston, Texas 77024–3410, filed an application under section 7 of the Natural Gas Act (NGA) for authorization to construct and operate a new underground natural gas storage facility to be located in Fayette County, Pennsylvania and Monongalia and Preston Counties, West Virginia. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. Questions concerning this Application may be directed to James F. Bowe, Jr., Dewey & LeBoeuf LLP, 975 F Street, NW., Washington, DC 20004–1405 (phone) 202–862–1000.

Chestnut Ridge's Application seeks (1) a certificate of public convenience and necessity that would authorize Chestnut Ridge to construct, own, operate and maintain a high-deliverability depleted reservoir natural gas storage facility, the Junction Natural Gas Storage Project (JCT Project), that will accommodate the injection, storage and subsequent withdrawal of natural gas for redelivery in interstate commerce; (2) a blanket certificate pursuant to subpart G of 18 CFR part 284 that will permit Chestnut Ridge to provide open-access firm and interruptible natural gas storage services on behalf of others in interstate commerce with pre-granted abandonment of such services; (3) a blanket certificate pursuant to Subpart F of 18 CFR part 157 that will permit Chestnut Ridge to construct, acquire, operate, rearrange and abandon certain facilities following construction of the proposed project; (4) authorization to provide the proposed storage services at market-based rates; and (5) approval of a *pro forma* FERC Gas Tariff, under which Chestnut Ridge will provide open-access natural gas storage services in interstate commerce.

Chestnut Ridge also requests that the Commission waive the requirements of (i) 18 CFR 157.6(b)(8) and 157.14(a)(13), (14), (16), (17) (which relate to the filing of information required to justify rates on a cost-of-service basis, given that Chestnut Ridge proposes to charge market-based rates for the services it will provide); (ii) 18 CFR 157.14(a)(10) (which requires a showing regarding accessible gas supplies that is not applicable to a storage project to which third parties will deliver their gas); (iii) 18 CFR 260.2 and part 201 (accounting and reporting requirements appropriate for a cost-of-service rate structure); and (iv) 18 CFR 284.7(e) and 284.10 (which

impose requirements relating to the design of rates that are not applicable to market-based rates).

Chestnut Ridge states that the JCT Project would provide necessary natural gas infrastructure in furtherance of the Commission's policies supporting the development of new natural gas storage capacity. According to Chestnut Ridge, the JCT Project will increase the reliability of natural gas supply during periods of production and transportation interruptions and will enhance the reliability of the interstate pipeline grid. Chestnut Ridge states that the JCT Project will include up to twenty-six (26) storage injection/withdrawal wells with a total working gas storage capacity of up to 25 billion cubic feet (Bcf). Chestnut Ridge also states that the JCT Project will have gas injection and withdrawal capabilities of up to 500,000 dekatherms per day (Dth/d).

Chestnut Ridge represents that construction and operation of the JCT Project will have minimal impacts on the natural environment and on adjacent landowners. Chestnut Ridge states that the market power study included with its Application demonstrates that Chestnut Ridge will not have market power in any relevant market. It asserts that the Commission can therefore conclude that Chestnut Ridge will be unable to charge or collect rates for its services that exceed just and reasonable levels.

Pursuant to section 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.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be file on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

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 the original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Comment Date: January 22, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–69 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 925–010 (IA)]

City of Ottumwa, IA; Notice of Availability of Environmental Assessment

December 21, 2007.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47879), the Office of Energy Projects has reviewed the application for a new license for the Ottumwa Hydroelectric Project, located on the Des Moines River in the City of Ottumwa, Wapello County, Iowa, and has prepared an Environmental Assessment (EA). In the EA, Commission staff analyze the potential environmental effects of relicensing the project and conclude that issuing a new license for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

Any comments should be filed within 30 days from the issuance date of this notice, and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1–A, Washington, DC 20426. Please affix ''Ottumwa Project No. 925–010'' to all comments. Comments may be filed electronically via Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''eFiling'' link. For further

information, contact Timothy Konnert at (202) 502–6359.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–44 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP07–207–000]

Colorado Interstate Gas Company; Notice of Availability of the Final Environmental Impact Statement for the Proposed High Plains Expansion Project

December 28, 2007.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this Final Environmental Impact Statement (EIS) for the natural gas pipeline facilities proposed by Colorado Interstate Gas Company (CIG) under the above-referenced docket. CIG's High Plains Expansion Project (Project) would be located in Weld, Morgan, and Adams Counties, Colorado.

The Final EIS was prepared to satisfy the requirements of the National Environmental Policy Act. The FERC staff concludes that the proposed Project, with the appropriate mitigation measures as recommended, would have limited adverse environmental impact.

The purpose of the Project is to expand CIG's existing pipeline system along Colorado's Front Range in order to provide additional transportation services to this rapidly growing market. CIG is proposing to construct about 163.7 miles of 24-inch and 30-inch-diameter pipeline in four separate pipeline segments and associated ancillary facilities.

The Final EIS addresses the potential environmental impacts resulting from the construction and operation of the following facilities:

- *Line 250A:* 64.5 miles of 30-inch-diameter pipeline and 20.3 miles of 24-inch-diameter pipeline that would extend from CIG's existing Cheyenne Compressor Station to an interconnect point on the proposed Line 251A in northeast Adams County;
- *Line 251A:* 57.9 miles of 24-inch-diameter pipeline between CIG's existing Watkins and Fort Morgan Compressor Stations;
- *Line 252A:* 14.9 miles of 30-inch-diameter pipeline extending westward from a point on the proposed Line 250A about one mile north of the existing Hudson Power Plant in the Town of Hudson, Colorado, to a new interconnect with Public Service Company of Colorado's existing Tri-Town facilities in Weld County, Colorado;
- *Line 253A:* 6.1 miles of 24-inch-diameter pipeline extending westward from the Watkins Compressor Station to CIG's existing East Denver measurement facility in Adams County, Colorado;
- Ten new meter stations and 19 new block valves; and
- Twelve pig launcher/receivers.

The entire project would be capable of transporting about 899,000 decatherms of gas per day. CIG proposes to begin construction in January 2008. It would put each pipeline segment into service as it is completed, and the entire Project would be in service by October 2008.

The Final EIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

A limited number of copies of the Final EIS are available from the Public Reference Room identified above. In addition, CD copies of the Final EIS have been mailed to affected landowners; various federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; local libraries and newspapers; intervenors; and other individuals that expressed an interest in the proposed Project. Hard-copies of the Final EIS have also been mailed to those who requested that format during the scoping and comment periods for the proposed Project.

Additional information about the proposed 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*).

To access information via the FERC Web site click on the ''eLibrary'' link then click 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. The ''eLibrary'' link provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. For assistance with ''eLibrary'', please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659.

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 these documents. To learn more about eSubscription and to sign-up for this service please go to *http://www.ferc.gov/esubscribenow.htm.*

Kimberly D. Bose,

Secretary.

[FR Doc. E8–68 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–38–000]

East Tennessee Natural Gas, LLC; Notice of Request Under Blanket Authorization

December 21, 2007.

Take notice that on December 18, 2007, East Tennessee Natural Gas, LLC (East Tennessee), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP08–38–000 a prior notice request pursuant to sections 157.205 and 157.210 of the Commission's regulations under the Natural Gas Act (NGA) and East Tennessee's blanket certificate issued in Docket No. CP82–412, for authorization to acquire approximately 72 miles of transmission pipeline. East Tennessee proposes to acquire approximately 72 miles of Spectra Energy Virginia Pipeline Company's 8-inch line, in Smyth and Washington Counties, Virginia, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Any questions regarding the application should be directed to Garth Johnson, General Manager, Certificates & Reporting, East Tennessee Natural Gas, LLC, P.O. Box 1642, Houston, Texas 77251–1642 at (713) 627–5415.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section

157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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.

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: January 11, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–48 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC08–20–000]

Enbridge Pipelines (Patoka), LLC; Notice of Filing

January 2, 2008.

Take notice that on November 28, 2007, Enbridge Pipelines (Patoka), LLC, submitted a request for waiver of the requirement to file the FERC Form No. 6 for the last two months of the 2004 calendar year.

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 or 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: February 1, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–98 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER08–25–000; ER08–25–001; ER08–26–000; ER08–26–001]

Ocean State Power; Ocean State Power II; Notice of Issuance of Order

December 27, 2007.

Ocean State Power and Ocean State Power II (collectively, Ocean State) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed market-based rate schedule provides for the sale of energy, capacity and ancillary services at market-based rates. Ocean State also requested waivers of various Commission regulations. In particular, Ocean State requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Ocean State.

On December 18, 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 Ocean State, 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 18, 2008.

Absent a request to be heard in opposition to such blanket approvals by the deadline above, Ocean State 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 Ocean State, 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 Ocean State'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. E8–53 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL08–16–000]

Mississippi Power Company; Notice of Institution of Proceeding and Refund Effective Date

December 21, 2007.

On December 21, 2007, the Commission issued an order that instituted a proceeding in the above-referenced docket, pursuant to section 206 of the Federal Power Act (FPA) 16 U.S.C. 824e, to review Mississippi Power Company's request for authorization to update its depreciation rates. *Mississippi Power Company,* 121 FERC ¶ 61,261 (2007).

The refund effective date, established pursuant to section 206(b) of the Federal Power Act, will be the date of publication of this notice in the **Federal Register**.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–46 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. LLC EG07–80–000; EG07–81–000; EG07–82–000; EG07–83–000; EG07–84–000; EG07–85–000; EG07–86–000; EG07–87–000; EG07–88–000; EG07–89–000; FC07–54–000; FC07–55–000; FC07–56–000; FC07–57–000; FC07–58–000; FC07–59–000]

NRG Cedar Bayou Development Company; EnergyCo Cedar Bayou 4, LLC; Hackberry Wind, LLC; Smoky Hills Wind Farm, LLC; Cloud County Wind Farm, LLC; Pioneer Prairie Wind Farm I, LLC; Sagebrush Power Partners, LLC; Tatanka Wind Power, LLC; Snyder Wind Farm, LLC; FPL Energy Point Beach, LLC; Enbridge Gas New Brunswick Inc.; Enbridge Wind Power Inc.; Gazifere Inc.; Inuvik Gas Ltd.; NRGreen Power Limited Partnership; Wirebury Connections Inc.; Notice of Effectiveness of Exempt Wholesale Generator or Foreigen Utility Company Status

December 26, 2007.

Take notice that during the month of November 2007, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a).

Kimberly D. Bose,

Secretary.

[FR Doc. E8–56 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER08–25–000; ER08–25–001; ER08–26–000; ER08–26–001]

Ocean State Power; Ocean State Power II; Notice of Issuance of Order

December 27, 2007.

Ocean State Power and Ocean State Power II (collectively, Ocean State) filed an application for market-based rate authority, with an accompanying rate tariff. The proposed market-based rate schedule provides for the sale of energy, capacity and ancillary services at market-based rates. Ocean State also requested waivers of various Commission regulations. In particular, Ocean State requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Ocean State.

On December 18, 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 Ocean State, 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 18, 2008.

Absent a request to be heard in opposition to such blanket approvals by the deadline above, Ocean State 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 Ocean State, 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 Ocean State'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. E8–59 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES08–13–001]

Orange and Rockland Utilities, Inc.; Notice of Filing

December 28, 2007.

Take notice that on December 21, 2007, Orange and Rockland Utilities, Inc. submitted for filing revisions to its application filed on December 12, 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. 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 January 3, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–70 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–39–000]

Saltville Gas Storage Company L.L.C.; Notice of Request Under Blanket Authorization

January 2, 2008.

Take notice that on December 18, 2007, Saltville Gas Storage Company L.L.C. (Saltville), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP08–39–000 a prior notice request pursuant to sections 157.205 and 157.210 of the Commission's regulations under the Natural Gas Act (NGA) and Saltville's blanket certificate issued in Docket Nos. CP04–13, *et al.*, for authorization to acquire, operate and maintain storage facilities owned by Spectra Energy Early Grove Company and Spectra Energy Virginia Pipeline Company, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the application should be directed to Garth Johnson, General Manager, Certificates & Reporting, East Tennessee Natural Gas, L.L.C., P.O. Box 1642, Houston, Texas 77251–1642 at (713) 627–5415.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

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.

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: January 23, 2008.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–96 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER03–768–000; ER03–768–001]

Susquehanna Energy Products LLC; Notice of Issuance of Order

January 2, 2008.

Susquehanna Energy Products LLLP (now Susquehanna Energy Products LLC) (Susquehanna Energy) filed an application for market-based rate authority, with an accompanying tariff. The proposed market-based rate tariff provides for the sales of capacity and energy at market-based rates. Susquehanna Energy also requested waivers of various Commission regulations. In particular, Susquehanna Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Susquehanna Energy.

On June 16, 2003, pursuant to delegated authority, the Director, Division of Tariffs and Market Development-South, 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 Susquehanna Energy, 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, Susquehanna Energy 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 Susquehanna Energy, 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 Susquehanna Energy's issuance of securities or assumptions of liability.

Docket Nos. ER03–768–000 and ER03–768–001

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.

Nathaniel J. Davis, Jr.,

Deputy Secretary.

[FR Doc. E8–41 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP08–40–000]

Transcontinental Gas Pipe Line Corporation; Notice of Request Under Blanket Authorization

December 21, 2007.

Take notice that on December 18, 2007, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP08–40–000, an application pursuant to sections 157.205, 157.208, and 157.212 of the Commission's Regulations under the Natural Gas Act (NGA) as amended, to construct and operate a new receipt point to receive revaporized liquefied natural gas in Beauregard Parish, Louisiana, under Transco's blanket certificate issued in Docket No. CP82–426–000,[1] all as more fully set forth in the application which is on file with the Commission and open to the public for inspection.

Transco states that it proposes to construct and operate a new receipt point on Transco's mainline to receive revaporized liquefied natural gas from the Cheniere Trail LNG, L.P., import terminal via the Cheniere Creole Trail Pipeline. The taps into Transco's mainline would be located in Beauregard Parish, Louisiana. This new receipt point would provide Transco with the ability to receive up to 1 Bcf/day of revaporized LNG from the Cheniere Creole Trail Pipeline into Transco's mainline. Transco further states that it estimates the total cost to construct and operate the proposed receipt point at $1,700,000, for which Cheniere Trail Pipeline, L.P., would reimburse Transco for all costs associated with such facilities.

Any questions concerning this application may be directed to Bill Hammons, Staff Regulatory Analyst, Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251, or via telephone at (713) 215–2130.

This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call toll-free at (866) 206–3676, or, for TTY, contact (202) 502–8659. 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 intervenors to file electronically.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–45 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

[1] 20 FERC ¶ 62,420 (1982).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2506–144]

Upper Peninsula Power Company; Notice of Application and Soliciting Comments, Motions To Intervene, and Protests

December 28, 2007.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Shoreline Management Plan (SMP).

b. *Project No.:* 2506–144.

c. *Date Filed:* November 29, 2007.

d. *Applicant:* Upper Peninsula Power Company (UPPCO).

e. *Name of Project:* Escanaba Hydroelectric Project.

f. *Location:* The project is located on the Escanaba River in Delta and Marquette Counties, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Shawn C. Puzen, Environmental Consultant, Integrys Business Support, LLC, 700 North Adams Street, P.O. Box 19001, Green Bay, WI 54307–9001, (920) 433–1094.

i. *FERC Contact:* Any questions on this notice should be addressed to Lesley Kordella at (202) 502–6406, or by e-mail: *lesley.kordella@ferc.gov*.

j. *Deadline for filing comments and/or motions:* January 29, 2008.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, DHAC, PJ–12.1, 888 First Street, NE., Washington, DC 20426. Please reference the project number (P–2506–144) on any comments or motions filed. Comments and motions filed need to carefully specify the appropriate project number in order to avoid confusion with the SMP's concurrently filed by UPPCO for four other projects (see item k below). 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.

k. *Description of Proposal:* UPPCO filed a proposed SMP for the Escanaba Project to address the land use pressures and potential impacts anticipated from the sale of adjacent non-project lands to residential real estate developers. The project includes the Dam No. 1, the Dam No. 3, and the Boney Falls (Dam No. 4)

developments; the SMP applies only to the Boney Falls development. The licensee is also requesting articles 413 (land management plan), and 412 (recreation plan) of the license be amended. SMP's for the Cataract Project (P–10854–080), the Bond Falls Project (P–1864–083), the Prickett Project (P–2402–108), and the Au Train Project (P–10856–061) were filed concurrently with the SMP for the Escanaba Project, and are being noticed separately by the Commission.

l. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call toll-free 1–866–208–3676, or for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–67 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10856–061]

Upper Peninsula Power Company; Notice of Application and Soliciting Comments, Motions To Intervene, and Protests

December 28, 2007.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Shoreline Management Plan (SMP).

b. *Project No.:* 10856–061.

c. *Date Filed:* November 29, 2007.

d. *Applicant:* Upper Peninsula Power Company (UPPCO).

e. *Name of Project:* Au Train Hydroelectric Project

f. *Location:* The project is located on the Au Train River in Alger County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Shawn C. Puzen, Environmental Consultant, Integrys Business Support, LLC, 700 North Adams Street, P.O. Box 19001, Green Bay, WI 54307–9001, (920) 433–1094.

i. *FERC Contact:* Any questions on this notice should be addressed to Lesley Kordella at (202) 502–6406, or by e-mail: *lesley.kordella@ferc.gov.*

j. *Deadline for filing comments and/or motions:* January 29, 2008.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, DHAC, PJ–12.1, 888 First Street, NE., Washington, DC 20426. Please reference the project number (P–10856–061) on any comments or motions filed. Comments and motions filed need to carefully specify the appropriate project number in order to avoid confusion with the SMP's concurrently filed by UPPCO for four other projects (see item k below). 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.

k. *Description of Proposal:* UPPCO filed a proposed SMP for the Au Train Project to address the land use pressures and potential impacts anticipated from the sale of adjacent non-project lands to residential real estate developers. The licensee is also requesting articles 407 (land management plan) and 409 (recreation plan) of the license be amended. SMP's for the Cataract Project (P–10854–080), the Bond Falls Project (P–1864–083), the Escanaba Project (P–2506–144), and the Prickett Project (P–2402–108) were filed concurrently with the SMP for the Au Train Project, and are being noticed separately by the Commission.

l. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call toll-free 1–866–208–3676, or for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the

Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–72 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2402–108]

Upper Peninsula Power Company; Notice of Application and Soliciting Comments, Motions To Intervene, and Protests

December 28, 2007.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Shoreline Management Plan (SMP).

b. *Project No.:* 2402–108.

c. *Date Filed:* November 29, 2007.

d. *Applicant:* Upper Peninsula Power Company (UPPCO).

e. *Name of Project:* Prickett Hydroelectric Project.

f. *Location:* The project is located on the Sturgeon River in Baraga and Houghton Counties, Michigan, between two areas of the Ottawa National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Shawn C. Puzen, Environmental Consultant, Integrys Business Support, LLC, 700 North Adams Street, P.O. Box 19001, Green Bay, WI 54307–9001, (920) 433–1094.

i. *FERC Contact:* Any questions on this notice should be addressed to Lesley Kordella at (202) 502–6406, or by e-mail: *lesley.kordella@ferc.gov*.

j. *Deadline for filing comments and/or motions:* January 29, 2008.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, DHAC, PJ–12.1, 888 First Street, NE., Washington, DC 20426. Please reference the project number (p–2402–108) on any comments or motions filed. Comments and motions filed need to carefully specify the appropriate project number in order to avoid confusion with the SMP's concurrently filed by UPPCO for four other projects (see item k below). 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.

k. *Description of Proposal:* UPPCO filed a proposed SMP for the Prickett Project to address the land use pressures and potential impacts anticipated from the sale of adjacent non-project lands to residential real estate developers. The licensee is also requesting article 414 (comprehensive wildlife, land use, and recreation management plan) of the license be amended. SMP's for the Cataract Project (P–10854–080), the Bond Falls Project (P–1864–083), the Escanaba Project (P–2506–144), and the Au Train Project (P–10856–061) were filed concurrently with the SMP for the Prickett Project, and are being noticed separately by the Commission.

l. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call toll-free 1–866–208–3676, or for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–74 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10854–080]

Upper Peninsula Power Company; Notice of Application and Soliciting Comments, Motions To Intervene, and Protests

December 28, 2007.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Shoreline Management Plan (SMP).

b. *Project No.:* 10854–080.

c. *Date Filed:* November 29, 2007.

d. *Applicant:* Upper Peninsula Power Company (UPPCO).

e. *Name of Project:* Cataract Hydroelectric Project.

f. *Location:* The project is located on the Middle Branch of the Escanaba River, in Marquette County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Shawn C. Puzen, Environmental Consultant, Integrys Business Support, LLC, 700 North Adams Street, P.O. Box 19001, Green Bay, WI 54307–9001, (920) 433–1094.

i. *FERC Contact:* Any questions on this notice should be addressed to Lesley Kordella at (202) 502–6406, or by e-mail: *Lesley.kordella@ferc.gov.*

j. Deadline for filing comments and/or motions: January 29, 2008.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, DHAC, PJ–12.1, 888 First Street, NE., Washington, DC 20426. Please reference the project number (p–10854–080) on any comments or motions filed. Comments

and motions filed need to carefully specify the appropriate project number in order to avoid confusion with the SMP's concurrently filed by UPPCO for four other projects (see item k below). 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.

k. *Description of Proposal:* UPPCO filed a proposed SMP for the Cataract Project to address the land use pressures and potential impacts anticipated from the sale of adjacent non-project lands to residential real estate developers. The licensee is also requesting articles 410 (wildlife management plan), article 411 (land management plan), and 413 (recreation plan) of the license be amended. SMP's for the Au Train Project (P–10856–061), the Bond Falls Project (P–1864–083), the Escanaba Project (P–2506–144), and the Prickett Project (P–2402–108) were filed concurrently with the SMP for the Cataract Project, and are being noticed separately by the Commission.

l. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call toll-free 1–866–208–3676, or for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–71 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1864–083]

Upper Peninsula Power Company; Notice of Application and Soliciting Comments, Motions To Intervene, and Protests

December 28, 2007.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Shoreline Management Plan (SMP).

b. *Project No.:* 1864–083.

c. *Date Filed:* November 29, 2007.

d. *Applicant:* Upper Peninsula Power Company (UPPCO).

e. *Name of Project:* Bond Falls Hydroelectric Project.

f. *Location:* The project is located on the Ontonagon River in Ontonagon and Gogebic Counties, Michigan, and Vilas County, Wisconsin, and partially on lands within the Ottawa National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Shawn C. Puzen, Environmental Consultant, Integrys Business Support, LLC, 700 North Adams Street, P.O. Box 19001, Green Bay, WI 54307–9001, (920) 433–1094.

i. *FERC Contact:* Any questions on this notice should be addressed to Lesley Kordella at (202) 502–6406, or by e-mail: *lesley.kordella@ferc.gov.*

j. *Deadline for filing comments and/or motions:* January 29, 2008.

All documents (original and eight copies) should be filed with: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, DHAC, PJ–12.1, 888 First Street, NE., Washington, DC 20426. Please reference the project number (P–1864–083) on any comments or motions filed. Comments and motions filed need to carefully specify the appropriate project number in order to avoid confusion with the SMP's concurrently filed by UPPCO for four other projects (see item k below). 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.

k. *Description of Proposal:* UPPCO filed a proposed SMP for the Bond Falls Project to address the land use pressures and potential impacts anticipated from the sale of adjacent non-project lands to residential real estate developers. The project includes the Bond Falls, Bergland, Cisco, and Victoria impoundments; the SMP applies only to the Bond Falls and Victoria impoundments. UPPCO is also requesting articles 416 (recreation plan) and 413 (buffer zone plan) of the license be amended. SMP's for the Au Train Project (P–10856–061), the Cataract Project (P–10854–080), the Escanaba Project (P–2506–144), and the Prickett Project (P–2402–108) were filed concurrently with the SMP for the Bond Falls Project, and are being noticed separately by the Commission.

l. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or call toll-free 1–866–208–3676, or for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the

Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Kimberly D. Bose,

Secretary.

[FR Doc. E8–73 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER08–200–000; ER08–200–001]

Waterbury Generation, LLC; Notice of Issuance of Order

December 27, 2007.

Waterbury Generation, LLC (Waterbury) filed an application for market-based rate authority, with an accompanying market-based rate tariff. The proposed market-based rate tariff provides for the sale of energy, capacity and ancillary services at market-based rates. Waterbury also requested waivers of various Commission regulations. In particular, Waterbury requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Waterbury.

On December 26, 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 Waterbury, 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 (2007).

Notice is hereby given that the deadline for filing protests is January 28, 2008.

Absent a request to be heard in opposition to such blanket approvals by the deadline above, Waterbury 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 Waterbury, 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 Waterbury'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. E8–55 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER08–200–000; ER08–200–001]

Waterbury Generation, LLC; Notice of Issuance of Order

December 27, 2007.

Waterbury Generation, LLC (Waterbury) filed an application for market-based rate authority, with an accompanying market-based rate tariff. The proposed market-based rate tariff provides for the sale of energy, capacity and ancillary services at market-based rates. Waterbury also requested waivers of various Commission regulations. In particular, Waterbury requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Waterbury.

On December 26, 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 Waterbury, 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 (2007).

Notice is hereby given that the deadline for filing protests is January 28, 2008.

Absent a request to be heard in opposition to such blanket approvals by the deadline above, Waterbury 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 Waterbury, 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 Waterbury'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. E8–60 Filed 1–7–08; 8:45 am]

BILLING CODE 6717–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Tuesday, January 15, 2008, 3 p.m. Eastern Time.

PLACE: Clarence M. Mitchell, Jr. Conference Room on the Ninth Floor of the EEOC Office Building, 1801 ''L'' Street, NW., Washington, DC 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Open Session:

1. Announcement of Notation Votes;
2. Obligation of Funds for Temporary Interactive Voice Response/Automatic Call Distribution (IVR/ACD) Non-competitive Hosting Contract, and
3. Obligation of Funds for Competitive Contract for Technology Support of Customer Response Function.

Note: In accordance with the Sunshine Act, the meeting will be open to public observation of the Commission's deliberations and voting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register,** the Commission also provides a recorded announcement a full week in advance on future Commission sessions.)

Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTY) at any time for information on these meetings. The EEOC provides sign language interpretation at Commission meetings for the hearing impaired. Requests for other reasonable accommodations may be made by using the voice and TTY numbers listed above.

CONTACT PERSON FOR MORE INFORMATION: Stephen Llewellyn, Executive Officer on (202) 663–4070.

Dated: January 4, 2008.

Stephen Llewellyn,

Executive Officer, Executive Secretariat.

[FR Doc. 08–33 Filed 1–4–08; 10:35 am]

BILLING CODE 6570–01–M

EXPORT-IMPORT BANK OF THE UNITED STATES

Sunshine Act Meeting

ACTION: Notice of a Partially Open Meting of the Board of Directors of the Export-Import Bank of the United States.

TIME AND PLACE: Thursday, January 10, 2008 at 9:30 AM. the meeting will be held at Ex-Im Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

OPEN AGENDA ITEMS: Item No. 1: Transaction Due Diligence Best Practices.

PUBLIC PARTICIPATION: The meeting will be open to public participation for Item No. 1 only.

FURTHER INFORMATION: For further information, contact: Office of the Secretary, 811 Vermont Avenue, NW., Washington, DC 20571 (Tele. No. 202–565–3957).

Howard A. Schweitzer,

General Counsel.

[FR Doc. 08–55 Filed 1–4–08; 2:54 pm]

BILLING CODE 6690–01–M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 10, 2008, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Roland E. Smith, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- December 13, 2007.

B. New Business

1. Other

- Auditors' Report on FCA FY 2007/2006 Financial Statements.

2. Reports

- Office of Examination Quarterly Report.

Closed Session*

- Update on OE Oversight Activities.

Dated: January 3, 2008.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. 08–36 Filed 1–4–08; 12:34 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted for Review to the Office of Management and Budget

January 2, 2008.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. sections 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and

* Session Closed-Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 7, 2008. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, (202) 395–5887, or via fax at 202–395–5167 or via internet at *Nicholas_A._Fraser@omb.eop.gov* and to *Judith-B.Herman@fcc.gov*, Federal Communications Commission, or an e-mail to *PRA@fcc.gov*.

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review'', (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.''

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202–418–0214 or via the Internet at *Judith-B.Herman@fcc.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0262.

Title: Section 90.179, Shared Use of Radio Stations.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 42,000 respondents; 42,000 responses.

Estimated Time per Response: .75 hours reporting requirement; .25 hours recordkeeping requirement.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits.

Total Annual Burden: 42,000 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this information collection to the OMB as an extension during this comment period to obtain the full three-year clearance from them.

There is an increase in the number of respondents/responses and burden hours due a recalculation of the burden estimates.

Section 90.179 requires Part 90 licensees that share use of their private land mobile radio (PLMR) facility on a non-profit, cost-shared basis keep a written sharing agreement as part of the station records. The written agreement would set out: (1) The method of sharing, (2) the components of the system which are covered by the sharing arrangements, (3) the method by which costs are to be apportioned, (4) and acknowledgement that all shared transmitter use must be subject to the licensee's control.

These requirements are necessary to identify users of the systems should interference problems develop. This information is used by the Commission to investigate interference complaints and resolve interference and operational complaints that may arise among the users.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–110 Filed 1–7–08; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

[Notice 2007–29]

Filing Dates for the Mississippi Senate Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Mississippi has set November 4, 2008, as the date of the Special General Election to fill the U.S. Senate seat vacated by Senator Trent Lott. Under Mississippi law, a majority winner in a nonpartisan special election is declared elected. Should no candidate achieve a majority vote, a Special Runoff Election will be held on November 25, 2008, between the top two vote-getters.

Committees participating in the Mississippi special elections are required to file pre- and post-election reports. Filing dates for these reports are affected by whether one or two elections are held.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin R. Salley, Information Division, 999 E Street, NW., Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates who participate in the Mississippi Special General and Special Runoff Elections shall file a 12-day Pre-General Report on October 23, 2008; a 12-day Pre-Runoff Report on November 13, 2008; and a 30-day Post-Runoff Report on December 25, 2008. (See chart below for the closing date for each report).

If only one election is held, all principal campaign committees of candidates participating in the Special General Election shall file a 12-day Pre-General Report on October 23, 2008; and a 30-day Post-General Report on December 4, 2008. (See chart below for the closing date for each report).

Unauthorized Committees (PACs and Party Committees)

Political committees filing on a quarterly basis in 2008 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Mississippi Special General or Special Runoff Elections by the close of books for the applicable report(s). (See chart below for the closing date for each report).

Committees filing monthly that support candidates in the Mississippi Special General or Special Runoff Election should continue to file according to the monthly reporting schedule.

Additional disclosure information in connection with the Mississippi Special Elections may be found on the FEC Web site at *http://www.fec.gov/info/report_dates.shtml*.

CALENDAR OF REPORTING DATES FOR MISSISSIPPI SPECIAL ELECTION

Report	Close of books [1]	Reg./cert. & overnight mailing deadline	Filing deadline
If Only the Special General Is Held (11/04/08), Committees Involved Must File:			
Pre-General	10/15/08	10/20/08	10/23/08
Post-General	11/24/08	12/04/08	12/04/08
Year-End	12/31/08	01/31/09	[2]01/31/09
If Two Elections Are Held, Committees Involved Only in the Special General (11/04/08), Committees Involved Must File:			
Pre-General	10/15/08	10/20/08	10/23/08
Year-End	12/31/08	01/31/09	[2]01/31/09
Committees Involved in the Special General (11/04/08) and Special Runoff (11/25/08) Must File:			
Pre-General	10/15/08	10/20/08	10/23/08
Pre-Runoff	11/05/08	11/10/08	11/13/08
Post-Runoff	12/15/08	12/25/08	[2]12/25/08
Year-End	12/31/08	01/31/09	[2]01/31/09
Committees Involved Only in the Special Runoff (11/25/08) Must File:			
Pre-Runoff	11/05/08	11/10/08	11/13/08
Post-Runoff	12/15/08	12/25/08	[2]12/25/08
Year-End	12/31/08	01/31/09	[2]01/31/09

[1] The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

[2] Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail must be received before the Secretary of the Senate's close of business on the last business day before the deadline.

Dated: December 31, 2007.

Robert D. Lenhard

Chairman, Federal Election Commission.

[FR Doc. E8–63 Filed 1–7–08; 8:45 am]

BILLING CODE 6715–01–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 22, 2008.

A. Federal Reserve Bank of Kansas City (Todd Offenbacker, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. John E. Eisemann, IV, Trinidad, Colorado; to retain voting shares of Republic Trinidad Corporation, Houston, Texas, and thereby indirectly retain voting shares of First National Bank in Trinidad, Trinidad, Colorado.

2. Terri Farley, Kansas City, Missouri, and David B. Sexton, Parkville, Missouri, as co–trustees of the James W. Farley, Jr. Credit Shelter Trust, to acquire voting shares of KLT Bancshares, Inc., Farley, Missouri, and thereby indirectly acquire voting shares of Farley State Bank, Parkville, Missouri.

3. Jeffrey C. Royal, Omaha, Nebraska; to acquire voting shares of Mackey Banco, Inc., and thereby indirectly acquire voting shares of Security State Bank, both in Ansley, Nebraska.

Board of Governors of the Federal Reserve System, January 2, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8–30 Filed 1–7–08; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 23, 2008.

A. Federal Reserve Bank of Atlanta (David Tatum, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309:

1. C. Steven Lewis, individually, and with Jeffrey M. Lewis; to acquire voting shares of Citizens Bancorp, Inc., and thereby indirectly acquire voting shares of Citizens Bank, all of New Tazewell, Tennessee.

B. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Patricia L. Pierce, Menasha, Wisconsin, to retain voting shares of First Menasha Bancshares, Inc., and thereby indirectly retain voting shares of First National Bank–Fox Valley, both of Neenah, Wisconsin.

Board of Governors of the Federal Reserve System, January 3, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8–58 Filed 1–7–08; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 1, 2008.

A. Federal Reserve Bank of Chicago (Burl Thornton, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Black River BancVenture, Inc., Memphis, Tennessee; to acquire 9.90 percent of the voting shares of Cornerstone Bank, Moorestown, New Jersey.

B. Federal Reserve Bank of St. Louis (Glenda Wilson, Community Affairs Officer) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. Community First Bancshares, Inc., Harrison, Arkansas; to acquire additional voting shares, for a total of not more 24.99 percent of the voting shares of White River Bancshares Company, Fayetteville, Arkansas, and thereby indirectly acquire voting shares of Signature Bank, Fayetteville, Arkansas.

C. Federal Reserve Bank of Minneapolis (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. United Citizens 401(K) Savings Plan, Osseo, Wisconsin; to become a bank holding company by acquiring up to 56 percent of the voting shares of United Bancorporation, and thereby indirectly acquire voting shares of United Bank, both of Osseo, Wisconsin; Cambridge State Bank, Cambridge, Wisconsin; Lincoln Community Bank, Merrill, Wisconsin; Bank of Poynette, Poynette, Wisconsin; Clark County State Bank, Osceola, Iowa; Farmers State Bank, Stickney, South Dakota; and Farmers & Merchants State Bank, Iroquois, South Dakota.

D. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. Commerce Financial Corporation, Corpus Christi, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Security State Bancshares, Inc., and indirectly acquire voting shares of Security State Bank, both of Stockdale, Texas. Comments regarding this application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 28, 2008.

E. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105–1579:

1. Western Capital Corporation; to become a bank holding company by acquiring 100 percent of the voting shares of Western Capital Bank (in organization), both of Boise, Idaho.

Board of Governors of the Federal Reserve System, January 2, 2008.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. E8–29 Filed 1–7–08; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 1, 2008.

A. Federal Reserve Bank of San Francisco (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105–1579:

1. Western Capital Corporation, Boise, Idaho, and GWY, LLC, Bellevue, Washington; to become bank holding companies by acquiring at least 64 percent of the voting shares of Western Capital Bank (in organization), Boise, Idaho.

Board of Governors of the Federal Reserve System, January 3, 2008.

Jennifer J. Johnson

Secretary of the Board.

[FR Doc. E8–57 Filed 1–7–08; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part B of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (HHS), Administration on Aging (AoA), as follows: Part B, Administration on Aging (67 FR 36883–36890), as last amended, May 28, 2002. This reorganization of AoA will achieve several important objectives: It will streamline the organization; consolidate and elevate AoA's disaster preparedness and responses activities; improve the integration of AoA's budget development and policy analysis functions; and enhance the organization's capacity to implement the provisions of the Older Americans Act Amendments of 2006 which seek to assist older Americans to conserve and extend their personal resources by bringing transparency to long-term care, divert seniors away from nursing home care, and empower older adults to take more control of their own health through lifestyle and behavioral changes. The changes are as follows:

I. Delete Part B, ''The Administration on Aging'' in its entirety and replace with the following:

B.00 Mission.
B.10 Organization.
B.20 Functions.

B.00 Mission. The Administration on Aging (AoA) is the principal agency designated to carry out the provisions of the Older Americans Act (''OAA'' or ''The Act'') of 1965, as amended, 42 U.S.C. 3001 *et seq.*, and the Alzheimer's Disease Demonstration Grants to States Program, established under section 398 of the Public Health Service Act (PHSA) as amended by Public Law 101–157, and by Public Law 105–379, the Health Professions Education Partnerships Act of 1998. AoA serves as the effective and visible advocate for older persons within the Department of Health and Human Services (HHS) and other Federal agencies. AoA assists the Secretary in all matters pertaining to opportunities and challenges of the elderly. It advocates for the needs of older persons in program planning and policy development within the Department and in other Federal agencies.

B.10 Organization. The Administration on Aging is an Operating Division (OPDIV) of the Department of Health and Human Services (HHS), which is headed by the Assistant Secretary for Aging who reports directly to the Secretary. In addition to the Assistant Secretary, the AoA consists of the Deputy Assistant Secretary for Policy and Programs and Staff and Program Offices. AoA is organized as follows:

Immediate Office of the Assistant Secretary (BA).
Center for Policy and Management (BE).
Center for Program Operations (BF).

B.20 Functions.

A. Immediate Office of the Assistant Secretary (BA):

BA.00 Mission.
BA.10 Organization.
BA.20 Functions.

BA.00 Mission. The Immediate Office of the Assistant Secretary provides executive direction, leadership, and guidance for OAA programs and the PHSA Alzheimer's Program, and serves as the focal point for the development, coordination and administration of those programs nationwide. The Office advises the Secretary on issues affecting America's elderly population.

BA.10 Organization. The Immediate Office of the Assistant Secretary is headed by an Assistant Secretary, who reports to the Secretary. The Immediate Office includes the Deputy Assistant Secretary for Policy and Programs and consists of the following components, which report to the Deputy Assistant Secretary for Policy and Programs:

Immediate Office of the Assistant Secretary (BA).
Executive Secretariat (BAA).
Office of Communications (BA1).
Office of Preparedness and Response (BA2).

BA.20 Functions.

1. *Immediate Office of the Assistant Secretary (BA).* The Immediate Office of the Assistant Secretary (IOAS) is responsible to the Secretary for carrying out AoA's mission and provides executive supervision to the major components of AoA. The Office serves as the effective and visible advocate within the Federal government to ensure the rights and entitlements of the elderly.

Sets national policies, establishes national priorities, ensures policy consistency, and directs plans and programs conducted by AoA. Advises the Secretary, HHS agencies, and other Federal agencies on the characteristics, circumstances, and needs of older people, and on policies, plans and programs designed to promote their welfare.

The Deputy Assistant Secretary for Policy and Programs serves as the Assistant Secretary's primary associate in carrying out the mission of the agency. The Deputy Assistant Secretary for Policy and Programs serves as the AoA's Reports Clearance Officer and is the AoA liaison with the Assistant Secretary for Public Affairs, the Assistant Secretary for Legislation, the Office of the General Counsel, the Office of the Inspector General, and the Government Accountability Office for areas under the Office's purview.

In collaboration with other Federal agencies, it develops and implements interagency agreements to assist older persons. Provides liaison with other Federal advisory committees focused on the aging. Works with national aging organizations, professional societies, and academic organizations to identify mutual interests and plan voluntary and funded approaches to meet the needs of older persons. Ensures affirmative action throughout the Aging Network in employment and service delivery.

2. *Executive Secretariat (BAA).* The Executive Secretariat (ES) coordinates essential policy and program concerns and ensures that issues requiring the attention of the Assistant Secretary, Deputy Assistant Secretary, and/or executive staff are addressed on a timely and coordinated basis. It serves as the AoA liaison with the HHS Executive Secretariat. Receives, assesses, and controls incoming correspondence and assignments to the appropriate AoA component(s) for response and action; provides assistance and advice to AoA staff on the development of responses to correspondence and on the controlled correspondence system; and tracks development of periodic reports and facilitates departmental clearance. Maintains official copies of all policy and information issuances and data collection instruments, ensuring proper clearance before issuance and annually reviews for accuracy and compliance with laws and regulations; reviews all materials for **Federal Register** publication, ensuring compliance with guidelines; serves as records manager providing assistance to both Headquarters and Regional staff regarding filing practices, retention and disposition of records. Serves as liaison with the Office of the **Federal Register** on regulatory actions and the Office of Inspector General and the Government Accountability Office on all program

matters other than those related to financial management, grants, or procurement management; and serves as the Freedom of Information Act (FOIA) Officer for AoA, reviews FOIA requests, and arranges for appropriate responses in coordination with the HHS FOIA Officer. Coordinates mandated OMB approvals required under the Paperwork Reduction Act of 1980, as amended.

3. *Office of Communications (BA1).* The Office of Communications (OC) is responsible for developing information dissemination and outreach strategies for AoA and the National Aging Network and for coordinating the development of information materials, both printed and electronic. In coordination with the Department, manages AoA's media relations and legislative liaison activities.

Coordinates the development of legislative proposals, testimony, background statements, and other policy documents for use by the Assistant Secretary in activities related to legislation. In coordination with the HHS Office of the Assistant Secretary for Legislation, analyzes proposed and enacted legislation related directly or indirectly to older people, including legislation directly affecting OAA programs. Through automated legislative information systems tracks bills related to the aging. Develops and issues status reports regarding key legislative developments to Headquarters and Regional Support Centers staff, the network of State and Area Agencies on Aging, and Indian Tribal Organizations.

Coordinates with the Office of the Assistant Secretary for Public Affairs, including planning and implementing strategy for relations with the news and other information media; and initiates media outreach activities and responds to all media inquiries concerning AoA programs and related issues.

Oversees the international liaison functions of AoA, coordinating AoA international activities with Departmental as well as other Federal agencies, States and national organizations concerned with international aging matters. At all levels, from national to the local service delivery level, develops methods and collaborations to articulate the problems and concerns of the elderly to organizations beyond the traditional network of agencies and works with these organizations to be more sensitive and responsive to age-related needs and issues.

Compiles, publishes, and disseminates information on programs funded under the Act, as well as demographic data on the elderly population and data from other Federal agencies on the health, social and economic status of older persons. Promotes information dissemination in professional fields. Ensures dissemination of information such as best practice models to exchange program experience with the network of State and Area Agencies on Aging; and works with organizations in the field of aging and with other organizations in fields that impact older persons to enhance the dissemination of consumer and technical information. Works with the Office of Evaluation to ensure the successful collection of data and its analysis to demonstrate the effectiveness of AoA dissemination activities. Ensures that program and service information and trends are disseminated to advocates for older persons.

Responds to written, phone and personal inquiries from all sources dealing with services and needs of the aging.

3. *Office of Preparedness and Response (BA2).* The Office of Preparedness and Response (OPR) provides executive and administrative advice, expertise, and direction related to emergencies, disasters, preparedness and response. The OPR serves as the principal advisory staff to the Assistant Secretary on matters relating to emergencies, whether resulting from acts of nature, accidents, or terrorism. The OPR coordinates interagency activities between AoA, HHS, other Federal agencies, and other national, State, local and Tribal organizations and entities and officials responsible for emergency preparedness and response.

OPR coordinates with AoA's Regional Support Centers and aging network organizations in response to the needs of older individuals following a Presidentially-declared disaster to assess needs and provide disaster assistance, relief and reimbursement pursuant to section 310 of the Older Americans Act. OPR serves as the primary liaison with the Secretary's Operations Center and the Office of the Assistant Secretary for Preparedness and Response and serves on interagency working groups to represent AoA and the unique interests of older individuals and other special needs populations. OPR is responsible for developing operational plans and training to ensure the preparedness of AoA, the Aging Network and the public to respond to threats, disasters and emergencies; for policy formulation and coordination for preparedness and response strategic planning; and for the development and implementation of plans to ensure the continuity of operations.

B. Center for Policy and Management (BE):

BE.00 Mission.
BE.10 Organization.
BE.20 Functions.

BE.00 Mission. The Center for Policy and Management (CPM) advises and supports the Assistant Secretary for Aging in developing effective Federal policies, programs, and budgets to address the aging of the population, as mandated under Title II and Title IV of the Older Americans Act; and provides leadership related to the financial, grants, information resources, procurement, administrative, human resources, and strategic planning activities of AoA.

BE.10 Organization. The Center for Policy and Management is headed by a Deputy Assistant Secretary who reports directly to the Assistant Secretary for Aging. The Center is organized as follows:

Office of the Deputy Assistant Secretary for Policy and Management (BE).
Office of Management Analysis and Resources (BEA).
Office of Budget and Finance (BE1).
Office of Administrative and Technology Services (BE2).
Office of Grants Management (BE3).
Office of Planning and Policy Development (BE4).

BE.20 Functions.

1. *Office of the Deputy Assistant Secretary for Policy and Management (BE).* The Office of the Deputy Assistant Secretary for Policy and Management (ODASPM) directs and coordinates all activities of the Center for Policy and Management (CPM). The Deputy Assistant Secretary advises and supports the Assistant Secretary for Aging in serving as the visible and effective advocate for older people within the Federal Government. Serves as the focal point within AoA for identifying and analyzing emerging policy and program issues and trends related to the aging population, identifying appropriate Federal responses, and formulating an agency-wide policy and program development strategy consistent with the priorities established by the Assistant Secretary for Aging. Is responsible for leading the agency's strategic planning, policy development and program development functions, including the formulation of short- and long-term strategies for advancing the Assistant Secretary's policy and program priorities.

The Deputy Assistant Secretary also serves as the AoA's Chief Financial Officer (CFO) and Chief Information Officer (CIO) and is the principal advisor and counsel to the Assistant

Secretary for Aging on all aspects of internal administration and management of AoA. Serves as the AoA liaison with the Assistant Secretary for Planning and Evaluation, the Assistant Secretary for Administration and Management, the Assistant Secretary for Resources and Technology, the Office of the General Counsel, and the Office of Management and Budget for areas under CPM's purview. Advises the Assistant Secretary for Aging on budget, financial, grants, information resources, procurement, administrative, and human resources activities. Develops, administers, and coordinates financial, operational, and budgetary policies, processes, and controls necessary to administer AoA programs and financial resources; directs discretionary and mandatory grants activities; oversees the utilization of information resources, information systems and telecommunications management in AoA; and coordinates AoA's internal control activities.

2. *Office of Management Analysis and Resources (BEA).* The Office of Management Analysis and Resources (OMAR) oversees and coordinates cross-cutting management activities and advises the Deputy Assistant Secretary on all aspects of administrative operations. The OMAR Director serves as the Management Control Officer and ensures that AoA has internal controls in place for its administrative and programmatic activities that provide reasonable assurance of the effectiveness and efficiency of operations and compliance with applicable laws and regulations. OMAR provides leadership for the strategic planning and operational management of the AoA's human capital resources and serves as the primary liaison with the Rockville Human Resources Center, which provides personnel support services to AoA.

Conducts annual reviews and assessments of internal controls required under the Federal Managers Financial Integrity Act and ensures compliance with the Government Accountability Office and Office of Management and Budget standards. Oversees the implementation of cross-cutting management initiatives including the President's Management Agenda and strategic plan management goals and objectives; advises on actions needed to support various initiatives; and prepares reports on the status of implementation activities. Monitors legislation related to administrative management and provides analysis of the impact on AoA programs and resources. Coordinates with other components to carry out reviews of administrative activities and management practices required under the Chief Financial Officers Act, the Improper Payments Information Act, the Federal Information Security Management Act, and other legislation.

Plans, organizes and conducts management studies of organizational structures, functional statements, job structures, staffing patterns, and management and administrative information systems; identifies and resolves problems of organization and administrative management; and develops administrative management policies, strategies, procedures and techniques. Prepares and maintains organizational functional statements and delegations and designations of authority for AoA.

Develops and implements human capital strategies and strategic workforce plans; directs the development and creation of strategies to attract diverse talent and develop a highly skilled workforce; and provides leadership in the development of plans for achieving short- and long-range human capital goals. Provides leadership and guidance to meet the human resource management needs and coordinates internal and external resources to provide staff with personnel services including position management, performance management, employee recognition, staffing, recruitment, employee and labor relations, employee assistance, payroll liaison, staff development and training, and special hiring and placement programs.

3. *Office of Budget and Finance (BE1).* The Office of Budget and Finance (OBF) supports the Deputy Assistant Secretary for Policy and Management in fulfilling AoA's Chief Financial Officer responsibilities. The OBF Director serves as the Deputy Chief Financial Officer and oversees and coordinates AoA's budget formulation, budget execution, and financial management activities. OBF serves as the primary liaison with the Program Support Center's Division of Financial Operations, which provides accounting, audit, and financial management services to AoA.

In coordination with AoA program offices, formulates and presents budget estimates; executes apportionment documents; and plans, directs, and coordinates financial and budgetary programs of AoA. Provides guidance to AoA program offices in preparing budgets, justifications, and other supporting budgetary materials. Solicits, obtains and consolidates information and data from other AoA offices, and prepares budget documents on behalf of the Assistant Secretary for presentation to the Department, the Office of Management and Budget (OMB), and the Congress.

Analyzes the budget as approved by the Congress and apportioned by OMB, obtains input from program offices and recommends for the Assistant Secretary's approval a financial plan for its execution. Makes allowances to AoA offices within the guidelines of the approved financial plan. Develops and maintains an overall system of budgetary controls to ensure observance of established ceilings on both program—including all mandatory and discretionary grant accounts—and Salaries and Expense funds; maintains administrative control of funds against allotments and allowances; certifies funds availability for all AoA accounts; and coordinates the management of AoA's interagency agreement activities. Prepares requests for apportionment of appropriated funds; and prepares spending plans and status-of-funds reports for the Assistant Secretary.

Develops financial operating procedures and manuals; coordinates the preparation of AoA's financial audits; and provides analysis on financial issues. Serves as the AoA liaison with the Office of the Secretary and OMB on all budgetary and financial matters. Acts as AoA's coordination point for all travel management activities; provides technical assistance and oversight on the use of the GovTrip system; manages employee participation in the Travel Charge Card program, and coordinates Travel Management Center services for AoA.

4. *Office of Administrative and Technology Services (BE2).* The Office of Administrative and Technology Services (OATS) provides support to AoA in the areas of facilities, acquisitions, information technology, and other administrative services. The OATS Director serves as the Deputy Chief Information Officer and prepares, coordinates and disseminates information, policies, standards, guidelines, and procedures on information technology and administrative management issues. OATS serves as the primary liaison to, and provides oversight for the Program Support Center's Division of Acquisition Management, which provides procurement services; and the Information Technology Service Center, which provides for the management, maintenance and operation of AoA's information technology systems infrastructure, including the LAN, personal computers, software, and support services.

Provides oversight and direction to meet the administrative needs of AoA

components. Serves as liaison with the Office of the Secretary, the General Services Administration (GSA), and outside vendors to plan, develop and coordinate guidelines and activities for space, facilities and telecommunications services. Serves as the lead for AoA in coordination and liaison with Departmental, GSA, Federal Protective Service, and other Federal agencies for planning and executing the Agency's environmental health, safety and physical security programs. Provides telecommunications planning and management, including procurement, installation, and maintenance of telecommunications equipment and services such as telephones, cellular phone service, cable TV service, and audio conferencing equipment and services.

Assists other AoA components in securing contractor assistance by advising on appropriate acquisition vehicles, developing statements of work, and managing the technical aspects of contracts. Develops and implements procurement strategies for information technology support services; reviews all information technology acquisition documentation for compliance with applicable laws and regulations; defines the specifications for procurement of all hardware and software; and identifies opportunities to share information technology services through inter-governmental, inter-departmental and inter-agency agreements. Monitors the use of credit cards for small purchases and establishes and manages contracts and/or blanket purchase agreements for administrative support and facilities management services.

Manages the development of AoA custom applications, systems, and Web sites; oversees training and technical assistance for all AoA systems, hardware and software; and coordinates the preparation of manuals and policy issuances required to meet the instructional and informational needs of users of the systems. Directs and coordinates AoA's systems security and privacy responsibilities, including protection, security and integrity of AoA data; and is responsible for establishing and maintaining a secure Inter- and intranet presence. Represents AoA on the Department's Chief Information Officer's council and other Departmental information technology policy and planning boards, teams, and workgroups.

5. *Office of Grants Management (BE3).* The Office of Grants Management (OGM) serves as AoA's focal point for management, leadership and administration of discretionary and mandatory grants, and cooperative agreements. The OGM Director serves as the Chief Grants Management Officer and provides national policy oversight and development for grants management and administration matters. The Office ensures that all grant awards conform to applicable statutory, regulatory, and administrative policy requirements, both before and following award. Maintains liaison and coordination with appropriate AoA and HHS organizations to ensure consistency between AoA discretionary and mandatory grant award activities, including the Program Support Center's Division of Payment Management, which provides payment system services for grants.

Ensures that the administrative business and financial management aspects of discretionary grants administration are carried out and grantee performance is monitored. Performs cost analysis/budget analysis for all discretionary grant award documents and negotiates grant budgets, executing all awards for AoA. Advises and assists management and program officials in developing, implementing and evaluating program plans, strategies, regulations, announcements, guidelines and procedures. Recommends approval or disapproval of any grant applications based on programmatic considerations. Only the Office of Grants Management has the authority to obligate the Government to the expenditure of funds for grants and cooperative agreements. Serves as liaison with other offices in the Department.

Issues and maintains control over mandatory grant awards under the OAA, and makes adjustments to previously issued mandatory grant awards. In coordination with all AoA Headquarters and Regional Support Centers having grant administrative responsibilities: Reviews and assesses AoA mandatory grant award procedures; directs and/or coordinates management initiatives to improve mandatory grant programs in financial areas; develops proposals for improving the efficiency in awarding grants and coordinating financial operations among AoA programs; establishes priorities and develops procedures for grantee financial monitoring; and reviews activities at the field level for all AoA discretionary and mandatory grant programs. For mandatory grant activities, develops financial management standards for State and Area Agencies and provides guidance on and interpretation of applicable Federal regulations to AoA staff. Based on mandatory grants management policies and procedures approved by the Department, reprograms mandatory grant funds as required under the OAA. Following consultation with all Headquarters and Regional Support Centers having grant administrative responsibilities, and with the approval of the Assistant Secretary: Develops AoA instructions and procedures for the administration of the business aspects of all mandatory and formula grants, including those approved in AoA Regional Support Centers.

Provides training, technical assistance, overall guidance, monitoring and assistance to AoA staff in all areas of administrative and financial management of grants. Has primary responsibility for developing grants management policy issuances, and ensuring consistent policy interpretation within AoA concerning grants management. Serves as AoA liaison with the Government Accountability Office (GAO), the HHS Office of Inspector General and the Department's Office of Grants on grant matters. Assists at discretionary and mandatory grant hearings, before the Departmental Appeals Board, in response to disallowances and other financial claims by AoA, State Agencies on Aging, and other grantees. Responds to Departmental and Office of Inspector General audit reviews, ensuring proper analysis and resolution of audit findings by Regional Support Centers for final action by the Assistant Secretary. Coordinates receipt and processing of all grants and related materials.

6. *Office of Planning and Policy Development (BE4).* The Office of Planning and Policy Development (OPPD) is responsible for analyzing trends in demographics, service needs, public policy and program development, and translating those trends into new policies and programs to assist the elderly. OPPD develops and maintains effective relationships with government and private sector entities and their representatives at the Federal, State and local levels to develop a unified policy toward, and promote the aims of the Older Americans Act; oversees development of more responsive service systems through intergovernmental and private sector initiatives and partnerships to address age-related issues and concerns.

Coordinates the development and implementation of the agency's strategic plan that establishes long and short-range goals; objectives, strategies and action plan for advancing the agency's policy and program agenda. Reviews and coordinates all policy and program development documents and activities to ensure consistency with AoA's

strategic plan; and adjusts goals and strategies as appropriate.

Directs intergovernmental affairs activities as it relates to the agency's policy and program development agenda, and develops and maintains effective relationships with other governmental departments and agencies. Plans, negotiates, facilitates and updates, as appropriate, memoranda of understanding with other departments and agencies to promote agreements and cooperative relationships and ventures that address policies and services affecting the aging population.

Maintains information on, and pursues collaborative opportunities with, other Federal agencies, non-profit organizations and private corporations that have the potential to contribute to AoA's policy and program development priorities.

Supports the Assistant Secretary for Aging in implementing section 203(1) of the OAA by coordinating, advising, consulting with and cooperating with the head of each department, agency and instrumentality of the Federal Government proposing or administering programs or services substantially related to the objectives of the OAA. Oversees the consultation process by which agency heads must consult with AoA before establishing programs or services related to the OAA. Plans and implements the process for the collaboration of all Federal agencies with AoA in the execution by those agencies of programs and services related to the OAA.

Provides technical, program and policy development input on legislative activities and the annual budget development cycle. Participates in Departmental and inter-departmental activities that concern health and social services; reviews and comments on Departmental regulations and policies regarding health programs and institutional and non-institutional long-term care services. Provides agency-wide leadership on the programmatic functions of AoA's discretionary grant programs. Plans and directs activities authorized under Title IV of the OAA as amended. Conducts activities for the development of adequate knowledge for improving the circumstances of older people. Develops a knowledge base for policy decisions and program development and coordination through support of a wide range of research, demonstration, and training activities.

Prepares the planning documents for, and coordinates the development of, annual discretionary funds program announcements. Provides technical input for Congressional and budget presentations related to research and demonstration programs. Evaluates research, demonstration and training grant and contract proposals; and recommends approval/disapproval, monitors progress, gives technical guidance to, and evaluates the performance of grantees and contractors. Develops standards and identifies successful service and systems development strategies and best practice models for use by the Aging Network. Develops technical assistance material and dissemination strategies for these strategies, models, and best practice suggestions, in coordination with the other AoA offices.

Conducts relevant policy research and program demonstrations to inform policy and program development; undertakes qualitative and quantitative analyses to develop policy options and recommendations for the Assistant Secretary for Aging. Develops policy reports based on the needs and circumstances of older people, their family members and the aging population. Manages a program for the collection, analysis, and dissemination of information related to the needs and problems of older persons. Develops and coordinates initiatives with other Federal agencies, national aging organizations and universities to fill gaps in information in the field of aging. Reviews research findings from the literature and products from AoA, the Aging Network, and other sources regarding information on aging to identify new findings that will be useful to older people and professionals operating in the field of aging. Determines the relative utility of such products, and in collaboration with the Office of Communications, their potential users and the most effective way to disseminate the information to users.

Promotes coordination of AoA's research and demonstrations with other national, field and local programs related to aging. Within overall AoA strategy and long-range plans, conducts continuing studies and periodic reviews of needs and resources in the field of aging, and makes recommendations for action to the Assistant Secretary for Aging.

C. Center for Program Operations (BF)

BF.00 Mission.
BF.10 Organization.
BF.20 Functions.

BF.00 Mission. The Center for Program Operations (CPO) advises the Assistant Secretary for Aging on and provides leadership related to programs under the OAA.

BF.10 Organization. A Deputy Assistant Secretary who reports directly to the Assistant Secretary for Aging heads the Center for Program Operations. The Center is organized as follows:

Office of the Deputy Assistant Secretary for Program Operations (BF).
Office of Evaluation (BFA).
Office of Core Programs (BF1).
Office for American Indian, Alaskan Native, and Native Hawaiian Programs (BF2).
Office of Elder Rights (BF3).
Office of Regional Operations (BFD1 to BFDX).

BE.20 Functions.

1. *Office of the Deputy Assistant Secretary for Program Operations (BF).* The Office of the Deputy Assistant Secretary for Program Operations (ODASPO) provides program expertise on program development, advocacy and initiatives within assigned areas. Provides leadership on behalf of Titles III, VI and VII of the OAA; those parts of Title II and Title IV of the OAA for which the Office is responsible; and Section 398 of the Public Health Service Act (PHSA). Plans, directs and evaluates the programs under the OAA designed to provide planning, coordination and services to older Americans through grant programs authorized under Titles II, III, IV, VI, and VII of the OAA.

Consults with and provides technical assistance to and education for State and Area Agencies on Aging, Tribal grantees, and local community service providers in the development of plans, goals, and system development activities. Ensures that statutory requirements, regulations, policies, and instructions are implemented for Titles III, VI and VII, and for the functions under Title II and Title IV of the OAA for which the Office is responsible, as well as for Section 398 of the PHSA. In addition, the Deputy Assistant Secretary provides oversight and leadership to the Nutrition Officer established in Title II of the OAA who provides technical assistance and guidance to Regional Support Centers, States, Area Agencies on Aging and community service providers.

The Deputy Assistant Secretary carries out the functions and serves as the Director of the Office of long-term Care Ombudsman Programs established in Section 201(d)(1) of the OAA. Serves as the effective and visible advocate regarding Federal policies and laws that may adversely affect the health, safety, welfare, or rights of older residents of long-term care facilities; reviews Federal legislation, regulations, and policies regarding long-term care ombudsman programs and makes recommendations

to the Secretary and Assistant Secretary; coordinates the activities of AoA with other Federal, State and local entities relating to long-term care ombudsman programs; prepares an annual report to Congress on the effectiveness of services provided by State long-term care ombudsman programs; and establishes standards for the training of State long-term care ombudsman staff.

Supervises and provides technical guidance to the Regional Support Centers as they implement the national programs of the OAA. Ensures that clear and consistent guidance is given on program and policy directives. Issues substantive operating procedures to guide Regional staff of AoA in the conduct of their responsibilities; and establishes standards for performance plans and regularly assesses the performance against the established standards.

2. *Office of Evaluation (BFA).* The Office of Evaluation (OE) implements, oversees and manages responsibilities assigned by the Government Performance and Results Act of 1993 (GPRA). Interprets AoA goals, priorities, and strategies for consistency with AoA long-range GPRA goals and strategies, and adjusts GPRA goals and strategies accordingly. Provides guidance and technical assistance to AoA organizational units in developing operational plans, particularly in developing measurable objectives and indicators reflecting program and organizational performance. Prepares AoA's annual GPRA plan and report and coordinates with Office of Budget and Finance on the development of the AoA performance budget.

Develops AoA plans and priorities for evaluation of AoA grant programs, with subject matter input from appropriate units. Manages contracting for mandated evaluation projects and performs intramural evaluation studies. Prepares reports of the results of program and impact evaluations conducted by and for AoA, with technical input from other AoA units. Provides technical guidance on evaluation activities conducted as part of AoA's discretionary grants programs.

Coordinates AoA activities related to the collection, analysis, and dissemination of national and program data on older individuals. Develops and manages all aspects of data requirements associated with home and community-based services programs under Title III of the OAA.

Develops and designs the criteria for collecting, analyzing and disseminating program performance data on State and Area Agencies' implementation of OAA programs, and prepares that data for reporting to Congress and the public. Designs, implements and provides guidance and technical assistance to State and Area Agencies on Aging and service providers on data collection and analysis (section 202(b)(28)) and on uniform data collection procedures for State Units on Aging (section 202(b)(29)).

Develops and operates, in coordination with the Office of Administrative and Technology Services, a National Aging Program Information System focused on the information needs of AoA and the Network on Aging to both manage and advocate for the delivery of effective and efficient services to the elderly. Provides liaison with the Federal Task Force on Aging Statistics in support of planning and program requirements. Performs routine and special statistical analyses of data for AoA offices, other Federal and non-Federal organizations, and the general public.

3. *Office of Core Programs (BF1).* The Office of Core Programs (OCP) serves as the focal point within AoA for the operation, administration, management, and assessment of the programs authorized under Title III of the OAA and section 398 of the PHSA. In addition, the Office performs the functions under Title II of the OAA related to consultation with other Federal agencies and the provision of information about aging services and programs in order to enhance service coordination and delivery.

Implements Title III of the OAA through the development of regulations, policies and guidance governing the development and enhancement of comprehensive and coordinated home and community-based care service delivery systems by State and Area Agencies on Aging. This includes implementing and enhancing systems for supportive services and the operation of multi-purpose senior centers, congregate and home-delivered nutrition services, health promotion and disease prevention services, and caregiver support and assistance services.

Provides guidance regarding State Plan processing and approval, the process and criteria for approval of States? Intrastate Funding Formulas for the allocation and targeting of resources within States, and implementation of the Interstate Funding Formula for distribution of Title III funds among States. Fosters, oversees, ensures accountability and assesses the implementation of Title III by States and Area Agencies through guidance and direction to Regional staff regarding program reviews and program and system development and enhancements. Designs and provides training and technical assistance for program compliance, effectiveness, and enhancement.

Directs and assesses the development of State-administered, home and community-based long-term care systems, and social and supportive services for the elderly. Initiates and encourages expansion of the capacities of home and community-based social service and health care systems to deliver comprehensive services to the elderly. Provides technical and subject matter expertise for the development of these systems, targeted at enhancing the capabilities of State and Area Agencies and local community service delivery programs to improve their service to older people. Coordinates with the Office of Planning and Policy Development to achieve a fully integrated approach for the enhancement of systems of care throughout the nation.

Provides specialized input on programs under the OAA to long-range planning, operational plans and the budget process.

Carries out the functions of the designated nutrition officer, who coordinates nutritional services under the Act and develops the regulations and guidelines, and provides technical assistance regarding nutrition to the AoA Regional Support Centers, State and Area Agencies, nutrition service providers, and other organizations. Serves as the liaison to the United States Department of Agriculture and other Federal agencies and organizations related to nutrition policy and program issues.

Coordinates with the Office of Evaluation to conduct operational studies, program analyses, and evaluations on special issues of concern to the Secretary, the Assistant Secretary, Regional Support Centers, and State and Area Agencies on Aging. Prepares reports on program operations under Title III for the Assistant Secretary, other AoA offices, the Secretary, the President, Congress and the public. Through the analysis of State Plans, evaluation findings and other relevant material, identifies potential Title III program and management issues and develops recommendations to the Assistant Secretary on possible solutions.

4. *Office for American Indian, Alaskan Native, and Native Hawaiian Programs (BF2).* The Office for American Indian, Alaskan Native, and Native Hawaiian Programs (OAIANNHP) administers programs authorized by Title VI of the Older

Americans Act. On behalf of individuals who are older Native Americans, serves as the effective and visible advocate within the Department, with other Departments and agencies of the Federal Government, and with State, local and tribal governments providing leadership and coordination of activities, services and policies affecting American Indians, Alaskan Natives and Native Hawaiian elders. Advocates and promotes linkages among national Indian organizations, national aging organizations, and national provider organizations with the goal of enhancing the interests of and services to Native American elders. Recommends to the Assistant Secretary policies and priorities with respect to the development and operation of programs and activities relating to individuals who are older Native Americans. The Office coordinates activities among other Federal departments and agencies to ensure a continuum of improved services through memoranda of agreements or through other appropriate means of coordination. Carries out the following responsibilities of Title II: Evaluates the outreach under Title III and Title VI and recommends necessary action to improve service delivery, outreach, and coordination between Title III and Title VI services; encourages and assists the provision of information to older Native Americans with need for Supplemental Security Income, Medicaid, food assistance, housing assistance, and transportation assistance; develops research plans, conducts and arranges for research in the field of Native American aging; collects, analyzes, and disseminates information related to problems experienced by older Native Americans, including information on health status of older individuals who are Native Americans, elder abuse, in-home care, and other problems unique to Native Americans; develops, implements, and oversees the uniform data collection procedures for Tribal and Native Hawaiian Organizations; and implements and oversees the consultation requirements of Title II as they apply to Native American issues.

Chairs the Interagency Task Force on Older Indians which is comprised of representatives from the Federal departments and agencies with an interest in the welfare of individuals who are older Indians and makes recommendations to the Assistant Secretary at six-month intervals, to facilitate coordination among federally funded programs and improve services to older Indians.

Provides the Native American input to the Office of Planning and Policy Development for inclusion in AoA's research plan. In addition, collaborates with the Office of Core Programs on Title VI–Title III coordination.

Provides input and feedback to the Office of Planning and Policy Development for the development and operation of Resource Centers on Native American Elders, which gather information, perform research, provide for dissemination of results of the research, and provide technical assistance and training to those who provide services to Native American elders.

Provides specialized input on Title VI programs and the Native American components of Title II and Title VII–B programs to other offices for long-range planning, operational plans, research and training, and the budget process. Develops testimony and background documents concerning Native Americans for use by the Assistant Secretary.

Serves as the AoA focal point for the administration and assessment of the programs authorized under Title VI and the Native American Organization provisions of Title VII–B of the OAA, including administering grants, cooperative agreements and contracts. Implements the American Indian, Alaskan Native, and Native Hawaiian programs in the field through provision of program and policy direction, training and oversight to the Regional Support Centers in the execution of the Native American components of their Title II, Title VI and Title VII–B responsibilities. Oversees the Regional Support Centers monitoring of Title VI grantees. Arranges for and manages ongoing training and technical assistance for Title VI grantees. Coordinates additional training and technical assistance with other projects managed by the Office of Planning and Policy Development.

5. *Office of Elder Rights (BF3).* The Office of Elder Rights (OER) provides support to the Deputy Assistant Secretary for Program Operations for the administration of the ombudsman, elder abuse prevention, legal assistance development, and pension counseling provisions of Titles II and VII of the OAA throughout the Aging Network, including administration of the National Ombudsman Resource Center and the National Center on Elder Abuse, and advising the Assistant Secretary on the operation of those Centers. In addition, OER administers the Senior Medicare Patrol projects under Title IV of the OAA and the Health Insurance Portability and Accountability Act of 1997.

Reviews State Plans to determine eligibility for funding under the OAA and recommends approval or disapproval to the Assistant Secretary. Implements Title VII in the field through the provision to Regional Support Centers of guidance and information concerning AoA programs, and the development and interpretation of Title VII program regulations and policy. Ensures the implementation of guidance and instructions concerning long-term care ombudsman, prevention of elder abuse, and elder rights and legal assistance development programs. Provides guidance and leadership in the development of the pension counseling program and effective models for nationwide replication.

Fosters, oversees, ensures accountability and assesses the implementation of Title VII by States through guidance and direction to Regional staff regarding program reviews, and program and system development and enhancements. Designs and provides training and technical assistance for program compliance, effectiveness, and enhancement.

Conducts staff functions and responsibilities for the operation of the Long-Term Care Ombudsman Program and makes recommendations to the Deputy Assistant Secretary for Program Operations for program and policy enhancement. Serves as the agency's focal point for coordinating, implementing, monitoring, expanding, evaluating, and promoting efforts to provide consumer information, education and protection designed to detect, prevent and report error, fraud and abuse in the Medicare and Medicaid programs. Provides in-depth expertise, information, leadership and technical assistance through the Regional Support Centers to the Senior Medicare Patrol network and serves as a reliable clearinghouse of information for the aging network, older persons and their families. Provides specialized input on Title VII and consumer protection programs to long-range planning, operational plans and the budget process. Develops program plans and instructions for AoA Regional Support Centers and State and Area Agencies to improve the Title VII protection and representational programs funded under the OAA.

6. *Office of Regional Operations (BFD1–BFDX).* The Office of Regional Operations report to the Deputy Assistant Secretary, CPO. The Office of Regional Operations include a coordinating central office liaison and nine Regional Support Centers, each of

which is headed by a Regional Administrator (RA).

The Regional Support Centers serve as the focal point for the development, coordination and administration of OAA programs within the designated HHS region. Represent the Assistant Secretary for Aging within the region, providing information for, and contributing to the development of, national policy dealing with the elderly. Based on national policy and priorities, establish field program goals and objectives. Serve as the effective and visible advocates for the elderly to Federal agencies in their geographic jurisdiction to ensure the rights of the elderly; advise, consult and cooperate with each Federal agency proposing or administering programs or services related to the aging; coordinate and assist in the planning and development by public (including Federal, State, Tribal and local agencies) and private organizations of comprehensive and coordinated services and opportunities for older individuals in each community of the nation; and conduct active public education of officials and citizens and the aged to ensure broad understanding of the needs and capabilities of the aged.

Monitor, assist and evaluate State Agencies on Aging administering programs supported under Titles II, III and VII of the OAA, and Indian Tribal Organizations administering projects under Title VI. Review OAA State Plans on Aging and recommend approval or disapproval to the Assistant Secretary for Aging, as appropriate. Review applications and recommend approval or disapproval of Title VI applications to the Assistant Secretary.

Advise the Assistant Secretary of problems and progress of programs through the Deputy Assistant Secretary, CPO; recommend to the Assistant Secretary changes that would improve OAA operations; evaluate the effectiveness of OAA and related programs in the Regions and recommend to the Assistant Secretary or take positive action to gain improvement; and guide agencies and grantees in applications of policy to specific operational issues requiring resolution. Facilitate interagency cooperation at the Federal, Regional Support Center, State and Tribal levels to enhance resources and assistance available to the elderly. Disseminate and provide technical assistance regarding program guidelines and developments to State and Area Agencies, Indian Tribal Organizations and local community service providers.

II. *Delegations of Authority:* All delegations and redelegations of authority made to officials and employees of affected organizational components will continue in them or their successors pending further redelegations.

III. *Funds, Personnel and Equipment:* Transfer of organizations and functions affected by this reorganization shall be accompanied in each instance by direct and support funds, positions, personnel, records, equipment, supplies and other resources.

Dated: December 26, 2007.

Michael O. Leavitt,

Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–08–0212]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Maryam I. Daneshvar, CDC Acting Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

National Hospital Discharge Survey—Revision—The National Hospital Discharge Survey (NHDS) (OMB# 0920–0212), National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability of the population of the United States. This three-year clearance request includes the data collection in 2008 and 2009 using the current NHDS design; a pretest of a new design; and data collection for 2010 and 2011 of the survey using the new design.

Current NHDS

The National Hospital Discharge Survey (NHDS) has been conducted continuously by the National Center for Health Statistics, CDC, since 1965. It is the principal source of data on inpatient utilization of short-stay, non-Federal hospitals and is the principal annual source of nationally representative estimates on the characteristics of discharges, the lengths of stay, diagnoses, surgical and non-surgical procedures, and the patterns of use of care in hospitals in various regions of the country. It is the benchmark against which special programmatic data sources are measured. The data items collected are the basic core of the variables contained in the Uniform Hospital Discharge Data Set (UHDDS) in addition to several variables (admission source and type, admitting diagnosis and present on admission indicators) which are identical to those needed for billing of inpatient services for Medicare patients. In the current survey, data are obtained in one of three ways: Abstracted by hospital staff; abstracted by Bureau of the Census Staff under an interagency agreement; and provided in electronic format. Due to budgetary constraints, the number of hospitals and the number of discharges for the 2008 and 2009 NHDS data collections will decrease by approximately 50% from previous years.

Redesigned NHDS

Although the current NHDS is still fulfilling its intended functions, it is based on concepts from the health care delivery system, as well as the hospital and patient universes, of previous decades. It has become clear that a redesign of the NHDS that provides greater depth of information is necessary.

In 2008, a sample of 40 hospitals will be selected for a pretest. These hospitals will not be a probability sample, but instead will be intentionally selected to include hospitals of differing size, location and other characteristics related to their service and patient clientele.

In 2010, a redesigned NHDS will be implemented and will consist of a completely new sample of approximately 240 hospitals. The redesigned NHDS will use a modified two stage design. The first stage sampling will be hospitals. The second stage of sampling will be discharges. A stratified, random sample of 120 discharges is targeted within each hospital. In the redesigned survey all data will be abstracted by trained health care staff under contract. All data will be obtained from hospital records and charts and computer systems.

The current data items will be collected with significant additional details. Patient level data items to be collected include personal identifiers such as Social Security number, name and medical record number; clinical laboratory results such as hematocrit and white blood cell count; and financial billing and record data. The survey includes detailed questions for three modules: Acute myocardial infarction; infectious disease; and end of life issues. Facility level data items include demographic information, clinical capabilities, and financial information.

Users of NHDS data include, but are not limited to the CDC; the Congressional Research Office; the Office of the Assistant Secretary for Planning and Evaluation (ASPE); American Health Care Association, Centers for Medicare and Medicaid Services (CMS), and Bureau of the Census. Data collected through the NHDS are essential for evaluating health status of the population, for the planning of programs and policy to elevate the health status of the Nation, for studying morbidity trends, and for research activities in the health field. NHDS data have been used extensively in the development and monitoring of goals for the Year 2000 and 2010 Healthy People Objectives. In addition, NHDS data provide annual updates for numerous tables in the Congressionally-mandated NCHS report, Health, United States. Other users of these data include universities, contract research organizations, many in the private sector, foundations, and a variety of users in the print media. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Hospitals	Number of respondents	Number of responses per respondent	Hours per response	Response burden (hours)
Current NHDS:				
Primary Procedure abstracting	13	250	6/60	325
Alternate (Census) Procedure (pulling & refiling records)	41	250	1/60	171
In-House Tape or Printout Hospital (programming)	29	12	13/60	75
Induction	10	1	2	20
Sub-total				591
Redesign HDS Pre-test:				
Survey presentation to hospital	13	1	1	13
Facility questionnaire	13	1	4.1	53
Sample discharges and obtain data	13	10	14/60	30
Debrief hospital staff	13	1	1	13
Quality control	2	25	14/60	12
Sub-total				121
Redesign Survey 2010 & 2011:				
Survey presentation to hospital	160	1	1	160
Facility questionnaire	80	1	4.1	328
Sample discharges and obtain data	160	120	14/60	4,480
Pre-testing of new data elements	13	120	5/60	130
Quality control	3	25	14/60	18
Non-response study	27	1	2	54
Sub-total				5,170
Total				5,882

Dated: December 27, 2007.

Maryam I. Daneshvar,

Acting Reports Clearance Officer, Centers for Disease Control and Prevention.

[FR Doc. E8–51 Filed 1–7–08; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Notice of hearing: Reconsideration of Disapproval of California's State Plan Amendment (SPA) 06–019B

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

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing to be held on February 15, 2008, at the CMS San Francisco Regional Office, 90 7th Street, 5th Floor, Room 5A, San Francisco, California 94103, to reconsider CMS' decision to disapprove California's SPA 06–019B.

Closing Date: Requests to participate in the hearing as a party must be received by the presiding officer by January 23, 2008.

FOR FURTHER INFORMATION CONTACT: Kathleen Scully-Hayes, Presiding Officer, CMS, Lord Baltimore Drive, Mail Stop LB–23–20, Baltimore, MD 21244, Telephone: (410) 786–2055.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider CMS' decision to disapprove California's SPA #06–019B which was submitted on December 27, 2006.

Under this SPA, the State was seeking to provide direct reimbursement effective October 1, 2006, to Medicaid recipients where the recipient obtains and pays for Medicaid services after receiving a Medicaid card.

The amendment was disapproved because it did not comport with the requirements of sections 1902(a)(10), 1902(a)(32), and 1905(a) of the Social Security Act (the Act) and Federal regulations at 42 CFR 431.246, 431.250, and 447.15.

The following are the issues to be considered at the hearing:

• Would payments under the proposed SPA that would be made directly to Medicaid recipients for services furnished after the recipients have been determined to be eligible (and not during a retroactive eligibility period) be within the scope of the definition of ''medical assistance'' referenced in section 1902(a)(10) and set forth in section 1905(a) of the Act? The definition at section 1905(a) specifically limits medical assistance to payments made to providers of covered services (the ''vendor payment principle''), and contains an express statutory exception permitting direct payment to recipients only for physician and dentist services; the proposed SPA does not appear to be limited to payments for these service categories.

• Would payments under the proposed SPA that are made directly to Medicaid recipients for services furnished after the recipients have been determined eligible (and not during a retroactive eligibility period) be consistent with the requirement of section 1902(a)(32) of the Act? That section limits payment under the plan to amounts paid directly to providers (or certain assignees of those providers). This statutory requirement ensures that recipients obtain covered services from participating providers who bill the Medicaid program rather than the recipient, and accept the State's payment, including a payment of zero dollars, as payment in full. (See 42 CFR 447.15.)

• Would payments under the proposed SPA that are made directly to Medicaid recipients for services furnished after the recipients have been determined eligible (and not during a retroactive eligibility period) be within the regulatory exception at 42 CFR 431.246 and 431.250(b) to the vendor payment principle? Those sections provide for corrective payments based on a successful appeal by a recipient who, pending the appeal decision, sought and paid for covered services. Such a circumstance in the context of SPA 06–019B would exist where a recipient appealed the State's determination of the amount of the recipient's ''share of cost'' for covered services. But, SPA 06–019B does not appear to limit such payment to these exceptions to the vendor payment rule.

• Is there any binding judicial decision that would permit the Federal Government to participate in the payments contemplated in the proposed SPA? The United States was not a party to a California State Court case that apparently addressed the issues, and is not bound by that decision. Moreover, under regulations at 42 CFR 431.250 that provide for Federal participation in payments made under court order, the services must be provided within the scope of the Medicaid program under Federal law. Services that are billed directly to the recipient (and not part of a retroactive eligibility period) are outside of the Federal definition of medical assistance, and thus are not within the scope of the Federal Medicaid program.

• Is there any statutory or regulatory conflict providing a basis to conclude that the express statutory provisions establishing the vendor payment principle could not practically be applied? CMS has recognized such a conflict as the basis for permitting an exception to the vendor payment principle during a retroactive period, but such a conflict does not appear to be present in this instance.

• Are direct payments to recipients who have been determined eligible consistent with accuracy, efficiency, and effectiveness of the State Medicaid program in serving those recipients?

Section 1116 of the Act and Federal regulations at 42 CFR Part 430, establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. CMS is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing, and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the presiding officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the presiding officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c). If the hearing is later rescheduled, the presiding officer will notify all participants.

The notice to California announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Mr. Stan Rosenstein, Chief Deputy Director, Health Care Program, Health and Human Services Agency, 1501 Capitol Avenue, MS 4506, P.O. Box 997413, Sacramento, CA 99859–7413.

Dear Mr. Rosenstein:

I am responding to your request for reconsideration of the decision to disapprove California's State plan amendment (SPA) 06–109B, which was submitted on December 27, 2006.

Under this SPA, the State was seeking to provide direct reimbursement, effective October 1, 2006, to Medicaid recipients where the recipient obtains and pays for Medicaid services after receiving a Medicaid card.

The amendment was disapproved because it did not comport with the requirements of sections 1902(a)(10), 1902(a)(32), and 1905(a) of the Social Security Act (the Act) and Federal regulations at 42 CFR sections 431.246, 431.250, and 447.15.

The following are the issues to be considered at the hearing:

• Would payments under the proposed SPA that would be made directly to Medicaid recipients for services furnished after the recipients have been determined to be eligible (and not during a retroactive eligibility period) be within the scope of the definition of ''medical assistance'' referenced in section 1902(a)(10) and set forth in section 1905(a) of the Act? The definition at section 1905(a) specifically limits medical assistance to payments made to providers of covered services (the ''vendor payment principle''), and contains an express statutory exception permitting direct payment to recipients only for physician and dentist services; the proposed SPA does not appear to be limited to payments for these service categories.

• Would payments under the proposed SPA that are made directly to Medicaid recipients for services furnished after the recipients have been determined eligible (and not during a retroactive eligibility period) be consistent with the requirement of section 1902(a)(32) of the Act? That section limits payment under the plan to amounts paid directly to providers (or certain assignees of those providers). This statutory requirement ensures that recipients obtain covered services from participating providers who

bill the Medicaid program rather than the recipient, and accept the State's payment, including a payment of zero dollars, as payment in full. (See 42 CFR 447.15.)

• Would payments under the proposed SPA that are made directly to Medicaid recipients for services furnished after the recipients have been determined eligible (and not during a retroactive eligibility period) be within the regulatory exception at 42 CFR 431.246 and 431.250(b) to the vendor payment principle? Those sections provide for corrective payments based on a successful appeal by a recipient who, pending the appeal decision, sought and paid for covered services. Such a circumstance in the context of SPA 06–019B would exist where a recipient appealed the State's determination of the amount of the recipient's ''share of cost'' for covered services. But, SPA 06–019B does not appear to limit such payment to these exceptions to the vendor payment rule.

• Is there any binding judicial decision that would permit the Federal Government to participate in the payments contemplated in the proposed SPA? The United States was not a party to a California State Court case that apparently addressed the issues and is not bound by that decision. Moreover, under regulations at 42 CFR 431.250 that provide for Federal participation in payments made under court order, the services must be provided within the scope of the Medicaid program under Federal law. Services that are billed directly to the recipient (and not part of a retroactive eligibility period) are outside of the Federal definition of medical assistance, and thus are not within the scope of the Federal Medicaid program.

• Is there any statutory or regulatory conflict providing a basis to conclude that the express statutory provisions establishing the vendor payment principle could not practically be applied? CMS has recognized such a conflict as the basis for permitting an exception to the vendor payment principle during a retroactive period, but such a conflict does not appear to be present in this instance.

• Are direct payments to recipients who have been determined eligible consistent with accuracy, efficiency, and effectiveness of the State Medicaid program in serving those recipients?

I am scheduling a hearing on your request for reconsideration to be held on February 15, 2008, at the CMS San Francisco Regional Office, 90 7th Street, 5th Floor, Room 5A, San Francisco, California 94103, to reconsider the decision to disapprove SPA 06–019B. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed by Federal regulations at 42 CFR Part 430.

I am designating Ms. Kathleen Scully-Hayes as the presiding officer. If these arrangements present any problems, please contact the presiding officer at (410) 786–2055. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the presiding officer to indicate acceptability of the hearing date that has been scheduled and provide names of the individuals who will represent the State at the hearing.

Sincerely,

Kerry Weems,

Acting Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316); 42 CFR 430.18)

(Catalog of Federal Domestic Assistance program No. 13.714, Medicaid Assistance Program.)

Dated: January 2, 2008.

Kerry Weems,

Acting Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. E8–109 Filed 1–7–08; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007N–0462]

Compliance Policy Guide Sec. 555.700 Revocation of Tolerances for Cancelled Pesticides (CPG 7120.29); Withdrawal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal of Compliance Policy Guide Sec. 555.700 Revocation of Tolerances for Cancelled Pesticides (CPG 7120.29) (CPG Sec. 555.700). CPG Sec. 555.700 is no longer necessary because the policy stated in the CPG is obsolete. Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a draft revision of CPG Sec. 575.100 Pesticide Chemical Residues in Food and Feed—Enforcement Criteria (CPG 7141.01) (CPG Sec 575.100).

DATES: The withdrawal is effective January 8, 2008.

ADDRESSES: Submit written requests for single copies of CPG Sec. 555.700 to the Division of Compliance Policy (HFC–230), Office of Enforcement, Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your request or fax your request to 240–632–6861.

A copy of the CPG may be seen in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Center for Food Safety and Applied Nutrition, Food and Drug Administration, College Park, MD 20740–3835, 301–436–2022, FAX 301–436–2651.

SUPPLEMENTARY INFORMATION: CPG Sec. 555.700 stated FDA's policy to routinely establish action levels for pesticide chemical residues to replace tolerances that are revoked when the Environmental Protection Agency (EPA) cancels registration for the pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act. Such residues may persist in the environment for many years. Section 408(l)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(l)(4)), as amended by the Food Quality Protection Act of 1996, authorizes EPA to establish tolerances for pesticide chemical residues that will unavoidably persist in the environment. Therefore, because EPA may establish tolerances for such pesticide chemical residues, the policy set forth in CPG Sec. 555.700 is obsolete. Consequently, FDA is withdrawing CPG Sec. 555.700, in its entirety, to eliminate this obsolete policy.

Previously established action levels are listed in FDA's CPG Sec. 575.100 Pesticide Chemical Residues in Food and Feed—Enforcement Criteria (CPG 7141.01). A notice announcing availability of a draft revision of CPG Sec. 575.100 is published elsewhere in this issue of the **Federal Register**.

Dated: December 31, 2007.

Margaret O'K. Glavin,

Associate Commissioner for Regulatory Affairs.

[FR Doc. E8–127 Filed 1–7–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2007D–0463]

Draft, Revised Compliance Policy Guide Sec. 575.100 Pesticide Chemical Residues in Food—Enforcement Criteria (CPG 7141.01); Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of draft, revised Compliance Policy Guide (CPG) Sec. 575.100 Pesticide Chemical Residues in Food—Enforcement Criteria (CPG 7141.01) (the draft CPG). The draft CPG is intended to provide guidance to FDA staff on FDA's internal enforcement processes concerning pesticide chemical residues in food.

Elsewhere in this issue of the **Federal Register**, FDA is announcing the withdrawal of Compliance Policy Guide Sec. 555.700 Revocation of Tolerances for Cancelled Pesticides (CPG 7120.29) (CPG Sec. 555.700).

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115 (g)(5)), to ensure that the agency considers your comment on the draft CPG before it begins work on the final version of the CPG, submit written or electronic comments on the draft CPG by March 10, 2008.

ADDRESSES: Submit written requests for single copies of the draft CPG to the Division of Compliance Policy (HFC–230), Office of Enforcement, Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 240–632–6861.

Submit written comments on the draft CPG to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, room 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. See the **SUPPLEMENTARY INFORMATION** section for access to the draft CPG.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Center for Food Safety and Applied Nutrition (HFS–317), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 301–436–2022, FAX 301–436–2651.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is revising CPG Sec. 575.100 Pesticide Chemical Residues in Food—Enforcement Criteria (CPG 7141.01) to reflect the changes in pesticide law, including the changes in the Federal Food, Drug, and Cosmetic Act (the Act) made by the Food Quality Protection Act of 1996 (FQPA). Subsequent to the FQPA, certain additional amendments related to pesticide provisions in the Act were made in the Antimicrobial Regulation Technical Corrections Act of 1998 (ARTCA) (Public Law 105–324). However, the ARTCA amendments do not affect the enforcement policy set forth in the draft CPG. The draft CPG is intended to provide clear policy and regulatory guidance to FDA's field and headquarters staff with regard to pesticide residue issues. It also contains information that may be useful to the regulated industry and to the public.

The draft CPG is being issued as a Level 1 guidance consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft CPG, when finalized, will represent the agency's current thinking on enforcement policy relating to pesticide chemical residues. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the draft CPG. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the draft CPG and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the draft CPG from the Office of Regulatory Affairs home page. It may be accessed at *http://www.fda.gov/ora* under ''Compliance References.''

Dated: December 31, 2007.

Margaret O'K. Glavin,

Associate Commissioner for Regulatory Affairs.

[FR Doc. E8–123 Filed 1–7–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0063]

Guidance for Industry and Food and Drug Administration Staff; The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations.'' This guidance document explains for premarket approval application (PMA) applicants the process involved with the review of a PMA manufacturing section and inspection of the manufacturing operations described in the manufacturing section. This guidance is also generally applicable to the process involved with the review of manufacturing information in certain PMA supplements. The procedural information outlined in this document should help applicants and FDA schedule and complete their work in a timely manner.

DATES: Submit written or electronic comments on this guidance at any time. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled ''The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations'' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 240–276–3151. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments* or *http://www.regulations.gov*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Timothy A. Ulatowski, Center for Devices and Radiological Health (HFZ–300), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240–276–0100.

SUPPLEMENTARY INFORMATION:

I. Background

On October 26, 2002, MDUFMA (Public Law 107–250), amended the Federal Food, Drug, and Cosmetic Act (the act). Among other things, MDUMFA authorized the collection of user fees to improve the performance and predictability of FDA's device premarket review process, which includes PMAs. FDA, in consultation with the regulated industry, agreed to dedicate user fees to help the agency achieve performance goals, including the predictability of scheduling and timeliness of preapproval inspections.

This final guidance document, ''The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations,'' explains for PMA applicants the administrative process FDA intends to follow in its review of the PMA manufacturing section information and the inspection of the particular manufacturing facility and its manufacturing operations. This final guidance document supersedes the corresponding draft guidance issued on June 19, 2006 (71 FR 35275 through 35276).

The comment period for the draft guidance document closed on September 18, 2006. During the comment period, we received several comments and recommendations. Two comments recommended that the agency inspect pilot manufacturing operations or the manufacture of a surrogate product in lieu of inspecting the complete manufacturing operation described in the PMA manufacturing section. FDA disagrees with this recommendation as the statute does not provide such an alternative. The statute requires the agency to determine whether the manufacturing operations, as described in the PMA, conform to good manufacturing practice requirements.

Several comments recommended clarification of certain terms related to the process involved with scheduling inspections and factors that affect the PMA manufacturing section review process. The agency incorporated many of the suggested clarifications.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on ''The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations.'' It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. To receive ''The Review and Inspection of Premarket Approval Application Manufacturing Information and Operations,'' you may either send an e-mail request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 240–276–3151 to receive a hard copy. Please use the document number 1566 to identify the guidance you are requesting.

CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets*.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 USC 3501–3520). The collections of information in 21 CFR part 814 have been approved under OMB Control Number 0910–0231; and the collections of information in 21 CFR part 820 have been approved under OMB Control Number 0910–0073.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**), written or electronic comments regarding this document. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one paper copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 20, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–126 Filed 1–7–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 2006D–0228]

Guidance for Industry and Food and Drug Administration Staff; The Review and Inspection of Premarket Approval Applications Under the Bioresearch Monitoring Program; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''The Review and Inspection of Premarket Approval Applications Under the Bioresearch Monitoring Program.'' This guidance provides premarket approval application (PMA) applicants with information about the bioresearch monitoring (BIMO) review process. This includes a BIMO evaluation of clinical and nonclinical information in the PMA and certain PMA supplements as well as preapproval BIMO inspections. The procedural information outlined in this document should help applicants and FDA to better understand the BIMO review and inspection so it can proceed in a timely manner.

DATES: Submit written or electronic comments on this guidance at any time. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled ''The Review and Inspection of Premarket Approval Applications Under the Bioresearch Monitoring Program'' to the Division of Small Manufacturers, International, and Consumer Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 240–276–3151. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit written comments concerning this guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments* or *http://www.regulations.gov*. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Matthew J. Tarosky, Center for Devices

and Radiological Health (HFZ–300), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 240–276–0243.

SUPPLEMENTARY INFORMATION:

I. Background

On October 26, 2002, the Medical Device User Fee and Modernization Act of 2002 (MDUFMA) (Public Law 107–250) was signed into law. Among other things, MDUMFA authorized the collection of user fees to improve the performance and predictability of FDA's device review program, including premarket approval applications (PMAs). One such goal included a commitment to improve the scheduling and timeliness of PMA preapproval inspections. A portion of the user fees collected under MDUFMA will be used to help to cover the costs associated with the bioresearch monitoring (BIMO) program review of a PMA and the performance of any related clinical or nonclinical inspections. This final guidance document supersedes the corresponding draft guidance entitled ''The Review and Inspection of Premarket Approval Applications Under the Bioresearch Monitoring Program,'' which was announced in the **Federal Register** on June 20, 2006 (71 FR 35436 through 35437).

The comment period for the draft guidance closed on September 18, 2006. During this time, FDA received one set of comments from a device manufacturer concerning the draft guidance. Some of the comments suggested combining the BIMO and manufacturing preapproval inspections. FDA did not make changes in response to these comments because preapproval BIMO and manufacturing inspections can not be performed at the same time. Compared to the preapproval manufacturing inspection program, the BIMO program has different objectives, usually involves inspections of different sites, and FDA investigators with different expertise. FDA did modify the guidance to respond to comments that requested further information about criteria for selecting inspection sites and determining when followup actions are necessary.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the agency's current thinking on ''The Review and Inspection of Premarket Approval Applications Under the Bioresearch Monitoring Program.'' It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. To receive ''The Review and Inspection of Premarket Approval Applications Under the Bioresearch Monitoring Program,'' you may either send an e-mail request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 240–276–3151 to receive a hard copy. Please use the document number 1602 to identify the guidance you are requesting.

CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with Internet access. Updated on a regular basis, the CDRH home page includes device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturer's assistance, information on video conferencing and electronic submissions, Mammography Matters, and other device-oriented information. The CDRH Web site may be accessed at *http://www.fda.gov/cdrh*. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/cdrh/guidance.html*. Guidance documents are also available on the Division of Dockets Management Internet site at *http://www.fda.gov/ohrms/dockets*.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 USC 3501–3520). The collections of information in 21 CFR part 814 have been approved under OMB Control Number 0910–0231.

V. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**), written or electronic comments regarding this document. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*. Submit a single copy of electronic comments or two paper copies of any mailed comments, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments received may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 20, 2007.

Jeffrey Shuren,

Assistant Commissioner for Policy.

[FR Doc. E8–143 Filed 1–7–08; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program (NTP); NTP Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM); Announcement of an Independent Scientific Peer Review Panel Meeting on the Murine Local Lymph Node Assay; Availability of Draft Background Review Documents; Request for Comments

AGENCY: National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

ACTION: Meeting announcement and request for comments.

SUMMARY: NICEATM in collaboration with the Interagency Coordinating Committee on the Validation of Alternative Methods (ICCVAM) announces an independent scientific peer review panel meeting to evaluate modifications and new applications for the Murine Local Lymph Node Assay (LLNA). The LLNA is an alternative test method that can be used to determine the allergic contact dermatitis potential of chemicals and products. The panel will review the following:

- The validation status of three modified LLNA test method protocols that use non-radioactive probe chemicals.
- The validation status of a LLNA limit dose procedure.
- The use of the LLNA to test mixtures, aqueous solutions, and metals (applicability domain for the LLNA).
- The use of the LLNA to determine potency (potential for causing allergic contact dermatitis).
- Revised draft recommended performance standards for the LLNA.

At this meeting, the panel will peer review the draft background review documents and revised draft LLNA performance standards for each topic and evaluate the extent that established validation and acceptance criteria have been appropriately addressed. The panel will also comment on the extent

that the review documents support draft ICCVAM recommendations on proposed test method protocols, proposed uses of the LLNA, and the revised draft LLNA performance standards.

NICEATM invites public comments on the draft background review documents, draft ICCVAM test recommendations, draft test method protocols, and revised draft LLNA performance standards. All documents will be available on the NICEATM–ICCVAM Web site at *http://iccvam.niehs.nih.gov/methods/immunotox/immunotox.htm* by January 8, 2008.

DATES: The meeting is scheduled for March 4–6, 2008, from 8:30 a.m. to 5 p.m. each day. The meeting is open to the public free of charge, with attendance limited only by the space available. In order to facilitate planning for this meeting, persons wishing to attend are asked to register by February 20, 2008, via the NICEATM–ICCVAM Web site (*http://iccvam.niehs.nih.gov/contact/reg_LLNAPanel.htm*). The deadline for written comments is February 22, 2008.

ADDRESSES: The meeting will be held at the U.S. Consumer Product Safety Commission (CPSC) Headquarters, Bethesda Towers Bldg., 4330 East West Highway, Bethesda, MD.

FOR FURTHER INFORMATION CONTACT: Comments may also be submitted via the NICEATM–ICCVAM Web site at *http://iccvam.niehs.nih.gov/contact/FR_pubcomment.htm*. Comments or other correspondence can be sent to Dr. William S. Stokes, NICEATM Director, NIEHS, P.O. Box 12233, MD EC–17, Research Triangle Park, NC, 27709, (phone) 919–541–2384, (fax) 919–541–0947, (e-mail) *niceatm@niehs.nih.gov.* Courier address: NICEATM, 79 T.W. Alexander Drive, Building 4401, Room 3128, Research Triangle Park, NC 27709.

SUPPLEMENTARY INFORMATION:

Background

The LLNA is a reduction and refinement alternative test method for skin sensitization testing because it reduces the number of animals needed and can substantially reduce or avoid pain and distress compared to traditional guinea pig testing methods for sensitization. The LLNA was the first alternative test method evaluated and recommended by ICCVAM (NIH Publication No. 99–4494, available at: *http://iccvam.niehs.nih.gov/docs/immunotox_docs/llna/llnarep.pdf*). Based on the recommendations of ICCVAM and an independent scientific peer review panel, U.S. and international regulatory authorities have accepted the LLNA as an alternative to the guinea pig maximization test and Buehler test for assessing allergic contact dermatitis (ISO 2002; OECD 2002; EPA 2003). This review will evaluate the potential for broader use of the LLNA for regulatory testing of chemicals and products for allergic contact dermatitis potential, enabling further reduction and refinement (less pain and suffering) of animal use for this purpose. In January 2007, the CPSC submitted a nomination requesting that NICEATM and ICCVAM assess the validation status of (1) the LLNA as a stand-alone assay for potency determination for hazard classification purposes; (2) modified LLNA protocols; (3) the LLNA limit test; (4) the use of the LLNA to test mixtures, aqueous solutions, and metals; and (5) the applicability domain for the LLNA. In June 2007, the Scientific Advisory Committee on Alternative Toxicological Methods (SACATM) endorsed these activities as high priorities for ICCVAM. NICEATM on behalf of ICCVAM also sought input from the public on these activities (**Federal Register**: Vol. 72, No. 95, pages 27815–27817, May 17, 2007). After considering these inputs, ICCVAM endorsed these activities as high priorities. ICCVAM is also developing performance standards to facilitate evaluation of modified LLNA protocols compared to the traditional LLNA. Although ICCVAM has routinely developed performance standards for test methods since 2003, they were not developed as part of the ICCVAM evaluation of the LLNA in 1998. These draft performance standards for the LLNA were made public and comments were requested via the **Federal Register** (Vol. 72, No. 176, pages 52130–52131, Sept. 12, 2007). The May 2007 **Federal Register** notice requested data from studies using the LLNA or modified versions of the LLNA.

Drawing on the submitted data and literature sources, ICCVAM and NICEATM drafted background review documents for each of the modifications and new applications of the LLNA. ICCVAM has also developed draft test method recommendations regarding the proposed usefulness, limitations, and validation status of these test methods. ICCVAM will convene an independent scientific panel to peer review the draft background review documents for the test methods and determine whether the data and analyses in the draft documents support the draft ICCVAM test method recommendations. The panel will also be asked to comment on the adequacy of the revised draft performance standards, proposed future studies, draft standardized test method protocols, and recommended reference substances. NICEATM will ask the panel to consider all available information, including the scientific studies cited in the draft review documents, public comments, and any new information identified during the peer review, for developing their conclusions and recommendations.

Peer Review Panel Meeting

The purpose of this meeting is to conduct a scientific peer review of the revised draft performance standards and an evaluation of modifications and new applications for the LLNA. The LLNA is an alternative test method that can be used to determine the allergic contact dermatitis potential of chemicals and products. The panel will review the following:

- The LLNA as a stand-alone assay for potency determination for hazard classification purposes
- Modified LLNA protocols
- The LLNA limit test
- The use of the LLNA to test mixtures, aqueous solutions, and metals (applicability domain for the LLNA)
- The use of the LLNA to determine potency (potential for causing allergic contact dermatitis).

The panel will consider the draft background review documents for each of these methods and evaluate the extent that established validation and acceptance criteria are appropriately addressed for each test method (as described in the ICCVAM document, *Validation and Regulatory Acceptance of Toxicological Test Methods: A Report of the ad hoc Interagency Coordinating Committee on the Validation of Alternative Methods,* NIH Publication No. 97–981, available at *http://iccvam.niehs.nih.gov/docs/about_docs/validate.pdf*). The panel will then comment on the extent to which the draft ICCVAM recommendations are supported by the information provided in the background review document for each topic. It is anticipated that the panel will address the topics in the following order:

1. The LLNA limit test.
2. The applicability domain of the LLNA including its suitability for mixtures, aqueous solutions, and metals.
3. The LLNA as a stand-alone assay for potency determination for hazard classification.
4. The revised draft performance standards for the LLNA.
5. The modified LLNA test method protocols using non-radioactive materials.

Additional information about the meeting, including a roster of the panel members and the draft agenda, will be made available two weeks prior to the meeting on the NICEATM-ICCVAM Web site (*http://iccvam.niehs.nih.gov*). This information will also be available after that date by contacting NICEATM (see **FOR FURTHER INFORMATION CONTACT** above).

Attendance and Registration

This public meeting will take place March 4–6, 2008, at the CPSC Headquarters, Bethesda Towers Bldg., 4330 East West Highway, Bethesda, MD (an area map, driving directions, and CPSC contact information are available at *http://www.cpsc.gov/about/contact.html*). The meeting will begin at 8:30 a.m. and is scheduled to conclude at approximately 5 p.m. each day, although adjournment on March 6 may occur earlier or later depending upon the time needed for the expert panel to complete its work. It is also possible that the panel may conclude its deliberations on March 5 and not need to meet on March 6. Persons needing special assistance in order to attend, such as sign language interpretation or other reasonable accommodation, should contact 919–541–2475 (voice), 919–541–4644 TTY (text telephone, through the Federal TTY Relay System at 800–877–8339), or e-mail *niehsoeeo@niehs.nih.gov.* Requests should be made at least seven days in advance of the event.

Availability of the Draft Background Review Documents and Draft ICCVAM Recommendations

NICEATM prepared draft background review documents on each of these modifications or applications of the LLNA that describe the current validation status of the modified test methods and applications and contain all of the data and analyses supporting this proposed validation status. The draft background review documents, draft ICCVAM test method recommendations, draft test method protocols, and revised draft test method performance standards are available from the NICEATM–ICCVAM Web site (*http://iccvam.niehs.nih.gov/methods/immunotox/immunotox.htm*) or by contacting NICEATM (see **FOR FURTHER INFORMATION CONTACT** above).

Request for Public Comments

NICEATM invites the submission of written comments on the draft background review documents, draft ICCVAM test method recommendations, draft test method protocols, and revised draft test method performance standards. Written comments should be submitted preferably electronically via the NICEATM–ICCVAM Web site or by e-mail (*niceatm@niehs.nih.gov*); the deadline for submission of written comments is February 22, 2008. When submitting written comments, please refer to this **Federal Register** notice and include appropriate contact information (name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization, if applicable). Written comments may also be sent by mail, fax, or e-mail to Dr. William Stokes (see **FOR FURTHER INFORMATION CONTACT** above). All comments received will be placed on the NICEATM–ICCVAM Web site (*http://iccvam.niehs.nih.gov*) and identified by the individual's name and affiliation or sponsoring organization (if applicable). Comments will also be sent to the panel and ICCVAM agency representatives and made available at the meeting.

This meeting is open to the public, and time will be provided for the presentation of oral comments by the public at designated times during the peer review. Members of the public who wish to present oral statements at the meeting should contact NICEATM (see **FOR FURTHER INFORMATION CONTACT** above) no later than February 20, 2008, and provide contact information (name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization, if applicable). Up to seven minutes will be allotted per speaker, one speaker per organization. Persons registering to make comments are asked to provide NICEATM a written copy of their statement by February 27, 2008, so that copies can be distributed to the panel prior to the meeting. If this is not possible, please bring 40 copies of your comments to the meeting for distribution and to supplement the record. Written statements can supplement and expand the oral presentation.

Summary minutes and the panel's final report will be available following the meeting on the NICEATM–ICCVAM Web site (*http://iccvam.niehs.nih.gov*). ICCVAM will consider the panel's conclusions and recommendations and any public comments received when finalizing their test method recommendations and performance standards for these methods.

Background Information on ICCVAM and NICEATM

ICCVAM is an interagency committee composed of representatives from 15 Federal regulatory and research agencies that use or generate toxicological information. ICCVAM conducts technical evaluations of new, revised, and alternative methods with regulatory applicability, and promotes the scientific validation and regulatory acceptance of toxicological test methods that more accurately assess the safety and hazards of chemicals and products and that refine, reduce, or replace animal use. The ICCVAM Authorization Act of 2000 (42 U.S.C. 285l–3, available at *http://iccvam.niehs.nih.gov/docs/about_docs/PL106545.pdf*) establishes ICCVAM as a permanent interagency committee of the NIEHS under NICEATM. NICEATM administers ICCVAM and provides scientific and operational support for ICCVAM-related activities. NICEATM and ICCVAM work collaboratively to evaluate new and improved test methods applicable to the needs of Federal agencies. Additional information about ICCVAM and NICEATM is available on the NICEATM–ICCVAM Web site at *http://iccvam.niehs.nih.gov.*

References

EPA. 2003. EPA OPPTS 870.2600 Test Guideline—Skin Sensitization. Available: *http://www.epa.gov/opptsfrs/publications/OPPTS_Harmonized/870_Health_Effects_Test_Guidelines/Drafts/870–2600.pdf.*

ISO. 2002. ISO 10993–10 Biological evaluation of medical devices—Part 10: Tests for irritation and delayed-type hypersensitivity. Geneva: International Organization for Standardization.

OECD. 2002. OECD Guideline for the Testing of Chemicals—Test Guideline 429: Skin Sensitization: Local Lymph Node Assay (adopted 24 April 2002). Paris: Organisation for Economic Co-operation and Development.

Dated: December 19, 2007.

Samuel H. Wilson,

Acting Director, National Institute of Environmental Health Sciences and National Toxicology Program.

[FR Doc. E7–25553 Filed 1–7–08; 2:42 pm]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2007–0197]

Area Maritime Security Advisory Committee Detroit; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership in the Area Maritime Security Committee (AMSC) Detroit. The Committee assists the Captain of the Port, Detroit, in developing, reviewing, and updating the

Area Maritime Security Plan for their area of responsibility.

DATES: Requests for membership should reach the U.S. Coast Guard Captain of the Port Detroit by February 7, 2008.

ADDRESSES: Applications for membership should be submitted to the Captain of the Port Detroit at the following address: U.S. Coast Guard Sector Detroit, 110 Mt. Elliot Ave., Detroit, MI, 48207.

FOR FURTHER INFORMATION CONTACT: For questions about submitting an application or about the AMSC in general contact: LT Jeff Ahlgren, Waterways Management, U.S. Coast Guard Sector Detroit, 110 Mount Elliot Ave., Detroit MI, 48207; (313) 568–9580.

SUPPLEMENTARY INFORMATION:

The Committee

The Area Maritime Security Committee (the Committee and Sub-Committees), is established under, and governed by, 33 CFR Part 103, subpart C. The functions of the Committee/Sub-Committees include, but are not limited to, the following:

(1) Identifying critical port infrastructure and operations.

(2) Identifying risks (i.e., threats, vulnerabilities, and consequences).

(3) Determining strategies and implementation methods for mitigation.

(4) Developing and describing the process for continuously evaluating overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied.

(5) Advising and assisting the Captain of the Port in developing, reviewing, and updating the Area Maritime Security Plan under 33 CFR Part 103, subpart E.

Qualification of Members

Members must have at least 5 years of experience related to maritime or port security operations. Applicants may be required to pass an appropriate security background check before appointment to the Committee/Sub-Committees.

Applicants must register and remain active as Coast Guard Homeport users if appointed.

The term of office for each vacancy is 5 years. However, a member may serve one additional term of office. Members are not salaried or otherwise compensated for their service on the Committee/Sub-Committees.

Format of Applications

Applications for membership may be in any format. However, because members must demonstrate an interest in the security of the area covered by the Committee/Regional Sub-Committees, we particularly encourage the submission of information highlighting experience in maritime or security matters.

Authority

Section 102 of the Maritime Transportation Security Act of 2002 (Pub. L. 107–295) (the Act) authorizes the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security Committees for any port area of the United States. See 33 U.S.C. 1226; 46 U.S.C. 70112(a)(2); 33 CFR 103.205; Department of Homeland Security Delegation No. 0170.1. The Act exempts Area Maritime Security Committees from the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (Pub. L. 92–463).

P.W. Brennan,

Captain, U.S. Coast Guard, Captain of the Port, Detroit.

[FR Doc. E8–107 Filed 1–7–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2007–0194]

Area Maritime Security Committee, Eastern Great Lakes; and Regional Sub-Committees; Vacancies

AGENCY: Coast Guard, DHS.

ACTION: Request for applications.

SUMMARY: The Coast Guard seeks applications for membership in the Area Maritime Security Committee, Eastern Great Lakes and five regional sub-committees: Northeast Ohio Region, Northwestern Pennsylvania Region, Western New York Region, Lake Ontario Region and St Lawrence Region. The Committee assists the Captain of the Port, Buffalo, in developing, reviewing, and updating the Area Maritime Security Plan for their area of responsibility.

DATES: Requests for membership should reach the U.S. Coast Guard Captain of the Port, Buffalo, on February 7, 2008.

ADDRESSES: Submit applications for membership to the Captain of the Port, Buffalo, Attn: Regional Executive Coordinator, 1 Fuhrmann Boulevard, Buffalo, NY 14203–3189.

FOR FURTHER INFORMATION CONTACT:

Northeast Ohio Region Executive Coordinator—Mr. Peter Killmer at 216–937–0136.

Northwestern Pennsylvania Region Executive Coordinator—Mr. Joseph Fetscher at 216–937–0126.

Northwestern New York Region Executive Coordinator—Mr. Timothy Balunis at 716–843–9559.

Lake Ontario Region Executive Coordinator—Mr. David Mergenthaler at 716–843–9579.

St Lawrence Region Executive Coordinator—Mr. Ralph Kring at 716–843–9326.

SUPPLEMENTARY INFORMATION:

The Committee

The Area Maritime Security Committee, Eastern Great Lakes (the Committee and Sub-Committees), is established under, and governed by, 33 CFR Part 103, subpart C. The functions of the Committee/Sub-Committees include, but are not limited to, the following:

(1) Identifying critical port infrastructure and operations.

(2) Identifying risks (i.e., threats, vulnerabilities, and consequences).

(3) Determining strategies and implementation methods for mitigation.

(4) Developing and describing the process for continuously evaluating overall port security by considering consequences and vulnerabilities, how they may change over time, and what additional mitigation strategies can be applied.

(5) Advising and assisting the Captain of the Port in developing, reviewing, and updating the Area Maritime Security Plan under 33 CFR Part 103, subpart E.

Positions Available on the Committee

There are 10 vacancies on the Eastern Great Lakes Committee. These vacancies will be the Chairperson and Vice-Chairperson from the five regional subcommittees: Northeast Ohio Region, Northwestern Pennsylvania Region, Western New York Region, Lake Ontario Region and St Lawrence Region. Members may be selected from:

(1) The Federal, Territorial, or Tribal government;

(2) The State government and political subdivisions of the State;

(3) Local public safety, crisis management, and emergency response agencies;

(4) Law enforcement and security organizations;

(5) Maritime industry, including labor;

(6) Other port stakeholders having a special competence in maritime security; and

(7) Port stakeholders affected by security practices and policies.

In support of the Coast Guard's policy on gender and ethnic diversity, we

encourage qualified women and members of minority groups to apply.

Qualification of Members

Members must have at least 5 years of experience related to maritime or port security operations. Applicants may be required to pass an appropriate security background check before appointment to the Committee/Sub-Committees. Applicants must register and remain active as Coast Guard Homeport users if appointed.

The term of office for each vacancy is 5 years. However, a member may serve one additional term of office. Members are not salaried or otherwise compensated for their service on the Committee/Sub-Committees.

Format of Applications

Applications for membership may be in any format. However, because members must demonstrate an interest in the security of the area covered by the Committee/Regional Sub-Committees, we particularly encourage the submission of information highlighting experience in maritime or security matters.

Authority

Section 102 of the Maritime Transportation Security Act of 2002 (Pub. L. 107–295) (the Act) authorizes the Secretary of the Department in which the Coast Guard is operating to establish Area Maritime Security Committees for any port area of the United States. See 33 U.S.C. 1226; 46 U.S.C. 70112(a)(2); 33 CFR 103.205; Department of Homeland Security Delegation No. 0170.1. The Act exempts Area Maritime Security Committees from the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (Pub. L. 92–463).

Dated: December 11, 2007.

S.J. Ferguson,

Captain, U.S. Coast Guard, Captain of the Port, Buffalo.

[FR Doc. E8–108 Filed 1–7–08; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1330–PB–24 1A]

Extension of Approved Information Collection, OMB Control Number 1004–0103

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) is requesting the Office of Management and Budget (OMB) to extend an existing approval to collect information from applicants who apply to purchase mineral materials from public lands under regulations at 43 CFR parts 3600 and 3610. The BLM uses the information collected on Form 3600–9 (Contract for the Sale of Mineral Materials) to evaluate the environmental impacts of and otherwise evaluate mineral materials disposal proposals.

DATES: You must submit your comments to BLM at the address below on or before March 10, 2008. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may mail comments to: U.S. Department of the Interior, Bureau of Land Management, Mail Stop 401LS, 1849 C Street, NW., ATTN: Bureau Information Collection Clearance Officer (WO–630), Washington, DC 20240.

You may send comments via Internet to: *comments_washington@blm.gov*. Please include ''Attn: 1004–0103'' and your name and return address in your Internet message.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC, 20036.

All comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday except Federal holidays. Before including your address, telephone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: You may contact George Brown at (202) 452–7765 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to leave a message for Mr. Brown.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(1) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(2) The accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(3) Ways to enhance the quality, utility, and clarity of the information collected; and

(4) Ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Mineral Materials Act of 1947, as amended (Act), 30 U.S.C. 601 and 602, provides for the disposal of mineral materials, such as sand, gravel, and petrified wood from public lands by sale or free use. BLM disposes such materials under the regulations at 43 CFR parts 3600 and 3610.

BLM uses Form 3600–9 to collect information to:

(1) Determine whether the sale of mineral materials is in the public interest;

(2) Mitigate the environmental impacts of mineral materials development;

(3) Get fair market value for materials sold; and

(4) Prevent trespass removal of the materials.

Applicants must submit a request in writing to BLM to purchase mineral materials. Specific information requirements are not stated in the regulations, but sale agreements are made on Form 3600–9 approved by BLM.

BLM estimates we process 5,400 contracts for mineral materials each year. We estimate it takes 30 minutes to complete and compile supporting documentation. The estimated total annual information collection burden is 2,700 hours.

The BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will be of public record.

Dated: January 2, 2008.

Ted R. Hudson,

Information Collection Clearance Officer.

[FR Doc. E8–66 Filed 1–7–08; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–140–08–1610–DP]

Notice of Public Meeting, Northwest Colorado Resource Advisory Council Subcommittees for the Kremmling Resource Management Plan Revision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM) Northwest Colorado Resource Advisory Council (RAC) Subcommittee on the Kremmling Field Office Management Plan (RMP) Revision will meet as indicated below.

DATES: January 17 and 29, 2008; from 5 p.m. to 8 p.m.

ADDRESSES: The Kremmling RMP Subcommittee will meet at the Kremmling Chamber of Commerce, 203 Park Avenue, Kremmling, CO.

FOR FURTHER INFORMATION CONTACT: Joe Stout, Planning and Environmental Coordinator, telephone 970–724–3003.

SUPPLEMENTARY INFORMATION: The Northwest Colorado RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of public land issues in northwestern Colorado. A subcommittee has been formed under this RAC to advise it regarding the Kremmling RMP Revision. The individuals on this subcommittee represent a broad range of interests and have specific knowledge of the Field Offices. Recommendations developed by these subcommittees will be presented formally for discussion to the NW RAC at publicly announced meetings of the full NW RAC. Both the subcommittee meetings and the full NW RAC meetings have public comment opportunities.

Steve Bennett,

Acting Glenwood Springs Field Manager, Lead Designated Federal Officer for the Northwest Colorado RAC.

[FR Doc. E8–61 Filed 1–7–08; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–079–08–1010–PH]

Notice of Public Meeting, Western Montana Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act (FLPMA) and the Federal Advisory Committee Act of 1972 (FACA), the U.S. Department of the Interior, Bureau of Land Management (BLM), the Western Montana Resource Advisory Council will meet as indicated below.

DATES: The next regular meeting of the Western Montana RAC will be held February 28, 2008 at the Butte Field Office, 106 N. Parkmont, Butte, Montana, beginning at 9 a.m. The public comment period for the meeting will begin at 11:30 a.m. and the meeting is expected to adjourn at approximately 3 p.m.

FOR FURTHER INFORMATION CONTACT: For the Western Montana RAC, contact Marilyn Krause, Resource Advisory Council Coordinator, at the Butte Field Office, 106 North Parkmont, Butte, Montana 59701, telephone 406–533–7617.

SUPPLEMENTARY INFORMATION: The 15-member Council advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in western Montana. At the February 28 meeting, topics we plan to discuss include: Cooperative rangeland monitoring, forest health issues, a review of Forest Service fee proposals, and election of officers.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, or other reasonable accommodations, should contact the BLM as provided below.

Dated: January 2, 2008.

Richard M. Hotaling,

Field Manager.

[FR Doc. E8–49 Filed 1–7–08; 8:45 am]

BILLING CODE 4310–$$–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION; UNITED STATES AND MEXICO

Notice of Availability of Final Programmatic Environmental Impact Statement, Improvements to the USIBWC Rio Grande Flood Control Projects along the Texas-Mexico Border

AGENCY: United States Section, International Boundary and Water Commission (USIBWC).

ACTION: Notice of Availability of Final Programmatic Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended, the United States Section, International Boundary and Water Commission (USIBWC) has prepared a Programmatic Environmental Impact Statement (PEIS) for future improvements to three Rio Grande Flood Control Projects (FCP) operated by the USIBWC along the Texas-Mexico Border: The Rectification FCP, the Presidio FCP and Lower Rio Grande FCP. The PEIS, prepared in cooperation with the United States Bureau of Reclamation, United States Fish and Wildlife Service and United States Army Corps of Engineers, analyzes potential impacts of the No Action Alternative and three action alternatives for future FCP improvements under consideration.

Because several measures under consideration are at a conceptual level of development, the USIBWC has taken a broad programmatic look at the potential environmental implications of measures identified for future implementation. The USIBWC will apply the programmatic evaluation as an overall guidance for future environmental evaluations of individual improvement projects whose implementation is anticipated or possible within a 20-year timeframe. Once any given improvement project is identified for future implementation, site-specific environmental documentation will be developed based on project specifications and PEIS findings.

DATES: The Final PEIS will be available to agencies, organizations and the general public on January 8, 2008. A copy of the Final PEIS will also be posted in the USIBWC Web site at *http://www.ibwc.state.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Borunda, Environmental Protection Specialist, Environmental Management Division, USIBWC, 4171 North Mesa Street, C–100, El Paso,

Texas 79902 or e-mail: *danielborunda@ibwc.state.gov.*

SUPPLEMENTARY INFORMATION: The PEIS analyzes potential effects of the No Action Alternative and three action alternatives for future improvement of the Rectification, Presidio and Lower Rio Grande Flood Control Projects located along the Texas-Mexico border. Potential improvements were organized in three action alternatives: (1) Enhanced Operation and Maintenance Alternative, focusing on engineering improvements; (2) Integrated Water Resources Management Alternative, integrating additional water conservation and quality measures to the projects' core mission of flood control and water delivery; and (3) Multipurpose Project Management Alternative incorporating, in addition to engineering improvements and integrating water management, additional measures for multiple use of the floodway and environmental measures supporting initiatives by federal agencies, local governments, and other organizations. These additional measures would be conducted largely under cooperative agreements with the proponent agency or organization. The PEIS evaluated alternatives for each flood control project in terms of potential effects relative to those of the No Action Alternative, in the areas of water, biological, cultural and socioeconomic resources, land use, and environmental health issues. The Multipurpose Project Management Alternative was selected as the preferred option for implementation of improvements to the flood control projects as it supports improvements in water quality and water conservation, and is consistent with the core project mission of flood control and water delivery. Public participation in the PEIS development included scoping meetings, a 45-day review period of the Draft PEIS, and Public Hearings held at the Cities of El Paso, Presidio and McAllen, Texas, on August 21, 22, and 28, 2007, respectively.

Copies of the FEIS have been sent to agencies, organizations and individuals who participated in the scoping process and to those who have requested copies of the FEIS. A limited number of Final PEIS copies may be obtained upon request from the contact person identified above. A Record of Decision will be issued after a minimum of 30 days following the filing of the Final PEIS. Any comments on the Final PEIS must be received no later than 30 days after the date of publication of the notice of availability by the Environmental Protection Agency (EPA) in the **Federal Register**. No action will be taken on the proposed action before 30 days following publication of the notice of availability of the Final PEIS by EPA.

Dated: January 2, 2008.

Susan E. Daniel,

General Counsel.

[FR Doc. E8–37 Filed 1–7–08; 8:45 am]

BILLING CODE 7010–01–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1138 and 1139 (Preliminary)]

Aminotrimethylenephosphonic Acid (ATMP) and 1-Hydroxyethylidene-1,1-Diphosphonic Acid (HEDP) From China and India

AGENCY: United States International Trade Commission.

ACTION: Institution of antidumping duty investigations and scheduling of preliminary phase investigations.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping duty investigation Nos. 731–TA–1138 and 1139 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from aminotrimethylenephosphonic acid (ATMP) and 1-hydroxyethylidene-1,1-diphosphonic acid (HEDP) from China and India, provided for in subheading 2931.00.90 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping investigations in 45 days, or in this case by February 14, 2008. The Commission's views are due at Commerce within five business days thereafter, or by February 22, 2008.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* December 31, 2007.

FOR FURTHER INFORMATION CONTACT: Christopher Cassise (202–708–5408), Office of Investigations, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter 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 (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to a petition filed effective December 31, 2007, by Compass Chemical International LLC, Huntsville, TX.

Participation in the Investigations and Public Service List

Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the

application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on January 18, 2008, at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC. Parties wishing to participate in the conference should contact Christopher Cassise (202–708–5408) not later than January 16, 2008, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before January 24, 2008, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (November 8, 2002). Even where electronic filing of a document is permitted, certain documents must also be filed in paper form, as specified in II(C) of the Commission's Handbook on Electronic Filing Procedures, 67 FR 68168, 68173 (November 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

Issued: January 3, 2008.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E8–100 Filed 1–7–08; 8:45 am]

BILLING CODE 7020–02–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8964]

Notice of Availability of Environmental Assessment and Finding of No Significant Impact for the Addition of the SR–2 Satellite Facility To Power Resources, Inc's Smith Ranch-Highlands Uranium Project, Converse County, WY

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of availability.

FOR FURTHER INFORMATION CONTACT: Paul Michalak, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 415–7612; Fax number: (301) 415–5955; E-mail: *pxm2@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

Power Resources, Inc. (PRI) currently holds Source Material License SUA–1548 for the Smith Ranch-Highland Uranium Project (SR–HUP) site, located in Converse County, Wyoming. Source Material License SUA–1548 permits PRI to conduct In Situ Leach (ISL) uranium recovery operations at the SR–HUP site. As specified in Source Material License SUA–1548, License Condition 10.5.1 requires the following:

> The licensee is prohibited from constructing new Satellite Facilities or waste water evaporation ponds prior to NRC review and approval of designs and specifications.

By letter dated October 11, 2006, PRI submitted a request to construct ISL Satellite SR–2 (SR–2) at the SR–HUP site. In this proposed action, an ISL satellite facility is a structure (i.e., building and associated equipment) where the ion exchange portion of the ISL processing circuit is conducted. ISL Satellite SR–2 would service Mine Units 9, 10, 11, and 12, located near the southwest corner of Smith Ranch. It is estimated that construction of SR–2 and associated access road would impact approximately 1.5 acres of land.

The NRC staff has prepared an Environmental Assessment (EA) in support of its review of PRI's request in accordance with the requirements of 10 CFR Part 51. Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate.

II. EA Summary

Background

PRI's SR–HUP is a commercial ISL uranium mining facility located in the South Powder River Basin, Converse County, Wyoming. The main office and Central Processing Plant complex is located at Smith Ranch, about 17 air miles (22 road miles) (27 air/35 road kilometers (km)) northeast of Glenrock, Wyoming, and 23 air miles (25 road miles) (37 air/40 road km) northwest of Douglas, Wyoming. NRC issued PRI's current NRC license for the SR–HUP (Source Material License SUA–1548) on August 18, 2003, as part of a license renewal process. Commercial ISL uranium production began at the Highland site in January 1988, and at the Smith Ranch site in June 1997.

PRI current operations at the SR–HUP include an ISL Central Processing Plant (CPP) and an ISL Satellite facility (SR–1) at the Smith Ranch site and two ISL Satellite facilities (Satellite Nos. 2 and 3) at the Highland site.

Under SUA–1548, PRI is authorized, through its ISL process, to produce up to 5.5 million pounds (2.5 million kilograms) per year of tri-uranium octoxide (U3O8), also known as ''yellowcake.'' PRI's current annual production is less than half of this limit.

Review Scope

The NRC staff has reviewed PRI's request in accordance with the NRC's environmental protection regulations in 10 CFR Part 51. Those regulations implement section 102(2) of the National Environmental Policy Act of 1969, as amended. The EA provides the results of the NRC staff's environmental review. The NRC staff's radiation safety review of PRI's request will be documented separately in a Safety Evaluation Report.

The NRC staff has prepared the EA in accordance with NRC requirements in 10 CFR 51.21 and 51.30, and with the associated guidance in NRC report NUREG–1748, ''Environmental Review Guidance for Licensing Actions

Associated with Nuclear Material Safety and Safeguards Programs.'' In 40 CFR 1508.9, the Council on Environmental Quality defines an EA as a concise public document that briefly provides sufficient evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a FONSI.

The NRC staff's review addressed the environmental impacts of PRI's currently-approved mining operations at the SR–HUP only insofar as such operations would be modified by the proposed addition of SR–2.

Proposed Action

PRI is proposing to construct and operate SR–2 at the SR–HUP site. Construction of SR–2 would entail the clearing of about 1.5 acres of land due to satellite building and access road construction. The SR–2 facility would be the source of the barren lixiviant pumped into the uranium ore zone and the recipient of the pregnant lixiviant recovered from Mine Units 9, 10, 11, and 12. Upon recovery from the subsurface, the pregnant lixiviant would be pumped to a series of IX columns located within SR–2, where uranium from the lixiviant would be extracted from the solution via adsorption onto the ion exchange (IX) resin in the columns. Following IX extraction of the uranium, the resin would be removed from the tanks and transported to the Smith Ranch CPP for further processing (i.e., elution, precipitation, drying into a U_3O_8 powder, and packing into 55-gallon drums). As part of supporting the ISL operation at future Mine Units 9, 10, 11, and 12, activities at SR–2 would include lixiviant and waste water storage, ion exchange, resin transfer, reverse osmosis operations associated with ground water restoration, and deep well injection of production and restoration effluent wastes. Operation period for SR–2 and Mine Units 9, 10, 11, and 12, is estimated to be approximately nine years.

Purpose and Need for the Proposed Action

Construction of a second satellite facility at the Smith Ranch site would enable PRI to conduct IX exchange activities in close proximity to future Mine Units 9, 10, 11, and 12, all of which are located in the southwest portion of Smith Ranch, approximately 4.5 miles southwest of the closest processing facility (Smith Ranch CPP). This would also allow PRI to continue to meet the current and future needs of its customers for U_3O_8, a product that would eventually be used in fuel for commercially-operated nuclear power reactors.

Alternatives to the Proposed Action

No Action Alternative

Under the ''no action'' alternative, PRI would continue to conduct ISL uranium recovery operations at existing satellite facilities within the permit boundary of the SR–HUP, but it would not be authorized to build and operate SR–2.

Other Alternatives

In the southern Powder River Basin, where the SR–HUP facility is located, uranium ore has been mined via open pits and underground mining in the past. This activity occurred from 1970 to 1984 at the Exxon Highland facility, which is adjacent to the eastern edge of the SR–HUP permit area, and from the mid-1970s to 1986 at Union Pacific Resources' Bear Creek site (now owned by Anadarko Petroleum), which is approximately 15 miles (24 km) northeast of the SR–HUP permit area.

The environmental impacts associated with the recovery and processing of uranium ore obtained via open pit or underground mining are generally recognized as being considerably greater than those associated with ISL uranium recovery. Underground mining would produce ore that is crushed and ground in a conventional uranium mill. Uranium within the crushed material would be extracted through leaching. Conventional uranium mining and milling produces considerable volumes of waste (e.g., slag, mill tailings, etc.) which must be disposed. In the southern Powder River Basin, where the SR–HUP facility is located, uranium was historically mined via open pits and subsurface mine shafts during the 1970s and 1980s. At SR–HUP, construction of the Bill Smith mine shaft was initiated in September 1972, and completed in early 1977. However, due to porous sands and heaving shale zones in the Fort Union formation, conventional subsurface mining was terminated in June 1978. Open pit uranium mining occurred from 1970 to 1984 at the Exxon Highland facility, which is adjacent to the eastern edge of the SR–HUP permit area (approximately 15 miles northeast of SR–2). Although the potential for future conventional mining exists, two factors make conventional mining in the vicinity of the SR–HUP unlikely: ISL operations are approximately two-to-three times more cost effective than open pit mining/conventional milling operations; and virtually all the South Powder River Basin uranium ore deposits are amenable to ISL development. Therefore, although both open pit and underground mining of uranium has occurred near SR–2, these alternatives were not considered further in this analysis.

Environmental Impacts

No-Action Alternative

Under the no-action alternative, PRI would not be authorized to operate a satellite ISL facility in the southwestern portion of SR–HUP. PRI would continue to operate its other satellite facilities within the SR–HUP permit area. The SR–2 area would remain open to its current uses: livestock grazing and wildlife use.

Proposed Action

The addition of SR–2 to the SR–HUP would add approximately 10 to 12 employees to the SR–HUP work force. With such a small increase in the work force, socioeconomic impacts to local housing, schools, health and social services, transportation, and other support facilities are negligible. Additionally, given the remote rural location of SR–HUP, no impacts related to environmental justice issues were identified.

The major potential environmental impacts associated with construction and operation of SR–2 include the disturbance of about 1.5 acres of land due to satellite building construction and operation and support road construction.

The primary impact on land use will be the temporary loss (approximately nine years) of about 1.5 acres from livestock use. These effects will be limited, temporary, and reversible through returning the land to its former grazing use following completion of post-recovery surface reclamation. The temporary alteration of an approximately 1.5 acre area is not considered to constitute a significant adverse impact to either ecological systems or wildlife.

To the extent possible, PRI will use existing access roads in the area; however, it is expected that, as part of the SR–2 construction, PRI will need to construct an access road and widen existing roads. Ephemeral drainages may be affected by this road construction, as well as by the construction of the SR–2 satellite building. When designing and constructing new roads, PRI will consider weather, elevation contours, land rights, cultural resources, and drainages. When constructing new roads, PRI will make efforts to cross ephemeral drainages or channels at right angles to enhance erosion protection

measures. However, as it may not always be feasible or warranted to construct roads or crossings at right angles or along elevation contours, PRI will consider and implement erosion measures appropriate for the situation.

Air quality will be impacted by the release of diesel emissions from construction equipment and from fugitive dust from construction activities and vehicle traffic. Diesel emissions would be minor and of short duration, and would be readily dispersed in the atmosphere. Fugitive dust generated from construction activity, as well as vehicle traffic on unpaved roads, would be localized and of short duration. Localized areas affected by site operations would be reclaimed, topsoiled, and re-seeded.

Operation of SR–2 would involve the transportation of uranium-charged resin beads from the satellite facility to the Smith Ranch CPP, and the transportation of the stripped resin beads back to the satellite facility. Expected truck traffic between SR–2 and the Smith Ranch CPP would initially be about one truck a day, with a decrease in traffic, as the well fields are mined out. It is not expected that the additional traffic would result in an increased accident rate for the stretch of Ross Road between the SR–2 access road and the Smith Ranch CPP. However, in the case of an accident involving a shipment of uranium-loaded resin, the environmental impacts would be expected to be small. Overturning of a tanker truck carrying the loaded resin could result in the release of some resin and residual water. The resin beads, which would be deposited on the ground a short distance from the truck, would retain the uranium, absent a strong brine to strip the resin. PRI would collect the resin and any contaminated soils and dispose of them appropriately (e.g., in a licensed facility). All disturbed areas would then be reclaimed in accordance with the applicable NRC and State regulations. Airborne release of uranium would not occur since the uranium would remain fixed to the beads.

The primary source of radiological impact to the environment from site operations is gaseous radon-222, which is released from the satellite facility and from the wellfields. In a worst case scenario that considered the cumulative radiological impacts for the entire SR–HUP operation including SR–2, the two nearest SR–2 residents, Sunquest Ranch, and the Vollman Ranch, are estimated to receive a peak maximum yearly dose of 17.5 and 13.2 mrem/yr, respectively. However, it is very unlikely that these peak doses would be reached due to the modeling methodology and input data conservatism. Additionally, the airborne sampling program at PRI has been used and would continue to be used to verify the off site dose to the nearest resident and the general population. NRC staff evaluated the model results and has determined that estimated dose to the nearest resident and members of the public meet the requirements of 10 CFR 20.1301 (i.e., 100 mrem/yr).

In terms of waste disposal, PRI is required, under License Condition 9.6 of SUA–1548, to dispose of 11e.(2) byproduct materials generated by project operations at a licensed byproduct waste disposal site. Currently, PRI disposes of its radioactively-contaminated solid wastes at Pathfinder Mines Corporation's Shirley Basin uranium mill site in eastern Wyoming. PRI has submitted a Class I Underground Injection Well application with the Wyoming Department of Environmental Quality (WDEQ) Underground Injection Control (UIC) Program for liquid waste disposal. Wastewater disposal associated with PRI's SR–2 operations is not expected to affect local stock and domestic wells as these wells are completed in stratigraphic horizons far above the zones planned for wastewater disposal.

Conclusion

The NRC has reviewed the environmental impacts of the proposed action in accordance with the requirements of 10 CFR Part 51. The NRC staff has determined that the construction and operation of SR–2 would not significantly affect the quality of the human environment. Therefore, an EIS is not warranted for the proposed action, and pursuant to 10 CFR 51.31, a FONSI is appropriate.

Agencies and Persons Consulted

The NRC staff consulted with other Federal and State agencies regarding the proposed action. These consultations were intended to afford these agencies the opportunity to comment on the proposed action, and to ensure that the requirements of Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA) were met with respect to the proposed action.

The WDEQ administers and implements the State rules and regulations for ISL related activities. PRI possesses a current WDEQ mining permit for its commercial operations. By letter dated September 13, 2007, the NRC staff provided a draft copy of the SR–2 EA to the WDEQ for its review and comment. By correspondence dated November 29, 2007, the WDEQ indicated it had no comments on the EA (WDEQ 2007).

By letter dated June 26, 2007, with follow-up correspondence on September 19, 2007, NRC staff requested information from the U.S. Fish and Wildlife Service, Mountain-Prairie Region (USFWS/MPR) regarding endangered or threatened species or critical habitat in the SR–2 area. No response was received. In absence of a response, NRC staff identified a USFWS/MPR Web site (dated December 2006) which listed, by county, endangered and threatened species in Wyoming. Utilizing the Converse County, Wyoming list, NRC staff has concluded that there are no endangered or threatened species, either plant or animal, nor is there critical habitat, in SR–2.

Pursuant to the requirements of Section 106 of the NHPA, the NRC staff consulted with the Wyoming State Historic Preservation Office (WSHPO). By letter dated June 14, 2007, the NRC staff requested information from the WSHPO regarding cultural and historic properties that may be affected by SR–2. Further correspondence documenting Section 106 consultations was sent to WSHPO on December 4, 2007. By return letter dated December 12, 2007, the WSHPO provided its concurrence that no historic properties would be adversely affected by the proposed action.

By letters dated July 20, 2007, the NRC staff initiated a Section 106 of the NHPA consultation with numerous Native American cultural and tribal/business representatives located in Oklahoma, Wyoming, North Dakota, South Dakota, Montana, and New Mexico. The consultation requested information regarding historical sites or cultural resources within the southwest area of SR–HUP (i.e., SR–2 and Mine Units 9, 10, 11, and 12), including any specific knowledge of any sites that are believed to have traditional religious and cultural significance.

The NRC has received responses from two Native American tribes: Cheyenne River Sioux Tribe (dated August 20, 2007) and Standing Rock Sioux Tribe (dated September 6, 2007). Following telephone calls to both parties, NRC staff forwarded supplemental information to the Cheyenne River Sioux Tribe (dated September 21, 2007) and Standing Rock Sioux Tribe (dated October 3, 2007) indicating that the proposed action would not impact Class III Cultural Resource inventoried sites deemed eligible for inclusion to the NRHP. The supplemental information also included planned mitigation measures (i.e., buffer zones) to protect

sensitive cultural resource sites. NRC staff has conducted multiple follow-up calls to both parties. No further comments have been received.

III. Finding of No Significant Impact

On the basis of the EA, the NRC staff has concluded that there are no significant environmental impacts from the addition of the SR–2 to the SR–HUP operational area for the purpose of conducting satellite IX processing of uranium-bearing solution. Therefore, the NRC staff has determined not to prepare an EIS.

IV. Further Information

Documents related to this action, including the application for amendment and supporting documentation, will be 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 numbers for the documents related to this notice are:

Document date	Description	ADAMS accession No.
10/11/06	PRI's request to construct ISL Satellite SR–2	ML062930232
12/28/07	PRI's supplemental information and responses to NRC staff request for additional information.	ML070100517
7/30/07		ML072210887
3/17/07	PRI's supplemental information concerning determination of radiation dose from SR–HUP.	ML071380284
4/16/07		ML071100064
5/4/07		ML071510592
11/29/07	WDEQ comments on pre-decisional draft EA	ML073450518
12/12/07	WSHPO concurrence on NRC staff determination of no adverse affect	ML073540744
12/26/07	NRC staff final EA for addition of the ISL Satellite SR–2	ML073460771

If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's 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–1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at Rockville, Maryland this 27th day of December 2007.

For the Nuclear Regulatory Commission.

Keith I. McConnell,

Deputy Director, Decommissioning and Uranium Recovery, Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E8–101 Filed 1–7–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No: 50–409]

Dairyland Power Cooperative; La Crosse Boiling Water Reactor; Exemption

1.0 Background

Dairyland Power Cooperative (DPC) (the licensee) is the holder of Possession Only License No. DPR–45 for the La Crosse Boiling Water Reactor (LACBWR) in Genoa, Wisconsin. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

2.0 Request/Action

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 74, Section 74.19(b) requires, in part, a licensee authorized to possess special nuclear material (SNM) in a quantity exceeding one effective kilogram at any one time to establish, maintain, and follow written material control and accounting (MC&A) procedures that are sufficient to enable the licensee to account for the SNM in its possession under license. Regulations at 10 CFR 74.19(c) require, in part, a licensee authorized to possess SNM, at any one time and site location, in a quantity greater than 350 grams of contained uranium-235, uranium-233, or plutonium, or any combination thereof, to conduct a physical inventory of all SNM in its possession under license at intervals not to exceed 12 months.

On February 4, 1980, NRC issued a license amendment for LACBWR, approving an increase in the capacity of the spent fuel pool by using a vertical two-tier storage rack configuration. The two-tiered storage rack configuration does not allow observation of areas below occupied areas of the upper rack and does not allow observation of the areas below occupied areas of the lower rack, without fuel handling activities. Spent fuel pool loading was completed after LACBWR shutdown in 1987.

Due to the physical layout of the spent fuel pool at LACBWR, fuel handling activities would need to occur in order for DPC to inventory all SNM in the LACBWR spent fuel pool. Historically, the licensee's annual physical inventory of SNM in the spent fuel pool consisted of verifying that each fuel assembly that can be observed (without fuel handling activity) is in its historical location and that no SNM items have been moved or are missing. In March 2006, NRC staff conducted an inspection of the MC&A safeguards program at LACBWR, which included review of the MC&A procedures and the annual physical inventory required in 10 CFR 74.19. The inspection resulted in a notice of violation related to the licensee's MC&A procedures and annual physical inventory of SNM.

In response to the notice of violation, DPC requested an exemption from certain inventory-related requirements of 10 CFR 74.19(b) and 10 CFR 74.19(c), in a letter dated July 26, 2006. The exemption would limit the handling of fuel assemblies, due to the associated risks (fuel handling accident, fuel assembly damage, further fuel rod segment displacement from existing damaged fuel assemblies), and result in decreased radiation doses to workers. DPC wishes to rely upon the historical MC&A record at LACBWR to provide positive means of verification in performance of annual physical inventory of SNM. The licensee would also continue to use security measures or controls to assure no unauthorized access or diversion of contents from the spent fuel pool. DPC has commenced

the preliminary stages of a dry cask storage project and requests exemption from these requirements until such time that LACBWR spent fuel is moved to dry cask storage, which is currently expected to occur in 2010.

NRC staff reviewed DPC's request and issued a request for additional information on February 8, 2007. DPC provided the additional information on March 21, 2007.

3.0 Discussion

Pursuant to 10 CFR 74.7, the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in 10 CFR Part 74 as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest. The underlying purpose of 10 CFR 74.19 is to provide recordkeeping requirements for material control and accounting of SNM, including requirements for procedures and for conduct of an annual physical inventory of all SNM.

In 2006, while conducting work (that required fuel handling) in the spent fuel pool, DPC was able to observe most of the fuel assemblies. No historical records discrepancies were found with respect to the lower tier fuel assemblies that were observed during that time. However, some fuel assemblies in the lower tier of the spent fuel pool have not been observed since 1987. Regarding these assemblies, the licensee must observe them by the completion of its next annual inventory, using existing procedures for any fuel handling needed, to confirm the assemblies are in the locations indicated by the accounting records. After DPC confirms the locations of the remaining assemblies in the lower tier of the spent fuel pool (that have not been observed since 1987) by completion of its next annual inventory, the licensee's claim of thorough MC&A documentation dating back to 1987 can be verified.

Since all assemblies will have been observed over a two-year period by the completion of the next inventory period in 2008, and the licensee has commenced the preliminary stages of a dry cask storage project that currently indicates that assemblies will be removed from the spent fuel pool within the next few years, the staff has determined that it will be sufficient for the licensee to continue its current inventory practice with regard to assemblies, following the 2008 inventory campaign. This approach will help prevent the future movement of certain fuel assemblies that might result in unnecessary fuel breakage, while still meeting the intent of the recordkeeping requirements of 10 CFR 74.19.

The licensee committed in its March 21, 2007, letter to place in the fuel debris storage baskets, all fuel rod segments and debris retrieved in the future. The licensee must inventory, on an annual basis, the contents of the stainless steel baskets that contain fuel pellets and other debris. The licensee must also revise all pertinent procedures to incorporate those future actions. In addition, the licensee must observe and note the presence of each bottom tier assembly prior to an assembly being placed above it in the upper tier position. The licensee must also provide significant revisions to the dry storage project plan and/or timeline to the NRC in a timely manner (within 45 days).

The NRC staff has determined that granting of the licensee's proposed exemption, with certain conditions discussed above, will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, the exemption is authorized by law.

4.0 Conclusion

Given the above considerations, the NRC staff concludes that by granting the proposed exemption with the above conditions, the underlying purpose of the requirements in 10 CFR 74.19 will be met. The Commission has determined that, pursuant to 10 CFR 74.7, the exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. Therefore, the Commission hereby grants DPC an exemption from certain inventory-related requirements of 10 CFR 74.19(b) and 10 CFR 74.19(c) for LACBWR, provided the licensee satisfies the conditions set forth in the discussion above. This exemption will expire at the time the fuel is transferred to dry cask storage.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (72 FR 73383, December 27, 2007).

Dated at Rockville, Maryland, this 28th day of December 2007.

For the Nuclear Regulatory Commission.

Keith I. McConnell,

Acting Director, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.

[FR Doc. E8–99 Filed 1–7–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of January 7, 14, 21, 28, February 4, 11, 2008.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of January 7, 2008

There are no meetings scheduled for the Week of January 7, 2008.

Week of January 14, 2008—Tentative

There are no meetings scheduled for the Week of January 14, 2008.

Week of January 21, 2008—Tentative

There are no meetings scheduled for the Week of January 21, 2008.

Week of January 28, 2008—Tentative

There are no meetings scheduled for the Week of January 28, 2008.

Week of February 4, 2008—Tentative

There are no meetings scheduled for the Week of February 4, 2008.

Week of February 11, 2008—Tentative

There are no meetings scheduled for the Week of February 11, 2008.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415–1292. Contact person for more information: Michelle Schroll, (301) 415–1662.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/policy-making/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301–492–2279, TDD: 301–415–2100, or by e-mail at *REB3@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969).

In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: January 3, 2008.

Rochelle C. Bavol,

Office of the Secretary.

[FR Doc. 08–32 Filed 1–4–08; 9:57 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; New Computer Matching Program Between the Office of Personnel Management and Social Security Administration

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice—computer matching between the Office of Personnel Management and the Social Security Administration.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503), Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, 54 FR 25818 (June 19, 1989), and OMB Circular No. A–130, Management of Federal Information Resources (revised November 28, 2000), the Office of Personnel Management (OPM) is publishing notice of its new computer matching program with the Social Security Administration (SSA).

DATES: OPM will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will begin 30 days after the **Federal Register** notice has been published or 40 days after the date of OPM's submissions of the letters to Congress and OMB, whichever is later. The matching program will continue for 18 months from the beginning date and may be extended an additional 12 months thereafter. Subsequent matches will run until one of the parties advises the other in writing of its intention to reevaluate, modify and/or terminate the agreement.

ADDRESSES: Send comments to Sean Hershey, Chief, Management Information Branch, Office of Personnel Management, Room 4316, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: James Sparrow on (202) 606–1803.

SUPPLEMENTARY INFORMATION:

A. General

The Privacy Act, as amended (5 U.S.C. 552a), establishes the conditions under which computer matching involving the Federal Government could be performed and adding certain protections for individuals applying for and receiving Federal benefits. The Privacy Act regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. Among other things, it requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency for agencies participating in the matching programs;

(2) Obtain the approval of the match agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;

(3) Furnish detailed reports about matching programs to Congress and OMB;

(4) Notify applicants and beneficiaries that their records are subject to matching;

(5) Verify match findings before reducing, suspending, termination or denying an individual's benefits or payments.

B. OPM Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of OPM's computer matching programs comply with the requirements of the Privacy Act, as amended.

Notice of Computer Matching Program, Office of Personnel Management (OPM) With the Social Security Administration (SSA)

A. Participating Agencies

OPM and SSA.

B. Purpose of the Matching Program

The purpose of this agreement is to establish the terms, conditions and safeguards for disclosure of Social Security benefit information to OPM via direct computer link for the administration of certain programs by OPM's Center for the Retirement and Insurance Services Program. OPM is legally required to offset specific benefits by a percentage of benefits (i.e., Disability Annuitants, Children Survivor Annuitants and Spousal Survivor Annuitants) payable under Title II of the Social Security Act. This matching activity will enable OPM to compute benefits at the correct rate and determine eligibility for these benefits.

C. Authority for Conducting the Matching Program

Section 8461(h) of title 5 of the United States Code.

D. Categories of Records and Individuals Covered by the Match

Under the matching program, OPM will match SSA's DIB and payment date against OPM's records of retirees receiving a FERS disability annuity. The purpose of the matching program is to identify person receiving both a FERS disability annuity and a DIB under section 223 of the Social Security Act, 42 U.S.C. 423, in order to apply OPM offsets. Under FERS, 5 U.S.C. 8452(a)(2)(A), for any month in which an annuitant is entitled to both a FERS disability annuity and to a DIB, the FERS annuity shall be computed as follows: the FERS disability annuity is reduced, for any month during the first year after the individual's FERS disability annuity commences or is restored by 100% of the individual's assumed Social Security DIB for such month, and, for any month occurring during a period other than the period described above, by 60% of the individual's assumed Social Security DIB for such month.

OPM will provide SSA with an extract from the Annuity Master File and from pending claims snapshot records via the File Transfer Management System (FTMS). The extracted file will contain identifying information concerning the child survivor annuitant for whom OPM needs information concerning receipt of SSA child survivor benefits: full name, SSN, date of birth, and type of information requested, as required to extract data from the SSA State Verification and Exchange System files for Title II records. Each record on the OPM file will be matched to SSA's records to identify FERS child survivor annuitants who are receiving SSA CIBs. The **Federal Register** designation for the MBR is 60–0090 (SSA/ORSIS). OPM's system of records involved in this matching program is designated OPM/Central-1, Civil Service Retirement and Insurance Records. For records from OPM/Central-1, notice was provided by the publication of the system of records in the **Federal Register** at 64 FR 54930 (Oct. 8, 1999), as amended at 65 FR 25775 (May 3, 2000).

OPM's records of surviving spouses who may be eligible to receive the FERS Supplementary Annuity will be

matched against SSA's mother's or father's insurance benefit and/or disabled widow(er)'s insurance benefit records. If the surviving spouse is receiving one of the above-described Social Security benefits, he or she is not eligible to receive the FERS Supplementary Annuity. FERS, 5 U.S.C. 8442(f) provides that a survivor who is entitled to a survivor's annuity and who meets certain other statutory requirements shall also be entitled to a supplementary Annuity. To be eligible to receive a supplementary annuity for a given month, the surviving spouse of a deceased FERS annuitant must be eligible for a FERS survivor annuity, be under age 60, be an individual who would be entitled to widow's or widower's insurance benefits under the requirements of sections 202(e) and 402(f), based on the wages and self employment income of the deceased annuity (determined as of the date of the annuitant's death, as if the survivor had attained age 60 and otherwise satisfied necessary requirements for widow's or widower's insurance benefits. See 5 U.S.C. 8442(f)(4)(B)). The individual must not be eligible for Social Security mother's or father's insurance benefits or disabled widow(er)'s insurance benefits based on the deceased annuitant's wages and self-employment income.

E. Privacy Safeguards and Security

The Privacy Act (5 U.S.C. 552a(o)(1)(G)), requires that each matching agreement specify procedures for ensuring the administrative, technical and physical security of the records matched and the results of such programs. All Federal agencies are subject to: the Federal Information Security Management Act of 2002 (FISMA), 44 U.S.C. 3541 *et seq.*; related Office of Management and Budget (OMB) circulars and memoranda (e.g., OMB Circular A–130 and OMB M–06–16); National Institute of Science and Technology (NIST) directives; and the Federal Acquisition Regulations (FAR)). These laws, circulars, memoranda, directives and regulations include requirements for safeguarding Federal information systems and personally identifiable information used in Federal agency business processes, as well as related reporting requirements. OPM and SSA recognize that all laws, circulars, memoranda, directives and regulations relating to the subject of this agreement and published subsequent to the effective date of this agreement must also be implemented if mandated.

FISMA requirements apply to all Federal contractors and organizations or sources that possess or use Federal information, or that operate, use, or have access to Federal information systems on behalf of an agency. OPM will be responsible for oversight and compliance of their contractors and agents. Both OPM and SSA reserve the right to conduct onsite inspection to monitor compliance with FISMA regulations.

F. Inclusive Dates of the Match

The matching program shall become effective upon the signing of the agreement by both parties to the agreement and approval of the agreement by the Data Integrity Boards of the respective agencies, but no sooner than 40 days after notice of this matching program is sent to Congress and the Office of Management and Budget or 30 days after publication of this notice in the **Federal Register**, whichever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

U.S. Office of Personnel Management.

Linda M. Springer,

Director.

[FR Doc. E8–38 Filed 1–7–08; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57074; File No. SR–FINRA–2007–027]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Revisions to the Series 23 Examination Program

December 31, 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 December 12, 2007, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by FINRA. FINRA has designated this proposal as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is filing revisions to the study outline and selection specifications for the General Securities Principal Sales Supervisor Module (Series 23) examination program.[5] The proposed revisions update the material to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of individuals taking the examination. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws, or Rules of FINRA.

The text of the proposed rule change is available at *http://www.finra.org*, the principal offices of FINRA, and the Commission's Public Reference Room. The Series 23 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to Rule 24b–2 under the Act.[6]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] FINRA also is proposing corresponding revisions to the Series 23 question bank, but based upon instruction from the Commission staff, FINRA is submitting SR–FINRA–2007–027 for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank for Commission review. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000, attached as Exhibit 3c to the proposed rule change. The question bank is available for Commission review.

[6] 17 CFR 240.24b–2.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 15A(g)(3) of the Act [7] requires FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

The Series 23 examination is a limited qualification examination that tests a candidate's knowledge of securities industry rules and regulations pertaining to the supervision of investment banking, securities markets and trading as well as financial responsibility requirements. The Series 23 examination, in combination with the General Securities Sales Supervisor (Series 9/10) examination, is an acceptable qualification alternative to the General Securities Principal (Series 24) examination for associated persons who are required to register and qualify as a General Securities Principal with FINRA. The Series 23 examination covers material from the Series 24 examination not otherwise covered under the Series 9/10 examination.

A committee of industry representatives, together with FINRA staff, recently undertook a review of the Series 23 examination program. As a result of this review, FINRA is proposing to make revisions to the study outline to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of individuals taking the examination.

Among other revisions, FINRA is proposing to revise the references to the FINRA and The NASDAQ Stock Market LLC (''NASDAQ'') rules in the study outline to reflect NASDAQ's separation from FINRA (then known as NASD). In addition, FINRA is proposing to add sections on SEC Regulation M–A (Mergers and Acquisitions), SEC Regulation S–K, SEC Regulation S–X, SEC Regulation NMS, SEC Regulation SHO, the Sarbanes-Oxley Act, SEC Rule 3a4–1 (Associated Persons of an Issuer Deemed Not to Be Brokers), SEC Rule 405 (Definitions of Terms), the NASDAQ Initial Public Offering Process (NASDAQ Head Trader Alert 2005–096) and NYSE Rule 392 (Notification Requirements for Offerings of Listed Securities). FINRA also is proposing to add sections on NASD IM–2110–7 (Interfering With the Transfer of Customer Accounts in the Context of Employment Disputes) and IM–2210–6 (Requirements for the Use of Investment Analysis Tools), as well as on NASD Rules 2111 (Trading Ahead of Customer Market Orders), 2290 (Fairness Opinions), 2370 (Borrowing From or Lending to Customers), 2441 (Net Transactions with Customers) and 5110 (Transactions Related to Initial Public Offerings).

FINRA is proposing to change the title of section 1 of the study outline from ''Supervision of Investment Banking Activities'' to ''Supervision of Investment Banking, Underwriting Activities and Research'' and the title of section 4 from ''Sales Supervision; General Supervision of Employees; Regulatory Framework of NASD'' to ''Sales Supervision and General Supervision of Employees.'' Further, as a result of the revisions discussed above, the number of questions on each section of the study outline were modified as follows: Supervision of Investment Banking, Underwriting Activities and Research, increased from 25 to 30 questions; Supervision of Trading and Market Making Activities, decreased from 29 to 24 questions; Supervision of Brokerage Office Operations, decreased from 16 to 12 questions; Sales Supervision and General Supervision of Employees, increased from 19 to 23 questions; and Compliance with Financial Responsibility Rules, no changes to the number of questions (remains at 11 questions).

FINRA is proposing similar changes to the Series 23 selection specifications and question bank. The number of questions on the Series 23 examination will remain at 100, and candidates will continue to have 2½ hours to complete the exam. Also, each question will continue to count one point, and each candidate must correctly answer 70 percent of the questions to receive a passing grade.

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 23 examination program are consistent with the provisions of sections 15A(b)(6) [8] and 15A(g)(3) of the Act,[9] which authorize FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act [10] and Rule 19b–4(f)(1) thereunder,[11] in that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. FINRA proposes to implement the revised Series 23 examination program on February 12, 2008. FINRA will announce the implementation date in a *Regulatory Notice* to be published on December 12, 2007, the date FINRA filed SR–FINRA–2007–27 with the Commission.

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

[7] 15 U.S.C. 78o–3(g)(3).

[8] 15 U.S.C. 78o–3(b)(6).

[9] 15 U.S.C. 78o–3(g)(3).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b–4(f)(1).

Number SR–FINRA–2007–027 on the subject line.

Paper Comments:

• Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2007–027. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–FINRA–2007–027 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–88 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57081; File No. SR–FINRA–2007–031]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Revisions to the Series 62 Examination Program

December 31, 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 December 12, 2007, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared substantially by FINRA. FINRA has designated this proposal as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is filing revisions to the study outline and selection specifications for the Limited Representative—Corporate Securities (Series 62) examination program.[5] The proposed revisions update the material to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of a Limited Representative—Corporate Securities. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws, or Rules of FINRA.

The text of the proposed rule change is available at *www.finra.org*, the principal offices of FINRA, and the Commission's Public Reference Room. The Series 62 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to Rule 24b–2 under the Act.[6]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 15A(g)(3) of the Act[7] requires FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

Pursuant to NASD Rule 1032(e), each associated person of a member who is included within the definition of representative in NASD Rule 1031(b) may register with FINRA as a Limited Representative—Corporate Securities if: (1) The individual's activities in the investment banking and securities business of the member are limited solely to the solicitation, purchase and sale of a ''security,'' as that term is defined in section 3(a)(10) of the Act; (2) the individual does not engage in any

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] FINRA also is proposing corresponding revisions to the Series 62 question bank, but based upon instruction from the Commission staff, FINRA is submitting SR–FINRA–2007–031 for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank for Commission review. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000, attached as Exhibit 3c to the proposed rule change. The question bank is available for Commission review.

[6] 17 CFR 240.24b–2.

[7] 15 U.S.C. 78o–3(g)(3).

activities relating to the following securities: Municipal securities as defined in section 3(a)(29) of the Act; option securities as defined in NASD Rule 2860; redeemable securities of companies registered pursuant to the Investment Company Act of 1940 (except for money market funds); variable contracts of insurance companies registered pursuant to the Securities Act of 1933; and direct participation program securities as defined in NASD Rule 1022(e); and (3) the individual passes the Series 62 qualification examination.

A committee of industry representatives, together with FINRA staff, recently undertook a review of the Series 62 examination program. As a result of this review, FINRA is proposing to make revisions to the study outline to reflect changes to the laws, rules, and regulations covered by the examination and to better reflect the duties and responsibilities of a Limited Representative—Corporate Securities.

Among other revisions, FINRA is proposing to revise the references to the FINRA and The NASDAQ Stock Market LLC (''NASDAQ'') rules in the study outline to reflect NASDAQ's separation from FINRA (then known as NASD). In addition, FINRA is proposing to add sections on exchange-traded funds, hedge funds, unit investment trusts, SEC Regulation M–A (Mergers and Acquisitions), SEC Regulation S–K, SEC Regulation S–X, SEC Regulation NMS, SEC Regulation SHO and SEC Rule 405 (Definitions of Terms). FINRA also is proposing to add sections on NASD IM–2110–7 (Interfering With the Transfer of Customer Accounts in the Context of Employment Disputes), IM–2440–2 (Additional Mark-Up Policy For Transactions in Debt Securities, Except Municipal Securities) and IM–2210–6 (Requirements for the Use of Investment Analysis Tools), as well as on NASD Rules 2111 (Trading Ahead of Customer Market Orders), 2370 (Borrowing From or Lending to Customers) and 2441 (Net Transactions with Customers).

FINRA is proposing to change the title of section 1 of the study outline from ''Characteristics of Corporate Securities'' to ''Types and Characteristics of Securities and Investments,'' the title of section 3 from ''Valuing Corporate Securities'' to ''Evaluation of Securities and Investments,'' and the title of section 4 from ''Handling Customer Accounts'' to ''Handling Customer Accounts and Securities Industry Regulations.'' Further, as a result of the revisions discussed above, the number of questions on each section of the study outline was modified as follows: Types and Characteristics of Securities and Investments, decreased from 28 to 25 questions; The Market for Corporate Securities, increased from 31 to 40 questions; Evaluation of Securities and Investments, no changes to the number of questions (remains at 14 questions); and Handling Customer Accounts and Securities Industry Regulations, decreased from 42 to 36 questions.

FINRA is proposing similar changes to the Series 62 selection specifications and question bank. The number of questions on the Series 62 examination will remain at 115, and candidates will continue to have 2½ hours to complete the exam. Also, each question will continue to count one point, and each candidate must correctly answer 70 percent of the questions to receive a passing grade.

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 62 examination program are consistent with the provisions of sections 15A(b)(6)[8] and 15A(g)(3) of the Act,[9] which authorize FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act[10] and Rule 19b–4(f)(1) thereunder,[11] in that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. FINRA proposes to implement the revised Series 62 examination program on February 12, 2008. FINRA will announce the implementation date in a *Regulatory Notice* to be published on December 12, 2007, the date FINRA filed SR–FINRA–2007–31 with the Commission.

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–FINRA–2007–031 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2007–031. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying

[8] 15 U.S.C. 78o–3(b)(6).

[9] 15 U.S.C. 78o–3(g)(3).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b–4(f)(1).

information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–FINRA–2007–031 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–94 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57070; File No. SR–Amex–2007–139]

Self-Regulatory Organizations; American Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Retire the EEM Options Pilot Program

December 31, 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 December 20, 2007, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the Exchange. The Exchange has filed the proposal pursuant to section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to retire an existing pilot program (the ''Pilot''),[5] that permits the Exchange to list and trade options (''Fund Options'') on the iShares MSCI Emerging Markets Index Fund (''Fund'').[6] The text of the proposed rule change is available on the Amex's Web site (*http://www.amex.com*), at the Exchange's Office of the Secretary and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this rule change is to retire the Pilot that permits the Exchange to list the Fund Options because the Fund now meets all of the Exchange's generic initial and maintenance standards.

On May 17, 2006, the Commission approved the Amex proposal to list and trade the Fund Options for a 60-day pilot period that expired on July 2, 2006.[7] On June 30, 2006, the Commission approved a 90-day extension to the Pilot that expired on October 1, 2006.[8] On September 29, 2006, the Commission approved a second 90-day extension to the Pilot that expired on January 2, 2007.[9] On January 3, 2007, the Commission approved a third extension to the Pilot for an additional 180-day period to expire on June 30, 2007.[10] On June 25, 2007, the Commission approved a fourth extension to the Pilot for an additional six (6) months, set to expire on December 31, 2007.[11]

The Fund now meets the Exchange's listing and maintenance standards in Commentary .06 to Amex Rule 915 and Commentary .07 to Amex Rule 916, respectively (the ''Listing Standards''[12]). The Listing Standards permit the Exchange to list funds structured as open-end investment companies, such as the Fund, without having to file for approval with the Commission to list for trading options on such funds.

When the Exchange first sought to list options on the Fund, the Exchange had determined that the Fund met substantially all of the Exchange's Listing Standards requirements, but did not meet the Listing Standards requirement that no more than 50% of the weight of the securities in the Fund be comprised of securities that are not subject to a comprehensive surveillance sharing agreement (''CSSA'').[13] The Exchange had in place CSSAs with foreign exchanges that covered 46.72% of the securities in the fund. In order to meet the 50% threshold, the Exchange requested the Commission's approval to rely upon a memorandum of understanding that the Commission had entered into with the CNBV[14] (the ''MOU'') because the securities traded on Bolsa represented 7.42% of the weight of the Fund.[15]

The Fund has now become compliant with Commentary .06(b)(i) to Amex Rule 915 because the Korean Exchange (''KRX'')[16] recently became a member of the Intermarket Surveillance Group and, therefore, securities and other products trading on its markets are now subject to a CSSA. As a result, the percentage of the weights of the Fund represented by South Korean securities now renders the Fund compliant with the Exchange's Listing Standards requirements because

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 53824 (May 17, 2006), 71 FR 30003 (May 24, 2007) (SR–Amex–2006–43).

[6] The Fund is an open-end investment company designed to hold a portfolio of securities that track the MSCI Emerging Markets Index (the ''Index''). The Index is a capitalization-weighted index created and maintained by Morgan Stanley Capital International, Inc. For a complete description of the Fund and the Index, *see id.*

[7] *See supra* note 5.

[8] *See* Securities Exchange Act Release No. 34–54081 (June 30, 2006), 71 FR 38911 (July 10, 2006) (File No. SR–Amex–2006–60).

[9] *See* Securities Exchange Act Release No. 34–54553 (Sept. 29, 2006), 71 FR 59561 (Oct. 10, 2006) (File No. SR–Amex–2006–91).

[10] *See* Securities Exchange Act Release No. 34–55040 (Jan. 3, 2007), 72 FR 1348 (Jan. 11, 2007) (File No. SR–Amex–2007–01).

[11] *See* Securities Exchange Act Release No. 34–55955 (June 25, 2007), 72 FR 36079 (July 2, 2007) (File No. SR–Amex–2007–57).

[12] Commentary .06 to Amex Rule 915 sets forth the initial listing and maintenance standards for shares or other securities (''Exchange-Traded Fund Shares'') that are principally traded on a national securities exchange or through the facilities of a national securities exchange and reported as a national market security, and that represent an interest in a registered investment company organized as an open-end management investment company, a unit investment trust or other similar entity.

[13] *See* Commentary .06(b)(i) to Amex Rule 915.

[14] The National Commission for Banking and Securities, or ''CNBV,'' is Mexico's regulatory body for financial markets and banking. The CNBV regulates the Bolsa Mexicana de Valores (''Bolsa'').

[15] *See* supra note 5. The Commission permitted the Exchange to rely on the MOU, and the Exchange agreed to use its best efforts to obtain a CSSA with the Bolsa during the respective pilot periods, which to date has not been obtained.

[16] The KRX was created on January 27, 2005 through the consolidation of three domestic Korean Exchanges: Korea Stock Exchange (KSE), KOSDAQ Market and Korea Futures Market (KOFEX). *See http://neg.krx.co.kr/index.html.*

more than 50% of the weight of the securities in the Fund are now subject to a CSSA.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (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.[17] Specifically, the Exchange believes the proposed rule change is consistent with the section 6(b)(5) Act[18] requirements 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

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change does not: (1) Significantly affect the protection of investors or the public interest; (2) impose any significant burden on competition; and (3) become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[19] and Rule 19b–4(f)(6) thereunder.[20]

A proposed rule change filed under 19b–4(f)(6) normally may not become operative prior to 30 days after the date of filing.[21] However, Rule 19b–4(f)(6)(iii)[22] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay, to permit the Exchange to list options on the Fund immediately. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The proposal is substantially similar to a proposal recently submitted by CBOE and approved by the Commission,[23] and it raises no new regulatory issues. The Commission notes that the Pilot, which would otherwise expire December 31, 2007, is no longer needed now that the Fund complies with Commentary .06(b)(i) to Amex Rule 915. For these reasons, the Commission designates the proposed rule change to be operative upon filing with the Commission.[24]

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.

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–Amex–2007–139 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Amex–2007–139. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Amex.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Amex–2007–139 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–86 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6).

[21] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has requested and the Commission has determined to waive this five-day pre-filing notice requirement.

[22] *Id.*

[23] *See* Securities Exchange Act Release No. 56448 (September 17, 2007), 72 FR 54304 (September 24, 2007) (SR–CBOE–2007–111).

[24] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[25] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57082; File No. SR–CBOE–2007–153]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Rule 6.14 (Hybrid Agency Liaison)

January 2, 2008.

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 December 28, 2007, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been substantially prepared by CBOE. 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] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to modify the application of its Hybrid Agency Liaison (''HAL'') system. The text of the rule proposal 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's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. CBOE 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

CBOE Rule 6.14 governs the operation of the Exchange's HAL system. HAL provides automated order handling in designated classes trading on Hybrid for qualifying electronic orders that are not automatically executed. The purpose of this filing is to modify the HAL eligibility and order handling process for non-marketable limit orders that improve the Exchange's disseminated quote.

Description of HAL

CBOE Rule 6.14 provides that the Exchange, with input from the appropriate Floor Procedure Committee, shall designate the classes in which HAL shall be activated.[5] For these designated classes, HAL currently (i) processes market and limit orders that are marketable against the Exchange's disseminated quotation while that quotation is not the National Best Bid or Offer (''NBBO''), (ii) processes limit orders that are marketable against the NBBO when CBOE is not the NBBO, and (iii) processes limit orders that improve CBOE's disseminated quotation.[6]

The HAL order handling process operates as follows.[7] HAL flashes an eligible order to gauge if there is any interest from any Market-Maker or member acting as agent for orders at the top of the Exchange's book (''Qualifying Member'') to trade the order at the flash price. For orders that are marketable against the Exchange's disseminated quote or the NBBO, the flash price is the NBBO price. For limit orders that ''middle'' the Exchange's disseminated quote and that are not marketable against the NBBO, the flash price is the limit price of the order(s). This flash/exposure period is configurable but cannot exceed 1.5 seconds. If, during the exposure period, a Market-Maker or Qualifying Member commits to trade with any portion of the order, then the exposure period ends and an allocation period begins. The allocation period, when combined with the flash period, cannot exceed three seconds.

Exposed orders are filled at the conclusion of the allocation period in accordance with the allocation algorithm in effect for the option class pursuant to Rule 6.45A or Rule 6.45B. There is no participation entitlement applicable to exposed orders, and the response size is limited to the size of the exposed order for allocation purposes. If no responses are received during the exposure period, then a linkage order is routed to the NBBO market on behalf of the exposed order in cases where the exposed order is marketable against the NBBO, or if there remains an unexecuted portion of a limit order that is not marketable at the conclusion of the allocation period, then the limit order or remaining balance is entered into the electronic book.

Proposed Changes

This filing makes two HAL changes. First, for all non-Hybrid 3.0 Classes, limit orders that better the Exchange's quote but that are not-marketable (orders that fall under 6.14(a)(iii)) will no longer be flashed through HAL. Instead, these orders will route directly and automatically to the electronic book. Second, non-marketable limit orders that would improve the Exchange's disseminated quote in Hybrid 3.0 Classes will be flashed and handled under normal HAL processing, except when the eligible order is entered on the same side of the market as a manual quote. In that case, the eligible limit order will automatically route into the electronic book instead of being processed by HAL, and the manual quote will automatically cancel, so that the Exchange's disseminated quote will be represented by the limit order's bid/offer. This is consistent with how the limit order would currently be processed in Hybrid 3.0 Classes when a manual quote is present.

The Exchange proposes the first change in connection with a recent fee change it submitted (SR–CBOE–2007–152) which provides a rebate, under certain circumstances, to Market-Makers that ''step-up'' to trade orders flashed in HAL. The rebate program is meant to reduce the number of orders that route to away exchanges. Thus, the rebate is geared more toward encouraging matching better priced quotes on other markets than it is toward trading middle market limit orders. Therefore, the Exchange proposes to directly book those middle market limit orders and not submit them for HAL processing. This way, rebates are not provided for stepping-up to trade orders that will otherwise book. Additionally, direct booking allows a wider range of users to trade against the order sooner.

The second change allows the Exchange to introduce the HAL process in Hybrid 3.0 Classes. By initiating HAL in Hybrid 3.0 Classes, the Exchange will provide further automation to the order handling process by allowing Market-Makers appointed to the relevant option class to electronically participate on such orders.

In all other respects, HAL shall operate as it currently operates today.

2. Statutory Basis

The Exchange believes the proposed rule change to amend CBOE Rule 6.14 to modify the eligibility and order handling process for limit orders that improve the Exchange's disseminated quote when HAL is activated is consistent with the Act and the rules and regulations under the Act applicable to national securities exchanges and, in particular, the requirements of section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* CBOE Rule 6.14(a).

[6] *See* CBOE Rule 6.14(a).

[7] *See* CBOE Rule 6.14(b).

[8] 15 U.S.C. 78f(b).

the section 6(b)(5)[9] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change 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, it has become effective pursuant to section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

Normally, a proposed rule change filed under 19b–4(f)(6) may not become operative prior to 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii)[12] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay. In its filing, the Exchange noted that waiver of the 30-day operative delay, and immediate implementation of the described rule change, would allow the Exchange to (i) implement direct-booking of non-marketable non-Hybrid 3.0 Classes concurrent with related fee changes, which were filed with the Commission for immediate effectiveness on December 21, 2007 and which take effect on January 1, 2008; and (ii) immediately utilize HAL in Hybrid 3.0 Classes, which will allow Market-Makers appointed to the relevant Hybrid 3.0 option class to electronically participate on qualifying flashed orders.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The proposed rule change will allow a greater number of users to trade against certain orders sooner. In addition, initiating HAL for Hybrid 3.0 Classes provides further automation to order handling by allowing Market-Makers to electronically participate on such orders. Accordingly, consistent with the protection of investors and the public interest, the Commission designates the proposed rule change to be operative upon filing with the Commission.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2007–153 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–2007–153. 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 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–2007–153 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–95 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires that a self-regulatory organization submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission notes that CBOE has satisfied the five-day pre-filing notice requirement.

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For the purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57078; File No. SR–CHX–2007–28]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding Trade Processing Fees

December 31, 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 December 21, 2007, the Chicago Stock Exchange, Inc. (''Exchange'' or ''CHX'') filed with the Securities and Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 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

Through this filing, the Exchange proposes to amend its Schedule of Participant Fees and Assessments (the ''Fee Schedule'') to provide that recently-modified processing fees would no longer be assessed on a per-report basis, but would be rolled up and assessed on a per-trade basis. The text of the proposed rule change is available on the Exchange's Web site (*http://www.chx.com/rules/proposed_rules.htm*), at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Under the Exchange's Fee Schedule, the Exchange assesses a fee in connection with the processing of certain away-market trades that are sent to clearing through the Exchange's facilities.[3] The fees are charged for each report submitted to clearing.[4]

Through this filing, the Exchange would amend the Fee Schedule to provide that the fees would no longer be assessed on a per-report basis, but would be rolled up and assessed on a per-trade basis.[5] The Exchange has recently made changes to its billing process that would allow the fee to be calculated in this manner and believes that this revised calculation method provides a fair and reasonable means of assessing this fee.[6]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)(4) of the Act,[7] in that it provides for the equitable allocation of reasonable dues, fees, and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective upon filing pursuant to section 19(b)(3)(A) of the Act[8] and Rule 19b–4(f)(2) thereunder.[9] 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 No. SR–CHX–2007–28 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–CHX–2007–28. 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

[3] The Exchange recently increased this fee to $0.0035/share, up to a maximum of $100 per side, for clearing reports in Tape A and B securities and to $0.0025/share, up to a maximum of $100 per side, for clearing reports in Tape C securities. *See* Securities Exchange Act Release No. 56833 (November 21, 2007), 72 FR 67616 (November 29, 2007) (SR–CHX–2007–26). The Exchange also recently began to apply the fee to trades in all securities, instead of limiting the fee to securities that are not listed or traded on the Exchange. *See id.* These fee changes were designed to help offset the Exchange's costs of processing these transactions for clearing.

[4] Each away-market trade may be composed of more than one clearing report. For example, if a single away-market trade for 4,000 shares includes a clearing report for 1,000 shares between Firm A and Firm B and a clearing report for 3,000 shares between Firm A and Firm C, a separate fee would be assessed on each clearing report. As a result, Firm A could be charged up to $100 per side on each of the two clearing reports, resulting in a potential fee of $200.

[5] Under this revised fee, in the example set out in footnote 4 above, Firm A would be charged up to only $100 per side on the full 4,000 shares associated with the away-market trade.

[6] The Exchange currently uses this ''rolled-up'' method to calculate the transaction fees charged for agency transactions that are handled by its institutional brokers. *See* Fee Schedule, paragraph E.3. By calculating the transaction and processing fees in the same way, the Exchange hopes to eliminate any confusion that may have resulted from its initial choice of a different calculation method. Moreover, the fees that are generated through the processing of clearing reports under this new calculation method will still serve to help offset the Exchange's associated costs of providing the service, thus ensuring that the fee equitably allocates the Exchange's costs among its participants.

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 19b–4(f)(2).

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 CHX. 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–CHX–2007–28 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–91 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57073; File No. SR–FINRA–2007–028]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Revisions to the Series 24 Examination Program

December 31, 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 December 12, 2007, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared substantially by FINRA. FINRA has designated this proposal as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to Section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is filing revisions to the study outline and selection specifications for the General Securities Principal (Series 24) examination program.[5] The proposed revisions update the material to reflect changes to the laws, rules, and regulations covered by the examination and to better reflect the duties and responsibilities of a General Securities Principal. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws, or Rules of FINRA.

The text of the proposed rule change is available at *http://www.finra.org*, the principal offices of FINRA, and the Commission's Public Reference Room. The Series 24 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to Rule 24b–2 under the Act.[6]

[5] FINRA also is proposing corresponding revisions to the Series 24 question bank, but based upon instruction from the Commission staff, FINRA is submitting SR–FINRA–2007–028 for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank for Commission review. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000, attached as Exhibit 3c to the proposed rule change. The question bank is available for Commission review.

[6] 17 CFR 240.24b–2.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 15A(g)(3) of the Act[7] requires FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

Pursuant to NASD Rule 1022(a), each associated person of a member who is included within the definition of principal in NASD Rule 1021(b), and each person designated as a Chief Compliance Officer on Schedule A of Form BD (Uniform Application for Broker-Dealer Registration), is required to register with FINRA as a General Securities Principal, or in such other limited principal registration categories as may be appropriate.[8] An associated person also may be required to register as a General Securities Principal due to other FINRA rule requirements.[9] The Series 24 examination is the FINRA examination that qualifies an individual to function as a General Securities Principal. An associated person seeking to register as a General Securities Principal also must register as either a General Securities Representative (Series 7) or, depending on the scope of his or her supervisory responsibilities, as a Limited Representative—Corporate Securities (Series 62).[10]

A committee of industry representatives, together with FINRA

[7] 15 U.S.C. 78o–3(g)(3).

[8] In addition, NYSE Rule 342.13 recognizes the Series 24 examination as an acceptable alternative to the General Securities Sales Supervisor (Series 9/10) examination for persons whose duties do not include supervision of options or municipal securities sales activities. FINRA has incorporated into its rulebook certain rules of NYSE, including NYSE Rule 342.13. FINRA's NYSE Rule 342.13 applies solely to those members of FINRA that also are members of NYSE on or after July 30, 2007.

[9] *See, e.g.*, NASD Rules 3010(a)(2), 3010(a)(4) and 3012(a)(1).

[10] As a prerequisite to the Series 24 examination, FINRA also recognizes the Limited Registered Representative (Series 17), Canada Modules of the Series 7 (Series 37 and Series 38) and Limited Representative—Private Securities Offerings (Series 82) examinations.

staff, recently undertook a review of the Series 24 examination program. As a result of this review, FINRA is proposing to make revisions to the study outline to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of a General Securities Principal.

Among other revisions, FINRA is proposing to revise the references to the FINRA and The NASDAQ Stock Market LLC (''NASDAQ'') rules in the study outline to reflect NASDAQ's separation from FINRA (then known as NASD). In addition, FINRA is proposing to add sections on SEC Regulation M–A (Mergers and Acquisitions), SEC Regulation S–K, SEC Regulation S–X, SEC Regulation NMS, SEC Regulation SHO, the Sarbanes-Oxley Act, SEC Rule 3a4–1 (Associated Persons of an Issuer Deemed Not to Be Brokers), SEC Rule 405 (Definitions of Terms), the NASDAQ Initial Public Offering Process (NASDAQ Head Trader Alert 2005–096) and NYSE Rule 392 (Notification Requirements for Offerings of Listed Securities). FINRA also is proposing to add sections on NASD IM–2110–7 (Interfering With the Transfer of Customer Accounts in the Context of Employment Disputes), IM–2440–2 (Additional Mark-Up Policy For Transactions in Debt Securities, Except Municipal Securities) and IM–2210–6 (Requirements for the Use of Investment Analysis Tools), as well as on NASD Rules 2111 (Trading Ahead of Customer Market Orders), 2290 (Fairness Opinions), 2370 (Borrowing From or Lending to Customers), 2441 (Net Transactions with Customers) and 5110 (Transactions Related to Initial Public Offerings).

FINRA is proposing to change the title of Section 1 of the study outline from ''Supervision of Investment Banking Activities'' to ''Supervision of Investment Banking, Underwriting Activities and Research'' and the title of Section 4 from ''Sales Supervision; General Supervision of Employees; Regulatory Framework of NASD'' to ''Sales Supervision and General Supervision of Employees.'' Further, as a result of the revisions discussed above, the number of questions on each section of the study outline were modified as follows: Supervision of Investment Banking, Underwriting Activities and Research, increased from 23 to 33 questions; Supervision of Trading and Market Making Activities, decreased from 39 to 31 questions; Supervision of Brokerage Office Operations, decreased from 34 to 29 questions; Sales Supervision and General Supervision of Employees, increased from 38 to 43 questions; and Compliance with Financial Responsibility Rules, decreased from 16 to 14 questions.

FINRA is proposing similar changes to the Series 24 selection specifications and question bank. The number of questions on the Series 24 examination will remain at 150, and candidates will continue to have 3½ hours to complete the exam. Also, each question will continue to count one point, and each candidate must correctly answer 70 percent of the questions to receive a passing grade.

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 24 examination program are consistent with the provisions of Sections 15A(b)(6) [11] and 15A(g)(3) of the Act,[12] which authorize FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act [13] and Rule 19b–4(f)(1) thereunder,[14] in that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. FINRA proposes to implement the revised Series 24 examination program on February 12, 2008. FINRA will announce the implementation date in a *Regulatory Notice* to be published on December 12, 2007, the date FINRA filed SR–FINRA–2007–28 with the Commission.

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–FINRA–2007–028 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2007–028. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–FINRA–2007–028 and

[11] 15 U.S.C. 78o–3(b)(6).
[12] 15 U.S.C. 78o–3(g)(3).
[13] 15 U.S.C. 78s(b)(3)(A)(i).
[14] 17 CFR 240.19b–4(f)(1).

should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–87 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57076; File No. SR–FINRA–2007–029]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Revisions to the Series 42 Examination Program

December 31, 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 December 12, 2007, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared substantially by FINRA. FINRA has designated this proposal as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to Section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is filing revisions to the study outline and selection specifications for the Limited Representative—Options (Series 42) examination program.[5] The proposed revisions update the material to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of individuals taking the examination. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws, or Rules of FINRA.

The text of the proposed rule change is available at *http://www.finra.org*, the principal offices of FINRA, and the Commission's Public Reference Room. The Series 42 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to Rule 24b–2 under the Act.[6]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 15A(g)(3) of the Act[7] requires FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

Pursuant to NASD Rule 1032(d), each associated person of a member who is included within the definition of representative in NASD Rule 1031(b) may register with FINRA as a Limited Representative—Options and Security Futures if: (1) The individual's activities in the investment banking and securities business of the member are limited solely to the solicitation or sale of option or security futures contracts, including option contracts on government securities as that term is defined in Section 3(a)(42)(D) of the Act, for the account of a broker-dealer or public customer; (2) the individual also registers as either a Limited Representative—Corporate Securities (Series 62) or Limited Representative—Government Securities (Series 72); (3) the individual passes the Series 42 qualification examination; and (4) the individual completes a firm element continuing education program that addresses security futures before engaging in any security futures business.

A committee of industry representatives, together with FINRA staff, recently undertook a review of the Series 42 examination program. As a result of this review, FINRA is proposing to make revisions to the study outline to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of a Limited Representative—Options.

Among other revisions, FINRA is proposing to add sections on NASD IM–2110–7 (Interfering With the Transfer of Customer Accounts in the Context of Employment Disputes) and NASD Rules 2370 (Borrowing From or Lending to Customers) and 2790 (Restrictions on the Purchase and Sale of Initial Equity Public Offerings).

As a result of the revisions discussed above, FINRA is proposing to decrease the number of sections covered by the Series 42 outline from five to four. Further, FINRA is proposing to modify the section headings and the number of questions on each section of the outline as follows: Section 1, Terminology, Types of Options, Investment Strategies and Taxation, 20 questions; Section 2, Handling Options Accounts, 14 questions; Section 3, Trading and Settlement Practices, 10 questions; and Section 4, Qualifications and Business Conduct of Registered Options Representatives, Reporting and Recordkeeping Requirements, 6 questions.

FINRA is proposing similar changes to the Series 42 selection specifications and question bank. The number of questions on the Series 42 examination

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] FINRA also is proposing corresponding revisions to the Series 42 question bank, but based upon instruction from the Commission staff, FINRA is submitting SR–FINRA–2007–029 for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(1) thereunder, and is not filing the question bank for Commission review. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000, attached as Exhibit 3c to the proposed rule change. The question bank is available for Commission review.

[6] 17 CFR 240.24b–2.

[7] 15 U.S.C. 78o–3(g)(3).

will remain at 50, and candidates will continue to have 1½ hours to complete the exam. Also, each question will continue to count one point, and each candidate must correctly answer 70 percent of the questions to receive a passing grade.

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 42 examination program are consistent with the provisions of Sections 15A(b)(6)[8] and 15A(g)(3) of the Act,[9] which authorize FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[10] and Rule 19b–4(f)(1) thereunder,[11] in that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. FINRA proposes to implement the revised Series 42 examination program on February 12, 2008. FINRA will announce the implementation date in a *Regulatory Notice* to be published on December 12, 2007, the date FINRA filed SR–FINRA–2007–29 with the Commission.

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.

[8] 15 U.S.C. 78o–3(b)(6).

[9] 15 U.S.C. 78o–3(g)(3).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b–4(f)(1).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2007–029 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2007–029. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–FINRA–2007–029 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–89 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57077; File No. SR–FINRA–2007–030]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Revisions to the Series 55 Examination Program

December 31, 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 December 12, 2007, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared substantially by FINRA. FINRA has designated this proposal as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to Section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is filing revisions to the study outline and selection specifications for the Limited Representative—Equity Trader (Series 55) examination program.[5] The proposed revisions

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] FINRA also is proposing corresponding revisions to the Series 55 question bank, but based upon instruction from the Commission staff, FINRA is submitting SR–FINRA–2007–030 for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank for Commission review. *See*

Continued

update the material to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of a Limited Representative—Equity Trader. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws, or Rules of FINRA.

The text of the proposed rule change is available at *http://www.finra.org*, the principal offices of FINRA, and the Commission's Public Reference Room. The Series 55 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to Rule 24b–2 under the Act.[6]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 15A(g)(3) of the Act[7] requires FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

Pursuant to NASD Rule 1032(f), each associated person of a member who is included within the definition of representative in NASD Rule 1031(b) is required to register with FINRA as a Limited Representative—Equity Trader if, with respect to transactions in equity, preferred or convertible debt securities effected otherwise than on a securities exchange, such person is engaged in proprietary trading, the execution of transactions on an agency basis or the direct supervision of such activities. There is an exception from the Limited Representative—Equity Trader requirement for any associated person of a member whose trading activities are conducted principally on behalf of an investment company that is registered with the Commission pursuant to the Investment Company Act of 1940 and that controls, is controlled by, or is under common control with the member. The Series 55 examination is the FINRA examination that qualifies an individual to function as a Limited Representative—Equity Trader. Before registration as a Limited Representative—Equity Trader may become effective, the individual must be registered as either a General Securities Representative (Series 7) or Limited Representative-Corporate Securities (Series 62).

A committee of industry representatives, together with FINRA staff, recently undertook a review of the Series 55 examination program. As a result of this review, FINRA is proposing to make revisions to the study outline to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of a Limited Representative—Equity Trader.

Among other revisions, FINRA is proposing to revise the references to the FINRA and The NASDAQ Stock Market LLC (''NASDAQ'') rules in the study outline to reflect NASDAQ's separation from FINRA (then known as NASD). FINRA also is proposing to add sections on NASD Rules 2441 (Net Transactions with Customers) and 5110 (Transactions Related to Initial Public Offerings).

FINRA is proposing to change the title of Section 2 of the study outline from ''NASDAQ Display, Execution and Trading Systems'' to ''Display, Execution and Trading Systems.'' Further, as a result of the revisions discussed above, the number of questions on each section of the study outline was modified as follows: NASDAQ and Over-The-Counter Markets, increased from 41 to 42 questions; Display, Execution and Trading Systems, decreased from 17 to 12 questions; Trade Reporting Requirements, increased from 19 to 22 questions; and General Industry Standards, increased from 23 to 24 questions.

FINRA is proposing similar changes to the Series 55 selection specifications and question bank. The number of questions on the Series 55 examination will remain at 100, and candidates will continue to have 3 hours to complete the exam. Also, each question will continue to count one point, and each candidate must correctly answer 70 percent of the questions to receive a passing grade.

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 55 examination program are consistent with the provisions of Sections 15A(b)(6)[8] and 15A(g)(3) of the Act,[9] which authorize FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[10] and Rule 19b–4(f)(1) thereunder,[11] in that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. FINRA proposes to implement the revised Series 55 examination program on February 12, 2008. FINRA will announce the implementation date in a *Regulatory Notice* to be published on December 12, 2007, the date FINRA filed SR–FINRA–2007–30 with the Commission.

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

Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000, attached as Exhibit 3c to the proposed rule change. The question bank is available for Commission review.

[6] 17 CFR 240.24b–2.

[7] 15 U.S.C. 78o–3(g)(3).

[8] 15 U.S.C. 78o–3(b)(6).

[9] 15 U.S.C. 78o–3(g)(3).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b–4(f)(1).

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–FINRA–2007–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2007–030. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–FINRA–2007–030 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–90 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57079; File No. SR–FINRA–2007–033]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Revisions to the Series 82 Examination Program

December 31, 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 December 12, 2007, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared substantially by FINRA. FINRA has designated this proposal as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to Section 19(b)(3)(A)(i) of the Act[3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is filing revisions to the study outline and selection specifications for the Limited Representative—Private Securities Offerings (Series 82) examination program.[5] The proposed revisions update the material to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of a Limited Representative—Private Securities Offerings. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws, or Rules of FINRA.

The text of the proposed rule change is available at *http://www.finra.org,* the principal offices of FINRA, and the Commission's Public Reference Room. The Series 82 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to Rule 24b-2 under the Act.[6]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 15A(g)(3) of the Act[7] requires FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

Pursuant to NASD Rule 1032(h), each associated person of a member who is

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[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] FINRA also is proposing corresponding revisions to the Series 82 question bank, but based upon instruction from the Commission staff, FINRA is submitting SR–FINRA–2007–033 for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank for Commission review. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000, attached as Exhibit 3c to the proposed rule change. The question bank is available for Commission review.

[6] 17 CFR 240.24b–2.

[7] 15 U.S.C. 78o–3(g)(3).

included within the definition of representative in NASD Rule 1031(b) may register with FINRA as a Limited Representative—Private Securities Offerings if: (1) The individual's activities in the investment banking and securities business of the member are limited solely to effecting sales as part of a primary offering of securities not involving a public offering, pursuant to Sections 3(b), 4(2) or 4(6) of the Securities Act of 1933 and the rules and regulations thereunder; (2) the individual does not effect sales of municipal or government securities, or equity interests in or the debt of direct participation program securities as defined in NASD Rule 1022(e); and (3) the individual passes the Series 82 qualification examination.

A committee of industry representatives, together with FINRA staff, recently undertook a review of the Series 82 examination program. As a result of this review, FINRA is proposing to make revisions to the study outline to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of a Limited Representative—Private Securities Offerings.

Among other revisions, FINRA is proposing to add sections on exchange-traded funds, Private Investment in Public Equity (PIPE) offerings, NASD IM–2110–7 (Interfering With the Transfer of Customer Accounts in the Context of Employment Disputes) and NASD Rule 2370 (Borrowing From or Lending to Customers).

FINRA is proposing to change the title of Section 3 of the study outline from ''Analyzing Corporate Securities'' to ''Analyzing Corporate Securities and Investment Planning.'' Further, as a result of the revisions discussed above, the number of questions on each section of the study outline was modified as follows: Characteristics of Corporate Securities, no changes to the number of questions (remains at 13 questions); Regulation of The Market for Registered and Unregistered Securities, no changes to the number of questions (remains at 45 questions); Analyzing Corporate Securities and Investment Planning, increased from 15 to 16 questions; and Handling Customer Accounts and Industry Regulations, decreased from 27 to 26 questions.

FINRA is proposing similar changes to the Series 82 selection specifications and question bank. The number of questions on the Series 82 examination will remain at 100, and candidates will continue to have 2½ hours to complete the exam. Also, each question will continue to count one point, and each candidate must correctly answer 70 percent of the questions to receive a passing grade.

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 72 examination program are consistent with the provisions of Sections 15A(b)(6)[8] and 15A(g)(3) of the Act,[9] which authorize FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[10] and Rule 19b–4(f)(1) thereunder,[11] in that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. FINRA proposes to implement the revised Series 82 examination program on February 12, 2008. FINRA will announce the implementation date in a *Regulatory Notice* to be published on December 12, 2007, the date FINRA filed SR–FINRA–2007–33 with the Commission.

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–FINRA–2007–033 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2007–033. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–FINRA–2007–033 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–92 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78o–3(b)(6).

[9] 15 U.S.C. 78o–3(g)(3).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b–4(f)(1).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57080; File No. SR–FINRA–2007–032]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Revisions to the Series 72 Examination Program

December 31, 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 December 12, 2007, Financial Industry Regulatory Authority, Inc. (''FINRA'') (f/k/a National Association of Securities Dealers, Inc. (''NASD'')) filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared substantially by FINRA. FINRA has designated this proposal as constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization pursuant to Section 19(b)(3)(A)(i) of the Act [3] and Rule 19b–4(f)(1) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is filing revisions to the study outline and selection specifications for the Limited Representative—Government Securities (Series 72) examination program.[5] The proposed revisions update the material to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of a Limited Representative—Equity Trader. FINRA is not proposing any textual changes to the By-Laws, Schedules to the By-Laws, or Rules of FINRA.

The text of the proposed rule change is available at *http://www.finra.org*, the principal offices of FINRA, and the Commission's Public Reference Room. The Series 72 selection specifications have been submitted to the Commission under separate cover with a request for confidential treatment pursuant to Rule 24b–2 under the Act.[6]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 15A(g)(3) of the Act [7] requires FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members. In accordance with that provision, FINRA has developed examinations, and administers examinations developed by other self-regulatory organizations, that are designed to establish that persons associated with FINRA members have attained specified levels of competence and knowledge. FINRA periodically reviews the content of the examinations to determine whether revisions are necessary or appropriate in view of changes pertaining to the subject matter covered by the examinations.

Pursuant to NASD Rule 1032(g), each associated person of a member who is included within the definition of representative in NASD Rule 1031(b) may register with FINRA as a Limited Representative—Government Securities if: (1) The individual's activities in the investment banking and securities business of the member are limited solely to the solicitation, purchase and sale of ''government securities,'' as that term is defined in Sections 3(a)(42)(A) through (C) of the Act, for the account of a broker-dealer or public customer; and (2) the individual passes the Series 72 qualification examination.

A committee of industry representatives, together with FINRA staff, recently undertook a review of the Series 72 examination program. As a result of this review, FINRA is proposing to make revisions to the study outline to reflect changes to the laws, rules and regulations covered by the examination and to better reflect the duties and responsibilities of a Limited Representative—Government Securities.

Among other revisions, FINRA is proposing to add sections on NASD IM–2210–6 (Requirements for the Use of Investment Analysis Tools), NASD Rule 2370 (Borrowing From or Lending to Customers) and NASD Rule 2790 (Restrictions on the Purchase and Sale of Initial Equity Public Offerings).

FINRA is proposing to change the title of Section 3 of the study outline from ''Other Related Securities and Financial Instruments'' to ''Related Securities and Financial Instruments'' and the title of Section 5 from ''Legal Considerations'' to ''Securities Industry Regulations and Legal Considerations.'' Further, as a result of the revisions discussed above, the number of questions on each section of the study outline was modified as follows: Government Securities, decreased from 25 to 22 questions; Mortgaged-Backed Securities, no changes to the number of questions (remains at 25 questions); Related Securities and Financial Instruments, no changes to the number of questions (remains at 9 questions); Economic Activity, Government Policy and the Behavior of Interest Rates, decreased from 16 to 13 questions; Securities Industry Regulations and Legal Considerations, increased from 10 to 15 questions; and Customer Considerations, increased from 15 to 16 questions.

FINRA is proposing similar changes to the Series 72 selection specifications and question bank. The number of questions on the Series 72 examination will remain at 100, and candidates will continue to have 3 hours to complete the exam. Also, each question will continue to count one point, and each candidate must correctly answer 70 percent of the questions to receive a passing grade.

2. Statutory Basis

FINRA believes that the proposed revisions to the Series 72 examination program are consistent with the provisions of Sections 15A(b)(6) [8] and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(i).

[4] 17 CFR 240.19b–4(f)(1).

[5] FINRA also is proposing corresponding revisions to the Series 72 question bank, but based upon instruction from the Commission staff, FINRA is submitting SR–FINRA–2007–032 for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(1) thereunder, and is not filing the question bank for Commission review. *See* Letter to Alden S. Adkins, Senior Vice President and General Counsel, NASD Regulation, from Belinda Blaine, Associate Director, Division of Market Regulation, SEC, dated July 24, 2000, attached as Exhibit 3c to the proposed rule change. The question bank is available for Commission review.

[6] 17 CFR 240.24b–2.

[7] 15 U.S.C. 78o–3(g)(3).

[8] 15 U.S.C. 78o–3(b)(6).

15A(g)(3) of the Act,[9] which authorize FINRA to prescribe standards of training, experience, and competence for persons associated with FINRA members.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[10] and Rule 19b–4(f)(1) thereunder,[11] in that the proposed rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization. FINRA proposes to implement the revised Series 72 examination program on February 12, 2008. FINRA will announce the implementation date in a *Regulatory Notice* to be published on December 12, 2007, the date FINRA filed SR–FINRA–2007–32 with the Commission.

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–FINRA–2007–032 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2007–032. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–FINRA–2007–032 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–93 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78o–3(g)(3).

[10] 15 U.S.C. 78s(b)(3)(A)(i).

[11] 17 CFR 240.19b–4(f)(1).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57068; File No. SR–NASDAQ–2007–093]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Nasdaq's Rule 7033

December 31, 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 December 19, 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. Nasdaq has designated this proposal as one that is concerned solely with the administration of the self-regulatory organization under Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(3) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is filing with the Commission a proposed rule change to correct certain errors in the rule manual regarding fees charged for the Mutual Fund Quotation Service (''MFQS''). The text of the proposed rule change is available at *http://www.nasdaq.complinet.com*, the principal offices of the Exchange, and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(3).

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 amending its rule manual to reflect MFQS fees previously approved when MFQS was operated as a facility of the National Association of Securities Dealers (''NASD'') but inadvertently not transferred to the corresponding Nasdaq rule when Nasdaq commenced operations as a national securities exchange on August 1, 2006. Pursuant to SR–NASD–2005–059 ,[5]Nasdaq amended NASD Rule 7090 subsections (a) and (d) to provide for annual MFQS listing fees of $475 for News Media List and $350 for the Supplemental List, as well as a $25 administrative fee. The changes were approved by the Commission and became effective September 27, 2005. However, due to an oversight, the Nasdaq manual, as replicated by Nasdaq upon its separation from NASD, did not include the revised and approved subsections (a) or (d) in its corresponding Rule 7033. Nevertheless, Nasdaq has charged the approved fees since the effective date of the approval. Nasdaq seeks to rectify the oversight through the current rule proposal.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with Section 6(b) of the Act[6] in general, and with Section 6(b)(4) of the Act,[7] in particular, in that the proposal 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. The proposed rule change corrects certain errors in the rule manual to reflect previously approved MFQS fees.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as concerned solely with the administration of a self-regulatory organization pursuant to Section 19(b)(3)(A)(iii) of the Act[8] and Rule 19b–4(f)(3)[9] thereunder. Accordingly, the proposal is effective upon filing with the Commission. 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.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2007–093 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2007–093. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NASDAQ–2007–093 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–84 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[5] Securities Exchange Act Release No. 52517 (September 27, 2005), 70 FR 57908 (October 4, 2005).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(3).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57084; File No. SR–NYSE–2007–121]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Reduce the Trading Floor Regulatory Fee

January 2, 2008.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 26, 2007, the New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially prepared by the NYSE. The NYSE has designated this proposal as one establishing or changing a due, fee, or other charge imposed by the NYSE under section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NYSE proposes to reduce the annual trading floor regulatory fee allocated among the specialists from $16,000,000 to $8,000,000. The text of the proposed rule change is available on the Exchange's Web site (*http://www.nyse.com*), at the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NYSE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NYSE 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

Effective January 1, 2008, the Exchange proposes to reduce from $16,000,000 to $8,000,000 the annual trading floor regulatory fee allocated among the specialists. The purpose of the trading floor regulatory fee is to defray the costs incurred by the Exchange in connection with the monitoring of trading floor activity by the Exchange's Market Surveillance Division. The Exchange has determined that, given the dramatically increased percentage of trades automatically executed and the shifts in the specialists' trading role as a result of the Hybrid Market initiative, it is appropriate to reduce the specialists' direct contribution to the regulatory program. The fee reduction will not have any impact on the Exchange's ability to maintain its current level of trading floor surveillance or to develop and adopt new surveillance technologies and procedures in the future.

[4] 17 CFR 240.19b–4(f)(2).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of section 6 of the Act[5] in general and section 6(b)(4) of the Act[6] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

NYSE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act.[7] and Rule 19b–4(f)(2)[8] thereunder because it changes a fee imposed by the Exchange. 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2007–121 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2007–121. 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 NYSE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2007–121 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–83 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–57069; File No. SR–NYSEArca–2007–126]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Amending Certain Transaction Fees and Credits

December 31, 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 December 11, 2007, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') 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 the Exchange. NYSE Arca has designated this proposal as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange, through its wholly-owned subsidiary NYSE Arca Equities, proposes to amend the section of its Schedule of Fees and Charges for Exchange Services (the ''Fee Schedule'') that applies to orders submitted by ETP Holders.[5] While changes to the Fee Schedule pursuant to this proposal will be effective upon filing, the changes will become operative on January 2, 2008. The text of the proposed rule change is available at *http://www.nyse.com*, the principal offices of the Exchange, and the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NYSE Arca has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As part of its continuing efforts to enhance participation on the Exchange, NYSE Arca Equities proposes to amend certain sections of its Fee Schedule that apply to orders submitted for securities listed on The NASDAQ Stock Market, LLC (''Nasdaq'') or Tape B listed securities. Primarily, these changes will increase the rebate (or credit) earned by ETP Holders for providing significant liquidity in Nasdaq-listed securities.

Currently, the credit for round lot orders of Nasdaq-listed securities that provide liquidity is $0.002 per share. Pursuant to this proposal, for Nasdaq-listed securities, the Exchange will increase the $0.002 per share credit to $0.0024 per share if certain volume thresholds are met. Specifically, if an ETP Holder (i) transacts an average daily share volume per month greater than 30 million shares (including transactions that take liquidity, provide liquidity, or route to away market centers) and also (ii) provides liquidity an average daily share volume per month greater than 15 million, then the ETP Holder will earn a credit of $.0024 for its orders that provide liquidity.

Additionally, the Exchange proposes to reduce the fee for round lot orders of Tape B listed securities submitted to the Exchange by ETP Holders that are subsequently routed away from the Exchange and executed by another market center or participant, from $0.004 per share to $0.0035 per share.

While changes to the Fee Schedule pursuant to this proposal will be effective upon filing, the changes will become operative on January 2, 2008.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act[6] in general, and furthers the objectives of Section 6(b)(4) of the Act[7] in particular, in that it is intended to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act[8] and Rule 19b–4(f)(2)[9] thereunder, because it establishes or changes a due, fee, or other change imposed on members by the Exchange. Accordingly, the proposal is effective upon filing with the Commission. 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–NYSEArca–2007–126 on the subject line.

Paper Comments

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, Station Place, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2007–126. 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] *See* NYSE Arca Equities Rule 1.1(n).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NYSEArca–2007–126 and should be submitted on or before January 29, 2008.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. E8–85 Filed 1–7–08; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 6018]

Shipping Coordinating Committee; Notice of Meetings

Two subcommittees of the Shipping Coordinating Committee (SHC) will be holding public meetings in January 2008. Details for both meetings are provided in this notice.

I. Ship Design and Equipment

The Subcommittee on Ship Design and Equipment of the SHC will conduct an open meeting at 9:30 a.m. on Tuesday, January 22, 2008, in Room 6103 of the U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, DC 20593. The primary purpose of the meeting is to prepare for the 51st session of the International Maritime Organization (IMO) Sub-Committee on Ship Design and Equipment (DE) to be held at the Maritim Hotel in Bonn, Germany from February 18 to February 22, 2008. The primary matters to be considered include:

—Amendments to resolution A.744(18) regarding longitudinal strength of tankers;
—Measures to prevent accidents with lifeboats;
—Compatibility with life-saving appliances;
—Test standards for extended service intervals of inflatable liferafts;
—Amendments to the Guidelines for ships operating in Arctic ice-covered waters;
—Revision of resolution A.760(18) regarding symbols related to life-saving appliances and arrangements;
—Guidelines for uniform operating limitations of high-speed craft;
—Consideration of International Association of Classification Societies (IACS) unified interpretations;
—Cargo oil tank coating and corrosion protection;
—Interpretation of the International Convention for the Safety of Life at Sea (SOLAS) regulations II–1/1.3 and II–1/3–6;
—Development of provisions for gas-fueled ships;
—Review of SOLAS requirements on new installation of materials containing asbestos;
—Guidelines for maintenance and repair of protective coatings;
—Requirements and standard for corrosion protection of permanent means of access arrangements;
—Performance standards for recovery systems;
—Guidelines for approval of novel-life-saving appliances;
—Guidance to ensure consistent policy for determining the need for watertight doors to remain open during navigation;
—Review of the Special Purpose Ships (SPS) Code;
—Revision of the Code on Alarms and Indicators (resolution A.830(19));
—Amendments to the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code);
—Definition of the term ''bulk carrier''; and
—Review of MEPC.1/Circ.511 and relevant Annex I and Annex VI requirements of the Convention for the Prevention of Pollution from Ships (MARPOL);

Hard copies of documents associated with the 50th session of the DE Sub-committee will be available at this meeting. To request further copies of documents please write to the address provided below. Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing to Mr. Wayne Lundy, U.S. Coast Guard (CG–5213), 2100 Second Street SW., Room 1300, Washington, DC 20593–0001 or by calling (202) 372–1379.

II. Carriage of Bulk Liquids and Gases

The Subcommittee on the Carriage of Bulk Liquids and Gases of the SHC will conduct an open meeting at 9:30 a.m. on Wednesday, January 30, 2008, in Room 6103 of the United States Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, DC 20593. The primary purpose of the meeting is to prepare for the 12th Session of the IMO Sub-Committee on Bulk Liquids and Gases to be held at the Royal Horticultural Halls and Conference Centre in London, England from February 4 to February 8, 2008. The primary matters to be considered include:

—Evaluation of safety and pollution hazards of chemicals and preparation of consequential amendments;
—Application of the requirements for the carriage of bio-fuels and bio-fuel blends;
—Development of guidelines for uniform implementation of the 2004 Ballast Water Management (BWM) Convention;
—Review of MARPOL Annex VI and the NO_X Technical Code;
—Development of provisions for gas-fuelled ships;
—Amendments to MARPOL Annex I for the prevention of marine pollution during oil transfer operations between ships at sea;
—Development of international measures for minimizing the translocation of invasive aquatic species through bio-fouling of ships;
—Casualty analysis; and
—Consideration of IACS unified interpretations.

Members of the public may attend the meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. T. J. Felleisen, U.S. Coast Guard (CG–5223), Room 1210, 2100 Second Street, SW., Washington, DC 20593–0001 or by calling (202) 372–1424.

Dated: December 28, 2007.

Mark W. Skolnicki,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. E8–111 Filed 1–7–08; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–0017]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 28 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision standard. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to, or greater than, the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions are effective January 8, 2008. The exemptions expire on January 8, 2010.

FOR FURTHER INFORMATION CONTACT: Dr. Mary D. Gunnels, Director, Medical Programs, (202)–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78; Apr. 11, 2000). This information is also available at *http://Docketinfo.dot.gov.*

Background

On November 28, 2007, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (72 FR 67341). That notice listed 28 applicants' case histories. The 28 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 28 applications on their merits and made a determination to grant exemptions to all of them. The comment period closed on December 28, 2007.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 28 exemption applicants listed in this notice are in this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, retinal detachment, macular scar, macular degeneration, cataract, retinal scar, alternating exotropia, and loss of vision due to trauma. In most cases, their eye conditions were not recently developed. All but seven of the applicants were either born with their vision impairments or have had them since childhood. The seven individuals who sustained their vision conditions as adults have had them for periods ranging from 4 to 25 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 28 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 3 to 42 years. In the past 3 years, four of the drivers had convictions for traffic violations and three of them were involved in crashes.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the November 28, 2007 notice (72 FR 67341).

Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also

their driving records and experience with the vision deficiency. To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA–98–3637.

We believe we can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly. (See Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes. (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971) A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 28 applicants, three of the applicants had a traffic violation for speeding, one of the applicants had a traffic violation for passing in a wrong lane, and three applicants were involved in crashes. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 28 applicants listed in the notice of November 28, 2007 (72 FR 67341).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 28 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

FMCSA received two comments in this proceeding. The comments were considered and discussed below.

Advocates for Highway and Auto Safety (Advocates) expressed opposition to FMCSA's policy to grant exemptions from the FMCSRs, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which FMCSA presents driver information to the public and makes safety determinations; (2) objects to the Agency's reliance on conclusions drawn from the vision waiver program; (3) claims the Agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31136(e) and 31315); and finally (4) suggests that a 1999 Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

One individual opposes the granting of vision exemptions to vision impaired drivers. She believes that granting vision exemptions to drivers makes the roads more dangerous. This individual also believes that the Agency's policies are too lax.

In regard to this comment, the discussion under the heading, ''Basis for Exemption Determination,'' explains in detail the evaluation methods the Agency utilizes prior to granting an

exemption to ensure that the granting of an exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. To evaluate the effect of these exemptions on safety, FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify for an exemption from the vision standard, FMCSA requires a person to present verifiable evidence that he or she has driven a commercial vehicle safely with the vision deficiency for 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at docket number FMCSA–98–3637.

Conclusion

Based upon its evaluation of the 28 exemption applications, FMCSA exempts Thomas E. Anderson, Garry A. Baker, Richard D. Becotte, Timothy W. Bickford, James E. Blazer, Terry S. Brookshire, Jr., Wayne A. Burnett, Theodore W. Cozat, Zibbie L. Dawsey, Alex G. Dlugolenski, Karen Y. Duvall, Gordon R. Fritz, John A. Graham, Jimmy D. Gregory, Taras G. Hamilton, Larry K. Lentz, Boleslaw Makowski, Joseph W. Meacham, Charles M. Moore, Anthony D. Ovitt, John R. Parsons, III, Steven S. Reinsvold, Michael J. Richard, Glenn T. Riley, George E. Todd, Gary S. Warren, Bradley A. Weiser, and Eddie L. Williams, from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)).

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: December 31, 2007.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. E8–106 Filed 1–7–08; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Preparation of an Alternatives Analysis/Environmental Impact Statement for High-Capacity Transit Improvements in the Tempe South Corridor

AGENCY: Federal Transit Administration, U.S. Department of Transportation.

ACTION: Notice of Intent To Prepare an Alternatives Analysis/Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA) and Valley Metro Rail, Inc. (METRO) intend to prepare an Alternatives Analysis (AA) and Environmental Impact Statement (EIS) on proposed high capacity transit improvements, including potential bus rapid transit (BRT), light rail transit (LRT), modern streetcar, or commuter rail in the Tempe South Corridor in the Cities of Tempe and Chandler in Maricopa County, Arizona. The proposed study area is bounded on the north by the Loop 202 (Red Mountain Freeway); Loop 101 (Price Freeway) on the east; Loop 202 (Santan Freeway) on the south; and the Tempe Branch of the Union Pacific Railroad on the west. The AA/EIS will be prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) and its implementing regulations. The AA/EIS process will be initiated with a scoping process that provides opportunities for the public to comment on the scope of the EIS, including the project's purpose and need, the alternatives to be considered, and the impacts to be evaluated in the AA and Draft Environmental Impact Statement (DEIS). This input will be used to assist decisionmakers in determining a locally preferred alternative (LPA) for the Tempe South Corridor. Upon selection of an LPA, METRO will request permission from FTA to enter into preliminary engineering per requirements of New Starts regulations 49 CFR Part 611. The Final Environmental Impact Statement (FEIS) will be issued after FTA approves entrance into preliminary engineering.

The purpose of this notice is to alert interested parties regarding the intent to prepare the AA/EIS, to provide information on the nature of the proposed project and possible alternatives, to invite public participation in the AA/EIS process, including comments on the scope of the EIS as proposed in this notice, to announce that public scoping meetings will be conducted, and to identify participating agency contacts.

DATES: Written and e-mailed comments on the scope of study, including the project's purpose and need, the alternatives to be considered, and the impacts to be assessed, should be sent to Valley Metro Rail, Inc. (METRO) on or before February 13. See **ADDRESSES** below for the street address and e-mail address to which written comments may be sent. Public scoping meetings to accept comments on the scope of the study will be held on the following dates:

- Tuesday, January 29, 2007 at 6 p.m., Corona del Sol High School, 1001 East Knox Road, Tempe, Arizona 85284.
- Wednesday, January 30, 2007 at 6 p.m., Tempe Public Library, 3500 South Rural Road, Tempe, Arizona 85282.

Potential participating and cooperating agencies will be invited by phone or letter to an interagency scoping meeting planned to be held on the following date:

- Thursday, February 7, 2007 at 10 a.m., Valley Metro Rail (METRO), 101 North 1st Avenue, Suite 1300, Phoenix, AZ 85003.

The project's purpose and need and the initial set of alternatives proposed for study will be presented at these meetings. The buildings used for the scoping meetings are accessible to persons with disabilities. Any individual who requires special assistance, such as a sign language interpreter, to participate in a scoping meeting should contact Dawn Coomer, City of Tempe, 31 E. Fifth Street, Tempe, AZ 85281, 480–350–8550 at least 48 hours in advance of a meeting in order for METRO and the City of Tempe to make the necessary arrangements.

Scoping materials will be available at the meetings and through the project's Web site at *http://www.metrolightrail.org/tempesouth*. Hard copies of the scoping materials are also available from Mr. Marc Soronson, whose contact information is given in **ADDRESSES** below.

ADDRESSES: Written comments should be sent to the attention of Mr. Marc Soronson, Valley Metro Rail, Inc., 101 North 1st Avenue, Suite 1300, Phoenix, AZ 85003. E-mail: *tempesouth@metrolightrail.org*. Phone: (602) 744–5545 Fax: (602) 252–7453. The locations of the public scoping meetings are given above under **DATES.**

FOR FURTHER INFORMATION CONTACT: Mr. Hymie Luden, Office of Planning and Program Development, Federal Transit Administration, 201 Mission Street, Room 1650, San Francisco, CA 94105. Phone: (415) 744–2732.

SUPPLEMENTARY INFORMATION:

Scoping

The FTA and Valley Metro Rail, Inc. (METRO) invite all interested individuals and organizations, public agencies, and Native American Tribes to comment on the scope of the alternatives analysis (AA) and the EIS, including the project's preliminary statement of purpose and need, the alternatives to be studied and the impacts to be evaluated. Comments should focus on the purpose and need for the proposed project; alternatives that may be less costly or have less environmental or community impacts while achieving similar transportation objectives; and the identification of any significant social, economic, or environmental issues relating to the alternatives.

Purpose and Need for the Project

The draft statement of the project purpose is currently under review by METRO and the Cities of Tempe and Chandler and will be refined further through the scoping process. In its current state, the purpose is defined as follows:

1. Identify an alignment and technology for improved transit service, to connect Downtown Tempe, Arizona State University (ASU) and sections of Chandler with the 20-mile CP–EV light rail starter line.
2. Improve transit connectivity throughout Downtown Tempe and ASU.
3. Improve transit access to employment opportunities throughout the study area in Tempe as well as in the Central Phoenix/East Valley region.
4. Provide transit options to relieve peak period congestion on north-south arterials in the study area, as well as on Downtown Tempe streets.
5. Address mid-day transit travel demand and bus overcrowding.
6. Facilitate continued development of a comprehensive and inter-connected regional transit network that is multi-modal, that offers a range of choices for current and future transit riders, and that attracts new transit riders to the regional system.
7. Provide cost-effective transit service.
8. Support economic development and enhance connectivity among developing transit-oriented, high-density projects, activity centers and attractions in the study area.

Additional considerations supporting the project's need include:

Infill growth in the City of Tempe and the growth in the City of Chandler have caused substantial increases in traffic congestion on the existing roadway network and has generated the need for new public transportation service. Even with implementation of the projects included in the Maricopa Association of Governments (MAG) Regional Transportation Plan, level of service (LOS) in 2030 on both the area freeways and arterials is expected to deteriorate substantially because of increased travel demand, resulting in a significant increase in delay. In Tempe, little or no additional freeway or arterial capacity is planned. Daily freeway congestion is currently higher compared to the region, and the MAG model projects this trend to continue in the future.

Alternatives

At a minimum, the alternatives to be considered in AA include the following:

- No-Build—Implements modified existing and committed road and transit improvements as defined by the Regional Transportation Plan and coordinated by the Cities of Tempe and Chandler.
- Transportation System Management (TSM)—Includes reasonable, cost-effective transit service improvements short of a major capital investment in fixed guideway. In addition, the TSM implements all of the projects in the No-Build alternative.
- Build Alternatives—fixed guideway alternatives include projects defined in the No-Build Alternative. All Build Alternatives begin at various locations along the LRT Starter Line in Tempe (scheduled to open in late 2008) and extend south to Chandler on either:

—Tempe Branch of the Union Pacific Railroad (UPRR).
—Mill Avenue/Kyrene Road.
—Rural Road.
—McClintock Drive.

Transit technologies under consideration are bus rapid transit (BRT), light rail transit (LRT), modern streetcar, and commuter rail. All of the technologies, except commuter rail, are being considered for all of the proposed alignments. Commuter rail is only being considered on the Tempe Branch (UPRR). Between the LRT starter line in Tempe and a new park-and-ride facility in the vicinity of the US 60 (Superstition Freeway), the high capacity transit improvement would be built in a fixed guideway along any of the alignments being considered. Between US 60 and a new park-and-ride in the vicinity of the Loop 202 in Chandler, the following options are being considered for the Tempe Branch UPRR:

- Continue south to the Loop 202 in fixed guideway using the same transit mode as that considered in the northern portion of the study area.
- For LRT and streetcar modes, two additional options that connect at US 60 to BRT with limited stop service are considered:

—BRT operating in fixed guideway along the railroad line; or
—BRT operating in mixed traffic along Kyrene Road.

For all other alternative alignments, BRT operating in mixed traffic lanes with limited stop service would continue south of US 60 to Chandler along either Kyrene Road, Mill Avenue/Kyrene Road, Rural Road, or McClintock Drive, depending on location of the option being considered in the northern segment of the study area. For the Kyrene Road and Mill Avenue/Kyrene Road alignments, the alignment would continue south to a new park-and-ride facility at the Loop 202 (Santan Freeway) that would be built somewhere in the vicinity between I–10 and Kyrene Road. The McClintock Drive alignment would continue south to Chandler Fashion Center via Chandler Boulevard. The Rural Road alignment has two options that could travel south to: (1) The new park-and-ride facility at the Loop 202; or (2) to Chandler Fashion Center. These alternatives will be developed further during preparation of the AA/EIS.

Additional reasonable Build Alternatives suggested during the scoping process that meet the purpose and need for the project will also be considered.

The EIS Process and the Role of Participating Agencies and the Public

The purpose of the NEPA process is to explore, in a public setting, the effects of the proposed project and its alternatives on the physical, human, and natural environment. The FTA and METRO will evaluate all significant environmental, social, and economic impacts of the construction and operation of the proposed project. Impact areas to be addressed include: Land use; development potential; secondary development; land acquisition and displacements and relocations; cultural resources (including impacts on historical and archaeological resources); parklands and recreation areas; visual and aesthetic qualities; air quality; noise and vibration; ecosystems (including threatened and endangered species);

energy use; business and neighborhood disruptions; environmental justice; changes in traffic and pedestrian circulation and congestion; and changes in transit service and patronage. Measures to avoid, minimize, or mitigate any significant adverse impacts will be identified and evaluated.

The methodology for evaluation of impacts will focus on the areas of investigation mentioned above. As the public involvement and agency consultation process proceeds, additional evaluation criteria and impact assessment measures will be included in the analysis. Potential alternatives will be developed to a conceptual level, and will be screened and ranked against these evaluation criteria and local community considerations. Travel time savings, potential for congestion reduction and improved mobility options for Tempe and Chandler residents will be assessed for the transportation alternatives considered. The public involvement program and agency coordination plan discussed below will provide the vehicle through which these evaluation analyses will be conducted.

The regulations implementing NEPA, as well as provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), call for public involvement in the EIS process. Section 6002 of SAFETEA–LU requires that FTA and METRO do the following: (1) Extend an invitation to other Federal and non-Federal agencies and Indian tribes that may have an interest in the proposed project to become ''participating agencies''; (2) provide an opportunity for involvement by participating agencies and the public in helping to define the purpose and need for a proposed project, as well as the range of alternatives for consideration in the EIS; and (3) establish a plan for coordinating public and agency participation in and comment on the environmental review process. An invitation to become a participating agency, with the scoping information packet appended, will be extended to other Federal and non-Federal agencies and Indian tribes that may have an interest in the proposed project. It is possible that we may not be able to identify all Federal and non-Federal agencies and Indian tribes that may have such an interest. Any Federal or non-Federal agency or Indian tribe interested in the proposed project that does not receive an invitation to become a participating agency should notify, at the earliest opportunity, the person identified above under **ADDRESSES**.

A public and agency Coordination Plan that includes a comprehensive Public Involvement Program will be created. The Public Involvement Program will include a full range of involvement activities. Activities will include outreach to local and county officials and community and civic groups; a public scoping process to define the issues of concern among all parties interested in the project; organizing periodic meetings with various local agencies, organizations and committees; a public hearing on release of the Draft Environmental Impact Statement (DEIS); and development and distribution of project newsletters. There will be additional opportunities to participate in the scoping process in addition to the public meetings announced in this notice. Specific mechanisms for involvement will be detailed in the Public Involvement Program.

Valley Metro Rail, Inc. (METRO) may seek New Starts funding for the proposed project under 49 U.S.C. 5309 and will therefore be subject to New Starts regulations (49 CFR Part 611). The New Starts regulation requires a planning Alternatives Analysis that leads to the selection of a locally preferred alternative and inclusion of the locally preferred alternative as part of the long-range transportation plan adopted by the Maricopa Association of Governments. The New Starts regulation also requires the submission of certain project-justification information in support of a request to initiate preliminary engineering, and this information is normally developed in conjunction with the NEPA process. Pertinent New Starts evaluation criteria will be included in the Final EIS.

The AA/EIS will be prepared in accordance with NEPA and its implementing regulations issued by the Council on Environmental Quality (40 CFR Parts 1500–1508) and with the FTA/Federal Highway Administration regulations ''Environmental Impact and Related Procedures'' (23 CFR Part 771). In accordance with 23 CFR 771.105(a) and 771.133, FTA will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process to the maximum extent practicable. These requirements include, but are not limited to, the environmental and public hearing provisions of Federal transit laws (49 U.S.C. 5301(e), 5323(b), and 5324), the project-level air quality conformity regulation of the U.S. Environmental Protection Agency (EPA) (40 CFR part 93), the section 404(b)(1) guidelines of EPA (40 CFR part 230), the regulation implementing section 106 of the National Historic Preservation Act (36 CFR part 800), the regulation implementing section 7 of the Endangered Species Act (50 CFR part 402), section 4(f) of the Department of Transportation Act (23 CFR 771.135), and Executive Orders 12898 on environmental justice, 11988 on floodplain management and 11990 on wetlands.

Issued on: January 2, 2008.

Leslie T. Rogers,

Regional Administrator, FTA Region IX.

[FR Doc. 08–13 Filed 1–7–08; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Harkins Cunningham on behalf of Canadian National Railway Company (WB525—12—12/31/2007), for permission to use certain data from the Board's Carload Waybill Sample. A copy of the request may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Mac Frampton, (202) 245–0317.

Vernon A. Williams,

Secretary.

[FR Doc. E8–52 Filed 1–7–08; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0662]

Proposed Information Collection (Civil Rights Discrimination Complaint); Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to process a claimant's civil rights discrimination complaint.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 10, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *mary.stout@va.gov*. Please refer to ''OMB Control No. 2900–0662'' in any correspondence. During the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Mary Stout at (202) 461–5867 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Civil Rights Discrimination Complaint, VA Form 10–0381.

OMB Control Number: 2900–0662.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans and other VHA customers who believe that their civil rights were violated by agency employees while receiving medical care or services in VA medical centers, or institutions such as state homes receiving federal financial assistance from VA, complete VA Form 10–0381 to file a formal complaint of the alleged discrimination.

Affected Public: Individuals or households.

Estimated Total Annual Burden: 46 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 183.

Dated: December 28, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–64 Filed 1–7–08; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0570]

Agency Information Collection (Generic VHA Customer Satisfaction Surveys) Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–21), this notice announces that the Veterans Health Administration (VHA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 7, 2008.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*; or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0570'' in any correspondence.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Records Management Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 461–7485, FAX (202) 273–0443 or e-mail: *denise.mclamb@mail.va.gov*. Please refer to ''OMB Control No. 2900–0570.''

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Veterans Health Administration Customer Satisfaction Surveys.

OMB Control Number: 2900–0570.

Type of Review: Extension of a currently approved collection.

Abstract: VA uses customer satisfaction surveys to obtain its patients perception on the type and quality of healthcare services they need and their satisfaction with existing services. The data collected will be used to improve the quality of healthcare services.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 11, 2007, at page 57997.

Affected Public: Individuals or households.

Estimated Annual Burden:

a. Ad Hoc Facilities Surveys (VA Medical Facilities) and Special Emphasis Programs Conducted at Headquarters—29,455 hours.

b. Pre-approved Local Facilities Surveys (VA Medical Facilities)—95,892 hours.

Estimated Average Burden per Respondent:

c. Special Emphasis Programs Conducted at Headquarters—10.71 minutes.

d. Local Facilities Surveys (VA Medical Facilities)—8 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. Ad Hoc Facilities Surveys (VA Medical Facilities) and Special Emphasis Programs Conducted at Headquarters—165,012.

b. Pre-approved Local Facilities Surveys (VA Medical Facilities)—720,785.

Dated: December 28, 2007.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Records Management Service.

[FR Doc. E8–65 Filed 1–7–08; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
January 8, 2008

Part II

Environmental Protection Agency

40 CFR Parts 51 and 93

Revisions to the General Conformity Regulations; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 93

[EPA–HQ–OAR–2004–0491; FRL–8511–6]

RIN 2060–AH93

Revisions to the General Conformity Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to revise its regulations relating to the Clean Air Act (CAA) requirement that Federal actions conform to the appropriate State, Tribal or Federal implementation plan for attaining clean air (''general conformity''). EPA has only revised the General Conformity Regulations once since they were promulgated in 1993 to include de minimis emission levels for fine particulate matter and its precursors (July 17, 2006). Over this period, EPA and other Federal agencies have gained experience with the implementation of the existing regulations and have identified several issues with their implementation. In addition, in 2004 EPA issued regulations to implement the revised ozone standard and in 2007 issued regulations to implement the new fine particulate matter standard. These regulations could affect the timing and process for general conformity determinations. State and other air quality agencies are in the process of developing revised plans to attain the new standards and the proposed revisions to the General Conformity Regulations will be helpful to the State, Tribe, and local agencies as well as the Federal agencies in developing and commenting on the proposed SIP revisions. This proposed rule revision provides for a streamline process for Federal agencies and States and Tribes to ensure Federal activities are incorporated in these State implementation plans (SIPs). Where that is not possible it provides an efficient and effective process for Federal agencies to ensure their actions do not cause or contribute to a violation of the national ambient air quality standards (NAAQS) or interfere with the purpose of a State, Tribal or Federal implementation plan to attain or maintain the NAAQS.

DATES: *Comments*. Comments must be received on or before March 10, 2008.

Public Hearing. If anyone contacts EPA requesting a public hearing by January 23, 2008, we will hold a public hearing. Additional information about the hearing would be published in a subsequent **Federal Register** notice.

ADDRESSES: Submit comments, identified by Docket ID No. EPA–HQ–OAR–2004–0491, by one of the following methods:

- *www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *E-Mail: a-and-r-docket@epa.gov*.
- *Fax:* (202) 566–9744.
- *Mail:* Air and Radiation Docket and Information Center, Environmental Protection Agency, Docket ID No. EPA–HQ–OAR–2004–0491, Mail Code: 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include duplicate copies, if possible.
- *Hand Delivery:* General Conformity Revisions, Docket ID No. EPA–HQ–OAR–2004–0491, Environmental Protection Agency Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. Please include duplicate copies, if possible. 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 comments to Docket ID No. EPA–HQ–OAR–2004–0491. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* Web site is ''anonymous access'' systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *http://www.regulations.gov*, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm*. For additional instructions go to section I.B. of the **SUPPLEMENTARY INFORMATION** section of this docket.

Docket: All documents in the docket are listed in the EDOCKET index at *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Docket, EPA/DC, EPA West, Room 3334, 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 Air Docket is (202) 566–1742.

Public Hearing. If a public hearing is held at 9 a.m. in Washington, DC, or at an alternate site nearby. Details regarding the hearing (time, date, and location) will be posted on EPA's Web site at *http://www.epa.gov/oar/genconform*_not later than 15 days prior to the hearing date. People interested in presenting oral testimony or inquiring as to whether a hearing is to be held should contact Ms. Pam Long, Air Quality Planning Division, Office of Air Quality Planning and Standards (C504–03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541–0641, fax number (919) 541–5509, e-mail address *long.pam@epa.gov*, at least 2 days in advance of the public hearing (see **DATES**). People interested in attending the public hearing must also call Ms. Long to verify the time, date, and location of the hearing. The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposed action.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Coda, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539–02, Research Triangle Park, NC 27711, phone number (919) 541–3037 or by e-mail at *coda.tom@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

Entities affected by this rule include Federal agencies and public and private entities that receive approvals or funding from Federal agencies such as airports and ports.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *http://www.regulations.gov* or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information claimed as CBI; a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The agency may ask you to respond to specific questions or organize comments by referencing a CFR part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

C. Where Can I Get a Copy of This Document and Other Related Information?

In addition to being available in the docket, an electronic copy of this proposal will also be available on the worldwide web. Following signature by the EPA Administrator, a copy of this notice will be posted at *http://www.epa.gov/oar/genconform/regs.htm.*

D. How Is This Preamble Organized?

The information presented in this preamble is organized as follows:

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II. Background

A. What Is General Conformity and How Does It Affect Air Quality?

The intent of the General Conformity requirement is to prevent the air quality impacts of Federal actions from causing or contributing to a violation of the national ambient air quality standards (NAAQS) or interfering with the purpose of a State implementation plan (SIP), Tribal implementation plan (TIP) or Federal implementation plan (FIP).

In the CAA, Congress recognized that actions taken by Federal agencies could affect State, Tribe, and local agencies' ability to attain and maintain the NAAQS. Congress added section 176(c) (42 U.S.C. 7506) to the CAA to ensure Federal agencies proposed actions conform to the applicable SIP, TIP or FIP for attaining and maintaining the NAAQS. That section requires Federal entities to find that the emissions from the Federal action will conform with the purposes of the SIP, TIP or FIP or not otherwise interfere with the State's or Tribe's ability to attain and maintain the NAAQS.

The CAA Amendments of 1990 clarified and strengthened the provisions in section 176(c). Because certain provisions of section 176(c) apply only to highway and mass transit funding and approvals actions, EPA published two set of regulations to implement section 176(c). The Transportation Conformity Regulations, first published on November 24, 1993 (58 FR 62188) and recently revised on July 1, 2004 at 69 FR 40004, May 6, 2005 at 70 FR 24280 and March 10, 2006 at 71 FR 12468, address Federal actions related to highway and mass transit funding and approval actions. The General Conformity Regulations,

published on November 30, 1993 (58 FR 63214), cover all other Federal actions.

B. Why Is EPA Proposing Revisions to These Regulations at This Time?

The EPA recently revised the General Conformity Regulations to include de minimis emission levels for particulate matter with an aerodynamic diameter equal to or less than 2.5 microns ($PM_{2.5}$) and its precursors (July 17, 2006 at 71 FR 40420). Otherwise, EPA has not revised the General Conformity Regulations since they were promulgated in 1993. Since that time, EPA and other Federal agencies have gained experience with the implementation of the existing regulations and have identified several issues with their implementation. Therefore, EPA initiated a process to review, revise and streamline the regulations. In addition, EPA has recently issued regulations to implement the revised ozone standard (69 FR 23951, April 30, 2004 and 70 FR 71612, November 29, 2005) and regulations to implement the new particulate matter standard (72 FR 20586, April 25, 2007). These regulations could affect the timing and process for general conformity determinations. State and local air quality agencies are in the process of developing revised SIPs to attain the new standards and knowledge of the proposed revisions to the General Conformity Regulations may be helpful to the State, Tribal, and local agencies as well as the Federal agencies in developing and commenting on the proposed SIP revisions.

III. How Are the Existing Regulations Implemented?

The existing regulations do not specifically identify the roles of Indian Tribes nor the applicability of the regulations to TIPs.

Federal agencies and other parties involved in the conformity process have found that in implementing the existing General Conformity Regulations their process falls in to three phases: (A) Applicability analysis, (B) Conformity determination, and (C) Review process. Besides ensuring that the Federal actions are in conformance with the SIP, the regulations encourage consultation between the Federal agency and the State or local air pollution control agencies before and during the environmental review process.

A. Applicability Analysis

The National Highway System Designation Act of 1995, (Pub. L. 104–59) added section 176(c)(5) to the CAA to limit applicability of the conformity programs to areas designated as nonattainment under section 107 of the CAA and maintenance areas under section 175A of the CAA only. Therefore, only actions in designated nonattainment and maintenance areas are subject to the regulation. In addition, the regulations recognize that the vast majority of Federal actions do not result in significant increase in emissions and, therefore, include a number of exemptions such as de minimis emission levels based on the type and severity of the nonattainment problem.

In the applicability analysis phase, the Federal agency determines:

1. Whether the action will occur in a nonattainment or maintenance area;
2. Whether one of the specific exemptions apply to the action;
3. Whether the Federal agency has included the action on its list of ''presumed to conform'' actions; or
4. Whether the total direct and indirect emissions are below or above the de minimis levels.

Under the current regulations, the applicability analysis phase requires Federal agencies to determine if the action is considered ''regionally significant,'' i.e., equal to or greater than ten percent of the area's emission inventory for the pollutant. If the action is regionally significant, Federal agencies must conduct a conformity determination for the action even though the emissions caused by the action are below the de minimis levels, the action is presumed to conform or the action is otherwise exempt.

B. Conformity Determination

When the applicability analysis shows that the action must undergo a conformity determination, Federal agencies must first show that the action will meet all SIP control requirements such as reasonably available control measures, and the emissions from the action will not interfere with the timely attainment of the standard, the maintenance of the standard or the area's ability to achieve an interim emission reduction milestone. Federal agencies then must demonstrate conformity by meeting one or more of the methods specified in the regulation for determining conformity:

1. Demonstrating that the total direct and indirect emissions are specifically identified and accounted for in the applicable SIP,
2. Obtaining a written statement from the State or local agency responsible for the SIP documenting that the total direct and indirect emissions from the action along with all other emissions in the area will not exceed the SIP emission budget,
3. Obtaining a written commitment from the State to revise the SIP to include the emissions from the action,
4. Obtaining a statement from the metropolitan planning organization (MPO) for the area documenting that any on-road motor vehicle emissions are included in the current regional emission analysis for the area's transportation plan or transportation improvement program,
5. Fully offset the total direct and indirect emissions by reducing emissions of the same pollutant or precursor in the same nonattainment or maintenance area, or
6. Conducting air quality modeling that demonstrates that the emissions will not cause or contribute to new violations of the standards, or increase the frequency or severity of any existing violations of the standards. Air quality modeling cannot be used to demonstrate conformity for emissions of ozone precursors or nitrogen dioxide (NO_2). As stated in EPA's proposal of the current regulations (58 FR 13845), due to the complex interaction of the ozone precursors, the regional nature of the ozone and NO_2 problems, and limitations of current air quality models, it is not generally appropriate to use an air quality model to determine the impact on ozone or NO_2 concentrations from a single emission source or a single Federal action.

C. Review Process

As public bodies, Federal agencies must make their conformity determinations through a public process. The General Conformity Regulations require Federal agencies to provide notice of the draft determination to the applicable EPA Regional Office, the State and local air quality agencies, the local MPO and, where applicable, the Federal land manager(s). In addition, the regulations require Federal agencies to provide at least a 30-day comment period on the draft determination and make the final determination public. State agencies and the public can appeal the final determination in the U.S. Courts system. Failure by a Federal agency to follow the technical and procedural requirements can result in an adverse court decision.

IV. Summary of the Proposed Revisions to the General Conformity Regulations

A. Categories of Proposed Revisions to the General Conformity Regulations

In accordance with the requirements of section 176(c)(4)(C) of the CAA, when EPA promulgated General Conformity Regulations in 1993 it also promulgated

regulations at 40 CFR part 51, subpart W (sections 850–860) which required States to adopt and submit SIPs for General Conformity. In August 2005, Congress passed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) which eliminated the requirement for States to adopt and submit General Conformity SIPs. Therefore, EPA is proposing to revise its regulations to make the adoption and submittal of the General Conformity SIP or TIP optional for the State or Tribe.

Because 40 CFR part 51, subpart W (§§ 51.850–51.860) essentially duplicates the regulations promulgated at 40 CFR part 93, subpart B (§§ 93.150–93.160), EPA is proposing to delete all of subpart W except for § 51.851. In the proposed revision to § 51.851, EPA would require that if a State or Tribe submits a General Conformity SIP or TIP that it be consistent with the requirements of 40 CFR part 93, subpart B. In addition, EPA is proposing to add a provision to 40 CFR 51.851 to allow the States and Tribes more flexibility to streamline the conformity process conducted under their SIP or TIP.

In 40 CFR part 93, subpart B, EPA is proposing to make only specific revisions to the regulations which (1) clarify the process, (2) delete outdated or unnecessary requirements, (3) authorize innovative and flexible approaches, (4) streamline the process and reduce the paperwork burden, (5) provide transition tools for implementing new standards, (6) incorporate revisions requested by other agencies, and (7) provide a better explanation of regulations and policies.

Several of the proposed revisions encourage both the Federal agencies and the States or Tribes to take actions in advance of the project environmental review. Such advance action should speed the review process for the individual projects and reduce the delays for the project without impairing the environmental review. The EPA invites comment on this approach.

B. What Innovative and Flexible Approaches Are Being Proposed?

1. The EPA is proposing to add a new section (40 CFR 93.161) to allow for a facility-wide emission budget approach. Under this voluntary arrangement, Federal agencies, in anticipation of future major actions, could negotiate a facility-wide emission budget with the appropriate State, Tribal, or local air quality agency responsible for the SIP or TIP. The State, Tribal, or local agency would incorporate the facility-wide emission budget into the applicable SIP or TIP and submit it to EPA for approval. Once approved, minor actions under the control of the facility where an applicability analysis results in a determination that the emissions are below a de minimis threshold could proceed with no conformity determination. Actions at the facility where the emissions from an action under the facility's control equaled or exceeded an applicable de minimis threshold could demonstrate that the emissions from the proposed action along with all other emissions at the facility are within the EPA approved facility-wide emission budget. By using the facility-wide emission test, the action would be presumed to conform and a conformity determination would not be necessary. Alternatively, a facility with an approved facility-wide emission budget could demonstrate conformity by the conventional methods afforded in the General Conformity regulations.

2. The EPA is proposing a new section (40 CFR 93.165) to explicitly incorporate the use of early emission reduction credits into the regulations. The proposal reflects the provisions of the Airport Early Emission Reduction (AERC) guidance developed in consultation with the Federal Aviation Administration (FAA) and provides a similar framework for other Federal agencies.

3. The EPA is proposing a new section (40 CFR 93.164) to allow, with certain limitations, the emission of one precursor of a criteria pollutant to be mitigated or offset by the reduction in the emissions of another precursor of that pollutant.

4. The EPA is proposing a new section (40 CFR 93.163) to allow alternate schedules for mitigating emissions increases. The mitigation timing approach could allow some flexibility for Federal agencies and States or Tribes to negotiate a program for some emissions mitigation to occur in future years. States or Tribes could consider this approach to accommodate short-term increases in emissions if there is a substantial long-term reduction in emissions.

C. What Streamlining and Burden Reduction Measures Are Being Proposed?

1. The EPA is proposing to delete the provision in the existing regulation which required Federal agencies to conduct a conformity determination for regionally significant actions even though the total direct and indirect emissions from the action were below the de minimis emission levels.

2. The EPA is proposing additional categories of actions that Federal agencies can include in their ''presume to conform'' lists and EPA is also proposing to permit States or Tribes to establish in their General Conformity SIPs or TIPs ''presume to conform'' lists for actions within their State or Tribal area.

3. The EPA is proposing to exempt the emissions from stationary sources permitted under the minor source new source review (NSR) programs as EPA's existing General Conformity regulation already provides for exemptions for emissions from major NSR sources.

D. What Revisions Provide Tools and Guidance for Transitioning to New or Revised NAAQS?

1. The EPA is proposing to revise the language in the regulation concerning conformity evaluations for existing action during a transition to new nonattainment designations or to the revised regulations.

2. The EPA is proposing requirements for the implementation of the grace period for newly designated nonattainment areas.

3. The EPA is proposing alternate methods to demonstrate conformity for time periods beyond those covered by the SIP or TIP.

4. The EPA is proposing to allow States or Tribes to include an enforceable commitment in the SIP or TIP to address future emissions from a Federal action.

E. What Revisions Are Being Proposed at the Request of Other Agencies?

1. Based on EPA's Interim Air Quality Policy on Wildland and Prescribed Fires, which was developed in consultation with Federal land managers, EPA is taking comment on two possible approaches: (1) To include a presumption of conformity for prescribed fire use that are conducted in compliance with certified smoke management plans (SMPs), and (2) for prescribed fires conducted using State approved basic smoke management practices.

2. The EPA is proposing to allow Federal agencies to obtain emission offsets for general conformity purposes from another nearby nonattainment or maintenance area of equal or higher nonattainment classification provided the emissions from that area contribute to violation of the NAAQS in the area where the Federal action is located or in the case of maintenance areas, the emissions from the nearby area contributed in the past to the violations in the area where the Federal action is occurring.

3. At the request of several Federal agencies, EPA is proposing to clarify the

language in the regulation that states that nothing in these regulations requires the release of materials and other information where disclosure is restricted by law. Also, EPA is proposing to include a similar clarification for CBI.

4. Several Federal agencies and other parties involved in the process suggested that EPA should consider exempting construction activity emissions from the conformity regulations requirements. Although the existing General Conformity Regulations do not specifically mention construction emissions, they implicitly require Federal agencies to include emissions from construction activities in the conformity evaluation.

The EPA understands the concerns of the other Federal agencies and in the discussion about the revision to the definition of ''caused by,'' has identified a number of ways that Federal agencies can work with the State, Tribe, and local agencies to ease the burden of reviewing construction emissions. In addition, EPA is seeking comment on the possibility of exempting short-term construction projects from the General Conformity Regulations. One option would be to define short-term emissions as lasting no more than 2 years. Another option would be to define short-term emissions consistent with how they are defined for Transportation Conformity. Currently under the Transportation Conformity regulations, construction emissions are not required to be included for construction that lasts no longer than 5 years at individual sites.

5. The FAA requested clarification of language in the General Conformity preamble (58 FR 63229) that stated ''the EPA believes that the following actions are illustrative of de minimis actions: * * * Air traffic control activities and adopting approach, departure and enroute procedures for air operations.''

The FAA conducted a study of ground level concentrations caused by elevated aircraft emissions released above ground level (AGL) using EPA-approved models and conservative assumptions.[1] The study concluded that aircraft operations at or above 3,000 feet AGL have a very small effect on ground level concentrations and could not directly result in a violation of the NAAQS in a local area. Consequently, this study validates the EPA's initial preamble language for air traffic control activities and adopting approach, departure and enroute procedures for aircraft operations above 3,000 feet AGL are clearly de minimis. Therefore, the list of exemptions under 40 CFR 93.153(c)(2)(xxii) has be updated in this proposal to reflect this conclusion.

F. What Are Some of the Clarifications to the Existing Regulations That Are Being Proposed?

1. The EPA is proposing to clarify that if the action would result in emissions originating in more than one nonattainment or maintenance area, the emissions in each area would be treated as if they result from a separate action.

2. The EPA is proposing to establish procedures to follow in extending the 6-month conformity exemption for actions taken in response to an emergency.

3. The EPA is proposing to revise the procedures that can be used to demonstrate conformity with the applicable SIP.

4. The EPA is proposing to revise the review process to require Federal agencies to notify Tribal governments in the nonattainment or maintenance area.

5. The EPA is proposing to clarify the definition of several terms used in the regulations.

6. The EPA is proposing to include specific language to identify the role of Indian Tribes and TIPs.

VI. Detailed Discussion of the Proposed Revisions

A. 40 CFR Part 51, Subpart W—Determining Conformity of General Federal Actions to State or Federal Implementation Plans

Section 176(c)(4) of the CAA specifies that EPA conformity regulations include a requirement for a State to adopt and submit to EPA for approval, a SIP to implement the provisions of section 176(c). Section 6011 of SAFETEA-LU revised the conformity requirements in section 176(c) of the CAA. Although most of the revisions affected the Transportation Conformity requirements, section 6011(f) and (g) also revised the General Conformity requirements. Specifically, section 6011(f) revised section 176(c)(4)(A) of the CAA by including a requirement that the regulations must be periodically updated and by deleting the requirement for the States to adopt and submit a General Conformity SIP. Section 6011(g) requires EPA to revise its conformity regulations by August 2007 to meet the revised requirements. The EPA does not interpret this provision as prohibiting States or Tribes from voluntarily adopting and submitting General Conformity implementation plans. Therefore, EPA is proposing to revise 40 CFR 51.851 to make the adoption and submittal of the General Conformity SIP optional for the State and eligible federally-recognized Tribal governments.

In promulgating the General Conformity Regulations in 1993, EPA published two sets of regulations: 40 CFR Part 51, subpart W (§§ 93.850 through 93.869) directed States to adopt and submit General Conformity SIPs to EPA for approval and 40 CFR Part 93 subpart B (§§ 93.150 through 93.160) provided the requirements for Federal agencies to follow in conducting their conformity evaluations before EPA approved the General Conformity SIP for the area. Section 40 CFR 51.851 directed States to adopt SIPs meeting the requirements of 40 CFR part 51, subpart W. The other sections in subpart W repeat the requirements found in 40 CFR part 93, subpart B. The EPA is proposing to delete 40 CFR 51.850, and 51.852 through 860 since those sections merely repeat the language in 40 CFR 93.150 and 93.152 through 160 and include a requirement in 40 CFR 51.851(a) that the General Conformity SIP or TIP must meet the requirements in 40 CFR part 93, subpart B.

In addition, EPA is proposing several revisions to § 51.851.

1. The EPA is proposing to divide paragraph (b) of 40 CFR 51.851 into four paragraphs—(b), (c), (d), and (e):

a. Paragraph (b) stating that until EPA approves the SIP revision, Federal agencies must meet the requirements of 40 CFR part 93, subpart B.

b. Paragraph (c) stating that after EPA approves a SIP or TIP meeting the requirement of 40 CFR part 93, subpart B, or portion thereof, the Federal agencies must meet the requirements of the SIP or TIP and portions of 40 CFR part 93, subpart B if not included in the approved SIP or TIP. In addition, the proposed paragraph (c) states that any conformity requirements in an existing implementation plan remain enforceable until the state submits a revision to its applicable implementation plan to specifically remove the conformity requirements and that revision is approved by EPA. Since there is no longer a requirement for State implementation plans to include conformity requirements and the applicable statutes do not grant EPA additional authorities to condition approval of a State's request to remove the general conformity requirements from an implementation plan, it is EPA's intent, once requested by a State, to expeditiously review and approve implementation plan revisions that seek

[1] Wayson, Roger, and Fleming, Gregg, ''Consideration of Air Quality Impacts by Airplane Operations at or Above 3000 feet AGL,'' Volpe National Transportations Systems Center and FAA Office of Environment & Energy, FAA–AEE–00–01–DTS–34, September 2000. *http://www.faa.gov/regulations_policies/policy_guidance/envir_policy/.*

to remove general conformity requirements.

c. Paragraph (d) contains the requirement that the SIP or TIP can be no less stringent than 40 CFR part 93, subpart B.

d. Paragraph (e) contains the requirement that the SIP or TIP can be no more stringent that the requirement in 40 CFR part 93, subpart B unless the provisions apply to non-Federal as well as Federal entities.

2. The EPA is proposing to add a new provision in § 51.851, which allows States or Tribes to include in their SIP or TIP a list of actions that are presumed to conform.

Since 40 CFR 51.850, 852 through 860 merely repeats the language in 40 CFR 93.150, 93.152 through 93.160, deleting §§ 51.850, 852 though 860 and requiring the SIP or TIP to meet the requirements in part 93 subpart B will not change the SIP or TIP requirements. However, deleting the sections will reduce the confusion on the requirements in the regulations by removing the duplicative language. In addition, EPA can revise the general conformity requirements by revising only one set of regulations. Although States or Tribes would have to revise any SIPs or TIPs which are in place when EPA revises part 93 subpart B regulations, this would not be an additional burden since they would have to revise their SIP or TIP if EPA revised the part 51, subpart W regulations.

By dividing paragraph (b) into four smaller paragraphs, EPA is attempting to simplify the language to make the requirements more understandable. The EPA did not change the requirements in paragraph (b) of the existing regulations.

The proposal to allow the States or Tribes the flexibility to adopt as part of the General Conformity SIP or TIP a list of actions that are presumed to conform resulted from the desire of some States to reduce the need to spend resources on reviewing actions which are known to conform. Although States and Tribes are not obligated to adopt a ''presume to conform'' list as part of their General Conformity SIP, if they do adopt a list they must include a list in their SIP or TIP.

B. 40 CFR 93.150—Prohibition

Section 93.150 establishes the general prohibition against Federal agencies taking actions that do not conform with the SIP and requirements for the Federal agencies to make the conformity determinations following the procedures of subpart B of part 93. The EPA is proposing to make two revisions to § 93.150. First, EPA is proposing to delete the language in paragraph (c) of that section and reserves that paragraph. Second, EPA is proposing to add a new paragraph (e) to the section to state that if an action occurs in more that one nonattainment area that each area must be evaluated separately.

In paragraph (c) of the existing regulations, EPA identified categories of actions that were not subject to the regulations based on environmental review for the action that was either completed or underway at the time the regulations were promulgated. The paragraph was based on the environmental reviews (either the conformity determination or the National Environmental Policy Act (NEPA) analysis) being completed in early 1994. Therefore, paragraph (c) is outdated and is not necessary at this time.

In the new paragraph (e) in § 93.150, EPA is specifically proposing that conformity determinations must be made for each nonattainment or maintenance area. The emissions from most Federal actions or projects occur within one nonattainment or maintenance area, however, some actions or projects could extend across area boundaries, causing emissions in more than one area. A facility (for example, a national park, military installation or an airport) could be located in multiple counties or even in multiple States. Emissions from an action at such facilities could extend across the nonattainment or maintenance area boundaries. Some Federal actions, such as rulemaking or rail merger approvals, could result in emissions in non-contiguous areas, or even nationwide, affecting multiple nonattainment or maintenance areas. The existing regulations do not specify how actions or projects affecting multiple areas should be addressed. Therefore, EPA is proposing that an action's emissions in each area would be treated as if they result from separate actions. This would result in the need for two or more separate applicability analysis and conformity determinations where general conformity is applicable. The number of conformity determinations would correlate to the number of nonattainment or maintenance areas where the action results in direct or indirect emissions originating in those areas. The analysis should provide a comprehensive emissions inventory that includes a clear and separate accounting or division of emissions by nonattainment or maintenance area. For example, an action may occur in two nonattainment areas, each with a 50 ton/year de minimis threshold. If the action would result in total direct and indirect emissions of 55 tons/year, but 30 tons/year are in one area and 25 tons/year the other area, the action would not require a conformity determination since it would be considered de minimis in both areas. If the action would result in total direct and indirect emissions of 85 tons/year, but 60 tons/year are in one area and 25 tons/year the other area, the action would require a conformity determination in the areas with emission of 60 tons/year but the area with 25 tons/year would not need a conformity determination since that portion of the action would be considered de minimis in that areas. EPA is proposing emissions from actions be treated separately for each nonattainment and maintenance area for the following reasons:

1. Federal agencies demonstrate conformity to a SIP, TIP or FIP that are developed on an area-specific basis and SIPs requirements may vary from one area to another.

2. The General Conformity Regulations exemptions are also area-specific. For example, the de minimis levels are based upon the type and classification of the nonattainment or maintenance area.

3. Section 176(c)(5) of the CAA limits the applicability of the conformity regulations to actions in nonattainment and maintenance areas. Therefore, actions, which affect broad regions encompassing several nonattainment, maintenance or attainment areas, must be evaluated based only on the portions of the emissions in the nonattainment and maintenance areas.

C. 40 CFR 93.151—State Implementation Plan (SIP) Revision

The main purpose of § 93.151 is to specify that the regulations in part 93 subpart B apply to Federal actions unless the State or Tribe adopts and EPA approves a General Conformity SIP or TIP for the area. The EPA is not proposing to change the purpose of the section, but is proposing to revise the section to clarify its wording. The existing regulations included statements about the stringency of the SIP compared to the requirements in subpart B of part 93. The EPA is proposing to delete those statements because they duplicate statements in 40 CFR 51.851 which specifies the requirements for the SIP and TIP.

D. 40 CFR 93.152—Definitions

Section 93.152 provides the definition of terms used in the regulations. The EPA is proposing to revise twelve of the definitions, add eleven new terms and delete one term as follows:

Applicable implementation plan or applicable SIP. The EPA is proposing two minor revisions to the definition. First, EPA is proposing to correct the citation for the SIP approval and second, EPA is proposing to clarify the definition by adding a parenthetical phrase to clarify that the term includes an approved Tribal implementation plan (TIP). The requirements for eligible Tribes are found in 40 CFR 49.6.

Applicability analysis. The EPA is proposing to add this new term to describe the process of determining if the Federal agency must conduct a conformity determination for its action.

Areawide air quality modeling analysis. The EPA is proposing to clarify this definition by making a minor wording change and by including photochemical grid model in the definition. Also, EPA is proposing to add an example of the type of models that could be used for the areawide air quality modeling analysis.

Caused by. The basic test established by the existing definition of ''caused by'' is that the emissions would not have occurred in the absence of the Federal action (Title I, Section 176). Since the general conformity regulations were promulgated in 1993, EPA has interpreted the regulations to require a Federal agency to include construction emissions in its conformity analysis. The EPA believes that emissions from construction activities initiated by, approved or funded by a Federal agency meets this test and should be included in the conformity evaluation.

Some Federal agencies have suggested that since construction emissions are generally excluded from consideration under the transportation conformity and EPA's NSR programs, they should not be included in the general conformity evaluation either. Furthermore, some agencies pointed out, the emissions from construction activities are not always explicitly included in some SIPs, so it is difficult to demonstrate conformity for the emissions and should not factor into the agencies' demonstrations of conformity to those SIPs. Finally, it has been suggested that construction emissions are temporary and not long-term contributors to the NAAQS violations and, therefore, may not be truly reflective of a completed project's contribution to a nonattainment or maintenance area's emissions budget.

In EPA's Transportation Conformity program (40 CFR 51.390 and part 93), construction emissions are generally not included in the conformity evaluation. The Transportation Conformity Regulations (40 CFR 93.122(e)) do require the consideration of PM_{10} from construction-related fugitive dust only in PM_{10} nonattainment and maintenance areas where the SIP identifies those emissions as a contributor to the nonattainment problem. In such a case, the regional PM_{10} emissions analysis must consider the construction-related fugitive PM_{10} emissions and account for them in the determination. The Transportation Conformity Regulations (40 CFR 93.122(f)) do not require the consideration of such regional $PM_{2.5}$ emissions unless the area's SIP identifies construction-related fugitive $PM_{2.5}$ as a significant contributor to the area's $PM_{2.5}$ problem. In addition, the Transportation Conformity Regulations (40 CFR 93.123(c)(5)) do not require construction-related carbon monoxide (CO), PM_{10}, and $PM_{2.5}$ emissions to be considered in project-level hot-spot analyses (i.e., estimations of future localized CO, PM_{10} , and $PM_{2.5}$ concentrations) unless those emissions will last for more than 5 years at an individual site. In the NSR program, only operational emissions from the source are required to be evaluated for the permit and construction emissions are not generally included.

Since the General Conformity Regulations cover a wide variety of actions and projects, the regulations were drafted to be general enough to cover the differing circumstances. While a majority of Federal actions and projects may not involve long-term construction activities, some do. For example, increasing the depth of the navigable channel in New York Harbor is expected to take 9 to 10 years to complete. In addition, the States and local agencies can reasonably anticipate and plan for construction emissions from highway and mass transit activities based upon regional transportation plans and historic activities. However, the States, Tribes and local agencies may not be aware of other Federal activities requiring construction or may not be easily able to estimate the emissions from the construction activities. Therefore, the SIPs or TIPs may not adequately account for the emissions from those activities.

In drafting and adopting a SIP and TIP, States, Tribes and local agencies generally allow for some emissions from construction activities either in a construction emission category or as part of another category, such as off-road mobile or area sources. The emission estimates for these categories are usually based upon historic activity levels or on projected future activity levels. Therefore, if at the time the SIP or TIP is being developed, the State, Tribe or local agency knows about the future actions or projects at the facility, the construction emissions can be incorporated into the SIP or TIP.

For the above reasons, EPA believes that emissions from construction activities could in some circumstances interfere with the SIP or TIP and is therefore not proposing to explicitly exclude all construction emissions from the definition of emissions ''caused by'' the Federal action. However, this proposal provides several options to allow Federal agencies and the States or Tribes to list construction emissions as ''presume to conform'' or to exempt the emissions.

1. Once included in a SIP-approved facility-wide emission budget, the construction emissions could be identified as exempt from the general conformity requirements.

2. Under the new provisions for developing a list of ''presume to conform'' actions, Federal agencies, States, or Tribes can demonstrate that emissions from certain types of construction activities at a facility would conform to the SIP.

3. Some States issue permits for construction emissions. These permits are essentially minor source NSR permits and emissions covered by them would be exempt.

Also, EPA is proposing to clarify that conformity is based on annual emissions. Therefore, Federal agencies should estimate construction emissions on an annual basis and would only have to demonstrate conformity of construction emissions during the years when the emissions occurred.

Currently under the Transportation Conformity regulations, project level construction emissions are not required to be included for construction that lasts no longer than 5 years at individual sites. EPA also recognizes that construction activities are only temporary and for some projects occur for short periods of time. Since these temporary construction activities may last between 1 to 5 years, the EPA solicits comments on whether to exempt emissions from short-term construction activities as well as the appropriate definition of a short-term project.

Confidential business information (CBI). In §§ 93.155 and 93.156, EPA is also proposing to specify how CBI used in the conformity determination is to be handled. To support those revisions, EPA is also proposing to add a definition of CBI. The definition is based upon that used to define CBI under the Freedom of Information Act.

Conformity determination. The EPA is proposing to add a new term to describe the decision that a Federal agency

official makes in determining that the action will conform with the SIP or TIP.

Conformity evaluation. The EPA is proposing to add a new definition to describe the entire conformity process from the applicability analysis through the conformity determination, if necessary.

Continuing program responsibility. In the existing regulations, EPA defined the term ''emissions that a Federal agency has a continuing program responsibility for.'' That term was awkward and confusing. The EPA is proposing to shorten the term to the ''continuing program responsibility'' and to reformat the definition to make it clearer.

Continuous program to implement. This term was used in the existing regulations but was not defined. Therefore, EPA is proposing to add a definition for this term. The definition would require the Federal agency to have a program to implement the action. That program can include a number of steps such as preparation of final design plans and can also allow for seasonal shutdowns. The definition includes a requirement that the action does not stop for more than 18 months unless such a delay is included in the original plans for the action.

Direct emissions. The EPA is proposing to revise the definition of direct emissions to include a requirement that the emissions must be reasonably foreseeable. This requirement was unintentionally left out of the definition when it was promulgated in 1993.

Emission Inventory. This term is used but not defined in the existing regulations. Therefore, EPA is proposing to add this term to the list.

EPA. Since some States have Environmental Protection Agencies, EPA is proposing to add ''U.S.'' in the definition to clarify that the regulations refer to the U.S. Environmental Protection Agency.

Indirect emissions. Some questions have arisen concerning whether emissions generated outside a nonattainment area should be accounted for when making a General Conformity determination for a Federal action. EPA is proposing to revise the definition for indirect emissions to clarify that only indirect emissions originating in a nonattainment or maintenance area need to be analyzed for conformity with the applicable SIP. Previous guidance regarding emissions generated outside of nonattainment areas was issued by EPA in 1994, prior to the 1995 statutory amendments to the CAA's conformity provisions which made conformity applicable only with respect to nonattainment and maintenance areas (42 U.S.C. 7506(c)(5)) and which eliminated any need for EPA to issue attainment area conformity regulations. The new definition clarifies that EPA interprets this statutory amendment to mean that any indirect emissions originating in an attainment or unclassifiable area do not need to be analyzed for general conformity purposes.

''In addition to addressing emissions generated outside of nonattainment areas, EPA proposes to revise the definition of ''indirect emissions'' to add the condition that emissions must be of the type that ''the agency can practically control'' and for which ''the agency has continuing program responsibility.'' The addition of this condition clarifies EPA's long standing position that Congress did not intend for conformity to apply to ''cases where, although licensing or approving action is a required initial step for a subsequent activity that causes emissions, the agency has no control over that subsequent activity, either because there is no continuing program responsibility or ability to practically control.'' 58 FR 63,214, 63,221 (Nov. 30, 1993). The Supreme Court noted this long-held position in ruling that the Department of Transportation was not required to undertake a conformity review for its so-called ''Mexican trucks'' rule. *DOT* v. *Public Citizen, 541 U.S. 752 773 (2004).* Specifically, the Supreme Court held that DOT's rule concerning safety regulations for Mexican motor carriers operating within the United States interior did not trigger conformity even though DOT approval was required for Mexican trucks to cross the border into the United States. The Court indicated, among other reasons, that DOT ''could not refuse to register Mexican motor carriers simply on the ground that their trucks would pollute excessively. (DOT) cannot determine whether registered carriers actually will bring trucks into the United States, cannot control the routes that carriers take, and cannot determine what the trucks will emit. Any reduction in emissions that would occur at the hands of (DOT) would be mere happenstance. It cannot be said that (DOT) 'practicably control[s]' or 'will maintain control' over the vehicle emissions from the Mexican trucks, and it follows that the emissions from the Mexican trucks are not 'indirect emissions.' '' Id. At 772–73.

Local air quality modeling analysis. The EPA is proposing to revise the definition to include an example of the type of models that are used in the local air quality modeling analysis.

Maintenance area. The EPA is proposing to make a minor wording change to clarify the definition by citing the regulations and the section of the CAA used to identify maintenance areas.

Metropolitan Planning Organization. The EPA is proposing to revise its regulatory definition to make it more consistent with the statutory definition in SAFETEA-LU, which was signed into law on August 10, 2005.

Mitigation measure. The existing regulations used the term ''mitigation measure'' and even had a section specifying the requirements for a mitigation measure, however the regulations did not define the term. The EPA is proposing to define a mitigation measure as a method of reducing emissions of the pollutant at the location of the action. This definition would distinguish a mitigation measure from an offset.

National ambient air quality standards. In 1997, EPA promulgated new NAAQS for both ozone and for fine particles. The definition in the existing regulations is broad enough to cover the new ozone standard. But, the definition did not cover the fine particle standard known as $PM_{2.5}$. Therefore, EPA is revising the definition of NAAQS to include $PM_{2.5}$.

Precursors of criteria pollutants. The existing regulations define precursors for both ozone and PM_{10}. Since the $PM_{2.5}$ standard was promulgated after the General Conformity Regulations, the original regulations did not include the precursors for $PM_{2.5}$. Therefore, EPA recently amended the regulation (July 17, 2006 at 71 FR 40420) to add $PM_{2.5}$ precursors, consistent with the proposed implementation program for the $PM_{2.5}$ standard (70 FR 65984).

1. Sulfur dioxide is a regulated pollutant in all $PM_{2.5}$ nonattainment and maintenance areas.[2]

2. Nitrogen oxides are a regulated pollutant in all $PM_{2.5}$ nonattainment and maintenance areas unless both the State/Tribe and EPA determine that it is not.

3. Volatile organic compounds (VOC) and ammonia are not regulated

[2] Sulfur dioxide is not required to be addressed in transportation conformity determinations before a SIP is submitted unless either the state air agency or EPA regional office makes a finding that on-road emissions of sulfur dioxide are significant contributors to the area's $PM_{2.5}$ problem. Sulfur dioxide would be addressed after a $PM_{2.5}$ SIP is submitted if the area's SIP contains an adequate or approved sulfur dioxide motor vehicle emissions budget. EPA based its decision on the de minimis amount of on-road missions of sulfur dioxide now and in the future, and on the implementation of low sulfur gasoline beginning in 2004 and low sulfur diesel fuel beginning in 2006. (70 FR 24283).

pollutants in any $PM_{2.5}$ nonattainment or maintenance area unless either the State/Tribe or EPA determines that they are.

Reasonably foreseeable emissions. As discussed above, under ''direct emissions,'' EPA is proposing to qualify the term direct emissions by stating that those emissions must be reasonably foreseeable. Therefore, EPA is proposing to revise the term ''reasonably foreseeable'' to include ''direct emissions.''

Regionally significant action. As discussed in the revisions to 93.153(i) below, EPA is proposing to delete the regionally significant requirement. Therefore, if EPA's proposed revision is promulgated, there is no need to retain this definition.

Restricted information. As discussed in §§ 93.155 and 156 on reporting and public participation, EPA, at the request of the several Federal agencies is proposing to specify how restricted information used in the conformity determination is to be handled. To support those revisions, EPA is also proposing to add a definition of restricted information. The definition is based upon applicable Executive Orders, regulations and statutes pertaining to materials and other information where disclosure is restricted by law.

Take or start the Federal action. The EPA is proposing to add a new term to define the date when an action occurs or starts. This date is important in determining what, if any, conformity requirements apply when an area is designated or re-designated as nonattainment. The EPA is proposing to define this term as the date the decision-maker signs a document such as a grant, permit, license or approval. Otherwise, EPA is proposing to define the term as the date the Federal agency physically starts the action that requires the conformity evaluation.

Tribal implementation plan (TIP). The EPA is proposing to add a definition for Tribal implementation plan to mean plans adopted and submitted by Federally recognized Indian Tribes. Under the Tribal Authority Rule (40 CFR part 49), certain Tribal bodies can adopt and submit implementation plans to attain and maintain the NAAQS set by EPA, but the Tribal bodies do not set their own ambient air standards. The CAA allows tribes to obtain the authority to run CAA programs for the regulation of ''air resources within the exterior boundaries of the reservation or other areas within the tribe's jurisdiction'' [CAA Section 301(d)(2)(B)]. Tribes have authority over all air resources within the exterior boundaries of their reservation (including non-Indian owned fee lands). For off-reservation areas, tribes must demonstrate the basis for jurisdiction. In some cases there may be a SIP and a TIP covering different portions of the same nonattainment area. In such cases emissions from an action that originate in a nonattainment or maintenance area that has both Tribal lands with a TIP and State land requiring a SIP, the emissions would need to be accounted for separately and the applicability and conformity analysis would need to be done separately for the TIP and the SIP. Therefore, EPA is proposing to add this definition to the regulation.

E. 40 CFR 93.153—Applicability Analysis

The EPA is seeking to clarify the process of determining if the General Conformity requirements are applicable to a Federal action. Although EPA is providing clarification on actions that are exempt or presumed to conform in this regulation, nothing in this regulation is intended to interfere with any exemptions established by law.

1. The EPA is proposing to revise the title of the section to include the word ''analysis.'' The EPA believes that adding the word would make the title more descriptive of the section's content.

2. The EPA is proposing to make a minor wording change to paragraph (a) and (b) of § 93.153. Paragraph (a) is revised to clarify the proper citations under which the Transportation Conformity program is authorized. In paragraph (b) EPA is proposing to add the word ''criteria'' before the word ''pollutant'' and ''or precursor'' after the word to clarify the paragraph.

3. The EPA is proposing to revise the table in sub-paragraph (b)(1) to include all nonattainment areas in the Ozone Transport Regions. In 1993, when the General Conformity Regulations were promulgated, all nonattainment areas in the Ozone Transport Region were classified as marginal or above for the 1-hour ozone NAAQS. However, in designating areas for the 8-hour ozone NAAQS, some nonattainment areas were identified as needing to meet only the requirements in subpart 1 of Part D of Title I of the CAA and were not classified. Therefore, EPA is proposing to revise the table in § 93.153(c)(1) to cover the subpart 1 areas by changing the category from ''Marginal and moderate NAA's inside an ozone transport region'' to ''other NAA inside an ozone transport region.''

4. In a separate notice EPA recently revised the tables in paragraphs (b)(1) and (b)(2) by adding the de minimis emission levels for $PM_{2.5}$. In July 1997, EPA promulgated two new NAAQS (62 FR 38652) one for an 8-hour ozone standard and one for fine particulate matter known as $PM_{2.5}$. The new 8-hour and old 1-hour ozone NAAQS address the same pollutant but differ with respect to the averaging time, therefore, EPA retained the existing de minimis emission levels for ozone precursors. Although $PM_{2.5}$ is a subset of PM_{10}, it differs from the rest of PM_{10}. While the majority of ambient PM_{10} results from direct emissions of the pollutant, a significant amount of the ambient $PM_{2.5}$ can result not only from direct emissions but also from transformation of precursor and condensing of gaseous pollutants in the atmosphere. Therefore, EPA in a separate action has added new de minimis emission levels of 100 tons per year for the direct emissions and precursors of $PM_{2.5}$. For completeness, the full table was updated to reflect this change.

5. The EPA is proposing to revise paragraph (d)(1) of § 93.153 to exempt emissions covered by a NSR permit for minor sources. The existing regulations exempt emissions covered by a NSR permit for major sources but not for minor sources. Since the purpose of the conformity program is to ensure that Federal actions do not interfere with the SIP, TIP or FIP, in promulgating the existing regulations EPA recognized that emissions covered by a major source NSR or prevention of significant deterioration (PSD) permit already had been reviewed to ensure that the emissions did not interfere with the SIP. Therefore, the existing regulations exempt the emissions from sources permitted under major source NSR or PSD programs. Since 1993, when the existing regulations were promulgated, States and local agencies have adopted NSR programs for minor sources as required by section 110(a)(2)(C) of the CAA. These NSR programs for minor sources also ensure that emissions from the sources (individually and collectively) will not interfere with the SIP. Therefore, EPA is proposing to revise the regulation to exempt emissions permitted under the EPA-approved NSR programs for minor sources. The EPA believes this approach will reduce the duplicate review of emissions under both minor source NSR and conformity programs and treat all NSR permitted emissions the same way.

Although operating permits issued under title V of the CAA meet some of the same requirements, EPA is not proposing to exempt the emissions covered by those permits. The conformity program is similar to the NSR program in that it evaluates new or

modified sources prior to construction, while the ''title V'' program is basically for operating emissions at existing sources. Therefore, the conformity evaluations for any project that also requires a title V permit should occur before the title V permit is issued. The EPA does note that if for some reason an operating permit covers the emissions, a Federal agency may be able to use the permit to document that the emissions are accounted for in the SIP.

6. The EPA is proposing to delete ''or natural disasters such as hurricanes, earthquakes, etc.,'' and ''or disaster'' from paragraph (d)(2) of § 93.153 because they are unnecessary words. In § 93.152 EPA defines an emergency, therefore the words in § 93.153 describing an ''emergency'' are not necessary and may be confusing since they do not include all types of emergencies.

7. The EPA is proposing to amend paragraph (e)(2) of § 93.153 to provide procedures for reviewing an extension of the exemption from making a conformity determination for actions related to responding to an emergency. A Federal agency, in responding to an emergency event such as a natural disaster, terrorist attack, or military mobilization, may find it impractical to conduct a conformity evaluation on the action before it must take the action. To address this situation, 40 CFR 93.153(d)(2) of the existing regulations provides Federal agencies with a 6-month exemption from the requirement to undertake a conformity analysis for actions taken in response to an emergency. The EPA recognizes that in rare situations it may be impractical, even after 6 months, to conduct a conformity evaluation and is proposing to amend § 93.153(e) to allow the agencies to extend the exemption for another 6 months. This section requires Federal agencies to make a written determination that it is impractical to conduct an evaluation for the action. The existing regulations are not clear about the number of additional extensions permitted nor do the regulations provide any procedures for agencies to follow in deciding on the extension.

EPA believes the only time that the extension of the 6-month exemption has been used was in New York following the terrorist attack of September 11, 2001. In responding to the shutdown of the Port Authority Trans-Hudson line between New Jersey and New York, certain Federal agencies sponsored a ferry service across the Hudson River. The service lasted 2 years until the mass transit service was restored. The Federal agencies continued with a series of 6-month extensions of the General Conformity exemption. The Federal agencies did not know what they had to do to invoke the provision and EPA and the State agencies had to request permission to review the decision. In addition, the public was not given notice of the decision to extend the exemption.

The EPA is not proposing to revise requirements for the initial exemption for actions in response to emergencies. The initial governmental actions which are typically commenced on the order of hours or days in response to emergencies or disasters would still be exempt from the General Conformity requirements for 6 months after the commencement of the response to the emergency or disaster. However, EPA is proposing requirements for Federal agencies that want to extend the exemption beyond the initial 6-month period. First, EPA is proposing to require the Federal agencies to allow EPA and the State 15 days to review and provide comments on the draft written determination to extend the exemption at the beginning of the extension period. Next, EPA is proposing to require Federal agencies to publish a notice within 30 days of making the decision. The notice must be published in a daily general circulation newspaper for the affected area. Finally, EPA is proposing to limit the maximum number of 6-month extensions an agency may declare on their own to three. Except in certain circumstances, the EPA believes an agency should be able to plan for and conduct a conformity evaluation for actions within the time allowed by three 6-month extensions following the initial 6-month exemption (i.e., a total of 2 years). In this regard, EPA acknowledges that there could be a circumstance where an agency's action in response to an emergency may need additional 6-month extensions beyond a 2 year timeframe and this proposal does not limit the number of additional 6-month extensions to the emergency provisions. In these cases, EPA is proposing that if more than three extensions of the emergency provisions are needed, for all subsequent 6-month extensions a Federal agency must provide information to EPA and the State stating: (a) The conditions that gave rise to the emergency exemption continue to exist, and (b) how such conditions effectively prevent the agency from conducting a conformity evaluation.

8. The EPA is proposing to revise paragraphs (f), (g), and (h) of § 93.153 to permit Federal agencies more flexibility in developing their list of actions that are ''presumed to conform'' and provide requirements for the materials that must be included in the documentation and draft list. Specifically, EPA is proposing to: Add a paragraph to (f) to specify when and how more than one ''presumed to conform'' exception may be taken for a Federal action; add a new paragraph (g)(3) to specify that Federal agencies can list actions that are for individual areas or SIPs or TIPs; add a sentence to paragraph (h)(1) to specify the information that must be included in the documentation; and add a sentence to paragraph (h)(2) to allow the Federal agencies to notify EPA headquarters when the presumed to conform actions would have multi-regional or national impacts. In addition, EPA is proposing to revise paragraphs (f) and (h) to include a reference to the new paragraph (g)(3).

In promulgating the existing regulations, EPA identified a number of actions that were ''presumed to conform.'' The regulations also allow Federal agencies to establish their own lists of actions that are ''presumed to conform.'' Under the existing regulations, Federal agencies must justify the inclusion of the actions on their ''presumed to conform'' list by either demonstrating: (1) That the actions will not cause or contribute to an air quality problem or otherwise interfere with the SIP, TIP, or FIP, or (2) that the actions will have emissions below the de minimis levels. The Federal agencies must provide copies of the proposed list to EPA, affected State and local air quality agencies and MPOs. In addition, the agencies must provide at least a 30-day public comment period and document its response to all comments. The notice of the proposed and final list must be published in the **Federal Register**.

Although EPA has worked with one Federal agency on its ''presumed to conform'' list, no Federal agency has published such a list. One issue that has given pause to Federal agency efforts to publish presumed to conform lists is the potential for several presumed to conform exemptions to be used in combination and result in unacceptable cumulative air quality impacts. To address this issue, EPA is proposing in § 93.153(f) that actions specified in an individual Federal agency's presumed to conform list may not be used in combination with one another when the total direct and indirect emissions from the combination of actions would equal or exceed any of the *de minimis* thresholds in the General Conformity regulations. By doing this, EPA believes it will ensure that the intent of presumed to conform actions—namely reducing the analysis burden for actions that have little or no direct or indirect

emissions—is met. For example, a Federal agency may undertake a program or project with several connected actions that must be analyzed under the environmental review requirements of NEPA. Several of those actions may individually be listed on the agency's presumed to conform list because those actions taken by themselves would typically have emissions below de minimis levels. If the agency wishes to determine the entire project or program will not require a conformity determination because it is presumed to conform, it must first determine, using the emissions predicted in establishing the presumed to conform action that the emissions from the combination of actions does not equal or exceed *de minimis* levels. Alternatively, the agency could exclude the emissions from one presumed to conform action from the applicability analysis and would only be required to perform an applicability analysis and if required, a conformity determination on the total direct and indirect emissions of the actions which are not otherwise exempt.

The EPA believes that the use of a ''presumed to conform'' list is an important tool for Federal agencies in reducing the review time for Federal actions while still ensuring air quality goals are met. For example a Federal land management agency could include on its list of presumed to conform actions prescribed fire use where the agency has formally committed to apply a list of basic smoke management practices developed in cooperation with the affected State(s) and/or air pollution control agencies or Tribal government.

EPA believes that an additional option could be added to the regulations to aid Federal agencies in adopting their presumed to conform list. The EPA is proposing to add sub-paragraph (g)(3) to clarify that the presumption could be for one facility or for facilities in a specified area and does not have to be nationally applicable. For example, if the nonattainment area's SIP includes a sector emission budget for construction activities, a facility may be able to demonstrate that construction activities of a certain size or type fits within the SIP's emission budget. With the concurrence of the State or Tribe, the Federal agencies could publish a ''presumed to conform'' list that includes the construction emissions at the specific facility.

9. The EPA is proposing to delete the regionally significant test included in paragraph (i) of § 93.153. The existing regulations in § 93.152 define ''regionally significant'' as ''a Federal action for which the direct and indirect emissions of any pollutant represent 10 percent or more of a nonattainment or maintenance area's emissions inventory.'' 40 CFR 93.153(i) and (j) require conformity determinations for all regionally significant actions, regardless of any exemptions or presumptions of conformity based on other provisions in the regulations.

The ''regionally significant'' action concept was proposed in the 1993 Notice of Proposed Rulemaking (58 FR13836) in order to ''capture those actions that fall below the de minimis emission levels, but have the potential to impact the air quality of the region.'' At that time, EPA requested comments on whether the 10 percent level was appropriate. In the discussion of comments in the preamble to the Final Rule (58 FR 63214), EPA reported that it received comments both in favor of and in opposition to the ''regionally significant'' action concept. While many respondents supported the concept, there was a diversity of opinions regarding whether 10 percent was the most appropriate level. However, EPA reported that no documentation was provided to support a different level. Some respondents felt that the de minimis cut offs would suffice. The EPA decided to retain both the concept and 10 percent level in the final rule.

For a regionally significant action, the Federal agency must conduct a full conformity determination even if the action would cause total direct and indirect emissions below the de minimis levels. In over 12 years since promulgation of the existing regulations, no action has been determined to be regionally significant. The main reason that actions with emissions below de minimis levels are not regionally significant is that the emission inventory for almost all nonattainment and maintenance areas greatly exceeds ten times the de minimis emission levels. Review of the 1999 emission inventory shows that only six (one ozone, two lead and three sulfur dioxide) of over 200 nonattainment areas had emission inventories less than ten times the de minimis levels.(See Evaluation of Potential Regionally Significant Areas Under the General Conformity Regulations, Science Applications International Corporation, March 2005, Docket Number OAR–2004–0491). In other words, except for those six areas, an action with emissions below de minimis levels would never be considered regionally significant.

Federal agencies have expressed concern that, in many cases, demonstrating that a project is not regionally significant is difficult and time consuming. First, the future total emission inventory for an area may not be readily available since the SIP may not cover the time period when the emissions will occur. In addition, most national emission inventories are published 2 to 3 years after the ''inventory'' year, so if a Federal agency is comparing the action's emissions against the most recent inventory they may be looking at an inventory that is 3 to 5 years old.

The EPA is proposing to eliminate the provision. The EPA believes that since Federal agencies have expended resources to demonstrate that actions are not regionally significant and the existing provision has not been triggered, eliminating the provision would streamline the conformity regulations and have little or no environmental impact.

10. The EPA is proposing to replace paragraph (i) of § 93.153 with a new paragraph to identify three additional groups of actions that are presumed to conform. First, EPA is proposing to allow installations with a facility-wide emission budget to presume that an action at the installation will conform provided that the emissions from that action along with all other emissions from the facility will not exceed the budget. A more detailed discussion of the facility-wide emission budget concept is found in § 93.161.

Second, EPA is taking comment on allowing Federal agencies to presume that the emissions from prescribed burns will conform provided the burning is conducted under a State certified approved SMP. EPA is also asking for comments on the approach of allowing Federal agencies to presume that the emissions from prescribed burns conducted using State approved basic smoke management practices in a nonattainment or maintenance area conform with a SIP.

In May 1998, EPA worked with States and other Federal agencies to develop and publish an interim policy on prescribed fires on wildlands. (See Interim Air Quality Policy on Wildland and Prescribed Fires, U.S.EPA, May 1998). To comply with the recommendations in the interim policy, state air regulators and land managers should develop a certified SMP which promotes regional coordination, and may include real-time air quality monitoring. A State SMP establishes a basic framework of procedures and requirements for managing smoke from a prescribed fire managed for resource benefits. A SMP is typically developed by a State or Tribe with cooperation and participation by wildland managers, both public and private, and the general public. The SMPs establish procedures

and requirements for minimizing emissions and managing smoke dispersion. The goals of SMPs are to mitigate the nuisance and public safety hazards (e.g., on roadways and at airports) posed by smoke intrusions into populated areas; to prevent deterioration of air quality and NAAQS violations; and to address visibility impacts in mandatory Class I Federal areas.

Given the fundamental purpose of the SMP, EPA believes that it is reasonable to assume that any action in compliance with the certified SMP would be in conformance with the applicable SIP. Therefore, EPA is taking comment on the approach to designate these actions as actions presumed to conform. Federal agencies would not have to conduct a conformity determination for those actions. The presumption to conform is also based on the maintenance in stringency of the existing SMPs where implemented or the implementation of new smoke management programs or practices as identified above.

As reflected in the Interim Air Quality Policy on Wildland and Prescribed Fires, States are provided flexibility on the structure of a SMP. Thus, a SMP can be extensive and detailed, or simply identify the basic smoke management practices for minimizing emissions, and controlling impacts from a prescribed fire. The EPA's final rule on the Treatment of Data Influenced by Exceptional Events published in the **Federal Register** on March 22, 2007 (Volume 72, Number 55) states that basic smoke management practices could include, among other practices, steps that will minimize air pollutant emissions during and after the burn, evaluate dispersion conditions to minimize exposure of sensitive populations, actions to notify populations and authorities at sensitive receptors and contingency actions during the fire to reduce exposure of people at such receptors, identify steps taken to monitor the effects of the fire on air quality, and identify procedures to ensure that burners are using basic smoke management practices.

The Agency plans to begin revising its Interim Air Quality Policy on Wildland and Prescribed Fires in 2007 as part of its overall Fire Strategy. The Agency believes that the conditions for prescribed fires that are presumed to conform should be conducted in accordance with programs and practices which meet the requirements of EPA's Air Quality Policy on Wildland and Prescribed Fires and those conditions should be deliberated in the formation of the revised policy. To inform the development of that policy, and the final revisions of this General Conformity rule, EPA is also requesting comment on an additional approach for allowing a presumption to conform for emissions from prescribed fires conducted in the absence of a State certified SMP, where the Federal agency submits a demonstration and obtains written permission from the State prior to the burn that the planned burn employs State approved basic smoke management practices. This approach would thereby protect public health in nonattainment and maintenance areas where a SMP has not been adopted, and allow Federal agencies the flexibility needed to conduct necessary prescribed burning.

Finally, as discussed above, EPA is also proposing to allow a State or eligible Tribe, on its own, to adopt in their SIP or TIP a list of actions for facilities in its borders that it ''presumes to conform.''

11. The EPA is proposing to revise paragraph (j) of § 93.153 by deleting the reference to regionally significant emissions, by adding a reference to paragraph (i) and by describing the criteria for requiring a conformity determination for an action that otherwise would be presumed to conform. The existing regulations state that an action cannot be presumed to conform if it was regionally significant or did not in fact meet the requirements of sub-paragraph (g)(1). As discussed above, EPA has proposed to delete the regionally significant test, therefore reference to it is proposed to be deleted from this paragraph. For clarity, instead of referring to sub-paragraph (g)(1), EPA is proposing to repeat the requirements in this paragraph.

12. The EPA is proposing to revise paragraph (k) of § 93.153 to incorporate the provisions of section 176(c)(6) of the CAA. (42 U.S.C. 7506(c)(6)). In November 2000 (Pub. L. 106–377), Congress added section 176(c)(6) to the CAA to allow for a conformity transition period for newly designated nonattainment areas. That section establishes a 1-year grace period following the effective date of the final nonattainment designation of each NAAQS before the conformity requirements must be met in the area. If an agency takes or starts the Federal action before the end of the grace period, it must comply with the applicable pre-designation conformity requirements. If an agency takes or starts the Federal action after the end of the grace period, it must comply with the post-designation conformity requirements. As discussed above in describing the new term ''take or start the Federal action,'' EPA is proposing to define the term to mean that a Federal agency takes an action when it signs a permit, license, grant or contract or otherwise starts the Federal action. From the time that an area is designated as nonattainment, agencies will have a year to take or start the Federal action. If the agency fails to take or start the Federal action during the grace period, then it must re-evaluate conformity for the project based on the requirements for the new designation and classification.

F. 40 CFR 93.154—Federal Agencies Responsibility for a Conformity Determination

1. The EPA is proposing to revise the title of this section to clarify the purpose of the section. In the existing regulations this section is entitled broadly ''Conformity Analysis.'' Since the short section only discusses the requirement for each Federal agency to make its own determination, EPA is proposing to revise the title of the section to more closely describe the section's content.

2. The EPA is proposing to add language to this section to specifically state that the conformity determination must meet the requirements of this subpart.

G. 40 CFR 93.155—Reporting Requirements

1. Since EPA is proposing to add additional sections to subpart B, it is proposing to revise the references to those sections in § 93.155.

2. Consistent with EPA Tribal Authority Rule (63 FR 7253), EPA is proposing to provide federally-recognized Indian Tribal governments the same opportunity to comment on draft conformity determinations as given to States. Therefore, EPA is proposing to require the Federal agencies to notify all the federally-recognized Indian Tribal governments in the nonattainment or maintenance area. To assist other Federal agencies in this notification, EPA is planning to place a list of the federally-recognized Indian Tribal governments in each nonattainment or maintenance areas on its General Conformity web site.

3. The EPA is proposing to add an alternative procedure for notifying EPA when the action would result in emissions originating in nonattainment or maintenance areas in three or more EPA regions. Specifically, EPA is proposing to allow agencies to notify the EPA Office of Air Quality Planning and Standards rather than each individual Regional Office. A single contact point for EPA should be more efficient for the other Federal agencies than notifying up to ten Regional Offices.

4. At the request of the several Federal agencies EPA is proposing to add a new paragraph to § 93.155 to describe how restricted information used to support conformity determinations should be handled when provided to EPA, States and Tribal governments. The existing General Conformity Regulation does not contain an explicit statement about protecting restricted information from public release. The interagency review and public participation provisions in the existing regulation require Federal agencies to make available for review the draft conformity determination with supporting materials that describe the analytical methods and conclusions relied upon in making the determination. Disclosure of classified information by a Federal employee is a criminal offense (18 U.S.C. 1905). In addition, certain unclassified information is privileged or otherwise protected from disclosure. Therefore, several Federal agencies wanted to ensure that the General Conformity Regulations clearly state that no agency or individual was required to release restricted information including, but not limited to, classified materials. Therefore, EPA is proposing to revise the regulation to add explicit language concerning the protection of restricted information. In addition, conformity determinations could, in part, be based upon confidential information received from business sources. The EPA is proposing to add specific language to the regulation to protect CBI in accordance with each Federal agency's policy and regulations for the handling of restricted information and CBI. The regulations would allow State or EPA personnel with the appropriate clearances to be able to view the restricted or confidential business information.

H. 40 CFR 93.156—Public Participation

1. The EPA is proposing to correct the section referenced in § 93.156. The existing regulations refers to § 93.158. The correct reference should be § 93.154. Section 93.158 prescribes the criteria for conducting a conformity analysis, while § 93.154 requires Federal agencies to make the determination and references the requirements in the other sections of subpart B.

2. The EPA is proposing to provide an alternative public notification procedure for actions that cause emissions above the de minimis levels in more than three nonattainment or maintenance areas. The existing regulations require that the Federal agency publish a notice in a daily newspaper of general circulation in the nonattainment or maintenance area. Some Federal actions, such as rulemaking, affect a large number of nonattainment and maintenance areas. The notification procedure for such an action could be burdensome and inefficient. Therefore, EPA is proposing to allow the Federal agencies to publish a notice in the **Federal Register** if the action would cause emissions above the de minimis levels in more than three nonattainment or maintenance areas.

3. The EPA is proposing to also add a new paragraph to § 93.156 to describe how restricted information and CBI used to support conformity determinations should be handled in providing the information to the public.

I. 40 CFR 93.157—Re-Evaluation of Conformity

1. The EPA is proposing to revise the title of this section to more appropriately describe the section's content. The existing section is entitled ''Frequency of Conformity Determinations.'' That title implies that the general conformity requirements for Federal actions must be reevaluated on a regular basis. However, the section states that conformity must be reevaluated only if the determination lapses or the action is modified, resulting in an increase in emissions.

2. If an action's emissions are below the de minimis levels or the action is not located in a nonattainment or maintenance area, a conformity determination is not required. Therefore, the Federal agency would not have a date for the conformity determination. The EPA is proposing minor wording changes in paragraphs (a) and (b) to clarify that the date of a completed NEPA analysis, as evidenced by a signed finding of no significant impact (FONSI) for an environmental assessment, a record of decision (ROD) for an environmental impact statement, or a record of a categorical exclusion can be used when a conformity determination is not required.

3. The EPA is proposing to add two new paragraphs (d and e) to § 93.157 to clarify the requirements for needing to conduct a conformity determination when the action is modified. Paragraph (d) deals with modifying an action for which the Federal agency made a conformity determination. In order to make the determination, the Federal agency had to demonstrate that all the emissions caused by the action conformed to the SIP. Therefore, the Federal agency does not have to revise its conformity determination unless the modification would result in an increase that equals or exceeded the de minimis emission levels for the area. Paragraph (e) deals with modifying an action that the Federal agency determined had emissions below the de minimis level. Since the emissions from the unmodified action were determined to be de minimis and not fully evaluated to determine conformity, EPA is proposing the Federal agency conduct a conformity determination if the total emissions (the emissions from the unmodified action plus the increased emissions resulting from the modification) equal or exceed the de minimis levels for the area. EPA seeks comment on what actions should be considered to constitute ''modifications'' for purposes of conformity and under what conditions, if any, a subsequent action should be considered to constitute a ''new'' action versus modification of an action for which a previous de minimis determination was made.

J. 40 CFR 93.158—Criteria for Determining Conformity for General Federal Actions

1. In § 93.158(a)(1), EPA is proposing to add ''precursor'' after ''any criteria pollutant'' to clarify that Federal agencies can demonstrate conformity for the precursors of the criteria pollutants if the precursor emissions are specifically identified and accounted for in the applicable SIP, TIP or FIP.

2. In § 93.158(a)(2) and (a)(5)(iii), EPA is proposing to allow Federal agencies to obtain emission offsets for the General Conformity requirements from a nearby nonattainment or maintenance area of equal or higher classification, provided that the emissions from the nearby area contribute to the violations of the NAAQS in the area where the Federal action is located or, in the case of a maintenance area, the emissions from the nearby area have contributed in the past to the violations in the area where the Federal action is located. The proposal would require such emissions offsets to be obtained through either an approved SIP revision or an equally enforceable commitment.

This revision to the offset requirements would make the General Conformity offset requirements consistent with the offset requirements in section 173(c)(1) of the CAA for the Federal NSR program. It would also provide the Federal agencies more flexibility in obtaining the offsets in areas impacted by transport from nearby areas. In light of increased knowledge concerning transport of pollutants into areas, EPA solicits comments on whether to limit the offsets to nonattainment or maintenance areas of equal or higher classifications, or permit broader application to all nonattainment and maintenance areas.

3. In § 93.158(a)(2), (a)(3) and (a)(4), EPA is proposing to revise the regulations to address the precursors of $PM_{2.5}$. The EPA does not believe that the current models are adequate to reasonably predict the project level impact of individual precursor sources of ozone or $PM_{2.5}$. Therefore, EPA is proposing to allow Federal agencies to use modeling to demonstrate conformity only for directly emitted pollutants. Precursors of $PM_{2.5}$ will be treated the same as precursors of ozone and direct emissions of $PM_{2.5}$ will be treated the same as CO and PM^{10}. The EPA solicits comment on this treatment of the precursors of $PM_{2.5}$.

4. In § 93.158(a)(3) and (5), EPA is proposing to correct two typographical errors. In sub-paragraph (3), EPA is proposing to correct ''meet'' to ''meets'' and in sub-paragraph (5), EPA is proposing to change ''paragraph (a)(3(11)'' to ''paragraph (a)(3)(ii).''

5. In § 93.158(a)(5)(i), EPA is proposing to delete the reference to the year 1990 and replace it with a generic reference to the most current calendar year with a complete emission inventory available before an area is designated unless EPA sets another year. In addition to requiring the conformity regulations, the CAA Amendments of 1990 required the designation of areas as nonattainment based on the existing air quality data. Therefore, when EPA promulgated the existing regulations in 1993, all the designations were based on a 1990 date. Since EPA promulgated the conformity regulations, it has promulgated new 8-hour ozone and $PM_{2.5}$ standards and designated a number of areas as nonattainment. By changing the regulations to reference the date when the area was designated as nonattainment, EPA is allowing for the new designations and any future designations.

6. Also in § 93.158(a)(5)(i), EPA is proposing to revise the paragraph to allow Federal agencies to make conformity determination based upon a State's or Tribe's determination that the emissions from the action along with all other emissions in the area would not exceed the emission budget in the applicable SIP or TIP. Under the existing regulations, States could only make such a determination if they had an approved attainment demonstration or maintenance SIP. This revision would allow the State or Tribe to make its determination based upon a post-designation applicable SIP or TIP even though the plan does not include an attainment demonstration. For example, the State or Tribe could base their determination on an emission budget in an EPA approved ''Reasonable Further Progress'' plan. By adopting the budget and submitting it as part of the SIP or TIP, the State or Tribe is treating the Federal action like any other source in the area. When the State or Tribal agency adopts the attainment or maintenance SIP or TIP, it will have to consider the emissions, and if necessary require additional controls on the sources. Specifically, EPA solicits comment on whether demonstrating conformity to a budget in a milestone plan (in the absence of an attainment demonstration) is adequate to ensure that the emissions from the action will not interfere with the timely attainment of the NAAQS.

7. Although not specified in the regulations, EPA believes that a State operating permit under title V of the CAA or other air quality operating permit can serve as documentation of the State's or Tribe's determination.

8. The EPA is proposing to revise § 93.158(a)(5)(i)(C) to allow the State or Tribe to commit to including the emissions from the Federal action in future SIPs. Under the existing regulations, Federal agencies can demonstrate conformity by having the State commit to revising the applicable SIP to include the emissions. If a State or Tribe agrees to such a commitment, the State or Tribe must submit a SIP revision within 18 months to include the emissions from the action and to make other necessary adjustments in the SIP to accommodate those emissions. However, the existing SIP or TIP, or a SIP or TIP required to be submitted in 18 months, may not cover the same timeframe covered by the conformity determination. For example, a SIP for a nonattainment area that demonstrates attainment may only cover the period until the attainment date while the conformity determination may cover emissions for many years beyond that date. The State or Tribe may be submitting future SIPs or TIPs to address either maintenance of the standard or to address a continuing nonattainment problem that would cover the time period of the emissions. The EPA's proposed revision to § 93.158(a)(5)(i)(C) would continue to require States to revise the SIP within 18 months of the conformity determination based upon a State's or Tribe's commitment. However, if the existing SIP or TIP, or a SIP or TIP due within 18 months, does not cover the time period of the emissions, then the State or Tribe, in the SIP revision, can include an enforceable commitment to account for the emissions in future SIP revisions. This approach will allow States and Tribes flexibility in committing to include the emissions from the Federal action in the SIP.

9. The EPA is proposing to revise § 93.158(a)(5)(iv) to delete the use of 1990 as the baseline year. As discussed above, when EPA promulgated the existing General Conformity Regulations in 1993, the designations and classifications were based upon the 1990 air quality and emissions. Since 1993, EPA has promulgated new standards and designated additional areas as nonattainment. Therefore, in many cases the 1990 date for the baseline emission inventory is inappropriate. The EPA is proposing to set the baseline year as the most current calendar year with a complete emission inventory available before an area is designated unless EPA sets another year.

In some cases, when EPA establishes a new level for a standard, an area will have an existing SIP or TIP for the pollutant that serves as the applicable SIP or TIP until a revised SIP or TIP is submitted by the State or Tribe and approved by EPA. For example, in transition from the 1-hour ozone standard to the 8-hour ozone standard, EPA revoked the 1-hour standard 1 year after the effective date of the 8-hour ozone designation. Although EPA revoked the 1-hour standard, the existing ozone SIP remains largely in place until it is replaced by the 8-hour ozone SIP. The 1-hour ozone SIP is considered the applicable SIP until it is replaced.

Finally, EPA is proposing to delete another alternate baseline year that no longer is applicable in PM_{10} areas. Specifically, we are proposing to delete in § 93.158(a)(5)(iv)(A)(3) the use of the ''year of the baseline inventory in the PM_{10} applicable SIP.'' EPA believes that the proposed deletion of this out-dated baseline year should not affect current general conformity determinations in PM10 nonattainment and maintenance areas.

K. 40 CFR 93.159—Procedures for Conformity Determinations for General Federal Actions

1. EPA is proposing to change § 93.159(b)(1)(ii) to make it more consistent with when new motor vehicle emissions factors models are used in general conformity determinations. EPA is proposing to clarify that the grace period before such new models are used will be 3 months from EPA's model release or a longer grace period as announced in the **Federal Register**. This is more consistent with 40 CFR 93.111 of the transportation conformity rule that allows grace periods for new motor

vehicle emissions factor models to be between 3–24 months.

2. The EPA is proposing to revise § 93.159(b)(2) and (c) to update the reference to the Compilation of Air Pollutant Emission Factors and for the Guideline on Air Quality Modeling. EPA has released updated versions of these documents since it promulgated the existing regulations in 1993.

3. The EPA is proposing to revise paragraph (d)(1) to clarify that analysis is first required for the attainment year specified in the SIP. In some cases, such as SIPs for marginal ozone areas, an attainment demonstration date was not required in the SIP. Therefore, EPA is also proposing that if the SIP or TIP does not specify an attainment demonstration year then the analysis is required for the latest attainment year possible under the CAA. Since the CAA requires the SIP demonstrate attainment as expeditiously as possible but no later than the CAA mandated attainment date, it is possible that a SIP or TIP could have an earlier attainment date. That earlier date would be the appropriate year for the conformity analysis.

4. The EPA is proposing a minor wording revision to paragraph (d)(2) to clarify the paragraph. The EPA is proposing to replace the word ''farthest'' with ''last.'' The maintenance plans are developed for a 10-year period and revised as necessary for the next 10-year period. The purpose is for conformity to be evaluated for the last year of the maintenance plan. The word ''last'' conveys that meaning.

L. 401 CFR 93.160—Mitigation of Air Quality Impacts

The EPA is proposing to revise paragraph § 93.160(f) to clarify its meaning. The regulations were meant to require that the mitigation measures include a written commitment from the person or organization reducing the emissions and those commitments must be fulfilled.

M. 40 CFR 93.161—Conformity Evaluations for Installations With Facility-Wide Emission Budget

The EPA is proposing to add a new section to the regulations to facilitate the use of a facility-wide emission budget in evaluating conformity. Federal agencies have stated that they would like to streamline the conformity process for individual actions or projects, while States have expressed a desire for the conformity process to help identify and reduce emissions at Federal installations. Although the existing regulations do not preclude States and Federal agencies from using this approach, the regulations do not specifically authorize its use. This approach would be entirely voluntary on the part of the Federal agency and would have to be approved by the State, Tribe or local agency responsible for the SIP or TIP. For example, States can currently adopt a facility-wide budget for a Federal installation as part of the SIP. With such a budget, a Federal agency could easily demonstrate conformity for an action at the installation provided the emissions caused by the action along with all of the other emissions subject to general conformity at the installation stays within the budget. If the State or Tribe includes the emission budget in the SIP or TIP, the emissions would be identified and accounted for in the SIP or TIP. Alternatively, a State or Tribe could provide a letter to the Federal agency stating that the emissions from the installation that are within the budget conform to the SIP or TIP. This proposed section for developing such a budget would in conjunction with a new § 93.153(j) provide a mechanism for presuming that the emissions are in conformance with the SIP or TIP. This approach allows State or Tribe and Federal agencies to identify acceptable levels of emissions from the installation before starting the environmental review for the actions and for the agencies to expedite the review of the Federal actions at the facilities.

Under this approach, a State, Tribe or local air quality agency could work with the Federal agency, or a third party authorized by the agency (e.g., an airport authority), who volunteers to develop a facility-wide emission budget for an installation or facility. In principle, at the time the States or Tribes agree to a budget, they assume responsibility for ensuring that the emissions within the budget will not interfere with the purpose of the SIP or TIP, and will be included in future SIPs or TIPs. The budget would be for a set period of time and near the end of that time the State, Tribe or local agency and Federal agencies could revise the budget for the next time period. For example, the State, Tribe or local agency and Federal agency could develop annual budgets covering a 10-year period. Two years before the end of the period, the budget would be reviewed and updated to cover the next 10-year period. (This is the same procedure used for maintenance plans under section 175A of the CAA. A maintenance plan is developed for 10-years and 8 years into that plan a new plan is developed for the next 10 years.) The budgets would be developed based upon the latest estimates of emissions and growth in the activities at the facility.

The State or Tribe would include the emission budget in the existing SIP or TIP and use the budget for any future SIP or TIP development. In including the emissions in the existing SIP or TIP, States or Tribes can either identify categories in the existing SIP or TIP that cover the emissions or can submit a revision to the SIP or TIP to include the emissions. If unusual or unforeseen circumstances warrant a revision, the State, Tribe or local agency and Federal agency could agree to revise the budget. For example, if the State, Tribe or local agency requires additional reductions to meet their attainment objective or if the facility has unexpected growth, a revised budget could be adopted into the SIP or TIP.

The EPA believes that the proposed program would encourage the State, Tribe or local air quality agency and the Federal facilities to develop an upfront emission budget for the facility, and the action or project environmental review would be streamlined as long as the facility remains within an established budget.

The program would be voluntary on the part of the Federal agency, State, Tribe and local air quality agency. No party would be required to participate. If the parties agreed to participate, an emission budget would be established based upon specific guidance and documented growth projections for the facility.

The emission budget approach would not be applicable to all situations. For example, not all Federal actions or projects occur on installations suitable for emission budgets (e.g., one-time actions on non-Federal lands such as a short-term construction project may not have facilities to have a budget). In addition, some installations with budgets may on occasion take actions or have projects that would result in the budget being exceeded. In these cases, or under any circumstances, a Federal agency may determine applicability or demonstrate conformity with the standard requirements contained in §§ 93.153 through 93.160 and 93.162 through 93.165 of the General Conformity regulations. These requirements include, but are not limited to, a State certifying emissions are included the SIP, a de minimis determination or other exemption, project level mitigation, offsetting emission reductions, or modeling. Therefore, having a facility-wide emissions budget in the SIP would not limit an agency's option for determining conformity, but adds an additional less

burdensome option for demonstrating conformity.

As discussed earlier in this preamble under the definition of ''caused by'', in developing the facility-wide emission budget, the Federal agency generally would share its plans for construction at the facility. As a result the State, Tribe or local agency could consider the emissions from the construction in its SIP or TIP and they would have three options for handling the construction emissions under the general conformity program. First, they could include the emissions in a facility-wide emission budget. Second, they could determine that the construction emissions at the facility would be covered elsewhere in the SIP or TIP (e.g., in the non-road mobile source budget or the area source budget), and thus the emissions could be presumed to conform. Finally, they could cover the construction emissions separately from the emission budget and conduct a separate conformity evaluation for those emissions.

Since the facility-wide emission budget would be used to develop the SIP or TIP for the area, any Federal action at the installation that remains within its budget would not interfere with the SIP or TIP. By developing a facility-wide emission budget for the installation, the Federal agency would generate a more accurate emission inventory for the activities at the installations and provide the State, Tribe or local agency with realistic growth projections for the installations. The facility-wide emission budgets would encourage operators to identify ways of reducing emissions and adopt control measures when possible in order to allow for unforeseen growth.

N. 40 CFR 93.162—Emissions Beyond the Time Period Covered by the Applicable SIP or TIP

The EPA is proposing to add a new section to address how Federal agencies can demonstrate conformity for an action that causes emissions beyond the time period covered by the SIP or TIP. First, EPA is proposing to allow Federal agencies to demonstrate conformity using the last emission budget in the SIP or TIP. If it is not practicable to demonstrate conformity using that technique, then the Federal agency can request the State or Tribe to provide an enforceable commitment to include the emissions from the Federal action in a current or future SIP or TIP emissions budget. In such a case, the State or Tribe would be required to submit a SIP revision within 18 months to include the emissions in the current SIP or TIP or committing to account for the emissions in future SIPs or TIPs. The emissions included in the future SIP should be based on the latest planning assumptions at the time of the SIP revision. Although a State is committing to include the emissions in the emissions budget for the SIP revisions, this commitment does not prevent the State from requiring the use of RACT, RACM or any other control measures within the State's authority to ensure timely attainment of the NAAQS.

O. 40 CFR 93.163—Timing of Offsets and Mitigation Measures

The EPA is proposing to add a new section to address the timing of offset and mitigation measures. First, the section generally requires that the emission reductions for the offset and mitigation measures must occur in the same calendar year as the emission increases caused by the Federal action and that the reductions are equal to the emissions increases. As an alternative, the proposed section would allow, under special conditions and consistent with CAA requirements, the State or Tribe to approve other schedules for offsets or mitigation measures.

Mitigation measures and offsets are used to reduce the impact of emission increases from a project or action. To minimize the impact of the project's emissions, the emissions reductions from offsets or mitigation measures should occur at the same time as the emission increases from the project. In general, EPA has interpreted the existing regulations to mean that the reductions must occur in the same calendar year as the emission increases caused by the action because the total direct and indirect emissions from an action are collated on an annual basis. Therefore, EPA is proposing to include this interpretation in the regulations.

For certain projects, however, it may be beneficial for the State or Tribe to approve mitigation measures or offsets that do not provide for emissions reductions equal to the emission increases for the specific years, but provide net long-term air quality benefits. For example, a project with relatively high short-term emissions, such as a construction project, could be mitigated by converting older equipment to electric or alternate fuels. The State or Tribe may find it advantageous to allow a short period when the emissions are not fully mitigated in return for permanent or the long-term emissions reductions. Therefore, EPA is proposing to allow, under certain conditions, the State and Federal agency to negotiate alternate schedules for the implementation of the offsets and mitigation measures. EPA believes that such emissions reductions should also have substantial long-term attainment and maintenance benefits. EPA is also proposing that emissions reductions used over an alternate schedule would be consistent with statutory requirements that new violations are not created, the frequency or severity of existing violations are not increased, and timely attainment is not delayed.

To ensure these noncontemporaneous emission reductions provide greater environmental benefits in the long term, EPA is proposing to require that the offset or mitigation ratios be greater than one-for-one. Therefore, EPA is proposing a ratio that is no less than the NSR offset ratios for the area. These ratios are readily available and already understood to be based on the severity of the nonattainment problem for the area. In addition, EPA seeks comment on other mechanisms that could be used to require greater than one-for-one reductions for the offsets and mitigation measures that occur in later years or alternatively if greater than one-for-one reductions should be required.

Also, EPA believes that the mitigation or offset compensation period should not last indefinitely and is proposing that the period should not exceed two times the period of the under-mitigated emissions. For example, a Federal agency may be approving a construction project lasting 3 years in a serious nonattainment area and that project will cause 150 tons per year of increased emissions; the State or Tribe can approve mitigation measures or offsets which reduce emissions by less than 150 tons per year provided the total reduction over a 6-year period is equal to or more than 540 tons (150 tons per year times 3 years equals 450 tons times the offset/mitigation ratio of 1.2 to 1 for serious nonattainment areas equals 540 tons). Besides requesting comment on the concept of allowing the States or Tribes to approve a longer time period for offsetting or mitigating the emission increases, EPA is also seeking comment on the mechanism and procedures used to permit/implement the concept. In addition, EPA is seeking comment on the appropriate time period for the Federal agencies to offset or mitigate the increased emissions. The EPA is requesting comments on using longer compensation periods in excess of two times the project period.

Agreeing to allow the use of offset or mitigation measures in later years does not exempt the State or Tribe from meeting any of its SIP or TIP obligations, such as reasonable further progress milestones or attainment deadlines. Emissions reductions which accrue beyond the compensation period

should be properly reflected in the SIP or TIP, e.g. through a SIP revision.

P. 40 CFR 93.164—Inter-Precursor Offsets and Mitigation Measures

EPA is proposing to add a new section to the regulations to allow the use of inter-precursor offset and mitigation measures where they are allowed by the SIP. For example, some States and local air districts have SIP-approved NSR regulations that allow new or modified stationary sources to offset the increase in emissions of one criteria pollutant precursor by reducing the emissions of another precursor of the same criteria pollutant, provided there is an environmental benefit to such an exchange. The existing General Conformity regulations do not specifically allow or prohibit inter-precursor offsets and mitigation measures. Therefore, EPA is proposing to allow such offsets or mitigation measures if they are allowed by a State or Tribe NSR or trading program approved in the SIP; provided they:

1. Are technically justified; and
2. have a demonstrated environmental benefit.

The ratio for the offsets must be consistent with SIP or TIP requirements and EPA guidance.

The EPA recognizes that the evaluation of the inter-precursor offsets may in some cases be difficult and seeks comments on how such offsets or mitigation measures should be evaluated. The EPA expects to use these comments in developing future guidance documents.

Q. 40 CFR 93.165—Early Emission Reduction Credit Program

The EPA is proposing to add a new section to the regulations to establish an early emission reduction credit program for facilities subject to the General Conformity Regulations. The existing regulations require that the offsets and mitigation measures be in place before the emissions increases caused by the Federal action occur. However, emission reduction programs undertaken before the conformity determination is made could be considered as part of the baseline emissions and not available as offsets or mitigation measures. To expedite the project level conformity process, Federal agencies and project sponsors could benefit from the ability to reduce emissions in advance of the time that the reductions are needed for a conformity evaluation. Although the existing regulations do not address the concept, The Port of Seattle and the Puget Sound Clean Air Agency developed a program to implement early emissions reductions. In addition, Congress authorized such a program for the General Conformity program in the FAA reauthorization act signed in December 2003 (Vision 100—A Century of Aviation Reauthorization Act, Pub. L. 108–176). That Act authorized FAA to approve funding of programs to reduce emissions at the airports provided the State would issue emission reduction credits that can be used for General Conformity determinations and NSR offsets. On September 30, 2004, EPA issued guidance on the Airport Emission Reduction Credit (AERC) program to implement the requirements of the December 2003 Act (Guidance on Airport Emission Reduction Credits for Early Measures Through Voluntary Airport Low Emission Programs, U.S. EPA, Office of Air Quality Planning and Standards, September 2004). Other Federal agencies may benefit from the opportunity to reduce emissions prior to when the reductions are needed to offset emission increases covered by the General Conformity program.

To clarify EPA's intent that this program be allowed for other Federal actions, EPA is proposing to add a new section, § 93.165, to the General Conformity Regulations to define the requirements of this program. Under the program, Federal agencies or interested third parties (such as airport authorities) could identify emission control measures and present the proposed reduction to the State, Tribe or local air quality agency. If the measure met the criteria for an offset (quantifiable; consistent with the applicable SIP attainment and reasonable further progress demonstrations; surplus to the reductions required by and credited to other applicable SIP provisions; enforceable at both the State and Federal levels; and permanent within the timeframe specified by the program) as well as all State, Tribe or local requirements, the State, Tribe or local agency can approve the measure as eligible to produce emission reduction credits. If credits are issued, then a Federal agency can use the credits to reduce the total of direct and indirect emissions from a proposed action. At the time the credits are used the State, Tribe or local agency must certify that the reductions still meet the criteria listed above. The credits must be used in the same calendar year in which they are generated.

In proposed paragraph (a), EPA would establish the ability for the State or Tribe and Federal agency to create and use the emission reduction credits.

In proposed paragraph (b), EPA identifies the criteria for creating the credits. The criteria are the same requirements that apply to any offset or mitigation measure used to compensate for the increased emissions caused by the action. First, the Federal agency must be able to quantify the reductions using reliable techniques. In some cases, however, it may not be possible to quantify the reductions until after the measure has been implemented. For example, a facility may adopt a strategy calling for the purchase and use of alternate-fueled vehicles. Although the agency could calculate the difference in the emissions between the alternate-fueled vehicle and the standard vehicle, it may not know the amount the vehicles will be used. In this case, the State or Tribe and Federal agency could agree on an emission factor and determine the use at a later time. The reductions must be quantified before the credit is used to support a conformity determination.

In proposed paragraph (c), EPA would establish the requirements for the use of the credits. If the strategy used to produce the credit is implemented at the same facility and in the same nonattainment or maintenance area as the Federal action the credits can be used in determining if the action would cause emissions above the de minimis levels. If the strategy is not implemented at the same facility but is in the same nonattainment or maintenance areas as the action, then the credits can be used as offset or mitigation measures for the emissions caused by the action, but not to determine if the action emissions fall below de minimis thresholds. In this context, ''same facility'' means a contiguous area that a Federal agency manages or exercises control over. Generally, all actions and operations within a fence line of a facility such as an airport and would be considered to be at the ''same facility''. However, military operations at a civilian airport would not be considered to be at the ''same facility''. Therefore, an airport could install equipment to supply power and conditioned air to airplanes parked at a gate to reduce the use of diesel generators and auxiliary power units at an airport terminal. Those reductions could be considered to be implemented as part of an airport expansion project to improve the terminal and thus would be at the ''same facility.''

Since the general conformity program is based on annual emissions, EPA is proposing to require that the credits be used in the same year as they are generated. Such a restriction would ensure consistency with the other parts of the general conformity program. This does not mean that an emission reduction strategy cannot produce an

annual stream of credits, but does mean that the reduction credits cannot be carried over to another year.

VI. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is a significant regulatory action because it may interfere with actions taken or planned by other Federal agencies. Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under EO 12866 and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

This action does not directly impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, on non-Federal entities. The General Conformity Regulations require Federal agencies to determine that their actions conform to the SIPs or TIPs. However, depending upon how Federal agencies implement the regulations, non-Federal entities seeking funding or approval from those Federal agencies may be required to submit information to that agency.

Although the present proposed revisions to the regulations do not establish any specific new information collection burden, it would establish alternative voluntary approaches that may result in a different burden. For example, the proposed facility-wide emission budget would allow Federal agencies or operators of facilities subject to the General Conformity Requirements such as commercial service airports to work with the State, Tribe or local air quality agency to develop an emission budget for the facility. The State, Tribe or local agencies and Federal agencies or third party facility operators would incur the burden of developing the budget. However, those entities would be relieved of the burden of conducting and reviewing some, if not all, the general conformity determinations for the facility.

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

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act

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

For purposes of assessing the impacts of these proposed regulation revisions on small entities, small entity is defined as: (1) A small business that is a small industrial entity as defined in the U.S. Small Business Administration (SBA) size standards. (See 13 CFR 121.); (2) A governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) A small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impact of these proposed revisions to the regulations on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This proposal will not impose any requirements on small entities. The General Conformity Regulations require Federal agencies to conform to the appropriate State, Tribal or Federal implementation plan for attaining clean air. We continue to be interested in the potential impacts of the regulations on small entities and welcome comments on issues related to related to such impacts.

D. Unfunded Mandates Reform Act

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

The EPA has determined that these revisions to the regulations do not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector in any 1 year. Thus, these proposed regulation revisions are not subject to the requirements of section 202 and 205 of the UMRA.

The EPA has determined that these proposed regulation revisions contain no regulatory requirements that may significantly or uniquely affect small governments, including Tribal governments because these regulations affect Federal agencies only. Nonetheless, EPA carried out consultations with governmental entities affected by this regulation.

E. Executive Order 13132—Federalism

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. Policies that have Federalism implications are defined in the Executive Order to include regulations that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

This action does not have Federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Previously, EPA determined the costs to States to implement the General Conformity Regulations to be less than $100,000 per year. Thus, Executive Order 13132 does not apply to these proposed regulation revisions.

Although section 6 of Executive Order 13132 does not apply to these proposed regulation revisions, EPA held meetings with the Federal agencies and organizations that prepare technical support for Federal agencies determinations at which it described the approaches it was considering and provided an opportunity for States, Federal agencies and other stakeholders to comment on the options being considered.

In spirit of Executive Order 13121 and consistent with EPA policy to promote communications between EPA and State and local governments, EPA is soliciting comments on this proposal from State and local officials.

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

Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.

These proposed regulation revisions do not have Tribal implications as specified in Executive Order 13175. They do not have a substantial direct effect on one or more Indian Tribes, since no Tribe has to demonstrate conformity for their actions. Furthermore, except for allowing the Tribes to comment on draft conformity determinations, these proposed regulation revisions do not affect the relationship or distribution of power and responsibilities between the Federal government and Indian Tribes. The CAA and the Tribal Air Rule establish the relationship of the Federal government and Tribes in developing plans to attain the NAAQS, and these revisions to the regulations do nothing to modify that relationship. Because these proposed regulation revisions do not have Tribal implications, Executive Order 13175 does not apply.

Although Executive Order 13175 does not apply to these regulations, EPA did consult with some Tribal officials in developing these proposed regulations revisions and encouraged Tribal input at an early stage. The EPA specifically solicits additional comment on the proposed revisions to the regulations from Tribal officials.

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

Executive Order 13045: Protection of Children from Environmental Health and Safety Risks (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be economically significant as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

These proposed revisions to the regulations are not subject to Executive Order 13045 because they are not economically significant as defined in Executive Order 12866 and because EPA does not have reason to believe the environmental health or safety risk addressed by the General Conformity Regulations present a disproportionate risk to children. The General Conformity Regulations ensure that Federal agencies comply with the SIP, TIP or FIP for attaining and maintaining the NAAQS. The NAAQS are promulgated to protect the health and welfare of sensitive populations, including children.

The public is invited to submit or identify peer-reviewed studies and data, of which the Agency may not be aware, that assessed results of early life exposure to criteria air pollutant emissions regulated by this rule.

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

These revisions to the regulations are not subject to Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use, (66 FR 28355, May 22, 2001) because they are not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, we have concluded that this rule is not likely to have any adverse energy effects.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards (VCS) in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The VCS are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by VCS bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable VCS.

These proposed revisions to the regulations do not involve technical standards. Therefore, EPA is not considering the use of any VCS. EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

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

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this proposed rule will not have

disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The proposed revisions to the regulations would, if promulgated, revise procedures for other Federal agencies to follow and does not relax the control measures on emission sources. As such, they do not affect the health or safety of minority or low income populations. The EPA encourages other agencies to carefully consider and address environmental justice in their implementation of their evaluations and conformity determinations.

VII. Statutory Authority

Clean Air Act Section 176(c) (42 U.S.C. 7506)

List of Subjects

40 CFR Part 51

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

40 CFR Part 93

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

Dated: December 20, 2007.

Stephen L. Johnson,

Administrator.

For the reasons stated in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority citation for part 51 continues to read as follows:

Authority: 23 U.S.C. 101; 42 U.S.C. 7401–7671q.

Subpart W—[Amended]

2. Remove and reserve § 51.850 and §§ 51.852 through 51.860.

3. Section 51.851 is revised to read as follows:

§ 51.851 State implementation plan (SIP) or Tribal implementation plan (TIP) revision.

(a) A State or eligible Tribe (a Federally recognized Tribal government determined to be eligible to submit a TIP under 40 CFR 49.6) may submit to the Environmental Protection Agency (EPA) a revision to its applicable implementation plan which contains criteria and procedures for assessing the conformity of Federal actions to the applicable implementation plan, consistent with this section and 40 CFR part 93, subpart B.

(b) Until EPA approves the conformity implementation plan revision permitted by this section, Federal agencies shall use the provisions of 40 CFR part 93, subpart B in addition, to any existing applicable State or Tribal requirements, to demonstrate conformity with the applicable SIP or TIP as required by section 176(c) of the CAA (42 U.S.C. 7506).

(c) Following EPA approval of the State or Tribal conformity provisions (or a portion thereof) in a revision to the applicable SIP, conformity determinations shall be governed by the approved (or approved portion of) State criteria and procedures. The Federal conformity regulations contained in 40 CFR part 93, subpart B would apply only for the portion, if any, of the State's or Tribe's conformity provisions that is not approved by EPA.

(d) The State or Tribal conformity implementation plan criteria and procedures cannot be any less stringent than the requirements in 40 CFR part 93, subpart B.

(e) A State's or Tribe's conformity provisions may contain criteria and procedures more stringent than the requirements described in this subpart and part 93, subpart B, only if the State's or Tribe's conformity provisions apply equally to non-Federal as well as Federal entities.

(f) In its SIP or TIP, the State or Tribe may identify a list of Federal actions or type of emissions that it presumes will conform. The State or Tribe may place whatever limitations on that list that it deems necessary. The State or Tribe must demonstrate that the action will not interfere with attainment or maintenance of the standard, meeting the reasonable further progress milestones or other requirements of the Clean Air Act. For example, the State may identify the emissions from a certain type and size of construction activities that it presumes will conform. Federal agencies can use the list to determine their ''presumed to conform'' emissions.

(g) Any previously applicable SIP or TIP requirements relating to conformity remain enforceable until EPA approves the revision to the SIP or TIP to specifically remove them.

PART 93—DETERMINING CONFORMITY OF FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS

4. The authority citation for part 93 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart B—[Amended]

5. Section 93.150 is amended by removing and reserving paragraph (c) and by adding paragraph (e) to read as follows:

§ 93.150 Prohibition.

* * * * *

(e) If an action would result in emissions originating in more than one nonattainment or maintenance area, the conformity must be evaluated for each area separately.

6. Section 93.151 is revised to read as follows:

§ 93.151 State implementation plan (SIP) revision.

The provisions and requirements of this subpart to demonstrate conformity required under section 176(c) of the Clean Air Act (CAA) apply to all Federal actions in designated nonattainment and maintenance areas where EPA has not approved the SIP required under 40 CFR 51.851. When EPA approves a State's conformity provisions (or a portion thereof) in a revision to an applicable implementation plan, a conformity evaluation is governed by the approved (or approved portion of the) State criteria and procedures. The Federal conformity regulations contained in this subpart apply only for the portions, if any, of the State's conformity provisions that are not approved by EPA. In addition, any previously applicable implementation plan conformity requirements remain enforceable until the EPA approves the revision to the applicable SIP to specifically include the revised requirements or remove requirements.

7. Section 93.152 is amended as follows:

a. Add the definition for ''Applicability analysis.''

b. Revise the definition of ''Applicable implementation plan or applicable SIP.''

c. Revise the definition for ''Areawide air quality modeling analysis.''

d. Add the following definitions in alphabetical order: ''Confidential business information,'' ''Conformity determinations,'' ''Conformity

evaluations,'' ''Continuing program responsibility,'' and ''Continuous program to implement.''

e. Revise the definition of ''Direct emissions.''

f. Add a new definition for ''Emission inventory.''

g. Remove the definition for ''Emissions that a Federal agency has a continuing program responsibility for.''

h. Revise the definition of ''EPA.''

i. Revise the definition of ''Indirect Emissions.''

j. Revise the definition of ''Local air quality modeling analysis.''

k. Revise the definitions for ''Maintenance area'' and ''Metropolitan Planning Organization (MPO).''

l. Add in alphabetical order a definition for ''Mitigations measure.''

m. Revise the definition for ''National ambient air quality standards''.

n. In the definitions for ''Precursors of a criteria pollutant'' revise paragraphs (3)(i), (3)(ii) and (3)(iii).

o. Revise the definition for ''Reasonably foreseeable emissions.''

p. Remove the definition for ''Regionally significant action.''

q. Add the following definitions: ''Restricted information.''

r. Add in alphabetical order the definitions for ''Take or start the Federal action'' and ''Tribal implementation plan (TIP).''

The additions and revisions read as follows:

§ 93.152 Definitions.

* * * * *

Applicability analysis is the process of determining if your Federal action must be supported by a conformity determination.

Applicable implementation plan or applicable SIP means the portion (or portions) of the SIP or most recent revision thereof, which has been approved under section 110(k) of the Act, a Federal implementation plan promulgated under section 110(c) of the Act, or a plan promulgated or approved pursuant to section 301 (d) of the Act (Tribal implementation plan or TIP) and which implements the relevant requirements of the Act.

Areawide air quality modeling analysis means an assessment on a scale that includes the entire nonattainment or maintenance area using an air quality dispersion model or photochemical grid model to determine the effects of emissions on air quality, for example, an assessment using EPA's community multilayer air quality (CMAQ) model.

* * * * *

Confidential business information (CBI) is information that has been determined by a Federal agency, in accordance with its applicable regulations, to be a trade secret—or commercial or financial information obtained from a person and privileged or confidential; it is exempt from required disclosure under the Freedom of Information Act (5 U.S.C.552(b)(4)).

Conformity determination is the evaluation made after an applicability analysis is completed that a Federal action conforms to the applicable implementation plan and meets the requirements of this subpart.

Conformity evaluation is the entire process from the applicability analysis through the conformity determination demonstrating that the Federal action conforms to the requirements of this subpart.

Continuing program responsibility means a Federal agency has responsibility for emissions caused by:

(1) Actions it takes itself; or

(2) Actions of non-Federal entities that the Federal agency, in exercising its normal programs and authorities, approves, funds, licenses or permits; provided the agency can impose conditions on any portion of the action that could affect the emissions.

Continuous program to implement means that the Federal agency has started the action identified in the plan and does not stop the actions for more than an 18-month period, unless it can demonstrate that such a stoppage was included in the original plan.

* * * * *

Direct emissions means those emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and originate in a nonattainment or maintenance area and occur at the same time and place as the action and are reasonably foreseeable.

* * * * *

Emission Inventory is a listing of information on the location, type of source, type and quantity of pollutant emitted as well as other parameters of the emissions.

* * * * *

EPA means the U.S. Environmental Protection Agency.

* * * * *

Indirect emissions means those emissions of a criteria pollutant or its precursors. For the purposes of this definition, even if a federal licensing, rulemaking or other approving action is a required initial step for a subsequent activity that causes emissions, such initial steps do not mean that a federal agency can practically control any resulting emissions:

(1) That are caused or initiated by the Federal action and originate in the same nonattainment or maintenance area but occur at a different time or place as the action;

(2) That are reasonably foreseeable;

(3) That the agency can practically control; and

(4) For which the agency has continuing program responsibility.

* * * * *

Local air quality modeling analysis means an assessment of localized impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadways on a Federal facility, which uses an air quality dispersion model, *e.g.*, Industrial Source Complex Model or Emission and Dispersion Model System, to determine the effects of emissions on air quality.

Maintenance area means an area that was designated as nonattainment and has been re-designated in 40 CFR part 81 to attainment, meeting the provisions of section 107(d)(3)(E) of the Act and has a maintenance plan approved under section 175A of the Act.

* * * * *

Metropolitan Planning Organization (MPO) means the policy board of an organization created as a result of the designation process in 23 U.S.C. 134(d).

* * * * *

Mitigation measure means any method of reducing emissions of the pollutant or its precursor taken at the location of the Federal action and used to reduce the impact of the emissions of that pollutant caused by the action.

* * * * *

National ambient air quality standards (NAAQS) are those standards established pursuant to section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone, particulate matter (PM–10 and $PM_{2.5}$), and sulfur dioxide (SO_2).

* * * * *

Precursors of a criteria pollutant are:

* * * * *

(3) * * *

(i) Sulfur dioxide (SO_2) in all $PM_{2.5}$ nonattainment and maintenance areas,

(ii) Nitrogen oxides in all $PM_{2.5}$ nonattainment and maintenance areas unless both the State and EPA determine that it is not a significant precursor, and

(iii) Volatile organic compounds (VOC) and ammonia (NH_3) only in $PM_{2.5}$ nonattainment or maintenance areas where either the State or EPA determines that they are significant precursors.

Reasonably foreseeable emissions are projected future direct and indirect emissions that are identified at the time

the conformity determination is made; the location of such emissions is known and the emissions are quantifiable as described and documented by the Federal agency based on its own information and after reviewing any information presented to the Federal agency.

* * * * *

Restricted Information is information that is privileged or that is otherwise protected from disclosure pursuant to applicable statutes, Executive Orders, or regulations. Such information includes, but is not limited to: Classified national security information, protected critical infrastructure information, sensitive security information, and proprietary business information.

Take or start the Federal action means the date that the Federal agency signs or approves the permit, license, grant or contract or otherwise begins the Federal action that requires a conformity evaluation under this subpart.

* * * * *

Tribal implementation plan (TIP) means a plan to implement the national ambient air quality standards adopted by a federally recognized Indian Tribal government determined to be eligible under 40 CFR 49.9 and the plan has been approved by EPA.

8. Section 93.153 is amended as follows:

a. By revising paragraph (a).

b. By revising paragaraphs (b) introductory text and (b)(1).

c. By adding paragraph (c)(2)(xxii).

d. By revising paragraphs (d)(1) and (d)(2).

e. By revising paragraph (e)(2).

f. By adding paragraph (e)(3).

g. By revising paragraph (f).

h. By revising paragraph (g) introductory text.

i. By Adding paragraph (g)(3).

j. By revising paragraphs (h) introductory text, (h)(1), (h)(2), and (h)(4).

k. By revising paragraphs (i), (j), and (k).

§ 93.153 Applicability.

(a) Conformity determinations for Federal actions related to transportation plans, programs and projects developed, funded or approved under title 23 U.S.C. or 49 U.S.C. Chapter 53 must meet the procedures and criteria of 40 CFR part 51, subpart T, in lieu of the procedures set forth in this subpart.

(b) For Federal actions not covered by paragraph (a) of this section, a conformity determination is required for each criteria pollutant or precursor where the total of direct and indirect emissions in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in paragraphs (b)(1) or (2) of this section.

(1) For purposes of paragraph (b) of this section, the following rates apply in nonattainment areas (NAA's):

	Tons/year
Ozone (VOC's or NO_X):	
Serious NAA's	50
Severe NAA's	25
Extreme NAA's	10
Other ozone NAA's outside an ozone transport region	100
Other ozone NAA's inside an ozone transport region:	
VOC	50
NO_X	100
Carbon monoxide: All NAA's	100
SO_2 or NO_2: All NAA's	100
PM–10:	
Moderate NAA's	100
Serious NAA's	70
$PM_{2.5}$:	
Direct emissions	100
SO_2	100
NO_X (unless determined not to be significant precursors)	100
VOC or ammonia (if determined to be significant precursors)	100
Pb: All NAA's	25

* * * * *

(c) * * *

(2) * * *

(xxii) Air traffic control activities and adopting approach, departure and enroute procedures for aircraft operations above 3,000 feet above ground level.

* * * * *

(d) * * *

(1) The portion of an action that includes major or minor new or modified stationary sources that require a permit under the new source review (NSR) program (section 173 of the Act) or the prevention of significant deterioration program (title I, part C of the Act).

(2) Actions in response to emergencies which are typically commenced on the order of hours or days after the emergency and, if applicable, which meet the requirements of paragraph (e) of this section.

* * * * *

(e) * * *

(2) For actions which are to be taken after those actions covered by paragraph (e)(1) of this section, the Federal agency makes a new determination as provided in paragraph (e)(1) of this section and:

(i) Provides a draft copy of the written determinations required to affected EPA Regional office(s), the affected State(s) and/or air pollution control agencies, and any Federal recognized Indian Tribal government in the nonattainment or maintenance area. Those organizations must be allowed 15 days from the beginning of the extension period to comment on the draft determination, and

(ii) Within 30 days after making the determination, publish a notice of the determination by placing a prominent advertisement in a daily newspaper of general circulation in the area affected by the action.

(3) If additional actions are necessary in response to an emergency or disaster under paragraph (d)(2) of this section beyond the specified time period in paragraph (e)(2) of this section, a Federal agency can make a new written determination as described in (e)(2) of this section for as many 6-month periods as needed, but in no case shall this exemption extend beyond 3 6-month periods except where an agency:

(i) provide information to EPA and the State stating that the conditions that gave rise to the emergency exemption continue to exist and how such conditions effectively prevent the agency from conducting a conformity evaluation.

(ii) [Reserved]

(f) Notwithstanding other requirements of this subpart, actions specified by individual Federal agencies that have met the criteria set forth in either paragraphs (g)(1) (g)(2) or (g)(3) of this section and the procedures set forth in paragraph (h) of this section are presumed to conform, except as provided in paragraph (j) of this section. Actions specified by individual Federal agencies as presumed to conform may not be used in combination with one another when the total direct and indirect emissions from the combination of actions would equal or exceed any of the rates specified in paragraphs (b)(1) or (2) of this section.

(g) The Federal agency must meet the criteria for establishing activities that are presumed to conform by fulfilling the requirements set forth in either paragraphs (g)(1), (g)(2), or (g)(3) of this section:

* * * * *

(3) The Federal agency must clearly demonstrate that the emissions from the type or category of actions and the amount of emissions from the action are included in the applicable SIP and the State or local air quality agencies responsible for the SIP(s) provide written concurrence that the emissions from the actions along with all other expected emissions in the area will not exceed the emission budget in the SIP.

(h) In addition to meeting the criteria for establishing exemptions set forth in paragraphs (g)(1) (g)(2) or (g)(3) of this section, the following procedures must also be complied with to presume that activities will conform:

(1) The Federal agency must identify through publication in the **Federal Register** its list of proposed activities that are presumed to conform and the basis for the presumptions. The notice must clearly identify the type and size of the action that would be presumed to conform and provide criteria for determining if the type and size action qualifies it for the presumption;

(2) The Federal agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, the agency designated under section 174 of the Act and the MPO and provide at least 30 days for the public to comment on the list of proposed activities presumed to conform. If the presumed to conform action has regional or national application (e.g., the action will cause emission increases in excess of the de minimis levels identified in paragraph(b) of this section in more than one of EPA's Regions), the Federal agency, as an alternative to sending it to EPA Regional Offices, can send the draft conformity determination to U.S. EPA, Office of Air Quality Planning and Standards;

* * * * *

(4) The Federal agency must publish the final list of such activities in the **Federal Register**.

(i) Emissions from the following actions are presumed to conform:

(1) Actions at installations with facility-wide emission budgets meeting the requirements in § 93.161 provided that the State has included the emission budget in the EPA approved SIP and the emissions from the action along with all other emissions from the installation will not exceed the facility-wide emission budget.

Alternative 1 for paragraph (i)(2):

(2) Prescribed fires conducted in accordance with a State certified smoke management program (SMP) which meets the requirements of EPA's Air Quality Policy on Wildland and Prescribed Fires.

Alternative 2 for paragraph (i)(2):

(2) Prescribed fires conducted in accordance with a State certified smoke management program (SMP) which meets the requirements of EPA's Air Quality Policy on Wildland and Prescribed Fires or, in the absence of a State certified SMP, where the Federal agency has obtained written assurance from the State prior to the burn that the planned burn employs State approved basic smoke management practices.

(3) Emissions for actions that the State identifies in the EPA approved SIP as presumed to conform.

(j) Even though an action would otherwise be presumed to conform under paragraph (f) or (i) of this section, an action shall not be presumed to conform and the requirements of § 93.150, § 93.151, §§ 93.154 through 93.160 and §§ 93.162 through 93.164 shall apply to the action if EPA or a third party shows that the action would:

(i) Cause or contribute to any new violation of any standard in any area;

(ii) Interfere with provisions in the applicable SIP for maintenance of any standard;

(iii) Increase the frequency or severity of any existing violation of any standard in any area; or

(iv) Delay timely attainment of any standard or any required interim emissions reductions or other milestones in any area including, where applicable, emission levels specified in the applicable SIP for purposes of:

(A) A demonstration of reasonable further progress;

(B) A demonstration of attainment; or

(C) A maintenance plan.

(k) The provisions of this subpart shall apply in all nonattainment and maintenance areas except conformity requirements for newly designated nonattainment areas are not applicable until 1 year after the effective date of the final nonattainment designation for each NAAQS and pollutant in accordance with section 176(c)(6) of the Act.

9. Section 93.154 is revised to read as follows:

§ 93.154 Federal agency conformity responsibility.

Any department, agency, or instrumentality of the Federal government taking an action subject to this subpart must make its own conformity determination consistent with the requirements of this subpart. In making its conformity determination, a Federal agency must follow the requirements in §§ 93.155 through 93.160 and §§ 93.162 through 93.165 and must consider comments from any interested parties. Where multiple Federal agencies have jurisdiction for various aspects of a project, a Federal agency may choose to adopt the analysis of another Federal agency or develop its own analysis in order to make its conformity determination.

10. Section 93.155 is revised to read as follows:

§ 93.155 Reporting requirements.

(a) A Federal agency making a conformity determination under §§ 93.154 through 93.160 and §§ 93.162 through 93.164 must provide to the appropriate EPA Regional Office(s), State and local air quality agencies, any federally-recognized Indian Tribal government in the nonattainment or maintenance area, and, where applicable, affected Federal land managers, the agency designated under section 174 of the Act and the MPO a 30-day notice which describes the proposed action and the Federal agency's draft conformity determination on the action. If the action has multi-regional or national impacts (e.g., the action will cause emission increases in excess of the de minimis levels identified in § 93.153(b) in two or more of EPA's Regions), the Federal agency, as an alternative to sending it to EPA Regional Offices, can provide the notice to EPA's Office of Air Quality Planning and Standards.

(b) A Federal agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies, any federally-recognized Indian Tribal government in the nonattainment or maintenance area, and, where applicable, affected Federal land managers, the agency designated under section 174 of the Clean Air Act and the MPO within 30 days after making a final conformity determination under this subpart.

(c) The draft and final conformity determination shall exclude any restricted information or confidential business information. The disclosure of restricted information and confidential business information shall be controlled by the applicable laws, regulations, security manuals, or executive orders concerning the use, access, and release of such materials. Subject to applicable procedures to protect restricted information from public disclosure, any information or materials excluded from the draft or final conformity determination or supporting materials may be made available in a restricted information annex to the determination for review by Federal and State representatives who have received appropriate clearances to review the information.

11. Section 93.156 is revised to read as follows:

§ 93.156 Public participation.

(a) Upon request by any person regarding a specific Federal action, a Federal agency must make available, subject to the limitation in paragraph(e) of this section, for review its draft conformity determination under § 93.154 with supporting materials which describe the analytical methods and conclusions relied upon in making

the applicability analysis and draft conformity determination.

(b) A Federal agency must make public its draft conformity determination under § 93.154 by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action and by providing 30 days for written public comment prior to taking any formal action on the draft determination. This comment period may be concurrent with any other public involvement, such as occurs in the National Environmental Policy Act (NEPA) process. If the action has multi-regional or national impacts (e.g., the action will cause emission increases in excess of the de minimis levels identified in § 93.153(b) in two or more of EPA's Regions), the Federal agency, as an alternative to publishing separate notices, can publish a notice in the **Federal Register**.

(c) A Federal agency must document its response to all the comments received on its draft conformity determination under § 93.154 and make the comments and responses available, subject to the limitation in paragraph (e) of this section, upon request by any person regarding a specific Federal action, within 30 days of the final conformity determination.

(d) A Federal agency must make public its final conformity determination under § 93.154 for a Federal action by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action within 30 days of the final conformity determination. If the action would have multi-regional or national impacts the Federal agency, as an alternative, can publish the notice in the **Federal Register**.

(e) The draft and final conformity determination shall exclude any restricted information or confidential business information. The disclosure of restricted information and confidential business information shall be controlled by the applicable laws, regulations or executive orders concerning the release of such materials.

12. Section 93.157 is revised to read as follows:

§ 93.157 Reevaluation of conformity.

(a) Once a conformity evaluation is completed by a Federal agency, that determination is not required to be re-evaluated if the agency has: maintained a continuous program to implement the action; the determination has not lapsed as specified in paragraph (a) of this section; or any modification to the action does not result in an increase in emissions above the levels specified in paragraph (d) of this section. If a conformity determination is not required for the action at the time NEPA analysis is completed, the date of the finding of no significant impact (FONSI) for an Environmental Assessment, a record of decision (ROD) for an Environmental Impact Statement, or a categorical exclusion determination can be used as a substitute date for the conformity determination date.

(b) The conformity status of a Federal action automatically lapses 5 years from the date a final conformity determination is reported under § 93.155, unless the Federal action has been completed or a continuous program to implement the Federal action has been commenced.

(c) Ongoing Federal activities at a given site showing continuous progress are not new actions and do not require periodic re-determinations so long as such activities are within the scope of the final conformity determination reported under § 93.155 of the NEPA analysis.

(d) If the Federal agency determines through the applicability analysis that a conformity determination was not necessary because the emissions for the action were below the limits in § 93.153(b) and changes to the action would result in the total emissions from the action being above the limits in § 93.153(b), then the Federal agency must make a conformity determination.

13. Section 93.158 is amended as follows:

a. Revising paragraphs (a)(1), (a)(2), (a)(3) introductory text and (a)(4) introductory text;

b. Revising paragraph (a)(5) introductory text;

c. Revising paragraphs (a)(5)(i) introductory text, and (a)(5)(i)(C), and

d. Adding (a)(5)(i)(D).

e. Revising paragraphs (a)(5)(iii), (a)(5)(iv) introductory text; (a)(5)(iv)(A)(*1*), (a)(5)(iv)(A)(*2*) and paragraph (a)(5)(iv)(B).

§ 93.158 Criteria for determining conformity of general Federal actions.

(a) * * *

(1) For any criteria pollutant or precursor, the total of direct and indirect emissions from the action are specifically identified and accounted for in the applicable SIP's attainment or maintenance demonstration or reasonable further progress milestone or in a facility-wide emission budget included in a SIP accordance with § 93.161 of this rule;

(2) For precursors of ozone, nitrogen dioxide, or PM, the total of direct and indirect emissions from the action are fully offset within the same nonattainment or maintenance area (or nearby area of equal or higher classification provided the emissions from that area contribute to the violations, or have contributed to violations in the past, in the area with the Federal action) through a revision to the applicable SIP or a similarly enforceable measure that effects emissions reductions so that there is no net increase in emissions of that pollutant;

(3) For any directly-emitted criteria pollutant, the total of direct and indirect emissions from the action meets the requirements:

* * * * *

(4) For CO or directly emitted PM—

* * * * *

(5) For ozone or nitrogen dioxide, and for purposes of paragraphs (a)(3)(ii) and (a)(4)(ii) of this section, each portion of the action or the action as a whole meets any of the following requirements:

(i) Where EPA has approved a revision to the applicable implementation plan after the area was designated as nonattainment and the State makes a determination as provided in paragraph (a)(5)(i)(A) of this section or where the State makes a commitment as provided in paragraph (a)(5)(i)(B) of this section:

* * * * *

(C) Where a Federal agency made a conformity determination based on a State commitment under paragraph (a)(5)(i)(B) of this section and the State has submitted a SIP to EPA covering the time period during which the emissions will occur or is scheduled to submit such a SIP within 18 months of the conformity determination, the State commitment is automatically deemed a call for a SIP revision by EPA under section 110(k)(5) of the Act, effective on the date of the Federal conformity determination and requiring response within 18 months or any shorter time within which the State commits to revise the applicable SIP;

(D) Where a Federal agency made a conformity determination based on a State commitment under paragraph (a)(5)(i)(B) of this section and the State has not submitted a SIP covering the time period of the emissions will occur or is not scheduled to submit such a SIP within 18 months of the conformity determination, the State must, within 18 months, submit to EPA a revision to the existing SIP committing to include the emissions in the future SIP revision.

* * * * *

(iii) The action (or portion thereof) fully offsets its emissions within the same nonattainment or maintenance

area (or nearby area of equal or higher classification provided the emissions from that area contribute to the violations, or have contributed to violation in the past, in the area with the Federal action) through a revision to the applicable SIP or an equally enforceable measure that effects emissions reductions equal to or greater than the total of direct and indirect emissions from the action so that there is no net increase in emissions of that pollutant;

(iv) Where EPA has not approved a revision to the relevant SIP since the area was designated or reclassified, the total of direct and indirect emissions from the action for the future years (described in § 93.159(d)) do not increase emissions with respect to the baseline emissions:

(A) * * *

(*1*) The most current calendar year with a complete emission inventory available before an area is designated unless EPA sets another year, or;

(*2*) The emission budget in the applicable SIP;

* * * * *

(B) The baseline emissions are the total of direct and indirect emissions calculated for the future years (described in § 93.159(d)) using the historic activity levels (described in paragraph (a)(5)(iv)(A) of this section) and appropriate emission factors for the future years; or

* * * * *

14. Section 93.159 is amended by:

a. Revising paragraphs (b) introductory text and (b)(1)(ii);

b. Revising paragraphs (b)(2) and (c) introductory text; and

c. Removing footnotes 1 and 2,

d. Revising paragraph (d).

The revisions and additions read as follows:

§ 93.159 Procedures for conformity determinations of general Federal actions.

* * * * *

(b) The analyses required under this subpart must be based on the latest and most accurate emission estimation techniques available as described below, unless such techniques are inappropriate. If such techniques are inappropriate, the Federal agency may obtain written approval from the appropriate EPA Regional Administrator for a modification or substitution, of another technique on a case-by-case basis or, where appropriate, on a generic basis for a specific Federal agency program.

(1) * * *

(ii) A grace period of 3 months shall apply during which the motor vehicle emissions model previously specified by EPA as the most current version may be used unless EPA announces a longer grace period in the **Federal Register**. Conformity analyses for which the analysis was begun during the grace period or no more than 3 years before the **Federal Register** notice of availability of the latest emission model may continue to use the previous version of the model specified by EPA.

(2) For non-motor vehicle sources, including stationary and area source emissions, the latest emission factors specified by EPA in the ''Compilation of Air Pollutant Emission Factors'' (AP–42, *http://www.epa.gov/ttn/chiefs/efpac*) must be used for the conformity analysis unless more accurate emission data are available, such as actual stack test data from stationary sources which are part of the conformity analysis.

(c) The air quality modeling analyses required under this subpart must be based on the applicable air quality models, data bases, and other requirements specified in the most recent version of the ''Guideline on Air Quality Models.'' (Appendix W to 40 CFR part 51).

* * * * *

(d) The analyses required under this subpart must be based on the total of direct and indirect emissions from the action and must reflect emission scenarios that are expected to occur under each of the following cases:

(1) The attainment year specified in the SIP, or if the SIP does not specify an attainment year, the latest attainment year possible under the Act, or

(2) The last year for which emissions are projected in the maintenance plan;

(3) The year during which the total of direct and indirect emissions from the action is expected to be the greatest on an annual basis; and

(4) Any year for which the applicable SIP specifies an emissions budget.

15. Section 93.160 is amended as follows:

a. Revising paragraph (e);

b. Revising paragraph (f); and

c. Revising paragraph (g).

§ 93.160 Mitigation of air quality impacts.

* * * * *

(e) When necessary because of changed circumstances, mitigation measures may be modified so long as the new mitigation measures continue to support the conformity determination. Any proposed change in the mitigation measures is subject to the reporting requirements of § 93.156 and the public participation requirements of § 93.157.

(f) Written commitments to mitigation measures must be obtained prior to a positive conformity determination and that such commitments must be fulfilled.

(g) After a State revises its SIP to adopt its general conformity regulations and EPA approves that SIP revision, any agreements, including mitigation measures, necessary for a conformity determination will be both State and Federally enforceable. Enforceability through the applicable SIP will apply to all persons who agree to mitigate direct and indirect emissions associated with a Federal action for a conformity determination.

16. Subpart B is further amended by adding §§ 93.161 through 93.165 to read as follows:

§ 93.161 Conformity evaluation for Federal installations with facility-wide emission budgets.

(a) The State or local agency responsible for implementing and enforcing the SIP can in cooperation with Federal agencies or third parties authorized by the agency that operate installations subject to Federal oversight (e.g., a military base or a commercial service airport) develop and adopt a facility-wide emission budget to be used for demonstrating conformity under § 93.158(a)(1). The facility-wide budget must meet the following criteria:

(1) Be for a set time period;

(2) Cover the pollutants or precursors of the pollutants for which the area is designated nonattainment or maintenance;

(3) Include specific quantities allowed to be emitted on an annual or seasonal basis;

(4) The emissions from the facility along with all other emissions in the area will not exceed the emission budget for the area;

(5) Include specific measures to ensure compliance with the budget such as periodic reporting requirements or compliance demonstration when the Federal agency is taking an action that would otherwise require a conformity determination;

(6) Be submitted to EPA as a SIP revision;

(7) The SIP revision must be approved by EPA.

(b) The facility-wide budget developed and adopted in accordance with paragraph (a) of this section can be revised by following the requirements in paragraph (a) of this section.

(c) Total direct and indirect emissions from Federal actions in conjunction with all other emissions subject to general conformity from the facility that do not exceed the facility budget adopted pursuant to paragraph (a) of this section are presumed to conform to the SIP and do not require a conformity analysis.

(d) If the total direct and indirect emissions from the Federal actions in conjunction with the other emissions subject to general conformity from the facility exceed the budget adopted pursuant to paragraph (a) of this section, the action must be evaluated for conformity. A Federal agency can use the compliance with the facility-wide emissions budget as part of the demonstration of conformity, i.e., the agency would have to mitigate or offset the emissions that exceed the emission budget.

(e) If the SIP for the area includes a category for construction emissions, the negotiated budget can exempt construction emissions from further conformity analysis.

§ 93.162 Emissions beyond the time period covered by the SIP.

If a Federal action would result in total direct and indirect emissions which would be emitted beyond the time period covered by the SIP, the Federal agency can:

(a) Demonstrate conformity with the last emission budget in the SIP; or

(b) Request the State to adopt an emissions budget for the action for inclusion in the SIP. The State must submit a SIP revision to EPA within 18 months either including the emissions in the existing SIP or establishing an enforceable commitment to include the emissions in future SIP revisions based on the latest planning assumptions at the time of the SIP revision. No such commitment by a State shall restrict a State's ability require RACT, RACM or any other control measures within the State's authority to ensure timely attainment of the NAAQS.

§ 93.163 Timing of offsets and mitigation measures.

(a) The emissions reductions from an offset or mitigation measure used to demonstrate conformity must occur during the same calendar year as the emission increases from the action except as provided in paragraph (b) of this section.

(b) The State may approve reductions in other years provided:

(1) The reductions are greater than the emission increases by the following ratios:

(i) Extreme nonattainment areas ...	1.5:1
(ii) Severe nonattainment areas	1.3:1
(iii) Serious nonattainment areas	1.2:1
(iv) Moderate nonattainment areas	1.15:1
(v) All other areas	1.1:1

(2) The time period for completing the emissions reductions must not exceed twice the period of the emissions.

(3) The offset or mitigation measure with emissions reductions in another year will not:

(i) Cause or contribute to a new violation of any air quality standard, (ii) Increase the frequency or severity of any existing violation of any air quality standard, or

(iii) Delay the timely attainment of any standard or any interim emissions reductions or other milestones in any area.

(c) The approval by the State of an offset or mitigation measure with emissions reductions in another year, does not relieve the State of any obligation to meet any SIP or Clean Air Act milestone or deadline.

§ 93.164 Inter-precursor mitigation measures and offsets.

Federal agencies must reduce the same type pollutant as being increased by the Federal action except the State may approve offsets or mitigation measures of different precursors of the same criteria pollutant, if such trades are allowed by a State in a SIP approved new source review regulation, is technically justified, and has a demonstrated environmental benefit.

§ 93.165 Early emission reduction credit programs at Federal facilities and installation subject to Federal oversight.

(a) Federal facilities and installation subject to Federal oversight can, with the approval of the State agency responsible for the SIP in that area, create an early emissions reductions credit program. The Federal agency can create the emission reduction credits in accordance with the requirements in paragraph (b) of this section and can used them in accordance with paragraph (c) of this section.

(b) Creation of emission reduction credits. (1) Emissions reductions must be quantifiable through the use of standard emission factors or measurement techniques. If non-standard factors or techniques to quantify the emissions reductions are used, the Federal agency must receive approval from the State agency responsible for the implementation of the SIP and from EPA's Regional Office. The emission reduction credits do not have to be quantified before the reduction strategy is implemented, but must be quantified before the credits are used.

(2) The emission reduction methods must be consistent with the applicable SIP attainment and reasonable further progress demonstrations.

(3) The emissions reductions can not be required by or credited to other applicable SIP provisions.

(4) Both the State and Federal air quality agencies must be able to take legal action to ensure continued implementation of the emission reduction strategy. In addition, private citizens must also be able to initiate action to ensure compliance with the control requirement.

(5) The emissions reductions must be permanent or the timeframe for the reductions must be specified.

(6) The Federal agency must document the emissions reductions and provide a copy of the document to the State air quality agency and the EPA regional office for review. The documentation must include a detailed description of the strategy and a discussion of how it meets the requirements of paragraphs (b)(1) through (5) of this section.

(c) Use of emission reduction credits. The emission reduction credits created in accordance with paragraph (b) of this section can be used, subject to the following limitations, to reduce the emissions increase from a Federal action at the facility for the conformity evaluation.

(1) If the technique used to create the emission reduction is implemented at the same facility as the Federal action and could have occurred in conjunction with the Federal action, then the credits can be used to reduce the total direct and indirect emissions used to determine the applicability of the regulation as required in § 93.153 and as offsets or mitigation measures required by § 93.158.

(2) If the technique used to create the emission reduction is not implemented at the same facility as the Federal action or could not have occurred in conjunction with the Federal action, then the credits cannot be used to reduce the total direct and indirect emissions used to determine the applicability of the regulation as required in § 93.153, but can be used to offset or mitigate the emissions as required by § 93.158.

(3) Emissions reductions credits must be used in the same year in which they are generated.

(4) Once the emission reduction credits are used, they cannot be used as credits for another conformity evaluation. However, unused credits from a strategy used for one conformity evaluation can be used for another conformity evaluation as long as the reduction credits are not double counted. For example, emission reduction credits from a control measure could be used in one year as offset for construction emission increases and in another year to mitigate operational emission increases.

(5) Federal agencies must notify the State air quality agency and EPA

Regional Office when the emission reduction credits are being used.

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Part III

Department of Housing and Urban Development

24 CFR Part 200

FHA Appraiser Roster Requirements; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 200

[Docket No. FR–5112–F–01]

RIN 2502–AI53

FHA Appraiser Roster Requirements

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner; HUD.

ACTION: Final rule.

SUMMARY: This final rule explicitly conforms the eligibility requirements for applicants to the Federal Housing Administration (FHA) Appraiser Roster to longstanding HUD practices, as well as to existing nationwide industry practice. Only appraisers on the roster may perform required appraisals of properties that are to serve as security for FHA-insured single-family mortgages. Among other requirements, the current regulations require that an applicant must be a state-licensed or state-certified appraiser and pass a HUD examination on FHA appraisal methods and reporting. This final rule codifies HUD's longstanding practice and the nationwide practice that such certification or licensing comply with national criteria for education, experience, and passage of a state-administered examination. This final rule also eliminates the requirement for applicants to pass a HUD test on FHA appraisal methods and reporting, because the test has become duplicative of the national examination requirements for state licensure and certification and, therefore, unnecessary.

DATES: *Effective Date:* February 7, 2008

FOR FURTHER INFORMATION CONTACT: Peter Gillispie, Home Valuation Policy Division, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 9270, Washington, DC 20410–8000; telephone number (202) 708–2121, extension 3368 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. The FHA Appraiser Roster

To qualify for FHA insurance for a single-family mortgage, a lender must obtain an appraisal of the property that is to be the security for the loan. Only an appraiser listed on HUD's FHA Appraiser Roster may perform the appraisal. Under HUD's current regulation found in 24 CFR 200.202(b), an applicant who wishes to be included on the FHA Appraiser Roster must be a State-licensed or State-certified appraiser, must pass a HUD test on FHA appraisal methods and reporting, and must not be listed on the General Services Administration's Suspension and Debarment list, HUD's Limited Denial of Participation List, or HUD's Credit Alert Interactive Voice Response System. HUD's regulations for the Appraiser Roster are codified in subpart G of 24 CFR part 200.

B. National Appraiser Qualifications Board Criteria

Title XI of the Financial Institutions Recovery, Reform, and Enforcement Act of 1989 (Title XI) (12 U.S.C. 3331 *et seq.*) requires appraisals of real estate in all federally related transactions to be performed by State-certified or State-licensed appraisers. Only State-certified appraisers may perform appraisals for high-value and complex federally related transactions. Appraisals of other federally related transactions may be performed by State-licensed appraisers. To be State-certified for purposes of Title XI, an appraiser must have credentials that meet the national qualification criteria established by the Appraiser Qualification Board (AQB) of the Appraisal Foundation, a not-for-profit, private educational organization.

Title XI does not require State-licensed appraisers to meet AQB qualification criteria, and regulations promulgated under Title XI exclude federally insured transactions such as FHA-insured mortgages from the classes of transactions subject to Title XI's appraisal requirements. However, in addition to establishing the statutorily required qualification criteria for State-certified appraisers, the AQB has published model qualification criteria for State-licensed appraisers and other classifications of appraisers, and States and Federal agencies may require compliance with these criteria.

The AQB criteria for State-certified and State-licensed appraisers require candidates to have taken a minimum number of hours of coursework, to have a minimum number of hours of appraisal experience, and to pass an AQB-endorsed, State-administered examination. In addition, appraisers must comply with continuing education requirements in order to renew their credentials. The AQB has revised the criteria twice, and the most recent revision will increase coursework requirements and require completion of a new National Uniform Examination beginning on January 1, 2008. After this revision takes effect, applicants for the State-licensed classification will be required to complete 150 hours of coursework in a required core curriculum, accumulate 2,000 hours of acceptable appraisal experience, and pass the new National Uniform Examination.

C. HUD's 2003 Rulemaking on Compliance with AQB Criteria for Placement on Appraiser Roster

On November 30, 2001, at 66 FR 60128, HUD published a proposed rule to require appraisers listed on the Appraiser Roster to be State-licensed or State-certified with credentials that meet the applicable AQB criteria in effect when the credentials were issued. The proposed rule stated that even if a State had ''grandfathered in'' appraisers who had been licensed before establishment of the AQB criteria, such appraisers could not be added to the Appraiser Roster if their credentials did not meet the applicable AQB criteria. HUD subsequently received public comments expressing concern about persons who were already listed on the Appraiser Roster but whose credentials had been issued by States prior to the adoption of the AQB criteria.

In response to these comments, HUD provided in the final rule published on May 16, 2003 (68 FR 26946), for a 12-month phase-in period following the effective date of the final rule, by the end of which appraisers already on the FHA Appraiser Roster would have to comply with the AQB licensing/certification criteria. In addition, HUD stated that it would later publish in the **Federal Register** the date by which the requirement to comply with AQB criteria would have to be met and on which would begin the 12-month phase-in period that would be allowed to meet this requirement.

II. This Final Rule

This final rule, which follows publication of the May 16, 2003, final rule, codifies the AQB requirements in HUD's FHA Appraiser Roster regulations. Specifically, this final rule requires that an appraiser, in order to be eligible for placement on the FHA Appraiser Roster, must have credentials that met the applicable AQB criteria in effect when the credentials were issued. Appraisers that were State-licensed and State-certified in accordance with earlier versions of the AQB criteria do not lose their eligibility to be listed on the FHA Appraiser Roster merely because the AQB subsequently establishes more stringent education, experience, or examination criteria.

HUD recently undertook a review of the appraisers listed on the FHA Appraiser Roster and determined that the credentials of all currently listed appraisers comply with the applicable AQB criteria. As a result, the provisions in the May 16, 2003, final rule for a 12-month phase-in period are no longer necessary. HUD has also determined that no State in fact ''grandfathered in'' appraisers who had been licensed prior to establishment of the AQB criteria, a concern at the time of the publication of the May 16, 2003, final rule. Consequently, today's final rule does not contain these unnecessary provisions.

This final rule also eliminates the requirement for applicants to pass a HUD test on FHA appraisal methods and reporting. FHA has undertaken a series of initiatives to align its practices with those of the conventional lending industry, including streamlining and updating its appraisal reporting procedures and policies. By adopting and requiring the use of updated appraisal reporting forms and relaxing its repair and inspection requirements for existing properties, FHA has ensured that an appraisal of a property that is to be the security for FHA-insured financing is not materially different from an appraisal of the same property performed for conventional financing. As a result, the knowledge and skills needed to perform an FHA appraisal do not differ from those needed to perform an appraisal for a conventional mortgage. Therefore, HUD has determined that a separate test on FHA-specific appraisal methods and reporting is no longer necessary.

Furthermore, HUD has concluded that passage of the State-administered examination required under the AQB qualification criteria is an acceptable indicator of an applicant's competence in and knowledge of real estate appraisal methodology. Under the current AQB criteria, applicants must pass the AQB-endorsed uniform examination, or its equivalent, for the level of credentials they are seeking. Examinations for all credentials are comprehensive and cover 15 topics, including economic, legal, and ethical principles and various approaches to property valuation. Practice questions test applicants' ability to apply the knowledge and competency they gained through required coursework and experience to appraise representative properties based on available data. In light of the rigorous and comprehensive nature of the AQB-required examination, HUD has determined that the FHA test provides no additional assurance that appraisers listed on the FHA Appraiser Roster are able to provide accurate appraisals of properties that are to be the security for FHA-insured mortgages.

III. Justification for Final Rulemaking

In general, HUD publishes a rule for public comment before issuing a rule for effect, in accordance with HUD's regulations on rulemaking at 24 CFR part 10. Part 10, however, provides in § 10.1 for exceptions from that general rule where HUD finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is ''impracticable, unnecessary, or contrary to the public interest.''

HUD finds that good cause exists to publish this rule for effect without soliciting further public comment, on the basis that additional public procedure is unnecessary. The purpose of this final rule is to formally codify the requirement that appraisers who are listed on the FHA Appraiser Roster have credentials that comply with AQB criteria, a practice already in place. On November 30, 2001, HUD published for public comment a proposed rule that included compliance with the AQB criteria. On May 16, 2003, HUD published this requirement in a final rule that considered the public comments on the earlier proposed rule.

This final rule updates the May 16, 2003, final rule by removing provisions that have since become unnecessary or are inapplicable. HUD has determined that because the credentials of all appraisers presently listed on the FHA Appraiser Roster comply with the applicable AQB criteria, the 12-month phase-in period is unnecessary for any currently listed person on the roster. HUD has also determined that no states have ''grandfathered in'' any previously certified or licensed appraisers from having to comply with the AQB criteria when the criteria were first established. As a result, the provision that clarified that such appraisers would nonetheless have to comply with the AQB criteria is also inapplicable to any prospective applicant to the FHA Appraiser Roster. Further, since FHA appraisal requirements now conform to those of conventional mortgages, it is no longer necessary to test FHA Appraiser Roster applicants for knowledge of FHA-specific requirements. HUD has also concluded that the examinations required by the AQB criteria are acceptable indicators of applicants' knowledge and competency to perform accurate appraisals, including those for FHA-insured transactions.

Since HUD has already received and responded to public comments on the requirement for compliance with AQB criteria, and since elimination of inapplicable provisions does not affect the rights or interests of any members of the public, HUD finds that additional public procedure is unnecessary.

IV. Findings and Certifications

Information Collection Requirements

The information collection requirements contained in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and assigned OMB control number 2502–0538. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

Environmental Impact

This final rule does not direct, provide for assistance, or direct or provide loan and mortgage insurance for, or otherwise govern or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, nor does it establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Although this rule establishes qualifications for persons who may perform required appraisals for insured mortgages, it does not have any impact on when insurance may or may not be provided. Accordingly, under 24 CFR 50.19(c)(1), this final rule is categorically excluded from the requirements of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because through this rule, the Department only explicitly conforms its requirements to existing nationwide industry practice, the Department does not anticipate that this change will result in any, much less a significant, economic impact on a substantial number of small agencies. The requirements stated in the rule are already being followed. Accordingly, the undersigned certifies that this rule

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

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule will not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments, and on the private sector. This rule will not impose any Federal mandates on any State, local, or tribal governments, or on the private sector, within the meaning of the UMRA.

List of Subjects in 24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Home improvement, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social security, Unemployment compensation, Wages.

■ Accordingly, for the reasons described in the preamble, HUD amends 24 CFR part 200, as follows:

PART 200—INTRODUCTION TO FHA PROGRAMS

■ 1. The authority citation for 24 CFR part 200 continues to read as follows:

Authority: 12 U.S.C. 1701–1715z–18; 42 U.S.C. 3535(d).

■ 2. Revise § 200.202 to read as follows:

§ 200.202 How do I apply for placement on the Appraiser Roster?

(a) Application. To apply for placement on the Appraiser Roster, you must submit an application to HUD.

(b) Eligibility. To be eligible for placement on the Appraiser Roster:

(1) You must be a state-licensed or state-certified appraiser with credentials that complied with the applicable licensing or certification criteria established by the Appraiser Qualification Board (AQB) of the Appraisal Foundation and in effect at the time the license or certification was awarded by the issuing jurisdiction; and

(2) You must not be listed on:

(i) The General Services Administration's Suspension and Debarment List;

(ii) HUD's Limited Denial of Participation List; or

(iii) HUD's Credit Alert Interactive Voice Response System.

■ 3. Revise § 200.204(d) to read as follows:

§ 200.204 What actions may HUD take against unsatisfactory appraisers on the Appraiser Roster?

* * * * *

(d) *Education requirements.* Where there is evidence that an appraiser is deficient in FHA appraisal requirements, HUD may require an appraiser to undergo professional training.

* * * * *

Dated: December 20, 2007.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 08–8 Filed 1–7–08; 8:45 am]

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Federal Register

Tuesday,
January 8, 2008

Part IV

Department of Housing and Urban Development

24 CFR Part 206

Home Equity Conversion Mortgages (HECMs): Determination of Maximum Claim Amount; and Eligibility for Discounted Mortgage Insurance Premium for Certain Refinanced HECM Loans; Interim Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 206

[Docket No. FR–5129–I–01]

RIN 2502–AI49

Home Equity Conversion Mortgages (HECMs): Determination of Maximum Claim Amount; and Eligibility for Discounted Mortgage Insurance Premium for Certain Refinanced HECM Loans

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: This rule makes two technical changes to HUD's Home Equity Conversion Mortgage (HECM) program. First, the rule extends the date for calculating the maximum claim amount in the HECM program from the date of the underwriter's receipt of the appraisal report to the date of closing. This change provides a more easily verifiable and more easily identifiable date. Second, this rule corrects an unintended consequence that results in a situation where HECM loans that are not in default but have been assigned pursuant to regulatory provisions, and remain in effect, are not eligible to be refinanced with a discounted initial mortgage insurance premium (MIP). This rule would permit such HECM loans to be eligible for the discounted initial MIP upon refinancing, in accordance with the purpose of the HECM program, which is to improve the financial situation of elderly homeowners.

DATES: *Effective Date:* February 7, 2008.
Comment Due Date: March 10, 2008.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Office of General Counsel, Rules Docket Clerk, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 10276, Washington, DC 20410–0001. Communications should refer to the above docket number and title.

Electronic Submission of Comments. Interested persons may submit comments electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically, because doing so allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make the comment immediately available for viewing by other commenters and interested members of the public. Commenters should follow the instructions provided on that site to submit comments electronically.

No Facsimile Comments. Facsimile (FAX) comments are not acceptable. In all cases, communications must refer to the docket number and title.

Public Inspection of Public Comments. All comments and communications submitted to HUD will be available, without charge, for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments must be scheduled by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877–8339. Copies of all comments submitted are available for inspection and downloading at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: James Beavers, Deputy Director, Single Family Program Development, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000; telephone number (202) 708–2121 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. Maximum Claim Amount

Section 255 of the National Housing Act (12 U.S.C. 1715z–20) (the Act) authorizes the Federal Housing Administration (FHA) to insure HECM loans to enable elderly homeowners to convert the equity in their homes to streams of income or lines of credit. Section 255(g) of the Act (12 U.S.C. 1715z–20(g)) provides that ''in no case may the benefits of insurance under this section exceed the maximum dollar amount established under section 203(b)(2) of the Act for one-family residences in the area in which the dwelling subject to the mortgage under this section is located.''

HUD's HECM regulations are found in 24 CFR part 206. HUD's regulation at 24 CFR 206.3 defines ''Maximum claim amount'' as the ''lesser of the appraised value of the property or maximum dollar amount for an area established by the Secretary for a one-family residence under section 203(b)(2) of the Act (as adjusted where applicable under section 214 of the Act).'' Section 203(b)(2) of the Act (12 U.S.C. 1709(b)(2)) provides for maximum mortgage amounts. Section 203(b)(2)(A) provides that the maximum insurable amount is the lesser of: (1) In the case of a one-family residence, 95 percent of the median one-family house price in the area, as determined by the Secretary; or (2) 87 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (Freddie Mac) for a residence of similar size, as specified in 12 U.S.C. 1709(b)(2)(A)(ii) of the Act. Finally, section 203(b)(2)(B) of the Act provides for a ceiling amount based on the sum of the amount of the mortgage insurance premium paid at the time the mortgage is insured and a percentage of the appraised value of the property.

This interim rule revises the point in time at which the appraised value of the property and the maximum dollar amount for an area under 12 U.S.C. 1709(b)(2) are compared to determine the maximum claim amount. The definition of ''maximum claim amount'' currently codified in HUD's regulations in 24 CFR 206.3 provides that both of these values ''must be as of the date the Direct Endorsement Lender or Lender Insurance Underwriter receives the appraisal report.'' Experience, however, has shown that the appraisal report received date is not the best date to use as a benchmark for property valuation for mortgage insurance purposes. This is because HUD's reporting systems do not capture the date the appraisal report is received by the Direct Endorsement underwriter or Lender Insurance underwriter, which means the date cannot be later audited or verified. The date of closing is a more practical and verifiable benchmark date. Additionally, using the closing date will automatically allow for larger equity payments when FHA's mortgage limits increase between the date the case number is assigned and the date the loan closes, in cases where the property's appraised value meets or exceeds the new jurisdictional FHA maximum mortgage. This rule would therefore change the calculation date for determining the maximum claim amount to the closing date. The rule revises only the calculation date. There is no change to when the appraisal report is submitted and no requirement, under this regulatory revision, for a second appraisal. Additionally, this rule, upon becoming effective, would not result in an increased maximum claim amount for

loans insured before this rule takes effect.

B. Refinancing

Section 201 of the American Homeownership and Economic Opportunity Act of 2000 (Pub. L. 106–569, approved December 27, 2000) amended section 255(k) of the Act (12 U.S.C. 1715z–20(k)) to authorize the refinancing of existing HECM loans by adding the following at 12 U.S.C. 1715z–20(k)(1):

> The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

In addition, 12 U.S.C. 1715z–20(k)(4) was added to permit the Secretary to reduce the initial MIP for refinanced HECM loans.

Following the statutory change, HUD published a proposed rule seeking public comment on a new 24 CFR 206.53. Proposed § 206.53(a) provided for refinancings of HECM loans ''presently insured'' under 24 CFR part 206. The preamble of the proposed rule indicates that this section is meant to provide for the refinancing of ''an existing HECM.'' (See 66 FR 30278, June 5, 2001.) The proposed rule did not include a provision for a discounted initial MIP for refinanced HECM loans.

HUD followed this proposed rule with an interim rule on March 25, 2004 (69 FR 15586), which took into account public comments received on the proposed rule. In response to public comment requesting that HUD exercise its statutory authority, the interim rule provided for a discounted initial MIP and for additional public comments on the discounted initial MIP, because of the absence of that provision from the proposed rule. (See 69 FR 15587, 15591.) The preamble to the interim rule refers to this discounted MIP as being applicable to ''the existing HECM loan being refinanced.'' (See 69 FR 15587.) However, the interim rule retained the regulatory text language of § 206.53(a) providing for refinancing of ''presently insured'' HECM loans (69 FR 15591). This interim rule was inadvertently made final, without change to the regulatory text referring to ''presently insured,'' by final rule published on December 15, 2004 (69 FR 75204).

It is the phrase ''presently insured'' (where the statute itself only speaks in terms of loans that are ''insured'' by HUD) in § 206.53(a) that gives rise to the issue addressed in this rule. In the HECM context, the phrase has the unintended consequence of excluding certain loans from consideration for the reduced initial MIP. The March 2004 interim rule provided in § 206.53(c) for a reduced initial MIP for HECM loans that are refinanced. (See 69 FR 15591.) However, because the language of § 206.53(a) limits refinancings under section 255(k) of the Act to HECM loans ''presently insured,'' the interim rule unintentionally created a class of HECM loans that are existing loans but are considered not eligible for the favorable MIP under the HECM refinancing regulations.

The issue that there is a category of HECM loans that may not be viewed as eligible for the reduced initial MIP arises from the fact that the HECM program permits certain assignments of notes to HUD. These notes are not in default, but are assigned to HUD under the regulatory provisions at 24 CFR 206.107(a)(1) and 206.121(b). Nonetheless, the phrase ''presently insured'' in § 206.53(a) is viewed as excluding these mortgages from the lower MIP for HECM loan refinancings. These loans are not in default status and, therefore, are ''existing HECM loans'' that the preambles to both the 2001 proposed rule and the 2004 interim rule indicate are intended to be covered by the favorable HECM refinancing provisions.

The regulatory sections under which these non-default assignments take place are 24 CFR 206.107(a)(1) and 206.121(b). Under § 206.107(a)(1), the mortgagee may elect to assign the mortgage to HUD if the mortgage balance is equal to or greater than 98 percent of the maximum claim amount, and if certain other conditions are met, as stated in the regulation. Under the assignment in § 206.121(b), the assignment may occur when the mortgagee fails to make timely payments. In either case, the loan continues in existence, and should be eligible for the discounted initial MIP for HECM refinancings. Instead, loans in this status are now considered only eligible for the more expensive MIPs for regular loans. HECM borrowers are in these cases unintentionally penalized by an assignment action and prevented from refinancing with the benefits of a statutorily authorized reduced MIP.

II. This Interim Rule

In order to establish a more rational date for the calculation of the maximum claim amount, the rule removes the second sentence of the definition of ''maximum claim amount'' in 24 CFR 206.3, which currently reads:

> Both the appraised value and the maximum dollar amount for the area must be as of the date the Direct Endorsement Lender or Lender Insurance Underwriter receives the appraisal report.

and revises the first sentence to read:

> *Maximum claim amount* means the lesser of the appraised value of the property, as determined by the appraisal used in underwriting the loan, or the maximum dollar amount for an area established by the Secretary for a one-family residence under section 203(b)(2) of the National Housing Act (as adjusted where applicable under section 214 of the National Housing Act) as of the date of loan closing.

In order to address the unintended consequences of the terminology restricting the provisions relating to insurance of refinanced HECM loans to ''presently insured'' loans rather than to all existing HECM loans, the rule revises the last sentence of § 206.53(a) to remove the term ''presently'' and clarify that the refinancing provisions apply to ''existing'' HECM loans, including those assigned under §§ 206.107(a)(1) and 206.121(b). This change makes these HECM loans eligible for the reduced MIP rate for refinanced HECM loans.

III. Justification for Interim Rulemaking

HUD generally publishes regulatory changes for public comment before issuing them for effect, in accordance with its own regulations on rulemaking in 24 CFR part 10. Part 10, however, does provide in § 10.1 for exceptions from that general rule where the Department finds good cause to omit advance notice and public participation. The good cause requirement is satisfied when the prior public procedure is ''impracticable, unnecessary, or contrary to the public interest.'' The Department finds that good cause exists to publish this interim rule for effect without first soliciting public comment.

The change being made to the maximum claim amount date is a procedural one, which creates no detriment or presents any administrative burden to HECM-insured borrowers or the public generally. HUD's regulations require the date that the maximum claim amount is to be established, but the date currently in the regulations is not one that is normally documented in HUD's systems. Moving the date the maximum claim amount is calculated to the date of closing would have no adverse consequences and would provide a more precise date that can be tracked by the Federal Housing Administration's systems. Since this is merely a procedural matter, advance public comment is not necessary.

Similarly, the eligibility of non-default HECM loans assigned to HUD under provisions particular to the HECM program has no potential risk of

harm to either HECM-insured borrowers or the public generally, and only a benefit. The intent of the HECM program is to improve the financial situation or otherwise meet the needs of elderly homeowners (12 U.S.C. 1715z–20(c)(1)). It is clear from the face of the statute that the authorization for a reduced MIP was intended to apply to all refinancings of existing HECM loans originated with HUD insurance, not only ones ''presently insured.'' Section 1715z–20(k)(1), refers to ''any mortgage given to refinance an existing home equity conversion mortgage insured under this section [emphasis added].'' Section 1715z–20(k)(4), in turn, permits reduced MIPs for ''a mortgage financed and insured under this subsection.'' The statute does not provide an exception for non-defaulted loans assigned, essentially, to protect the elderly mortgagor. Therefore, this change would be both beneficial to the public and simply remove an unintended consequence of the refinancing provisions. Advance public comment is, therefore, determined unnecessary. HUD will, however, consider all comments received on this interim rule when developing the final rule.

IV. Findings and Certifications

Environmental Impact

The interim rule involves external administrative or fiscal requirements or procedures that are related to loan limits and rate or cost determinations and that do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule would not have a significant impact on entities because the establishment of a date of maximum claim amount is an automated process and merely changing the date as of which the calculation is made imposes no additional burden on any entity. Allowing for discounted MIPs for refinancings provides a benefit to borrowers and presents no impact on any business entities.

Accordingly, the undersigned certifies that this rule will not have a significant economic impact on a substantial number of small entities. Notwithstanding HUD's determination that this rule will not have a significant effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives, as described in the preamble to this rule.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the rule preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This rule would not have federalism implications and would not impose substantial direct compliance costs on state and local governments or preempt state law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and on the private sector. This proposed rule will not impose any federal mandates on any state, local, or tribal governments, or on the private sector, within the meaning of UMRA.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) Program number is 14.183.

List of Subjects in 24 CFR Part 206

Aged, Condominiums, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements.

■ Accordingly, for the reasons stated above, HUD amends 24 CFR part 206 as follows:

PART 206—HOME EQUITY CONVERSION MORTGAGE INSURANCE

■ 1. The authority citation for 24 CFR part 206 continues to read as follows:

Authority: 12 U.S.C. 1715b, 1715z–1720; 42 U.S.C. 3535(d).

■ 2. Amend § 206.3 to revise the definition of ''Maximum claim amount'' to read as follows:

§ 206.3 Definitions.

* * * * *

Maximum claim amount means the lesser of the appraised value of the property, as determined by the appraisal used in underwriting the loan, or the maximum dollar amount for an area established by the Secretary for a one-family residence under section 203(b)(2) of the National Housing Act (as adjusted where applicable under section 214 of the National Housing Act) as of the date of loan closing. Closing costs must not be taken into account in determining appraised value.

* * * * *

■ 3. Revise the last sentence of 24 CFR 206.53(a) to read as follows:

§ 206.53 Refinancings.

(a) * * * HUD may, upon application by a mortgagee, insure any mortgage given to refinance an existing home equity conversion mortgage insured under this part, including loans assigned to the Secretary as described in § 206.107(a)(1) and § 206.121(b) under this part.

* * * * *

Dated: November 29, 2007.

Brian D. Montgomery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. E8–32 Filed 1–7–08; 8:45 am]

BILLING CODE 4210–67–P

Federal Register

Tuesday,
January 8, 2008

Part V

The President

Proclamation 8214—To Adjust the Rules of Origin Under the United States-Chile Free Trade Agreement and the United States-Singapore Free Trade Agreement

Federal Register
Vol. 73, No. 5
Tuesday, January 8, 2008

Presidential Documents

Title 3—

The President

Proclamation 8214 of December 27, 2007

To Adjust the Rules of Origin Under the United States-Chile Free Trade Agreement and the United States-Singapore Free Trade Agreement

By the President of the United States of America

A Proclamation

1. Section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (the ''1988 Act'') (19 U.S.C. 3006(a)) authorizes the President to proclaim modifications to the Harmonized Tariff Schedule of the United States (HTS) based on the recommendations of the U.S. International Trade Commission (the ''Commission'') under section 1205 of the 1988 Act (19 U.S.C. 3005), if he determines that the modifications are in conformity with United States obligations under the International Convention on the Harmonized Commodity Description and Coding System (the ''Convention'') and do not run counter to the national economic interest of the United States. In 2006, the Commission recommended modifications to the HTS pursuant to section 1205 of the 1988 Act to conform the HTS to amendments made to the Convention. In Presidential Proclamation 8097 of December 29, 2006, I modified the HTS pursuant to section 1206 of the 1988 Act to conform the HTS to the amendments to the Convention.

2. Presidential Proclamation 7746 of December 30, 2003, implemented the United States-Chile Free Trade Agreement (USCFTA) with respect to the United States and, pursuant to section 201 of the United States-Chile Free Trade Agreement Implementation Act (the ''USCFTA Act'') (19 U.S.C. 3805 note), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply articles 3.3 (including the schedule of United States duty reductions with respect to originating goods set forth in Annex 3.3 to the USCFTA), 3.7, 3.9, and 3.20(8), (9), (10), and (11) of the USCFTA.

3. In order to ensure the continuation of the staged reductions in rates of duty for originating goods from Chile in categories that were modified to conform to the Convention, I proclaimed in Presidential Proclamation 8097 modifications to the HTS that I determined were necessary or appropriate to carry out the duty reductions proclaimed in Proclamation 7746.

4. Chile is a party to the Convention. Because the substance of changes to the Convention are reflected in slightly differing form in the national tariff schedules of the parties to the USCFTA, the rules of origin set out in Annex 4.1 of that Agreement must be changed to ensure that the tariff and certain other treatment accorded under the USCFTA to originating goods will continue to be provided under the tariff categories that were modified in Proclamation 8097. The USCFTA parties have agreed to make these changes.

5. Section 202 of the USCFTA provides certain rules for determining whether a good is an originating good for the purposes of implementing tariff treatment under the USCFTA. Section 202(o) of the USCFTA Act authorizes the President to proclaim the rules of origin set out in the USCFTA and any subordinate tariff categories necessary to carry out the USCFTA, subject to the exceptions stated in section 202(o)(2)(A).

6. I have determined that the modifications to the HTS proclaimed pursuant to section 202 of the USCFTA Act and section 1206(a) of the 1988 Act are necessary or appropriate to ensure the continuation of tariff and certain other treatment accorded originating goods under tariff categories modified in Proclamation 8097 and to carry out the duty reductions proclaimed in Proclamation 7746.

7. Presidential Proclamation 7747 of December 30, 2003, implemented the United States-Singapore Free Trade Agreement (USSFTA) with respect to the United States and, pursuant to section 201 of the United States-Singapore Free Trade Agreement Implementation Act (the ''USSFTA Act'') (19 U.S.C. 3805 note), the staged reductions in rates of duty that I determined necessary or appropriate to carry out or apply articles 2.2, 2.5, 2.6, and 2.12 of the USSFTA and the schedule of reductions with respect to the United States set forth in Annex 2B of the USSFTA.

8. In order to ensure the continuation of the staged reductions in rates of duty for originating goods from Singapore in categories that were modified to conform to the Convention, in Presidential Proclamation 8097, I proclaimed modifications to the HTS that I determined were necessary or appropriate to carry out the duty reductions proclaimed in Proclamation 7747.

9. Singapore is a party to the Convention. Because the substance of the changes to the Convention are reflected in slightly differing form in the national tariff schedules of the parties to the USSFTA, the provisions set out in Annexes 3A and 3B of that Agreement must be changed to ensure that the tariff and certain other treatment accorded under the USSFTA to originating goods will continue to be provided under the tariff categories that were modified in Presidential Proclamation 8097. The USSFTA parties have agreed to make these changes.

10. Section 202 of the USSFTA Act provides certain rules for determining whether a good is an originating good for the purposes of implementing tariff treatment under the USSFTA. Section 202(o) of the USSFTA Act authorizes the President to proclaim the rules of origin set out in the USSFTA and any subordinate tariff categories necessary to carry out the USSFTA, subject to certain exceptions set out in section 202(o)(2)(A).

11. I have determined that the modifications to the HTS proclaimed pursuant to section 202 of the USSFTA Act are necessary or appropriate to ensure that the tariff and certain other treatment accorded originating goods under tariff categories modified in Proclamation 8097 and to carry out the duty reductions proclaimed in Proclamation 7747.

12. Section 604 of the Trade Act of 1974, as amended (the ''Trade Act'') (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other Acts, affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act, as amended (19 U.S.C. 3006(c)), provides that any modifications proclaimed by the President under section 1206(a) of that Act may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the **Federal Register**.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 1206(a) of the 1988 Act, section 202 of the USSFTA Act, section 202 of the USCFTA Act, and section 604 of the Trade Act, do proclaim that:

(1) In order to reflect in the HTS the modifications to the rules of origin under the USCFTA, general note 26 to the HTS is modified as provided in Annex I to this proclamation.

(2) In order to reflect in the HTS the modifications to the rules of origin under the USSFTA, general note 25 to the HTS is modified as provided in Annex II to this proclamation.

(3) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(4) The modifications and technical rectifications to the HTS set forth in Annexes I and II to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the later of (i) February 1, 2008, or (ii) the thirtieth day after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of December, in the year of our Lord two thousand seven, and of the Independence of the United States of America the two hundred and thirty-second.

Billing code 3195–01–P

ANNEX I

TECHNICAL RECTIFICATIONS TO THE RULES OF ORIGIN FOR THE UNITED STATES-CHILE FREE TRADE AGREEMENT, AS REFLECTED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods of Chile, under the terms of general note 26 to the Harmonized Tariff Schedule of the United States (HTS), that are entered, or withdrawn from warehouse for consumption, on or after the later of (1) February 1, 2008, or (2) the thirtieth day after the date of publication of this proclamation in the *Federal Register*, general note 26(n) to the HTS is modified as follows:

1. Tariff classification rule (TCR) 16 for chapter 28 is modified by deleting "2811.23" and by inserting in lieu thereof "2811.29".

2. TCR 37 for chapter 28 is modified by deleting "2826.11" and by inserting in lieu thereof "2826.12".

3. TCR 38 for chapter 28 is modified by deleting "2827.36" and by inserting in lieu thereof "2827.35".

4. TCR 40 for chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"40. (A) A change to barium, iron, cobalt or zinc chlorides of subheading 2827.39 from other chlorides of subheading 2827.39 or any other subheading; or

(B) A change to other chlorides of subheading 2827.39 from barium, iron, cobalt or zinc chloride of subheading 2827.39 or any other subheading."

5. TCR 43 for chapter 28 is modified by deleting "2833.26" and by inserting in lieu thereof "2833.25".

6. TCR 45 for chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"45. (A) A change to sulfates of chromium or zinc of subheading 2833.29 from any other subheading; or

(B) A change to other sulfates of subheading 2833.29 from any other subheading except from heading 2520."

7. TCRs 52 and 57 for chapter 28 are deleted.

8. TCR 60 for chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"60. (A) A change to commercial ammonium carbonate or other ammonium carbonates of subheading 2836.99 from any other subheading;

(B) A change to bismuth carbonate of subheading 2836.99 from from any other subheading, except from subheading 2617.90;

(C) A change to lead carbonates of subheading 2836.99 from any other subheading, except from heading 26.07; or

(D) A change to other goods of subheading 2836.99, provided that the good classified in subheading 2836.99 is the product of a chemical reaction."

9. TCR 62 for chapter 28 is deleted.

10. TCR 64 for chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"64. A change to subheading 2839.90 from any other subheading."

11. TCRs 67 and 68 for chapter 28 are deleted and the following new TCRs are inserted in lieu thereof:

"67. A change to subheading 2841.30 from any other subheading.

68. (A) A change to chromates of zinc or lead of subheading 2841.50 from any other subheading;

(B) A change to potassium dichromate of subheading 2841.50 from any other good of subheading 2841.50 or any other subheading; or

(C) A change to other chromates, dichromates or peroxochromates of subheading 2841.50 from potassium dichromate of subheading 2841.50 or any other subheading, except from heading 2610."

12. TCR 72 for chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"72. (A) A change to aluminates of subheading 2841.90 from any other subheading; or

(B) A change to any other good of subheading 2841.90 from aluminates of subheading 2841.90 or from any other subheading, provided that the good classified in subheading 2841.90 is the product of a chemical reaction."

13. TCR 74 for chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"74. (A) A change to fulminates, cyanates or thiocyanates of subheading 2842.90 from any other subheading; or

(B) A change to any other good of subheading 2842.90 from any other subheading, provided that the good classified in subheading 2842.90 is the product of a chemical reaction."

14. TCR 86 for chapter 28 is deleted and the following new TCR is inserted in lieu thereof:

"86. A change to heading 2850 from any other heading."

15. The following new TCRs for chapter 28 are inserted in numerical sequence:

"87. A change to heading 2852 from any other heading.

88. A change to heading 2853 from any other heading."

16. TCR 12 for chapter 29 is modified by deleting "2903.30" and by inserting in lieu thereof "2903.39".

17. TCRs 24 and 25 for chapter 29 are deleted and the following new TCR is inserted in lieu thereof:

"25. (A) A change to terpineols of subheading 2906.19 from any other good, except from heading 3805; or

(B) A change to any other good of subheading 2906.19 from pine oils of subheading 3805.90 or any other subheading, except from subheading 3301.90 or any other goods of subheading 3805.90."

18. TCRs 38 and 39 for chapter 29 are deleted and the following new TCRs are inserted in lieu thereof:

"38. A change to subheadings 2912.11 through 2912.12 from any other subheading, including another subheading within that group."

39. (A) A change to n-butanal (butyraldehyde, normal isomer) of subheading 2912.19 from any other subheading; or

(B) A change to other goods of subheadings 2912.19 through 2912.49 from any other subheading, except from subheading 3301.90."

19. TCRs 49 and 50 for chapter 29 are deleted and the following new TCRs are inserted in lieu thereof:

"49. A change to subheadings 2915.11 through 2915.33 from any other subheading, including another subheading within that group.

49A. A change to subheading 2915.36 from any other subheading, except from subheading 3301.90.

49B. (A) A change to isobutyl acetate or 2-ethoxyethyl acetate of subheading 2915.39 from any other subheading; or

(B) A change to any other good of 2915.39 from any other subheading except from subheading 3301.10."

20. The following new TCRs are inserted immediately below TCR 55 for chapter 29, and the subdivisions designated as (A) and (B) now appearing immediately above TCR 56 for chapter 29 are deleted:

"55A. A change to subheading 2918.18 from any other subheading.

55B. (A) A change to phenylglycolic acid (mandelic acid), its salts or esters of subheading 2918.19 from any other good of subheading 2918.19 or any other subheading; or

(B) A change to any other good of subheading 2918.19 from phenylglycolic acid (mandelic acid), its salts or esters of subheading 2918.19 or any other subheading, except from subheading 2918.18."

21. TCR 61 for chapter 29 is deleted and the following new TCR is inserted in lieu thereof:

"61. A change to subheadings 2918.91 through 2918.99 from any other subheading, except from subheading 3301.90."

22. TCR 63 for chapter 29 is modified by deleting "2920.10" and by inserting in lieu thereof "2920.11".

23. TCR 81 for chapter 29 is deleted and the following new TCR is inserted in lieu thereof:

"81. A change to subheadings 2925.21 through 2925.29 from any other subheading."

24. TCR 100 for chapter 29 is modified by deleting "2936.10" and by inserting in lieu thereof "2936.21".

25. TCR 101 for chapter 29 is deleted and the following new TCR is inserted in lieu thereof:

"101. (A) A change to unmixed provitamins of subheading 2936.90 from any other good of subheading 2936.90 or from any other subheading; or

(B) A change to any other good of subheading 2936.90 from any other subheading, except from subheadings 2936.21 through 2936.29."

26. TCRs 1 and 2 for chapter 30 are deleted and the following new TCRs are inserted in lieu thereof:

"1. A change to subheading 3001.20 from any other subheading, including another subheading within that group, except from subheading 3006.92.

2. (A) A change to dried glands or other dried organs of subheading 3001.90 from any other good of subheading 3001.90 or from any other subheading, except from subheadings 3006.92, 0206.10 through 0208.90 or 0305.20, headings 0504 or 0510 or subheading 0511.99 if the change from these provisions is not a powder classified in subheading 3001.90; or

(B) A change to any other good of subheading 3001.90 from dried glands or other dried organs of subheading 3001.90 or from any other subheading, except from subheading 3006.92."

27. TCRs 3 through 12, inclusive, and TCRs 14 through 22, inclusive, for chapter 30 are each modified by deleting "3006.80" at each instance and by inserting in lieu thereof "3006.92".

28. TCR 13 for chapter 30 is deleted and the following new TCR is inserted in lieu thereof:

"13. (A) A change to hormone derivatives of corticosteroid hormones of subheading 3004.32 from any other subheading or corticosteroid hormones or structural analogues of corticosteroid hormones of subheading 3004.32, except from subheadings 3004.39 or 3006.92 or from adrenal cortical hormones classified in chapter 29;

(B) A change to structural analogues of corticosteroid hormones of subheading 3004.32 from any other subheading or corticosteroid hormones or derivatives of subheading 3004.32, except from subheadings 3003.39, 3004.39 or 3006.92, or hormones or derivatives thereof classified in chapter 29;

(C) A change to any other good of subheading 3004.32 from any other subheading, except from subheadings 3003.39 or 3006.92 or from adrenal cortical hormones classified in chapter 29."

29. TCR 23 for chapter 30 is deleted and the following new TCRs are inserted in lieu thereof:

"23. A change to subheading 3006.91 from any other heading.

24. A change to subheading 3006.92 from any other chapter."

30. TCR 8 for chapter 31 is deleted.

31. TCRs 10 through 14, inclusive, for chapter 31 are deleted and the following new TCRs are inserted in lieu thereof:

"10. (A) A change to calcium cyanamide of subheading 3102.90 from any other subheading; or

(B) A change to any other good of subheading 3102.90 from any other subheading, except from subheadings 3102.10 through 3102.80.

11. A change to subheading 3103.10 from any other subheading.

12. (A) A change to basic slag of subheading 3103.90 from any other subheading; or

(B) A change to any other good of subheading 3103.90 from any other subheading, except from subheading 3103.10.

13. A change to subheadings 3104.20 through 3104.30 from any other subheading, including another subheading within that group.

14. (A) A change to carnallite, sylvite or other crude natural potassium salts of subheading 3104.90 from any other subheading; or

(B) A change to any other good of subheading 3104.90 from any other subheading, except from subheadings 3104.20 through 3104.30."

32. TCR 8 for chapter 32 is deleted and the following new TCRs are inserted in lieu thereof:

"8. A change to subheadings 3206.20 through 3206.42 from any other subheading, including another subheading within that group.

8A. (A) A change to pigments and preparations based on cadmium compounds of subheading 3206.49 from any other good of subheading 3206.49 or from any other subheading;

(B) A change to pigments and preparations based on hexacyanoferrates (ferrocyanides and ferricyanides) of subheading 3206.49 from any other good of subheading 3206.49 or from any other subheading; or

(C) A change to any other good of subheading 3206.49 from any other subheading.

8B. A change to subheadings 3206.50 through 3207.40 from any other subheading, including another subheading within that group."

33. TCR 1 for chapter 33 is deleted and the following new TCRs are inserted in lieu thereof:

"1. (A) A change to subheadings 3301.12 through 3301.13 from any other chapter; or

(B) A change to subheadings 3301.12 through 3301.13 from any other subheading within chapter 33, including another subheading within that group, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

1A. (A) A change to essential oils of bergamot or of lime of subheading 3301.19 from any other chapter; or

(B) A change to essential oils of bergamot or of lime of subheading 3301.19 from any other subheading within chapter 33, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

1B. (A) A change to any other good of subheading 3301.19 from any other chapter; or

(B) A change to any other good of subheading 3301.19 from essential oils of bergamot or of lime of subheading 3301.19 or from any other subheading within chapter 33, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

1C. (A) A change to subheadings 3301.24 through 3301.25 from any other chapter; or

(B) A change to subheadings 3301.24 through 3301.25 from any other subheading within chapter 33, including another subheading within that group, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

1D. (A) A change to essential oils of geranium, jasmine, lavender, lavandin or vetiver of subheading 3301.29 from any other chapter; or

(B) A change to essential oils of geranium, jasmine, lavender, lavandin or vetiver of subheading 3301.29 from any other subheading within chapter 33, including another subheading within that group, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

1E. (A) A change to any other good of subheading 3301.29 from any other chapter; or

(B) A change to any other good of subheading 3301.29 from essential oils of geranium, jasmine, lavender, lavandin or vetiver of subheading 3301.29 or from any other subheading within chapter 33, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

1F. (A) A change to subheadings 3301.30 through 3301.90 from any other chapter; or

(B) A change to subheadings 3301.30 through 3301.90 from any other subheading within chapter 33, including another subheading within that group, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

34. TCRs 8 and 9 for chapter 34 are deleted and the following new TCRs are inserted in lieu thereof:

"8. A change to subheading 3404.20 from any other subheading.

9. (A) A change to artificial waxes or prepared waxes of chemically modified lignite of subheading 3404.90 from any other good of subheading 3404.90 or from any other subheading; or

(B) A change to any other good of subheading 3404.90 from any other subheading, except from heading 15.21 or subheadings 2712.20 or 2712.90."

35. TCRs 9 through 12, inclusive, for chapter 38 are deleted and the following new TCRs are inserted in lieu thereof:

"11. A change to subheading 3808.50 from any other subheading, provided that not less than 40 percent by weight of the active ingredient or ingredients is originating.

12. A change to subheadings 3808.91 through 3808.92 from any other heading, provided there is a regional value content of not less than:

(A) 35 percent when the build-up method is used, or

(B) 45 percent when the build-down method is used.

12A. (A) A change to subheading 3808.93 from any other subheading, except from herbicides, antisprouting products and plant-growth regulators classified in chapters 28 or 29; or

(B) A change to a mixture of subheading 3808.93 from any other subheading, provided that the mixture is made from two or more active ingredients and a domestic active ingredient constitutes not less than 40 percent by weight of the total active ingredients.

12B. A change to subheading 3808.94 from any other subheading.

12C. (A) A change to subheading 3808.99 from any other subheading, except from rodenticides and other pesticides classified in chapters 28 or 29; or

(B) A change to a mixture of subheading 3808.99 from any other subheading, provided that the mixture is made from two or more active ingredients and a domestic active ingredient constitutes not less than 40 percent by weight of the total active ingredients."

36. TCR 25 for chapter 38 is deleted and the following new TCR is inserted in lieu thereof:

"25. A change to subheading 3824.10 from any other subheading."

37. TCR 28 for chapter 38 is deleted and the following new TCRs are inserted in lieu thereof:

"28. (A) A change to subheadings 3824.71 through 3824.83 from any other heading within chapters 28 through 38; or

(B) A change to subheadings 3824.71 through 3824.83 from any other subheading within chapters 28 through 38, including another subheading within that group, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

28A. (A) A change to naphthenic acids, their water-insoluble salts or their esters of subheading 3824.90 from any other subheading; or

(B) A change to any other good of subheading 3824.90 from any other subheading within chapters 28 through 38, whether or not there is also a change from any other chapter, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

38. TCR 13 for chapter 42 is deleted and the following new TCRs are inserted in lieu thereof:

"13. (A) A change to articles of leather or of composition leather, of a kind used in machinery or mechanical appliances or for other technical uses of heading 4205 from any other good of heading 4205 or from any other heading; or

(B) A change to any other good of heading 4205 from articles of leather or of composition leather, of a kind used in machinery or mechanical appliances or for other technical uses of heading 4205 or from any other heading.

14. A change to heading 4206 from any other heading."

39. TCR 1 for chapter 61 is modified by deleting "6101.10" and by inserting in lieu thereof "6101.20".

40. TCR 2 for chapter 61 is deleted and the following new TCR is inserted in lieu thereof:

"2. (A) A change to goods of wool or fine animal hair of subheading 6101.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(i) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or both of the parties, and

(ii) the visible lining fabric listed in chapter rule 1 to chapter 61 satisfies the tariff change requirements provided therein; or

(B) A change to any other good of subheading 6101.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of one or both of the parties."

41. TCRs 5 and 6 for chapter 61 are deleted and the following new TCR is inserted in lieu thereof:

"5. (A) A change to suits of textile materials other than wool or fine animal hair, synthetic fibres, artificial fibres or cotton of subheading 6103.10 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Chile or of the United States, or both;

(B) A change to suits of textile materials other than wool or fine animal hair, cotton or man-made fiber, and not containing more than 70 percent or more by weight of silk or silk waste of subheading 6103.10 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Chile or of the United States, or both; or

(C) A change to any other good of subheading 6103.10 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(i) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Chile or of the United States, or both, and

(ii) any visible lining material used in the apparel article as imported into the territory of the United States must satisfy the requirements of chapter rule 1 for chapter 61."

42. TCR 7 for chapter 61 is modified by deleting "6103.21" and by inserting in lieu thereof "6103.22".

43. TCRs 11 and 12 for chapter 61 are deleted and the following new TCRs are inserted in lieu thereof:

"11. A change to subheading 6104.13 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(A) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Chile or of the United States, or both, and

(B) any visible lining material used in the apparel article as imported into the U.S. must satisfy the requirements of chapter rule 1 for chapter 61.

12. (A) A change to tariff items 6104.19.40 or 6104.19.60 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Chile or of the United States, or both; or

(B) A change to any other good of subheading 6104.19.from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(i) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Chile or of the United States, or both; and

(ii) any visible lining material used in the apparel article as imported into the U.S. must satisfy the requirements of chapter rule 1 for chapter 61."

44. TCR 13 for chapter 61 is modified by deleting "6104.21" and by inserting in lieu thereof "6104.22".

45. TCR 11 for chapter 62 is modified by deleting "6203.21" and by inserting in lieu thereof "6203.22".

46. TCR 29 for chapter 62 is modified by deleting "6211.31" and by inserting in lieu thereof "6211.32".

47. TCR 3 for chapter 64 is modified by deleting "6402.30" and by inserting in lieu thereof "6402.91".

48. TCR 2 for chapter 65 is modified by deleting "6503" and by inserting in lieu thereof "6504".

49. TCR 19 for chapter 70 is modified by adding the following expression before the final period:

", or glass inners for vacuum flasks or other vacuum vessels of heading 7020"

50. TCR 12 for chapter 73 is modified by deleting at each instance "7321.83" and by inserting in lieu thereof "7321.89".

51. TCR 2 for chapter 78 is deleted and the following new TCRs are inserted in lieu thereof:

"2. A change to heading 7804 from any other heading.

3. (A) A change to lead bars, rods, profiles and wire of heading 7806 from any other good of heading 7806 or any other heading;

(B) A change to lead tubes, pipes and tube or pipe fittings of heading 7806 from any other good of heading 7806 or any other heading; or

(C) A change to any other good of heading 7806 from lead bars, rods, profiles or wire of heading 7806, or from lead tubes, pipes or tube or pipe fittings of heading 7806 or any other heading."

52. TCR 4 for chapter 79 is deleted and the following new TCRs are inserted in lieu thereof:

"4. A change to headings 7904 through 7905 from any other heading, including another heading within that group.

5. (A) A change to zinc tubes, pipes or tube or pipe fittings of heading 7907 from any other good of heading 7907 or any other heading; or

(B) A change to any other goods of heading 7907 from zinc tubes, pipes or tube or pipe fittings of heading 7907 or any other heading."

53. TCRs 2 through 4, inclusive, for chapter 80 are deleted and the following new TCRs are inserted in lieu thereof:

"2. A change to heading 8003 from any other heading.

4. (A) A change to plates, sheets or strip, of a thickness exceeding 0.2 mm, of heading 8007 from any other good of heading 8007 or any other heading;

(B) A change to tin foil, of a thickness not exceeding 0.2 mm, tin powders or flakes of heading 8007 from any other good of heading 8007, except from plates, sheets or strip, of a thickness exceeding 0.2mm of heading 8007, or any other heading;

(C) A change to tin tubes, pipes and tube or pipe fittings of heading 8007 from any other good of heading 8007 or any other heading;

(D) A change to any other good of heading 8007 from plates, sheets or strip, of thickness exceeding 0.2 mm, tin foil of thickness not exceeding 0.2 mm, tin powders or flakes, tin tubes, pipes or tube or pipe fittings of heading 8007 or any other heading."

54. TCR 2 for chapter 81 is deleted.

55. TCR 5 for chapter 81 is deleted and the following new TCR is inserted in lieu thereof:

"5. (A) A change to bars or rods, other than those obtained simply by sintering, profiles, plates, sheets, strip or foil of subheading 8101.99 from any other good of subheading 8101.99 or any other subheading; or

(B) A change to any other good of subheading 8109.99 from bars, rods (other than those obtained simply by sintering), profiles, plates, sheets, strip or foil of subheading 8101.99 or any other heading."

56. TCR 28 for chapter 81 is deleted and the following new TCR is inserted in lieu thereof:

"28. (A) A change to subheadings 8112.21 through 8112.29 from any other chapter, or

(B) No change in tariff classification is required, provided that there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

57. TCRs 31 and 32 for chapter 81 are deleted and the following new TCRs are inserted in lieu thereof:

"31. (A) A change to unwrought germanium or vanadium, germanium or vanadium waste, scrap or powders of subheading 8112.92 from any other chapter; or

(B) No change in tariff classification is required for articles of unwrought germanium or vanadium, germanium or vanadium waste, scrap or powders of subheading 8112.92, provided that there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used; or

(C) A change to any other good of subheading 8112.92 from any other chapter.

32. (A) A change to articles of vanadium or germanium of subheading 8112.99 from any other chapter; or

(B) No change in tariff classification is required for articles of germanium or vanadium, provided that there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used; or

(C) A change to any other good of subheading 8221.99 from articles of germanium or vanadium of subheading 8112.99 or from any other subheading."

58. TCR 11 for chapter 84 is deleted and the following new TCRs are inserted in lieu thereof:

"11. A change to subheadings 8425.11 through 8425.19 from any other subheading, including another subheading within that group.

11A. (A) A change to pit-head winding gear or winches specially designed for use underground of subheading 8425.31 from any other good of subheading 8425.31 or from any other subheading, except from pit-head winding gear or winches specially designed for use underground of subheading 8425.39; or

(B) A change to any other good of subheading 8425.31 from pit-head winding gear or winches specially designed for use underground of subheading 8425.31 or from any other subheading.

11B. (A) A change to pit-head winding gear or winches specially designed for use underground of subheading 8425.39 from any other good of subheading 8425.39 or from any other subheading, except from pit-head winding gear or winches specially designed for use underground of subheading 8425.31; or

(B) A change to any other good of subheading 8425.39 from pit-head winding gear or winches specially designed for use underground of subheading 8425.39 or from any other subheading.

11C. A change to subheadings 8425.41 through 8428.60 from any other subheading, including another subheading within that group.

11D. (A) A change to mine wagon pushers, locomotive or wagon traversers, wagon tippers or similar railway wagon handling equipment from any other good of subheading 8428.90 or from any other subheading; or

(B) A change to any other good of subheading 8428.90 or from mine wagon pushers, locomotive or wagon traversers, wagon tippers or similar railway wagon handling equipment of subheading 8428.90 or from any other subheading.

11E. A change to subheadings 8429.11 through 8429.59 from any other subheading, including another subheading within that group."

59. TCR 87 for chapter 84 is deleted and the following new TCR is inserted in lieu thereof:

"87. A change to subheading 8442.30 from any other subheading."

60. TCR 90 for chapter 84 is deleted and the following new TCRs are inserted in lieu thereof:

"90. (A) A change to subheadings 8443.11 through 8443.19 from any other subheading outside that group, except from machines for uses ancillary to printing of subheading 8443.91; or

(B) A change to subheadings 8443.11 through 8443.19 from machines for uses ancillary to printing of subheading 8443.91 provided that there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

90A. A change to subheading 8443.31 from any other subheading.

90B. A change to subheading 8443.32 from any other subheading.

90C. A change to subheading 84443.39 from any other subheading.

90D. (A) A change to machines for uses ancillary to printing of subheading 8443.91 from any other good of subheading 8443.91 or from any other subheading, except from subheadings 8443.11 through 8443.39; or

(B) A change to any other good of subheading 8443.91 from any other heading.

90E. A change to subheading 8443.39 from any other heading."

61. TCRs 91 and 92 for chapter 84 are deleted.

62. TCRs 121 through 124, inclusive, for chapter 84 are deleted and the following new TCR is inserted in lieu thereof:

"121. (A) A change to word-processing machines or automatic typewriters of heading 8469 from any other good of heading 8469 or from any other heading; or

(B) A change to any other good of heading 8469 from word-processing machines or automatic typewriters of heading 8469 or from any other heading."

63. TCR 154 for chapter 84 is deleted and the following new TCRs are inserted immediately below TCR 153:

"155. (A) A change to subheadings 8486.10 through 8486.40 from any other subheading outside that group; or

(B) No change in tariff classification required provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

156. (A) A change to subheading 8486.90 from any other heading; or

(B) No change of tariff classification required provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

157. A change to heading 8487 from any other heading."

64. TCR 9 for chapter 85 is modified by deleting "8505.30" and by inserting in lieu thereof "8505.20".

65. TCR 13 for chapter 85 is deleted and the following new TCR is inserted in lieu thereof:

"13. (A) A change to electro magnetic lifting heads of subheading 8505.90 from any other subheading, or from any other good of subheading 8505.90; or

(B) A change to any other good of subheading 8505.90 from any other heading."

66. The following new TCRs for chapter 85 are inserted immediately below TCR 16 for such chapter:

"16A. (A) A change to subheadings 8508.11 through 8508.60 from any other heading; or

(B) A change to subheadings 8508.11 through 8508.60 from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

16B. A change to subheading 8508.70 from any other heading."

67. TCR 17 for chapter 85 is modified by deleting at each instance "8509.10" and by inserting in lieu thereof "8509.40".

68. TCR 37 for chapter 85 is deleted and the following new TCRs are inserted in lieu thereof:

"37. A change to subheadings 8517.11 through 8517.69 from any other subheading, including another subheading within that group.

37A. A change to subheading 8517.70 from any other heading."

69. TCRs 43 through 62, inclusive, for chapter 85 are deleted and the following new TCRs are inserted in lieu thereof:

"43. A change to subheadings 8519.20 through 8519.89 from any other subheading, including another subheading within that group.

54. A change to heading 8522 from any other heading.

54A. (A) A change to heading 8523 from any other heading; or

(B) A change to recorded media of heading 8523 from unrecorded media of heading 8523.

57. A change to subheading 8525.50 from any other subheading, except from subheading 8525.60.

57A. A change to subheading 8525.60 from any other subheading, except from subheading 8525.50.

57B. A change to subheading 8525.80 from any other subheading.

57C. A change to subheadings 8526.10 through 8526.92 from any other subheading, including another subheading within that group.

57D. A change to subheadings 8527.12 through 8527.99 from any other subheading, including another subheading within that group.

61. A change to subheading 8528.41 from any other subheading.

62. (A) A change to color video monitors of subheading 8528.49 from any other good of subheading 8528.49 or from any other subheading, except from subheadings 7011.20, 8540.11 or 8540.91; or

(B) A change to any other good of subheading 8528.49 from any other subheading.

62A. A change to subheading 8528.51 from any other subheading.

62B. A change to subheading 8528.59 from any other subheading.

62C. A change to subheading 8528.61 from any other subheading.

62D. A change to subheading 8528.69 from any other subheading.

62E. A change to subheading 8528.71 from any other subheading.

62F. A change to subheading 8528.72 from any other subheading, except from subheadings 7011.20, 8528.73, 8540.11 or 8540.91.

62G. A change to subheading 8528.73 from any other subheading."

70. TCRs 95 through 98, inclusive, for chapter 85 are deleted and the following new TCR is inserted in lieu thereof:

"96. A change to subheading 8543.10 from any other subheading except from ion implanters for doping semiconductor materials of subheading 8486.20."

71. TCRs 100 and 101 for chapter 85 are deleted and the following new TCR is inserted in lieu thereof:

"100. A change to subheading 8543.70 from any other subheading."

72. TCR 105 for chapter 85 is modified by deleting "8544.51" and by inserting in lieu thereof "8544.42".

73. The following new TCRs for chapter 85 are inserted immediately below TCR 105:

"105A. A change to electric conductors, for a voltage not exceeding 80V, not fitted with connectors of subheading 8544.49 from any other good of subheading 8544.49 or from any other subheading, provided there is also a regional value content of not less than:

(A) 35 percent when the build-up method is used, or

(B) 45 percent when the build-down method is used.

105B. (A) A change to any other good of subheading 8544.49 from electric conductors, for a voltage not exceeding 80V, not fitted with connectors of subheading 8544.49 or from any other subheading outside subheadings 8544.11 through 8544.60, except from headings 7408, 7413, 7605 or 7614; or

(B) A change to subheading 8544.49 from headings 7408, 7413, 7605 or 7614, whether or not there is also a change from any other subheading, provided there is also a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

74. TCR 112 for chapter 85 is deleted and the following new TCRs are inserted in lieu thereof:

"112. A change to subheading 8548.10 from any other heading.

113. A change to electronic microassemblies of subheading 8548.90 from any other good of subheading 8548.90 or from any other subheading.

114. A change to any other good of subheading 8548.90 from electronic microassemblies of subheading 8548.90 or from any other heading."

75. TCRs 6 through 11, inclusive, for chapter 87 are deleted and the following new TCR is inserted in lieu thereof:

"6. (A) A change to subheadings 8708.30 through 8708.99 from any other heading; or

(B) No required change in tariff classification, provided there is a regional value content of not less than:

(i) 30 percent when the build-up method is used, or

(ii) 50 percent when the build-down method is used."

76. TCR 1 for chapter 88 is deleted and the following new TCRs are inserted in lieu thereof:

"1. (A) A change to gliders and hang gliders of heading 8801 from any other good of heading 8801 or any other heading; or

(B) A change to any other good of heading 8801 from gliders and hang gliders of heading 8801 or any other heading.

1A. A change to subheadings 8801.00 through 8803.90 from any other subheading, including another subheading within that group."

77. TCRs 24 through 27, inclusive, for chapter 90 are deleted.

78. TCR 29 for chapter 90 is deleted and the following new TCR is inserted in lieu thereof:

"29. (A) A change to subheading 9010.50 from any other heading; or

(B) A change to subheading 9010.50 from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

79. TCR 55 for chapter 90 is deleted and the following new TCRs are inserted in lieu thereof:

"55. (A) A change to subheadings 9027.10 through 9027.50 from any other heading; or

(B) A change to subheadings 9027.10 through 9027.50 from any other subheading, including another subheading within that group, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

55A. (A) A change to subheading 9027.80 from any other heading; or

(B) A change to exposure meters of subheading 9027.80 from any other good of subheading 9027.80 or from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used; or

(C) A change to any other good of subheading 9027.80 from exposure meters of subheading 9027.80 or from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

80. TCR 61 for chapter 90 is deleted and the following new TCRs are inserted in lieu thereof:

"61. (A) A change to subheading 9030.10 from any other heading; or

(B) A change to subheading 9030.10 from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

61A. (A) A change to subheading 9030.20 from any other heading; or

(B) A change to other instruments and apparatus with a recording device of subheading 9030.20 from any other good of subheading 9030.20 or from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

61B. A change to parts and accessories of oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities of subheading 9030.20 from any other good of subheading 9030.20 or from any other subheading, provided there is a regional value content of not less than:

(A) 35 percent when the build-up method is used, or

(B) 45 percent when the build-down method is used.

61C. A change to any other good of subheading 9030.20 from other instruments and apparatus with a recording device of subheading 9030.20 or from parts and accessories of oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities of subheading 9030.20 or from any other subheading, provided there is a regional value content of not less than:

(A) 35 percent when the build-up method is used, or

(B) 45 percent when the build-down method is used.

61D. (A) A change to subheading 9030.31 from any other heading; or

(B) A change to subheading 9030.31 from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

61E. (A) A change to subheading 9030.32 from any other heading; or

(B) A change to other instruments and apparatus with a recording device of subheading 9030.32 from any other good of subheading 9030.32 or from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

61F. A change to any other good of subheading 9030.32 from other instruments and apparatus with a recording device of subheading 9030.32 or from any other subheading, provided there is a regional value content of not less than:

(A) 35 percent when the build-up method is used, or

(B) 45 percent when the build-down method is used.

61G. (A) A change to subheadings 9030.33 through 9030.39 from any other heading; or

(B) A change to subheadings 9030.33 through 9030.39 from any other subheading outside that group, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

61H. (A) A change to subheadings 9030.40 through 9030.89 from any other heading; or

(B) A change to subheadings 9030.40 through 9030.89 from any other subheading, including another subheading within that group, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

81. TCR 63 for chapter 90 is deleted and the following new TCRs are inserted in lieu thereof:

"63. (A) A change to subheadings 9031.10 through 9031.41 from any other heading; or

(B) A change to subheadings 9031.10 through 9031.41 from any other subheading, including another heading within that group, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used.

63A. (A) A change to subheading 9031.49 from any other heading; or

(B) A change to profile projectors of subheading 9031.49 from any other good of subheading 9031.49 or from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(i) 45 percent when the build-down method is used.

63B. A change to any other good of subheading 9031.49 from profile projectors of subheading 9031.49 or from any other subheading, provided there is a regional value content of not less than:

(A) 35 percent when the build-up method is used, or

(B) 45 percent when the build-down method is used.

63C. (A) A change to subheading 9031.80 from any other heading; or

(B) A change to subheading 9031.80 from any other subheading, provided there is a regional value content of not less than:

(i) 35 percent when the build-up method is used, or

(ii) 45 percent when the build-down method is used."

82. TCR 4 for chapter 95 is deleted and the following new TCRs are inserted in lieu thereof:

"4. (A) A change to dolls, whether or not dressed, of heading 9503 from dolls' parts and accessories of heading 9503, provided there is a regional value content of not less than 35 percent based on the build-up method or 45 percent based on the build-down method, or

(B) A change to dolls, whether or not dressed, of heading 9503 from any other good of heading 9503 or from any other heading;

4A. (A) A change to dolls' parts and accessories of heading 9503 from any other good of heading 9503, except from dolls whether or not dressed, or from any other heading; or

(B) A change to any other good of heading 9503 from any other chapter.

4B. A change to headings 9504 through 9508 from any other chapter."

83. TCRs 19 and 20 for chapter 96 are deleted and the following new TCR is inserted in lieu thereof:

"19. A change to heading 9614 from any other heading."

ANNEX II

TECHNICAL RECTIFICATIONS TO THE RULES OF ORIGIN FOR THE UNITED STATES-SINGAPORE FREE TRADE AGREEMENT, AS REFLECTED IN THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

A. Effective with respect to goods of Singapore, under the terms of general note 25 to the Harmonized Tariff Schedule of the United States (HTS), that are entered, or withdrawn from warehouse for consumption, on or after the later of (1) February 1, 2008, or (2) the thirtieth day after the date of publication of this proclamation in the *Federal Register*, general note 25(o) to the HTS is modified as follows:

1. Tariff classification rule (TCR) 17 for chapter 28 is deleted and the following new TCR is inserted:

   "17. A change to subheading 2811.29 from any other subheading."

2. TCR 41 for chapter 28 is deleted and the following new TCR is inserted:

   "41. A change to subheadings 2826.12 through 2826.90 from any other subheading, including another subheading within that group."

3. TCR 50 for chapter 28 is deleted.

4. TCR 52 for chapter 28 is deleted and the following new TCR is inserted:

   "52. A change to subheadings 2833.22 through 2833.25 from any other subheading, including another subheading within that group."

5. TCRs 61 and 66 for chapter 28 are deleted.

6. TCR 69 for chapter 28 is deleted and the following new TCR is inserted:

   "69. (A) A change to bismuth carbonate of subheading 2836.99 from ammonium carbonates or lead carbonates of subheading 2836.99 or from any other subheading, except from subheading 2617.90;

   (B) A change to lead carbonates of subheading 2836.99 from any other good of 2836.99 or from any other subheading, except from heading 26.07; or

   (C) A change to other goods of subheading 2836.99 from any other subheading, provided that the good classified in subheading 2836.99 is the product of a chemical reaction."

7. TCR 71 for chapter 28 is deleted.

8. TCR 74 for chapter 28 is deleted and the following new TCR is inserted:

   "74. A change to subheading 2839.90 from any other subheading."

9. TCRs 79 and 80 for chapter 28 are deleted and the following new TCRs are inserted:

   "79. A change to subheading 2841.30 from any other subheading.

   80. (A) A change to chromates of zinc or lead of subheading 2841.50 from any other subheading; or

   (B) A change to any other good of subheading 2841.50 from any other subheading, except from heading 2610."

10. TCR 85 for chapter 28 is deleted and the following new TCR is inserted:

   "85. (A) A change to aluminate or chromate salts of zinc or lead of subheading 2841.90 from any other subheading; or

   (B) A change to any other good of subheading 2841.90 from any other subheading, provided that the good classified in subheading 2841.90 is the product of a chemical reaction."

11. TCR 87 for chapter 28 is deleted and the following new TCR is inserted:

   "87. (A) A change to fulminates, cyanates or thiocyanates of subheading 2842.90 from any other good of subheading 2842.90 or from any other subheading; or

   (B) A change to other goods of subheading 2842.90 from any other good of subheading 2842.90 or any other subheading, provided that the good classified in subheading 2842.90 is the product of a chemical reaction."

12. TCR 101 for chapter 28 is deleted and the following new TCRs are inserted:

"101. A change to heading 2852 from any other heading, provided that the good classified in heading 2852 is the product of a chemical reaction.

102. A change to heading 2853 from any other heading."

13. TCR 10 for chapter 29 is deleted and the following new TCR is inserted:

"10. A change to subheadings 2903.11 through 2903.39 from any other subheading, including another subheading within that group."

14. TCR 22 for chapter 29 is deleted and the following new TCR is inserted:

"22. A change to subheadings 2905.22 through 2905.29 from lac of subheading 1301.90, pine oil of subheading 3805.90 or any other subheading, except from other goods of subheadings 1301.90 or 3805.90."

15. TCR 28 for chapter 29 is deleted.

16. TCR 29 for chapter 29 is deleted and the following new TCR is inserted:

"29. (A) A change to terpineols of subheading 2906.19 from any other good, except from heading 3805; or

(B) A change to other goods of subheading 2906.19 from pine oils of subheading 3805.90 or any other subheading, except from subheading 3301.90 or any other goods of subheading 3805.90."

17. TCRs 31 and 32 for chapter 29 are deleted and the following new TCRs are inserted:

"31. A change to subheading 2906.29 from any other subheading, except from subheadings 2707.99 or 3301.90.

32. A change to subheading 2907.11 from any other subheading, except from subheading 2707.99."

18. TCRs 42 and 43 for chapter 29 are deleted and the following new TCRs are inserted:

"42. A change to subheadings 2912.11 through 2912.12 from any other subheading, including another subheading within that group.

43. (A) A change to subheadings 2912.19 through 2912.49 from any other subheading, except from subheading 3301.90; or

(B) A change to *n*-butanal (butyraldehyde, normal isomer) from any other subheading."

19. TCR 49 for chapter 29 is deleted and the following new TCR is inserted:

"49. A change to subheading 2914.29 from pine oils of subheading 3805.90 or from any other subheading, except from subheading 3301.90 or from goods other than pine oils of subheading 3805.90."

20. TCRs 53 and 54 for chapter 29 are deleted and the following new TCRs are inserted:

"53. A change to subheadings 2915.11 through 2915.33 from any other subheading, including another subheading within that group.

54. A change to subheadings 2915.36 through 2915.39 from any other subheading, including another subheading within that group, except from subheading 3301.90."

21. TCRs 62 and 63 for chapter 29 are deleted and the following new TCR is inserted:

"63. A change to subheadings 2918.91 through 2918.99 from any other subheading, including another subheading within that group, except from subheading 3301.90."

22. TCR 65 for chapter 29 is deleted and the following new TCR is inserted:

"65. A change to subheadings 2920.11 through 2920.90 from any other subheading, including another subheading within that group."

23. TCR 70 for chapter 29 is deleted and the following new TCR is inserted:

"70. A change to subheadings 2925.11 through 2925.29 from any other subheading, including another subheading within that group."

24. TCR 74 for chapter 29 is deleted and the following new TCR is inserted:

"74. A change to subheadings 2930.20 through 2930.90 from any other subheading, including another subheading within that group."

25. TCRs 80 and 81 for chapter 29 are deleted and the following new TCRs are inserted:

"80. A change to subheadings 2936.21 through 2936.29 from any other subheading, including another subheading within that group.

81. (A) A change to unmixed provitamins of subheading 2936.90 from any other good of subheading 2936.90 or from any other subheading; or

(B) A change to other goods of subheading 2936.90 from any other subheading, except from subheadings 2936.21 through 2936.29."

26. TCRs 1 and 2 for chapter 30 are deleted and the following new TCRs are inserted:

"1. A change to subheading 3001.20 from any other subheading.

2. A change to glands and other organs, dried, whether or not powdered of subheading 3001.90 from any other good of subheading 3001.90 or from any other subheading, except from subheadings 0206.10 through 0208.90 or subheading 0305.20, headings 0504 or 0510 or subheading 0511.99, if the change from these provisions is not to a powder classified in subheading 3001.90."

27. TCR 6 for chapter 30 is deleted and the following new TCR is inserted:

"6. A change to subheading 3003.31 from any other subheading, except from subheading 2937.12."

28. TCR 12 for chapter 30 is deleted and the following new TCR is inserted:

"12. A change to subheading 3004.31 from any other subheading, except from subheading 2937.12."

29. TCR 20 for chapter 30 is deleted and the following new TCR is inserted:

"20. A change to subheadings 3006.20 through 3006.92 from any other subheading, including another subheading within that group."

30. TCR 8 for chapter 31 is deleted.

31. TCRs 10 through 15, inclusive, for chapter 31 are deleted and the following new TCRs are inserted:

"10. (A) A change to calcium cyanamide of subheading 3102.90 from other goods of subheading 3102.90 or from any other subheading; or

(B) A change to any other goods of subheading 3102.90 from any other heading.

11. A change to subheading 3103.10 from any other subheading.

12. (A) A change to basic slag of subheading 3103.90 from any other goods of subheading 3103.90 or from any other subheading; or

(B) A change to any other goods of subheading 3103.90 from any other heading.

13. A change to subheadings 3104.20 through 3104.30 from any other subheading, including another subheading within that group.

14. (A) A change to carnallite, sylvite or other crude natural potassium salts of subheading 3104.90 from any other subheading or from other goods of subheading 3104.90; or

(B) A change to other goods of subheading 3104.90 from any other heading.

15. A change to subheading 3105.10 from any other chapter."

32. TCR 10 for chapter 32 is deleted and the following new TCRs are inserted:

"10. A change to subheadings 3206.20 through 3206.42 from any other subheading, including another subheading within that group.

10A. (A) A change to pigments or preparations based on cadmium compounds of subheading 3206.49 from any other good of subheading 3206.49 or from any other subheading; or

(B) A change to pigments or preparations based on hexacyanoferrates of subheading 3206.49 from any other good of subheading 3206.49 or from any other subheading; or

(C) A change to other goods of subheading 3206.49 from any other subheading.

10B. A change to subheading 3206.50 from any other subheading."

33. TCR 1 for chapter 33 is deleted and the following new TCRs are inserted:

"1. A change to subheadings 3301.12 through 3301.13 from any other subheading, including another subheading within that group.

1A. (A) A change to essential oils of bergamot or lime of subheading 3301.19 from any other good; or

(B) A change to other goods of subheading 3301.19 from essential oils of bergamot or lime of subheading 3301.19 or from any other subheading.

1B. A change to subheadings 3301.24 through 3301.25 from any other subheading, including another subheading within that group.

1C. (A) A change to essential oils of geranium, jasmine, lavender, lavandin or vetiver of subheading 3301.29 from any other good; or

(B) A change to other goods of subheading 3301.29 from essential oils of geranium, jasmine, lavender, lavandin or vetiver or from any other subheading.

1D. A change to subheadings 3301.30 through 3301.90 from any other subheading, including another subheading within that group."

34. TCR 2 for chapter 34 is deleted and the following new TCR is inserted:

"2. A change to subheading 3402.11 from any other subheading, except from mixed alkylbenzenes of heading 3817."

35. TCRs 7 and 8 for chapter 34 are deleted and the following new TCRs are inserted:

"7. A change to subheading 3404.20 from any other subheading.

8. (A) A change to artificial waxes of chemically prepared lignite of subheading 3404.90 from any other good of subheading 3404.90 or from any other subheading; or

(B) A change to other goods of subheading 3404.90 from any other subheading, except from heading 1521 or subheadings 2712.20 or 2712.90."

36. TCR 2 for chapter 35 is deleted and the following new TCR is inserted:

"2. A change to subheadings 3502.11 through 3502.19 from any other subheading outside that group, except from heading 0407."

37. TCR 9 for chapter 35 is deleted and the following new TCR is inserted:

"9. A change to subheadings 3507.10 through 3507.90 from any other heading."

38. TCRs 8 though 12, inclusive, for chapter 38 are deleted and the following new TCRs are inserted:

"8. A change to subheading 3808.50 from any other subheading, provided that 40 percent by weight of the active ingredient or ingredients is originating."

9. A change to subheading 3808.91 from any other subheading, except from subheading 1302.19 or from any insecticide classified in chapter 28 or 29.

10. A change to subheading 3808.92 from any other subheading, except from fungicides classified in chapter 28 or 29.

11. (A) A change to subheading 3808.93 from any other subheading, except from herbicides, antisprouting products and plant-growth regulators classified in chapter 28 or 29; or

(B) A change to a mixture of subheading 3808.93 from any other subheading, provided that the mixture is made from two or more active ingredients and a domestic active ingredient constitutes not less than 40 percent by weight of the total active ingredients.

12. A change to subheading 3808.94 from any other subheading.

12A. (A) A change to subheading 3808.99 from any other subheading, except from rodenticides and other pesticides classified in chapter 28 or 29; or

(B) A change to a mixture of subheading 3808.99 from any other subheading, provided that the mixture is made from two or more active ingredients and a domestic active ingredient constitutes not less than 40 percent by weight of the total active ingredients."

39. TCR 26 for chapter 38 is deleted.

40. TCR 13 for chapter 42 is deleted and the following new TCRs are inserted:

"13. (A) A change to goods of a kind used in machinery or mechanical appliances or for other technical uses of heading 4205 from any other heading or from other goods of heading 4205; or

(B) A change to other goods of heading 4205 from any other heading.

14. A change to heading 4206 from any other heading."

41. TCR 9 for chapter 48 is modified by deleting "4815" and by inserting in lieu thereof "4814".

42. TCR 12 for chapter 48 is deleted.

43. TCR 14 for chapter 48 is deleted and the following new TCR is inserted:

"14. A change to subheadings 4823.61 through 4823.70 from any other subheading, including another subheading within that group."

44. TCR 1 for chapter 61 is modified by deleting "6101.10" and by inserting in lieu thereof "6101.20".

45. TCR 2 for chapter 61 is deleted and the following new TCR is inserted:

"2. (A) A change to goods of wool or fine animal hair of subheading 6101.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(1) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both, and

(2) any visible lining material contained in the apparel article must satisfy the requirements of chapter rule 1 for chapter 61; or

(B) A change to any other good of subheading 6101.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both."

46. TCRs 5 through 7, inclusive, for chapter 61 are deleted and the following new TCRs are inserted:

"5. (A) A change to tariff items 6103.10.70 or 6103.10.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both; or

(B) A change to other goods of subheading 6103.10 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(1) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both, and

(2) any visible lining material used in the apparel article as imported into the territory of the United States must satisfy the requirements of chapter rule 1 for chapter 61.

6. A change to subheadings 6103.22 through 6103.29 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(1) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both; and

(2) with respect to a garment described in heading 6101 or a jacket or a blazer described in heading 6103, of wool, fine animal hair, cotton or man-made fibers, that is imported as part of an ensemble of these subheadings, any visible lining material contained in the apparel article must satisfy the requirements of chapter rule 1 for chapter 61."

47. TCR 11 for chapter 61 is modified by deleting "6104.11" and by inserting in lieu thereof "6104.13".

48. TCRs 12 and 13 for chapter 61 are deleted and the following new TCR is inserted:

"12. (A) A change to tariff items 6104.19.40 or 6104.19.80 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both.

(B) A change to other goods of subheading 6104.19 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516 or 6001 through 6006, provided that:

(1) the good is both cut (or knit to shape) and sewn or otherwise assembled in the territory of Singapore or of the United States, or both; and

(2) any visible lining material contained in the apparel article must satisfy the requirements of chapter rule 1 for chapter 61."

49. TCR 46 for chapter 61 is deleted.

50. TCR 20 for chapter 62 is deleted.

51. TCR 64 for chapter 62 is deleted.

52. TCRs 71 through 73, inclusive, for chapter 61 are deleted and the following new TCR is inserted:

"71. A change to subheadings 6211.32 through 6211.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516, 5801 through 5802 or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Singapore or of the United States, or both."

53. TCR 4 for chapter 64 is deleted and the following new TCRs are inserted:

"4. A change to subheading 6404.11 from any other heading, except from subheading 6406.10, provided there is a regional value content of not less than 55 percent based on the build-up method.

4A. A change to subheading 6404.19 from any other heading except from headings 6401 through 6403, 6405 or subheading 6406.10, provided there is a regional value content of not less than 55 percent based on the build-up method.

4B. A change to subheading 6404.20 from any other heading, provided there is a regional value content of not less than 35 percent based on build-up method or 45 percent based on the build-down method."

54. TCRs 2 through 5, inclusive, for chapter 65 are deleted and the following new TCRs are inserted:

"3. A change to heading 6504 from any other heading, except from headings 6505 through 6507.

4. A change to heading 6505 from any other heading, except from headings 6504 or 6506 through 6507.

5. A change to heading 6506 from any other heading, except from headings 6505 or 6507."

55. TCR 2 for chapter 68 is deleted and the following new TCR is inserted:

"2. A change to subheadings 6809.11 through 6810.19 from any other heading, including another heading within that group."

56. TCRs 6 through 8, inclusive, for chapter 68 are deleted and the following new TCRs are inserted:

"6. A change to subheading 6812.80 from any other subheading.

7. A change to subheading 6812.91 from any other subheading.

8. A change to subheadings 6812.92 through 6812.93 from any other subheading outside that group.

8A. A change to subheading 6812.99 from any other heading."

57. TCRs 15 and 16 for chapter 70 are deleted and the following new TCR is inserted:

"16. A change to heading 7013 from any other heading, except from headings 7007 through 7011 or 7014 through 7020."

58. TCR 3 for chapter 71 is deleted and the following new TCR is inserted:

"3. A change to headings 7104 through 7105 from any other heading, including another heading within that group."

59. TCR 8 for chapter 73 is modified by deleting "7321.83" at each instance and by inserting in lieu thereof "7321.89".

60. TCR 1 for chapter 78 is modified by deleting "7803" and by inserting in lieu thereof "7802".

61. TCRs 3 and 4 for chapter 78 are deleted and the following new TCR is inserted:

"4. (A) A change to bars, rods, profiles or wire of heading 7806 from other goods of heading 7806 or from any other heading; or

(B) A change to tubes, pipes and tube or pipe fittings of heading 7806 from any other goods of heading 7806 or from any other heading, provided that there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method; or

(C) A change to other goods of heading 7806 from any other heading, provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method."

62. TCR 1 for chapter 79 is modified by deleting "7906" and by inserting in lieu thereof "7905".

63. TCR 2 for chapter 79 is deleted and the following new TCR is inserted:

"2. (A) A change to tubes, pipes and tube or pipe fittings of heading 7907 from any other goods of heading 7907 or from any other heading, provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method; or

(B) A change to other goods of heading 7907 from any other heading."

64. TCR 2 for chapter 80 is deleted and the following new TCRs are inserted:

"2. A change to headings 8002 through 8003 from any other heading, including another heading within that group, provided there is a regional value content of not less than:

(A) 35 percent based on the build-up method, or

(B) 45 percent based on the build-down method.

3. (A) A change to plates, sheet or strip (including foil) of tin of heading 8007 from other goods of heading 8007 or from any other heading, provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method; or

(B) A change to tubes, pipes and tube or pipe fittings of heading 8007 from other goods of heading 8007 or from any other heading, provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method; or

(C) A change to other goods of heading 8007 from any other heading, provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method."

65. TCR 2 for chapter 81 is deleted and the following new TCR is inserted:

"2. A change to subheading 8101.96 from any other subheading."

66. TCR 4 for chapter 81 is deleted and the following new TCR is inserted:

"4. (A) A change to bars, rods (other than those obtained simply by sintering), profiles, plates, sheets, strip or foil of subheading 8101.99 from any other goods of subheading 8101.99 or from any other subheading; or

(B) A change to other goods of subheading 8101.99 from any other heading, provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method."

67. TCR 18 for chapter 81 is deleted and the following new TCRs are inserted:

"18. (A) A change to unwrought germanium or vanadium, germanium or vanadium waste, scrap or powders of subheading 8112.92 from any other good or subheading 8112.92 or from any other subheading; or

(B) A change to other goods of subheading 8112.92 from any other subheading.

18A. (A) A change to articles of vanadium or germanium of subheading 8112.99 from any other goods of subheading 8112.99 or from any other subheading; or

(B) A change to other goods of subheading 8112.99 from any other subheading."

68. TCR 80 for chapter 84 is deleted and the following new TCR is inserted:

"80. A change to subheading 8442.30 from any other subheading."

69. TCRs 83 through 85, inclusive, for chapter 84 are deleted and the following new TCRs are inserted:

"83. (A) A change to subheadings 8443.11 through 8443.19 from any other subheading outside that group, except from machines for uses ancillary to printing of subheading 8443.91; or

(B) A change to subheadings 8443.11 through 8443.19 from machines for uses ancillary to printing in subheading 8443.91, provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method.

83A. A change to subheading 8443.31 from any other subheading.

83B. A change to subheading 8443.32 from any other subheading.

83C. A change to subheading 8443.39 from any other subheading.

84. (A) A change to machines for uses ancillary to printing of subheading 8443.91 from any other good of subheading 8443.91 or from any other subheading, except from subheadings 8443.11 through 8443.39; or

(B) No required change in tariff classification to machines for uses ancillary to printing of subheading 8443.91, provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method; or

(C) A change to any other good of subheading 8443.91 from any other heading.

85. (A) A change to subheading 8443.99 from any other subheading; or

(B) No change in tariff classification required, provided that there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method."

70. TCRs 115 through 119, inclusive, for chapter 84 are deleted and the following new TCRs are inserted:

"115. A change to heading 8469 from any other heading.

119. A change to subheading 8472.30 from any other subheading."

71. TCRs 148 and 149 for chapter 84 are deleted and the following new TCRs are inserted:

"148. (A) A change to subheading 8486.10 through 8486.40 from any other subheading outside that group; or

(B) No change in tariff classification required provided there is a regional value content of not less than:

(1) 35 percent on the build-up method, or

(2) 45 percent on the build-down method.

149. (A) A change to subheading 8486.90 from any other heading; or

(B) No change of tariff classification required provided there is a regional value content of not less than:

(1) 35 percent on the build-up method, or

(2) 45 percent on the build-down method.

150. A change to subheading 8487.10 from any other heading.

151. (A) A change to subheading 8487.90 from any other heading; or

(B) No required change in tariff classification to subheading 8487.90, provided there is a regional value content of not less than:

(1) 35 percent on the build-up method, or

(2) 45 percent on the build-down method."

72. TCR 9 for chapter 85 is modified by deleting "8505.30" and by inserting in lieu thereof "8505.20".

73. TCR 10 for chapter 85 is deleted and the following new TCRs are inserted:

"10. (A) A change to electro-magnetic lifting heads of subheading 8505.90 from other goods of subheading 8505.90 or from any other subheading; or

(B) A change to other goods of subheading 8505.90 from any other heading."

74. The following new TCRs for chapter 85 are inserted in numerical sequence:

"15A. A change to subheadings 8508.11 through 8508.60 from any other subheading.

15B. A change to subheading 8508.70 from any other heading."

75. TCR 16 for chapter 85 is modified by deleting "8509.11" and by inserting in lieu thereof "8509.40".

76. TCRs 39 through 46, inclusive, for chapter 85 are deleted and the following new TCR is inserted:

"39. A change to subheadings 8519.20 through 8521.90 from any other subheading, including another subheading within that group."

77. TCRs 51 through 60, inclusive, for chapter 85 are deleted and the following new TCRs are inserted:

"51. (A) A change to heading 8523 from any other heading; or

(B) Recording of sound or other similarly recorded phenomena onto blank or unrecorded media of heading 8523 shall confer origin whether or not there has been a change in tariff classification.

53. A change to subheadings 8525.50 through 8527.60 from any other subheading outside that group, except from transmission apparatus of subheadings 8517.61 though 8517.62 and except from transmission apparatus incorporating reception apparatus of subheadings 8517.12, 8517.61 or 8517.62.

54. A change to subheadings 8525.80 through 8527.99 from any other subheading, including another subheading within that group.

56. A change to subheading 8528.41 from any other subheading.

57. A change to subheading 8528.49 from any other subheading, except from subheadings 7011.20, 8528.59, 8540.11 or 8540.91.

58. A change to subheading 8528.51 from any other subheading.

59. A change to subheading 8529.59 from any other subheading, except from subheadings 7011.20, 8528.49, 8540.11 or 8540.91.

60. A change to subheading 8528.61 from any other subheading.

60A. A change to subheading 8528.69 from any other subheading.

60B. A change to subheading 8528.71 from any other subheading, except from subheadings 7011.20, 8540.11 or 8540.91.

60C. A change to subheading 8528.72 from any other subheading, except from subheadings 7011.20, 8528.73, 8540.11 or 8540.91.

60D. A change to subheading 8528.73 from any other subheading."

78. The text of TCR 62(A) for chapter 85 is deleted and the following new text for such subdivision (A) is inserted:

"A change to subheading 8529.90 from any other subheading, except from subheading 8517.70; or"

79. TCR 89 for chapter 85 is deleted and the following new TCR is inserted:

"89. A change to subheading 8543.10 from any other subheading, except from ion implanters for doping semiconductor materials of subheading 8486.20."

80. TCRs 92 through 94, inclusive, for chapter 85 are deleted and the following new TCRs are inserted:

"92. A change to subheading 8543.70 from any other subheading, except from subheading 8523.52 or proximity cards and tags of subheading 8523.59.

94. (A) A change to subheading 8543.90 from any other heading, except from subheading 8486.90, or

(B) No required change in tariff classification to subheading 8543.90, provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method."

81. TCR 97 for chapter 85 is deleted and the following new TCRs are inserted:

"97. A change to subheadings 8544.30 through 8544.42 from any other subheading, including another subheading within that group, provided there is a regional value content of not less than:

(A) 35 percent based on the build-up method, or

(B) 45 percent based on the build-down method."

82. TCR 98 for chapter 85 is modified by deleting "8544.59" at each instance in subdivisions (A) and (B) and by inserting in lieu thereof "8544.49" in such subheadings.

83. TCRs 11 and 12 for chapter 87 are deleted and the following new TCR is inserted:

"11. (A) A change to brakes and servo-brakes and parts thereof of subheading 8708.30 from any other heading; or

(B) A change to brakes and servo-brakes and parts thereof of subheading 8708.30 from any other good of subheadings 8708.30 or 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 30 percent based on the build-up method."

84. The text of subdivision (B) of TCR 13 for chapter 87 is deleted and the following new text is inserted in such subdivision:

"A change to gear boxes of subheading 8708.40 from parts of subheading 8708.40 or from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 30 percent based on the build-up method."

85. The text of subdivision (B) of TCR 14 for chapter 85 is deleted and the following new text is inserted in such subdivision:

"A change to drive axles with differential, whether or not provided with other transmission components or to non-driving axles of subheading 8708.50 from parts of subheading 8708.50 or from subheadings 8708.99 or 8482.10 through 8482.80, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 30 percent based on the build-up method."

86. The text of subdivision (B) of TCR 17 for chapter 87 is deleted and the following new text is inserted in such subdivision:

"A change to suspension systems of subheading 8708.80 from parts of subheading 8708.80 or from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 30 percent based on the build-up method."

87. The text of subdivision (B) of TCR 18 for chapter 87 is deleted and the following new text is inserted in such subdivision:

"A change to radiators of subheading 8708.91 from parts of subheading 8708.91 or from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 30 percent based on the build-up method."

88. The text of subdivision (B) of TCR 19 for chapter 87 is deleted and the following new text is inserted in such subdivision:

"A change to silencers and exhaust pipes of subheading 8708.92 from parts of subheading 8708.92 or from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 30 percent based on the build-up method."

89. The text of subdivision (B) of TCR 21 for chapter 87 is deleted and the following new text is inserted in such subdivision:

"A change to steering wheels, steering columns and steering boxes of subheading 8708.94 from parts of subheading 8708.94 or from subheading 8708.99, whether or not there is also a change from any other heading, provided there is a regional value content of not less than 30 percent based on the build-up method."

90. New TCR 21A for chapter 87 is inserted in numerical sequence:

"21A. (A) A change to subheading 8708.95 from any other heading; or

(B) A regional value content of not less than 30 percent based on the build-up method, whether or not there is a change in tariff classification."

91. TCRs 1 and 2 for chapter 88 are deleted and the following new TCR is inserted:

"1. A change to heading 8801 from any other heading."

92. TCRs 22 through 28, inclusive, for chapter 90 are deleted and the following new TCRs are inserted:

"22. A change to subheadings 9008.20 through 9008.40 from any other subheading, including another subheading within that group.

22A. A change to subheading 9008.90 from any other heading."

93. TCR 30 for chapter 90 is deleted.

94. TCR 50 for chapter 90 is deleted and the following new TCR is inserted:

"50. A change to headings 9018 through 9021 from any other heading."

95. TCR 52 for chapter 90 is deleted and the following new TCR is inserted:

"52. A change to subheadings 9022.19 through 9022.90 from any other subheading, including another subheading within that group."

96. TCR 56 for chapter 90 is deleted and the following new TCR is inserted:

"56. A change to subheadings 9025.11 through 9025.80 from any other subheading, including another subheading within that group."

97. TCRs 64 and 65 for chapter 90 are deleted and the following new TCRs are inserted:

"64. A change to subheadings 9030.10 through 9030.20 from any other subheading, including another subheading within that group.

64A. A change to subheading 9030.32 from any other subheading, except from subheading 9030.84.

64B. A change to subheadings 9030.33 through 9030.82 from any other subheading, including another subheading within that group.

64C. A change to subheading 9030.84 from any other subheading, except from subheading 9030.32.

64D. A change to subheadings 9030.89 through 9030.90 from any other subheading, including another subheading within that group.

65. A change to subheadings 9031.10 through 9031.20 from any other subheading."

98. TCR 67 for chapter 90 is deleted and the following new TCR is inserted:

"67. (A) A change to profile projectors of subheading 9031.49 from any other subheading; or

(B) A change to other optical instruments and appliances of subheading 9031.49 from any other subheading, except from subheading 9031.41 and from any other optical instruments and appliances of subheading 9031.49."

99. TCR 70 for chapter 90 is modified by inserting after before the final comma the following text:

", including another subheading within that group."

100. TCRs 2 and 3 for chapter 91 are deleted and the following new TCR is inserted:

"2. (A) A change to electrically operated wrist-watches, whether or not incorporating a stop-watch facility, of subheading 9101.19 from any other heading, provided that there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method; or

(B) A change to other goods of subheading 9101.19 from heading 9114, provide that there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method; or

(C) A change to any good of subheading 9101.19 from any other chapter."

101. TCR 9 for chapter 91 is deleted and the following new TCR is inserted:

"9. A change to headings 9108 through 9110 from any other heading, including another heading within that group, provided there is a regional value content of not less than:

(A) 35 percent based on the build-up method, or

(B) 45 percent based on the build-down method."

102. TCR 2 for chapter 93 is deleted and the following new TCR is inserted:

"2. A change to headings 9302 through 9303 from any other heading, including another heading within that group, except from heading 9305 when that change is pursuant to general rule of interpretation 2(a)."

103. TCR 1 for chapter 94 is deleted and the following new TCR is inserted:

"1. A change to subheadings 9401.10 through 9401.80 from any other subheading, except from subheadings 9401.10 through 9401.80, 9403.10 through 9403.89, and except from subheadings 9401.90 or 9403.90 when that change is pursuant to general rule of interpretation 2(a)."

104. TCR 4 for chapter 94 is deleted and the following new TCR is inserted:

"4. A change to subheadings 9403.10 through 9403.89 from any other subheading, except from subheadings 9401.10 through 9401.90, 9403.10 through 9403.89 and except from subheadings 9401.90 or 9403.90 when that change is pursuant to general rule of interpretation 2(a)."

105. TCR 5 for chapter 94 is deleted and the following new TCR is inserted:

"5. A change to subheadings 9403.90 through 9404.21 from any other heading, including another heading within that group."

106. TCRs 1 through 7, inclusive, for chapter 95 are deleted and the following new TCR is inserted:

"4. (A) A change to heading 9503 from any other chapter; or

(B) No required change in tariff classification provided there is a regional value content of not less than:

(1) 35 percent based on the build-up method, or

(2) 45 percent based on the build-down method."

107. TCRs 8, 10, 11, 13, 15 and 17 for chapter 95 are each modified by adding the following text before the final period:

", including another subheading within that group"

108. TCRs 1 and 20 for chapter 96 are each modified by adding the following text before the final period:

", including another subheading within that group"

109. TCRs 25 and 26 for chapter 96 are deleted and the following new TCR is inserted:

"26. A change to heading 9614 from any other heading."

110. TCRs 1 and 2 for chapter 97 are each modified by adding the following text before the final period:

", including another subheading within that group"

B. Effective with respect to goods of Singapore, under the terms of general note 25 of the Harmonized Tariff Schedule of the United States (HTS), that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2008, the tabulation in general note 25(m) is deleted and the following new tabulation is inserted in lieu thereof:

"(1)	3818	Chemical elements doped for use in electronics, in form of disks, wafers or similar forms; chemical compounds doped for use in electronics
(2)	7017.10.30, 7020.00.30	Quartz reactor tubes and holders designed for insertion into diffusion and oxidation furnaces for production of semiconductor wafers
(3)	8443.31.00, 8443.32.10, 8443.39.00, 8471.49.00, 9017.10.40, 9017.20.70, 9017.90.01	Plotters, whether input or output units of the automatic data processing machines of heading 8471 or drawing or drafting machines of heading 9017
(4)	8443.31.00, 8443.32.50	Facsimile machines
(5)	8443.31.00, 8443.32.10, 8443.99, 8471.60, 8528.41.00, 8528.51.00, 8528.61.00	Input or output units (including printers), whether or not containing storage units in the same housing; parts of printers
(6)	8443.32.50	Teleprinters

(7)	8443.39.10	Electrostatic photocopying apparatus, operating by reproducing the original image directly onto the copy (direct process)
(8)	8443.39.30	Other photocopying apparatus, incorporating an optical system
(9)	8443.99.25, 8443.99.35, 8443.99.40, 8443.99.45, 8471.50.01, 8473.30.11, 8473.50.30, 8473.10.20, 8473.21.00, 8473.29.00, 8473.40.10, 8486.90.00, 8504.40.60, 8504.40.85, 8504.90.20, 8504.90.65, 8517.62.00, 8517.70.00, 8518.90.20, 8518.90.60, 8520.20.00, 8522.90.45, 8531.90.15, 8538.90.10, 9013.90.50, 9017.90.01, 9026.90.20, 9026.90.60, 9027.90.45, 9027.90.54, 9027.90.64, 9027.90.84, 9030.90.64, 9030.90.84, 9031.90.54, 9031.90.70	Printed circuit assemblies for products falling within this agreement, including such assemblies for external connections such as cards that conform to the PCMCIA standard (Such printed circuit assemblies consist of one or more printed circuits of heading 8534 with one or more active elements assembled thereon, with or without passive elements. "Active elements" means diodes, transistors, and similar semiconductor devices, whether or not photosensitive, of the heading 8541,and integrated circuits and micro assemblies of heading 8542.)
(10)	8443.99.30, 8443.99.35, 8443.99.50, 8517.70.00	Parts of facsimile machines or teleprinters; parts of the apparatus of heading 8517
(11)	8443.99.40, 8443.99.45	Parts and accessories of copying machines
(12)	8469	Word processing machines
(13)	8470	Calculating machines and pocket-size data recording, reproducing and displaying machines with calculating functions; accounting machines, postage-franking machines, ticket-issuing machines and similar machines, incorporating a calculating device; cash registers
(14)	8471	Automatic data processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included
(15)	8471	Automatic data processing machines capable of (1) storing the processing program or programs and at least the data immediately necessary for the execution of the program; (2) being freely programmed in accordance with the requirements of the user; (3) performing arithmetical computations specified by the user; and (4) executing, without human intervention, a processing program which requires them to modify their execution, by logical decision during the processing run (The agreement covers such automatic data processing machines whether or not they are able to receive and process with the assistance of central processing unit telephony signals, television signals or other analogue or digitally processed audio or video signals. Machines performing a specific function other than data processing, or incorporating or working in conjunction with an automatic data processing machine, and not otherwise specified herein, are not covered by this agreement.)
(16)	8471.30.01	Portable digital automatic data processing machines, weighing no more than 10 kg, consisting of at least a central processing unit, a keyboard and a display
(17)	8471.30.01, 8471.41.01, 8471.49.00, 8471.50.01	Analogue or hybrid automatic data processing machines

(18)	8471.41.01	Other digital automatic data processing machines comprising in the same housing at least a central processing unit and an input and output unit, whether or not combined
(19)	8471.49.00	Other digital automatic data processing machines presented in the form of systems
(20)	8471.49.00, 8471.70.60, 8471.70.90	Optical disc storage units, for automatic data processing machines (including CD drives and DVD drives), whether or not having the capability of writing/ recording as well as reading, whether or not in their own housings
(21)	8471.49.00, 8471.70, 8523.29.10, 8523.40.10, 8523.51.00, 8523.59.00, 8523.80.20, 8523.40.20, 8523.40.40, 8523.29.90	Proprietary format storage devices including media therefor for automatic data processing machines, with or without removable media and whether magnetic, optical or other technology, including Bernoulli Box, Syquest, or Zipdrive cartridge storage units
(22)	8471.49.00, 8471.60.10, 8473.30.11, 8486.90.00, 8517.70.00, 8473.30.51, 8531.20.00, 8531.90.15, 8531.90.75, 8543.70.92, 8543.90.65, 8543.90.85, 8528.51.00, 8528.61.00, 9013.80.70, 9013.90.50	Flat panel displays (including LCD, electro luminescence, plasma and other technologies) for products falling within this note, and parts thereof
(23)	8471.50.01	Digital processing units other than those of subheadings 8471.41 and 8471.49, whether or not in the same housing one or two of the following types of units: storage units, input units, output units
(24)	8471.70	Storage units, including central storage units, optical disk storage units, hard disk drives and magnetic tape storage units
(25)	8471.80, 8517.62.00, 8517.69.00	Other units of automatic data processing machines
(26)	8471.80.10, 8471.80.40, 8471.80.90, 8471.49.00, 8517.61.00, 8517.62.00, 8517.69.00	Network equipment: Local Area Network (LAN) and Wide Area Network (WAN) apparatus, including those products dedicated for use solely or principally to permit the interconnection of automatic data processing machines and units thereof for a network that is used primarily for the sharing of resources such as central processor units, data storage devices and input and output units including the adapters, hubs, in line repeaters, converters, concentrators, bridges and routers, and printed circuit assemblies for physical incorporation into automatic data processing machines and units thereof
(26A)	8471.80.40, 8517.62.00	Multimedia upgrade kits for automatic data processing machines, and units thereof, put up for retail sale, consisting of, at least, speakers and/or microphones as well as a printed circuit assembly that enables the ADP machines and units thereof to process audio signals (sound cards)
(27)	8471.90.00	Other
(28)	8472.90.10	Automatic teller machines
(29)	8473.21	Parts and accessories of the machines of heading 8470 of the electronic calculating machines of subheading 8470.10, 8470.21 or 8470.29
(30)	8473.29	Parts and accessories of the machines of heading 8470, other than electronic calculating machines of subheadings 8470.10, 8470.21 or 8470.29
(31)	8473.30	Parts and accessories of the machines of heading 8471

(32)	8473.50	Parts and accessories equally suitable for use with machines of two or more of headings 8469 to 8472
(33)	8486.10.00	Chemical vapor deposition apparatus for semiconductor production
(34)	8486.10.00, 8486.20.00	Dicing machine for scribing or scoring semiconductor wafers
(35)	8486.10.00, 8486.20.00, 8486.30.00, 8486.40.00	Apparatus for wet etching, developing, stripping or cleaning semiconductor wafers and flat panel displays
(36)	8486.10.00, 8486.20.00	Spin dryers for semiconductor wafer processing
(37)	8486.10.00	Machines for working any material by removal of material, by laser or other light or photo-beam in the production of semiconductor wafers
(38)	8486.10.00	Machines for sawing monocrystal semiconductor boules into slices, or wafers into chips
(39)	8486.10.00, 8486.20.00	Grinding, polishing and lapping machines for processing of semiconductor wafers
(40)	8486.10.00	Apparatus for growing or pulling monocrystal semiconductor boules
(41)	8486.20.00	Ion implanters designed for doping semiconductor materials
(42)	8486.20.00	Apparatus for physical deposition by sputtering on semiconductor wafers
(43)	8486.20.00	Epitaxial deposition machines for semiconductor wafers
(44)	8486.20.00	Lasercutters for cutting contacting tracks in semiconductor production by laser beam
(45)	8486.20.00	Machines for dry-etching patterns on semiconductor materials
(46)	8486.20.00	Apparatus for stripping or cleaning semiconductor wafers
(47)	8486.20.00	Physical deposition apparatus for semiconductor production
(48)	8486.20.00	Spraying appliances for etching, stripping or cleaning semiconductor wafers
(49)	8486.20.00	Spinners for coating photographic emulsions on semiconductor wafers
(50)	8486.20.00	Resistance heated furnaces and ovens for the manufacture of semiconductor devices on semiconductor wafers
(51)	8486.20.00	Inductance or dielectric furnces and ovens for the manufacture of semiconductor devices on semiconductor wafers
(52)	8486.20.00	Apparatus for the projection, drawing or plating circuit patterns on sensitized semiconductor materials or flat panel displays
(53)	8486.20.00	Apparatus for rapid heating of semiconductor wafers
(54)	8486.40.00	Focused ion beam milling machines to produce or repair masks and reticles for patterns on semiconductor devices
(55)	8486.40.00	Machines for bending, folding and straightening semiconductor leads

(56)	8486.40.00	Deflash machines for cleaning and removing contaminants from the metal leads of semiconductor packages prior to the electroplating process
(57)	8486.40.00	Encapsulation equipment for assembly of semiconductors
(58)	8486.40.00	Pattern generating apparatus of a kind for producing masks and reticles from photoresist coated substrates
(59)	8486.40.00	Automated machines for transport, handling and storage of semiconductor wafers, wafer cassettes, wafer boxes and other material for semiconductor devices
(60)	8486.40.00	Die attach apparatus, tape automated bonders, and wire bonders for assembly of semiconductors
(61)	8486.40.00	Injection and compression molds for the manufacture of semiconductor devices
(62)	8486.90.00	Parts of apparatus for wet etching, developing, stripping or cleaning semiconductor wafers and flat panel displays
(63)	8486.90.00	Parts and accessories of the apparatus of subheading 8486.20
(64)	8486.90.00	Parts of epitaxial deposition machines for semiconductor wafers
(65)	8486.90.00	Parts of automated machines for transport, handling and storage of semiconductor wafers, wafer cassettes, wafer boxes and other material for semiconductor devices
(66)	8486.90.00	Parts of apparatus for growing or pulling monocrystal semiconductor boules
(67)	8486.90.00	Parts for spinners for coating photographic emulsions on semiconductor wafers
(68)	8486.90.00	Parts for die attach apparatus, tape automated bonders, and wire bonders for assembly of semiconductors
(69)	8486.90.00	Parts of physical deposition apparatus for semiconductor production
(70)	8486.90.00	Parts of encapsulation equipment for assembly of semiconductors
(71)	8486.90.00	Parts of apparatus for rapid heating of wafers
(72)	8486.90.00	Parts and accessories for pattern generating apparatus of a kind used for producing masks or reticles from photoresist-coated substrates
(73)	8486.90.00	Parts of furnaces and ovens classified in subheadings 8486.10 through 8486.40
(74)	8486.90.00	Parts of chemical vapor deposition apparatus for semiconductor production
(75)	8486.90.00	Parts of resistance heated furnaces and ovens for the manufacture of semiconductor devices on semiconductor wafers
(76)	8486.90.00	Parts of spin dryers for semiconductor wafer processing
(77)	8486.90.00	Parts of ion implanters for doping semiconductor materials
(78)	8486.90.00	Parts of machines for dry etching patterns on semiconductor wafers

(79)	8486.90.00	Parts of spraying appliances for etching, stripping or cleaning semiconductor wafers
(80)	8486.90.00	Parts of apparatus for stripping or cleaning semiconductor wafers
(81)	8486.90.00	Parts of machines for working any material by removal of material, by laser or other light or photon beam in the production of semiconductor wafers
(82)	8486.90.00	Parts of lasercutters for cutting contacting tracks in semiconductor production by laser beam
(83)	8486.90.00	Parts of machines for bending, folding and straightening semiconductor leads
(84)	8486.90.00	Parts of focused ion beam milling machines to produce or repair masks and reticles for patterns on semiconductor devices
(85)	8486.90.00	Parts of grinding, polishing and lapping machines for processing of semiconductor wafers
(86)	8486.90.00	Parts of dicing machines for scribing or scoring semiconductor wafers
(87)	8486.90.00	Parts for machines for sawing monocrystal semiconductor boules into slices, or wafers into chips
(88)	8486.90.00	Parts of apparatus for physical deposition by sputtering on semiconductor wafers
(89)	8504.40.60, 8504.40.70, 8504.40.85	Static converters for automatic data processing machines and units thereof, and telecommunication apparatus
(90)	8504.50.40	Other inductors for power supplies for automatic data processing machines and units thereof, and telecommunication apparatus
(91)	8517	Electrical apparatus for line telephony or line telegraphy, including line telephone sets with cordless handsets and telecommunication apparatus for carrier-current line systems or for digital line systems; videophones; parts thereof
(92)	8517.11.00	Line sets with cordless handsets
(93)	8517.18.00	Other telephone sets and videophones
(94)	8517.61.00, 8517.62.00, 8517.69.00	Transmission apparatus other than apparatus for radio-broadcasting or television
(95)	8517.61.00, 8517.62.00	Other apparatus, for carrier-current line systems or for digital line systems
(96)	8517.61.00, 8517.62.00, 8517.12.00, 8525.60	Transmission apparatus incorporating reception apparatus
(97)	8517.62.00	Telephonic or telegraphic switching apparatus
(98)	8517.62.00, 8517.69.00, 8517.70.00	Paging alert devices, and parts thereof
(99)	8517.69.00	Portable receivers for calling, alerting or paging
(100)	8517.69.00	Other apparatus including entry phone systems

(101)	8517.70.00	Aerials or antennae of a kind used with apparatus for radio-telephony and radio-telegraphy
(102)	8517.70.00	Parts of transmission apparatus other than apparatus for radio-broadcasting or television transmission apparatus incorporating reception apparatus and parts of portable receivers for calling, alerting or paging
(103)	8518.10.40	Microphones having a frequency range of 300 Hz to 3.4 KHz with a diameter of not exceeding 10 mm and a height not exceeding 3 mm, for telecommunication use
(104)	8518.29.40	Loudspeakers, without housing, having a frequency range of 300 Hz to 3.4 KHz with a diameter of not exceeding 50 mm, for telecommunication use
(105)	8518.30.10	Line telephone handsets
(106)	8518.40.10, 8518.90.20, 8518.90.60	Electric amplifiers when used as repeaters in line telephony products falling within this agreement, and parts thereof
(107)	8519.50.00	Telephone answering machines
(108)	8523.29.10	Magnetic tapes of a width not exceeding 4 mm
(109)	8523.29.10	Magnetic tapes of a width exceeding 4 mm but not exceeding 6.5 mm
(110)	8523.29.10	Magnetic tapes of a width exceeding 6.5 mm
(111)	8523.29.10, 8523.40.10, 8523.51.00, 8523.59.00, 8523.80.20	Other
(112)	8523.29.10	Magnetic discs
(113)	8523.29.20	Magnetic tapes for reproducing phenomena other than sound or image
(114)	8523.29.90, 8523.80.20, 8523.59.00	Other: For reproducing representations of instructions, data, sound and image, recorded in a machine readable binary form, and capable of being manipulated or providing interactivity to a user, by means of an automatic data processing machine
(115)	8523.29.90, 8523.59.00, 8523.80.20	Media for reproducing phenomena other than sound or image
(116)	8523.40.20	Discs for laser reading systems for reproducing phenomena other than sound or images
(117)	8523.40.40	Other: For reproducing representations of instructions, data, sound and image, recorded in a machine readable binary form, and capable of being manipulated or providing interactivity to a user, by means of an automatic data processing machine
(118)	8523.52.00	Proximity cards and tags
(119)	8525.50.10, 8528.71.20	Set top boxes which have a communication function: a microprocessor-based device incorporating a modem for gaining access to the internet, and having a function of interactive information exchange
(120)	8525.80.40	Digital still image video cameras

(121)	8528.41.00	Monitors: display units of automatic data processing machines with a cathode ray tube with a dot screen pitch smaller than 0.4 mm, not capable of receiving and processing television signals or other analogue or digitally processed audio or video signals without assistance of a central processing unit of a computer as defined in this agreement. The agreement does not, therefore, cover televisions, including high definition televisions
(122)	8528.61.00	Projection type flat panel display units used with automatic data processing machines which can display digital information generated by the central processing unit
(123)	8531.20.00	Indicator panels incorporating liquid crystal devices (LCD) or light emitting diodes (LED)
(124)	8531.90.15, 8531.90.75	Parts of apparatus of subheading 8531.20
(125)	8532	Electrical capacitors, fixed, variable or adjustable (pre-set); parts thereof
(126)	8533	Electrical resistors (including rheostats and potentiometers), other than heating resistors; parts thereof
(127)	8534	Printed circuits
(128)	8536.50.70	Electronic switches, including temperature protected electronic switches, consisting of a transistor and a logic chip (chip-on-chip technology) for a voltage not exceeding 1000 volts
(129)	8536.50.70	Electromechanical snap-action switches for a current not exceeding 11 amps
(130)	8536.50.70	Electronic AC switches consisting of optically coupled input and output circuits (Insulated thyristor AC switches)
(131)	8536.69.40	Plugs and sockets for co-axial cables and printed circuits
(132)	8536.90.40	Connection and contact elements for wires and cables
(133)	8536.90.40	Wafer probers
(134)	8541	Diodes, transistors and similar semiconductor devices; photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light-emitting diodes; mounted piezoelectric crystals; parts thereof
(135)	8542, 8523.52.00, 8548.90.01	Electronic integrated circuits and microassemblies; parts thereof
(136)	8543.70.92	Electrical machines with translation or dictionary functions
(137)	8544.42.20	Other electric conductors, for a voltage exceeding 80 V but not exceeding 1000 V, fitted with connectors, of a kind used for telecommunications
(138)	8544.42.20	Other electric conductors, for a voltage not exceeding 80 V, fitted with connectors, of a kind used for telecommunications
(139)	8544.49.10	Other electric conductors, for a voltage not exceeding 80 V, not fitted with connectors, of a kind used for telecommunication
(140)	8544.70.00	Optical fiber cables

(141)	9018.11, 9018.12, 9018.13, 9018.14, 9018.19	Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight testing instruments; parts and accessories thereof
(142)	9019	Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus; parts and accessories thereof
(143)	9021	Orthopedic appliances, including crutches, surgical belts and trusses; splints and other fracture appliances; artificial parts of the body; hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability; parts and accessories thereof
(144)	9026	Instruments and apparatus for measuring or checking the flow, level, or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading 9014, 9015, 9028 or 9032; parts and accessories thereof
(145)	9027.20	Chromatographs and electrophoresis instruments
(146)	9027.30	Spectrometers, spectrophotometers and spectrographs using optical radiations (UV, visible, IR)
(147)	9027.50.40, 9027.50.80	Other instruments and apparatus using optical radiations (UV, visible, IR) of heading 9027
(148)	9027.80	Other instruments and apparatus of heading 9027 (other than those of heading 9027.10)
(149)	9027.90.45, 9027.90.54, 9027.90.64, 9027.90.84	Parts and accessories of products of heading 9027, other than for gas or smoke analysis apparatus and microtomes
(150)	9030.40	Instruments and apparatus for measuring and checking, specially designed for telecommunications (for example, cross-talk meters, gain measuring instruments, distortion factor meters, psophometers)
(151)	9030.82	Instruments and apparatus for measuring or checking semiconductor wafers or devices
(152)	9030.90.64	Parts and accessories of instruments and apparatus of subheading 9030.82
(153)	9030.90.84	Parts of instruments and appliances for measuring or checking semiconductor wafers or devices
(154)	9031.41.00	Photomicrographic microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles
(155)	9031.41.00	Optical stereoscopic microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafer or reticles
(156)	9031.41.00, 9031.49.70	Optical instruments and appliances for inspecting semiconductor wafers or devices or for inspecting masks, photomasks or reticles used in manufacturing semiconductor devices
(157)	9031.49.70	Optical instruments and appliances for measuring surface particulate contamination on semiconductor wafers

(158)	9031.80.40	Electron beam microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles
(159)	9031.90.54	Parts and accessories of optical instruments and appliances for inspecting semiconductor wafers or devices or for inspecting masks, photomasks or reticles used in manufacturing semiconductor devices
(160)	9031.90.54	Parts and accessories of photomicrographic microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles
(161)	9031.90.54	Parts and accessories of optical instruments and appliances for measuring surface particulate contamination on semiconductor wafers
(162)	9031.90.54	Parts and accessories of optical stereoscopic microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles
(163)	9031.90.70	Parts and accessories of electron beam microscopes fitted with equipment specifically designed for the handling and transport of semiconductor wafers or reticles"

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Federal Register

Tuesday,
January 8, 2008

Part VI

The President

Executive Order 13454—Adjustments of Certain Rates of Pay

Federal Register
Vol. 73, No. 5
Tuesday, January 8, 2008

Presidential Documents

Title 3—

The President

Executive Order 13454 of January 4, 2008

Adjustments of Certain Rates of Pay

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the laws cited herein, it is hereby ordered as follows:

Section 1. *Statutory Pay Systems*. The rates of basic pay or salaries of the statutory pay systems (as defined in 5 U.S.C. 5302(1)), as adjusted under 5 U.S.C. 5303(a), are set forth on the schedules attached hereto and made a part hereof:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;

(b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and

(c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102–40) at Schedule 3.

Sec. 2. *Senior Executive Service*. The ranges of rates of basic pay for senior executives in the Senior Executive Service, as established pursuant to 5 U.S.C. 5382, are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. *Certain Executive, Legislative and Judicial Salaries*. The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

(a) The Executive Schedule (5 U.S.C. 5312–5318) at Schedule 5;

(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and

(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), section 140 of Public Law 97–92, and section 305 of Division D of the Consolidated Appropriations Act, 2008), at Schedule 7.

Sec. 4. *Uniformed Services*. The rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.

Sec. 5. *Locality-Based Comparability Payments*.

(a) Pursuant to section 5304 of title 5, United States Code, and section 740 of Division D of the Consolidated Appropriations Act, 2008, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.

(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the **Federal Register**.

Sec. 6. *Administrative Law Judges*. The rates of basic pay for administrative law judges, as adjusted under 5 U.S.C. 5372(b)(4), are set forth on Schedule 10 attached hereto and made a part hereof.

Sec. 7. *Effective Dates.* Schedule 8 is effective on January 1, 2008. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2008.

Sec. 8. *Prior Order Superseded.* Executive Order 13420 of December 21, 2006, is superseded.

THE WHITE HOUSE,
January 4, 2008.

Billing code 3195–01–P

SCHEDULE 1--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

	1	2	3	4	5	6	7	8	9	10
GS-1	$17,046	$17,615	$18,182	$18,746	$19,313	$19,646	$20,206	$20,771	$20,793	$21,324
GS-2	19,165	19,621	20,255	20,793	21,025	21,643	22,261	22,879	23,497	24,115
GS-3	20,911	21,608	22,305	23,002	23,699	24,396	25,093	25,790	26,487	27,184
GS-4	23,475	24,258	25,041	25,824	26,607	27,390	28,173	28,956	29,739	30,522
GS-5	26,264	27,139	28,014	28,889	29,764	30,639	31,514	32,389	33,264	34,139
GS-6	29,276	30,252	31,228	32,204	33,180	34,156	35,132	36,108	37,084	38,060
GS-7	32,534	33,618	34,702	35,786	36,870	37,954	39,038	40,122	41,206	42,290
GS-8	36,030	37,231	38,432	39,633	40,834	42,035	43,236	44,437	45,638	46,839
GS-9	39,795	41,122	42,449	43,776	45,103	46,430	47,757	49,084	50,411	51,738
GS-10	43,824	45,285	46,746	48,207	49,668	51,129	52,590	54,051	55,512	56,973
GS-11	48,148	49,753	51,358	52,963	54,568	56,173	57,778	59,383	60,988	62,593
GS-12	57,709	59,633	61,557	63,481	65,405	67,329	69,253	71,177	73,101	75,025
GS-13	68,625	70,913	73,201	75,489	77,777	80,065	82,353	84,641	86,929	89,217
GS-14	81,093	83,796	86,499	89,202	91,905	94,608	97,311	100,014	102,717	105,420
GS-15	95,390	98,570	101,750	104,930	108,110	111,290	114,470	117,650	120,830	124,010

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	$95,390	$77,294	$62,631	$50,749	$41,122	$36,762	$32,864	$29,379	$26,264
2	98,252	79,613	64,510	52,271	42,356	37,865	33,850	30,260	27,052
3	101,199	82,001	66,445	53,840	43,626	39,001	34,865	31,168	27,863
4	104,235	84,461	68,439	55,455	44,935	40,171	35,911	32,103	28,699
5	107,362	86,995	70,492	57,118	46,283	41,376	36,989	33,066	29,560
6	110,583	89,605	72,606	58,832	47,672	42,617	38,098	34,058	30,447
7	113,901	92,293	74,785	60,597	49,102	43,896	39,241	35,080	31,361
8	117,318	95,062	77,028	62,415	50,575	45,213	40,419	36,132	32,301
9	120,837	97,914	79,339	64,287	52,092	46,569	41,631	37,216	33,270
10	124,010	100,851	81,719	66,216	53,655	47,966	42,880	38,333	34,269
11	124,010	103,877	84,171	68,202	55,265	49,405	44,166	39,483	35,297
12	124,010	106,993	86,696	70,248	56,922	50,887	45,491	40,667	36,356
13	124,010	110,203	89,297	72,356	58,630	52,414	46,856	41,887	37,446
14	124,010	113,509	91,976	74,527	60,389	53,986	48,262	43,144	38,570

SCHEDULE 3--VETERANS HEALTH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

Schedule for the Office of the Under Secretary for Health (38 U.S.C. 7306)*

Assistant Under Secretaries for Health $150,588**
(Only applies to incumbents who are not physicians or dentists)

	Minimum	Maximum
Service Directors	$111,873	$138,939
Director, National Center for Preventive Health	95,390	138,939

Physician and Dentist Base and Longevity Schedule***

Physician Grade	$93,818	$137,596
Dentist Grade	93,818	137,596

Clinical Podiatrist, Chiropractor, and Optometrist Schedule

Chief Grade	$95,390	$124,010
Senior Grade	81,093	105,420
Intermediate Grade	68,625	89,217
Full Grade	57,709	75,025
Associate Grade	48,148	62,593

Physician Assistant and Expanded-Function Dental Auxiliary Schedule ****

Director Grade	$95,390	$124,010
Assistant Director Grade	81,093	105,420
Chief Grade	68,625	89,217
Senior Grade	57,709	75,025
Intermediate Grade	48,148	62,593
Full Grade	39,795	51,738
Associate Grade	34,244	44,513
Junior Grade	29,276	38,060

* This schedule does not apply to the Deputy Under Secretary for Health, the Associate Deputy Under Secretary for Health, Assistant Under Secretaries for Health who are physicians or dentists, Medical Directors, the Assistant Under Secretary for Nursing Programs, or the Director of Nursing Services.

** Pursuant to 38 U.S.C. 7404(d), the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is $139,600.

*** Pursuant to section 3 of Public Law 108-445 and 38 U.S.C. 7431, Veterans Health Administration physicians and dentists may also be paid market pay and performance pay.

**** Pursuant to section 301(a) of Public Law 102-40, these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b), as in effect on August 14, 1990, with subsequent adjustments.

SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

	Minimum	Maximum
Agencies with a Certified SES Performance Appraisal System	$114,468	$172,200
Agencies without a Certified SES Performance Appraisal System	$114,468	$158,500

SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

Level I	$191,300
Level II	172,200
Level III	158,500
Level IV	149,000
Level V	139,600

SCHEDULE 6--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

Vice President	$221,100
Senators	169,300
Members of the House of Representatives	169,300
Delegates to the House of Representatives	169,300
Resident Commissioner from Puerto Rico	169,300
President pro tempore of the Senate	188,100
Majority leader and minority leader of the Senate	188,100
Majority leader and minority leader of the House of Representatives	188,100
Speaker of the House of Representatives	217,400

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

Chief Justice of the United States	$217,400
Associate Justices of the Supreme Court	208,100
Circuit Judges	179,500
District Judges	169,300
Judges of the Court of International Trade	169,300

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES
(Effective on January 1, 2008)

Part I-MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18
COMMISSIONED OFFICERS											
O-10**	-	-	-	-	-	-	-	-	-	-	-
O-9	-	-	-	-	-	-	-	-	-	-	-
O-8	$8,706.60	$8,991.60	$9,180.90	$9,233.70	$9,469.80	$9,864.60	$9,956.40	$10,331.10	$10,438.20	$10,761.30	$11,227.80
O-7	7,234.50	7,570.50	7,726.20	7,849.80	8,073.60	8,294.40	8,550.30	8,805.30	9,061.20	9,864.60	10,543.20
O-6	5,362.50	5,890.80	6,277.20	6,277.20	6,301.20	6,571.50	6,606.90	6,606.90	6,982.50	7,646.40	8,036.10
O-5	4,470.00	5,035.50	5,384.40	5,449.80	5,667.00	5,797.50	6,083.70	6,293.40	6,564.30	6,979.80	7,177.20
O-4	3,856.80	4,464.60	4,762.50	4,829.10	5,105.70	5,401.80	5,770.80	6,058.80	6,258.60	6,373.20	6,439.80
O-3***	3,390.90	3,844.20	4,149.30	4,523.70	4,740.00	4,977.90	5,132.10	5,385.30	5,516.70	5,516.70	5,516.70
O-2***	2,929.50	3,336.90	3,843.30	3,973.20	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80
O-1***	2,543.40	2,646.90	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80
COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER****											
O-3E	-	-	-	$4,523.70	$4,740.00	$4,977.90	$5,132.10	$5,385.30	$5,598.60	$5,720.70	$5,887.50
O-2E	-	-	-	3,973.20	4,054.80	4,183.80	4,401.60	4,570.20	4,695.60	4,695.60	4,695.60
O-1E	-	-	-	3,199.80	3,417.30	3,543.30	3,672.60	3,799.50	3,973.20	3,973.20	3,973.20
WARRANT OFFICERS											
W-5	-	-	-	-	-	-	-	-	-	-	-
W-4	$3,504.00	$3,769.80	$3,878.10	$3,984.60	$4,167.90	$4,348.80	$4,532.70	$4,809.30	$5,051.40	$5,282.10	$5,470.20
W-3	3,200.10	3,333.60	3,470.10	3,515.10	3,658.50	3,940.80	4,234.20	4,372.80	4,532.40	4,697.10	4,993.20
W-2	2,831.70	3,099.60	3,182.10	3,238.80	3,422.40	3,708.00	3,849.30	3,988.50	4,158.90	4,291.80	4,412.40
W-1	2,485.50	2,752.50	2,825.10	2,977.20	3,157.20	3,421.80	3,545.40	3,718.50	3,888.90	4,022.40	4,145.10

* Basic pay is limited to the rate of basic pay for level II of the Executive Schedule, which is $14,349.90 per month for officers at pay grades O-7 through O-10, and limited to the rate of basic pay for level V of the Executive Schedule, which is $11,633.40 per month, for officers at O-6 and below.

** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in 10 U.S.C. 161(c)), basic pay for this grade is calculated to be $18,511.20 per month, regardless of cumulative years of service computed under 37 U.S.C. 205. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level II of the Executive Schedule, which is $14,349.90 per month.

*** Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**** Reservists with at least 1,460 points as an enlisted member and/or warrant officer which are creditable toward reserve retirement also qualify for these rates.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 2)
(Effective on January 1, 2008)

Part I-MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	Over 20	Over 22	Over 24	Over 26	Over 28	Over 30	Over 32	Over 34	Over 36	Over 38	Over 40
COMMISSIONED OFFICERS											
O-10**	$14,068.80	$14,137.80	$14,431.50*	$14,943.90*	$14,943.90*	$15,690.90*	$15,690.90*	$16,475.70*	$16,475.70*	$17,299.50*	$17,299.50*
O-9	12,305.10	12,482.10	12,738.30	13,185.30	13,185.30	13,844.70	13,844.70	14,536.80*	14,536.80*	15,263.70*	15,263.70*
O-8	11,658.60	11,946.30	11,946.30	11,946.30	11,946.30	12,245.10	12,245.10	12,551.40	12,551.40	12,551.40	12,551.40
O-7	10,543.20	10,543.20	10,543.20	10,596.60	10,596.60	10,808.40	10,808.40	10,808.40	10,808.40	10,808.40	10,808.40
O-6	8,425.50	8,647.20	8,871.30	9,306.90	9,306.90	9,492.90	9,492.90	9,492.90	9,492.90	9,492.90	9,492.90
O-5	7,372.80	7,594.20	7,594.20	7,594.20	7,594.20	7,594.20	7,594.20	7,594.20	7,594.20	7,594.20	7,594.20
O-4	6,439.80	6,439.80	6,439.80	6,439.80	6,439.80	6,439.80	6,439.80	6,439.80	6,439.80	6,439.80	6,439.80
O-3***	5,516.70	5,516.70	5,516.70	5,516.70	5,516.70	5,516.70	5,516.70	5,516.70	5,516.70	5,516.70	5,516.70
O-2***	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80
O-1***	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80
COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER****											
O-3E	$5,887.50	$5,887.50	$5,887.50	$5,887.50	$5,887.50	$5,887.50	$5,887.50	$5,887.50	$5,887.50	$5,887.50	$5,887.50
O-2E	4,695.60	4,695.60	4,695.60	4,695.60	4,695.60	4,695.60	4,695.60	4,695.60	4,695.60	4,695.60	4,695.60
O-1E	3,973.20	3,973.20	3,973.20	3,973.20	3,973.20	3,973.20	3,973.20	3,973.20	3,973.20	3,973.20	3,973.20
WARRANT OFFICERS											
W-5	$6,231.00	$6,547.20	$6,782.70	$7,043.40	$7,043.40	$7,395.60	$7,395.60	$7,765.50	$7,765.50	$8,154.00	$8,154.00
W-4	5,654.40	5,924.70	6,146.70	6,399.90	6,399.90	6,528.00	6,528.00	6,528.00	6,528.00	6,528.00	6,528.00
W-3	5,193.60	5,313.30	5,440.50	5,613.60	5,613.60	5,613.60	5,613.60	5,613.60	5,613.60	5,613.60	5,613.60
W-2	4,556.40	4,651.50	4,727.10	4,727.10	4,727.10	4,727.10	4,727.10	4,727.10	4,727.10	4,727.10	4,727.10
W-1	4,295.10	4,295.10	4,295.10	4,295.10	4,295.10	4,295.10	4,295.10	4,295.10	4,295.10	4,295.10	4,295.10

* Basic pay is limited to the rate of basic pay for level II of the Executive Schedule, which is $14,349.90 per month for officers at pay grades O-7 through O-10, and limited to the rate of basic pay for level V of the Executive Schedule, which is $11,633.40 per month, for officers at O-6 and below.

** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in 10 U.S.C. 161(c)), basic pay for this grade is calculated to be $18,511.20 per month, regardless of cumulative years of service computed under 37 U.S.C. 205. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level II of the Executive Schedule, which is $14,349.90 per month.

*** Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**** Reservists with at least 1,460 points as an enlisted member and/or warrant officer which are creditable toward reserve retirement also qualify for these rates.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 3)
(Effective on January 1, 2008)

Part I-MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18
ENLISTED MEMBERS											
E-9*	-	-	-	-	-	-	$4,233.90	$4,329.90	$4,450.80	$4,593.30	$4,736.40
E-8	-	-	-	-	-	$3,465.60	3,619.20	3,714.30	3,828.00	3,951.00	4,173.30
E-7	$2,409.30	$2,629.50	$2,730.30	$2,864.10	$2,967.90	3,147.00	3,247.20	3,426.60	3,575.10	3,676.80	3,784.50
E-6	2,083.80	2,292.90	2,394.00	2,492.40	2,595.00	2,826.30	2,916.30	3,090.00	3,143.40	3,182.40	3,227.40
E-5	1,909.50	2,037.30	2,135.40	2,236.50	2,393.40	2,558.10	2,692.20	2,709.00	2,709.00	2,709.00	2,709.00
E-4	1,750.50	1,840.20	1,939.50	2,037.90	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60
E-3	1,580.10	1,679.70	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10
E-2	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70
E-1**	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40
E-1***	1,239.90	-	-	-	-	-	-	-	-	-	-

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is $6,841.80 per month, regardless of cumulative years of service under 37 U.S.C. 205.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 4)
(Effective on January 1, 2008)

Part I-MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	Over 20	Over 22	Over 24	Over 26	Over 28	Over 30	Over 32	Over 34	Over 36	Over 38	Over 40
ENLISTED MEMBERS											
E-9*	$4,966.20	$5,160.60	$5,365.50	$5,678.10	$5,678.10	$5,962.20	$5,962.20	$6,260.40	$6,260.40	$6,573.30	$6,573.30
E-8	4,286.10	4,477.80	4,584.00	4,845.90	4,845.90	4,943.10	4,943.10	4,943.10	4,943.10	4,943.10	4,943.10
E-7	3,827.10	3,967.50	4,043.10	4,330.20	4,330.20	4,330.20	4,330.20	4,330.20	4,330.20	4,330.20	4,330.20
E-6	3,227.40	3,227.40	3,227.40	3,227.40	3,227.40	3,227.40	3,227.40	3,227.40	3,227.40	3,227.40	3,227.40
E-5	2,709.00	2,709.00	2,709.00	2,709.00	2,709.00	2,709.00	2,709.00	2,709.00	2,709.00	2,709.00	2,709.00
E-4	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60	2,124.60
E-3	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10	1,781.10
E-2	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70	1,502.70
E-1**	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40	1,340.40
E-1***	-	-	-	-	-	-	-	-	-	-	-

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is $6,841.80 per month, regardless of cumulative years of service under 37 U.S.C. 205.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 5)

Part II-RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by 37 U.S.C. 203(c) is $890.10.

Note: As a result of the enactment of sections 602-604 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

SCHEDULE 9--LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

Locality Pay Area[1]	Rate
Atlanta-Sandy Springs-Gainesville, GA-AL	17.30%
Boston-Worcester-Manchester, MA-NH-RI-ME	22.51%
Buffalo-Niagara-Cattaraugus, NY	15.37%
Chicago-Naperville-Michigan City, IL-IN-WI	23.16%
Cincinnati-Middletown-Wilmington, OH-KY-IN	17.77%
Cleveland-Akron-Elyria, OH	17.11%
Columbus-Marion-Chillicothe, OH	15.80%
Dallas-Fort Worth, TX	18.74%
Dayton-Springfield-Greenville, OH	15.26%
Denver-Aurora-Boulder, CO	21.03%
Detroit-Warren-Flint, MI	22.53%
Hartford-West Hartford-Willimantic, CT-MA	23.97%
Houston-Baytown-Huntsville, TX	27.39%
Huntsville-Decatur, AL	14.23%
Indianapolis-Anderson-Columbus, IN	13.51%
Los Angeles-Long Beach-Riverside, CA	25.26%
Miami-Fort Lauderdale-Pompano Beach, FL	19.11%
Milwaukee-Racine-Waukesha, WI	16.73%
Minneapolis-St. Paul-St. Cloud, MN-WI	19.43%
New York-Newark-Bridgeport, NY-NJ-CT-PA	26.36%
Philadelphia-Camden-Vineland, PA-NJ-DE-MD	20.14%
Phoenix-Mesa-Scottsdale, AZ	14.74%
Pittsburgh-New Castle, PA	14.93%
Portland-Vancouver-Beaverton, OR-WA	18.72%
Raleigh-Durham-Cary, NC	16.82%
Richmond, VA	15.40%
Sacramento—Arden-Arcade—Yuba City, CA-NV	20.25%
San Diego-Carlsbad-San Marcos, CA	22.00%
San Jose-San Francisco-Oakland, CA	32.53%
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Rest of U.S.	13.18%

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(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

AL-3/A	$99,500
AL-3/B	107,000
AL-3/C	114,800
AL-3/D	122,400
AL-3/E	130,100
AL-3/F	137,600
AL-2	145,400
AL-1	149,000

[1]Locality Pay Areas are defined in 5 CFR 531.603.

[FR Doc. 08–62
Filed 1–7–08; 11:57 am]
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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.

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Spent nuclear fuel and high-level radioactive waste; independent storage; licensing requirements:

Approved spent fuel storage casks; list; published 10-25-07

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Tomatoes grown in Florida; comments due by 1-14-08; published 11-15-07 [FR E7-22277]

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Future Farm Programs:

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Future Farm Programs:

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New York City Delaware Basin reservoirs; Flexible Flow Management Program; comments due by 1-18-08; published 12-3-07 [FR E7-23383]

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H.R. 366/P.L. 110–156

To designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic". (Dec. 26, 2007; 121 Stat. 1830)

H.R. 797/P.L. 110–157

Dr. James Allen Veteran Vision Equity Act of 2007 (Dec. 26, 2007; 121 Stat. 1831)

H.R. 1045/P.L. 110–158

To designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building". (Dec. 26, 2007; 121 Stat. 1837)

H.R. 2011/P.L. 110–159

To designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse". (Dec. 26, 2007; 121 Stat. 1838)

H.R. 2761/P.L. 110–160

Terrorism Risk Insurance Program Reauthorization Act of 2007 (Dec. 26, 2007; 121 Stat. 1839)

H.R. 2764/P.L. 110–161

Consolidated Appropriations Act, 2008 (Dec. 26, 2007; 121 Stat. 1844)

H.R. 3470/P.L. 110–162

To designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building". (Dec. 26, 2007; 121 Stat. 2457)

H.R. 3569/P.L. 110–163

To designate the facility of the United States Postal Service located at 16731 Santa Ana

Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building''. (Dec. 26, 2007; 121 Stat. 2458)

H.R. 3571/P.L. 110–164

To amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term. (Dec. 26, 2007; 121 Stat. 2459)

H.R. 3974/P.L. 110–165

To designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the ''Marine Corps Corporal Steven P. Gill Post Office Building''. (Dec. 26, 2007; 121 Stat. 2460)

H.R. 3996/P.L. 110–

66 Tax Increase Prevention Act of 2007 (Dec. 26, 2007; 121 Stat. 2461)

H.R. 4009/P.L. 110–167

To designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the ''Turrill Post Office Building''. (Dec. 26, 2007; 121 Stat. 2462)

S. 1396/P.L. 110–168

To authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia. (Dec. 26, 2007; 121 Stat. 2463)

S. 1896/P.L. 110–169

To designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the ''Officer Jeremy Todd Charron Post Office''. (Dec. 26, 2007; 121 Stat. 2464)

S. 1916/P.L. 110–170

Chimp Haven is Home Act (Dec. 26, 2007; 121 Stat. 2465)

S.J. Res. 13/P.L. 110–171

Granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding. (Dec. 26, 2007; 121 Stat. 2467)

H.R. 4839/P.L. 110–172

Tax Technical Corrections Act of 2007 (Dec. 29, 2007; 121 Stat. 2473)

S. 2499/P.L. 110–173

Medicare, Medicaid, and SCHIP Extension Act of 2007 (Dec. 29, 2007; 121 Stat. 2492)

S. 2271/P.L. 110–174

Sudan Accountability and Divestment Act of 2007 (Dec. 31, 2007; 121 Stat. 2516)

S. 2488/P.L. 110–175

Openness Promotes Effectiveness in our National Government Act of 2007 (Dec. 31, 2007; 121 Stat. 2524)

S. 2436/P.L. 110–176

To amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue. (Jan. 4, 2008; 121 Stat. 2532)

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